CITY OF OREGON CITY
CITY COMMISSION REGULAR MEETING
AGENDA

Hanlon Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, June 3, 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 recorderteam@orcity.org or call 503-496-1509 by 3:00 PM on the day of the meeting to register)*
- *Email recorderteam@orcity.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*

EXECUTIVE SESSION

The Executive Session will begin after the adjournment of the regular meeting pursuant to ORS 192.660(2)(e): To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

REGULAR MEETING OF THE CITY COMMISSION

1. **CONVENE MEETING AND ROLL CALL**
2. **FLAG SALUTE**
3. **CEREMONIES AND PROCLAMATIONS**
   a. "If I Were Mayor..." State Contest Winner - Zirui Zhu
   b. Pride Month Proclamation
4. **PUBLIC COMMENTS**
   Please see the public comment guidelines below.
5. **PRESENTATIONS**
   a. Youth Advisory Commission Annual Report
6. **ADOPTION OF THE AGENDA**
7. **CONSENT AGENDA**
   a. Resolution No. 26-11, Adopting Updated Guidelines for Transportation Impact Analyses
   b. Amendment No. 7, Extension of Professional Services Agreement (PS 22-006), One Additional Year for Landscape Maintenance Services with C & R Reforestation
   c. Public Improvement Contract with Blackline, Inc for the 2026 Preventative Pavement Maintenance Type II Slurry Seal (CI 26-002)
   d. Public Improvement Contract with Doolittle Construction, LLC for the 2026 Preventative Pavement Maintenance Micro Seal (CI 26-004)
   e. Professional Services Agreement with Kelly Fitzpatrick for Caring Court Defense Attorney Services
   f. Third Amendment to Professional Services Agreement with Christine Landers Law LLC for Court Prosecution Services
   g. Minutes of the October 01, 2025, City Commission Regular Meeting

h. Minutes of the October 15, 2025, City Commission Regular Meeting

8. PUBLIC HEARINGS

9. GENERAL BUSINESS

a. Resolution No. 26-12, Adjusting Solid Waste Collection and Disposal Rates Effective July 1, 2026

b. Adoption of Revised Findings and Conditions: Appeal of Planning Commission Decision Regarding 1367 Molalla Ave Masterplan General Development Plan Approval, Conditional Use Approval for Drive-Through Uses, Maximum Parking Adjustment, Detailed Development Review (DDP) for the Construction of a New Public Road (AP-26-01; GLUA-25-00025; CU-25-00001; MAS-25-00001; PARK-25-00001-1367; MAS-25-00002; GEO-25-00007; NROD-25-00012)

c. Oregon City Flag Update

d. First Reading of Ordinance No. 26-1008, An Ordinance Adopting Amendments to Oregon City Municipal Code Title 13: Public Services

e. Second Reading of Ordinance 26-1009 to Enact Amendment to Municipal Code Chapter 10.08.120 - Raising Parking Fines

10. COMMUNICATIONS

City Manager

Commissioners

Mayor

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.

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

CITY OF OREGON CITY

Staff Report

To:	City Commission	**Agenda Date:**	June 3, 2026
From:	Hannah Schmidt, Community Engagement Specialist		

SUBJECT:
Item 3.a. - "If I Were Mayor..." State Contest Winner - Zirui Zhu

STAFF RECOMMENDATION:
N/A

EXECUTIVE SUMMARY:
At the City Commission meeting on April 15, the City of Oregon City awarded five students for placing in the local "If I Were Mayor..." Contest. The first place winners in each category (poster, essay, multimedia) were submitted on to the state level. Zirui Zhu, a 10th grade student at Oregon City High School, placed first at the state level for her multimedia submission. Zirui Zhu will be awarded $500 on behalf of the Oregon Mayors Association (OMA) for this huge accomplishment.

BACKGROUND:
You can view Zirui Zhu's multimedia submission via the link below:
https://www.youtube.com/watch?v=THSLrYtRRRI&t=1s

If you are interested in seeing the other 2025-2026 OMA Student Contest Winners, along with their submissions, please click the link below:
https://www.oregonmayors.org/Previous-Student-Contest-Winners

OPTIONS:
N/A

BUDGET IMPACT:
N/A

PROCLAMATION

PRIDE MONTH

Whereas, all human beings are born free and equal in dignity and rights, and this nation was founded on the principle that every individual has infinite dignity and worth; and

Whereas, members of the Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ+) community have fought bravely to live openly and authentically, and to celebrate who they are and who they love; and

Whereas, because of the acts of courage by the millions who came out and spoke out to demand justice, and by those who quietly toiled and pushed for progress, our country has made great strides in recognizing what those brave individuals long knew to be true in their hearts - that no person should be judged by anything but the content of their character; and

Whereas, the efforts and achievements of the LGBTQ+ community have allowed all to enjoy greater dignity, freedom, justice, and equality; and

Whereas, acknowledgement and education remain essential to help eliminate prejudice wherever it may exist; and

Whereas, the City of Oregon City is unequivocally committed to supporting visibility, dignity, and equality for LGBTQ+ people in our diverse community; and

Whereas, LGBTQ+ individuals have made immeasurable contributions to the cultural, civic, and economic successes of our country; and

Whereas, recognizing, celebrating, and standing with the LGBTQ+ community provides an opportunity for all Oregon City residents to strengthen alliances, build acceptance, advance equal rights, and create a better, more inclusive community.

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

June, 2026
as
Pride Month

And, call upon the people of Oregon City to join their fellow citizens across the United States in recognizing and participating in this special observance.

In Witness Whereof, I have hereunto set my hand this 3rd day of June, 2026.

_____

Denyse C. McGriff, Mayor

Jakob Wiley

From: No Reply <noreply@civicplus.com>
Sent: Tuesday, June 2, 2026 4:48 PM
To: City Recorder Team
Subject: Public Comment Submission

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.

Submitted by: Sylecia Johnston
Email Address: admin@traveloregoncity.com

Commented on event: https://oregoncityor.portal.civicclerk.com/event/3232/overview
If you are having trouble viewing the URL above, cut and paste the string into your browser window.

User comment: Oregon City is in a time of transition and redevelopment — from a mill industry community to a river tourism destination. There is no First City without this river. There are no settlers, no Oregon Trail endpoint, no founding indigenous story without Willamette Falls. The falls gathered the fish. The fish gathered the people. The people gathered into the community. We owe our entire identity to the Willamette. Right now, the businesses that put visitors on the water to experience that living heritage are fighting to survive. The DMO recently completed research for a visitor experience report and found that seeing Willamette Falls from land is Oregon City's most consistent visitor disappointment. Seeing them from a kayak is the destination's most highly rated experience. eNRG is the only business that makes that possible — and eNRG has lost fifty percent of its business since construction on the Abernethy Bridge began. The parking is essentially gone. The ambiance is disrupted. The perception among visitors is that the waterfront is closed. Oregon City's entire on-water visitor economy now consists of three businesses: Sportcraft Landing Moorage, eNRG Kayaking — the only kayak and paddleboard outfitter this city has ever had, and S&P Water Rentals, a newer tenant at Sportcraft representing private business investment into the river tourism economy that the City says it wants to encourage. However, the Letter of Agreement between the City and ODOT has been signed, so the window to negotiate business mitigation protections into that agreement is closed. That was a missed opportunity. Tonight I have one direct ask: Retroactively reduce the Sportcraft Landing lease. Sportcraft has committed to passing those savings on so that relief flows immediately to the businesses most impacted — without requiring a direct payment to any private business. It is the cleanest, most legally straightforward tool available to you right now. I'm also providing a document with additional ideas for the Commission's consideration — including a request for letters of support, and details on the DMO's Open for Business campaign launching this summer, which will bring coordinated marketing, activations, and media attention to this waterfront. The City has an opportunity to be a meaningful part of that story. Oregon City is building toward something extraordinary on this river. Tumwata Village broke ground recently. The future is coming and the tourism businesses that are being asked to survive additional years of construction deserve to be part of it. Tonight, I'm asking you to make sure they are. Thank you. Sylecia Johnston Administrator, Destination Oregon City, Inc. on behalf of the DMO Board of Directors and the Oregon City Tourism Industry 

OREGON CITY
WATERFRONT BUSINESS SUPPORT

A Menu of Options for City Consideration

Presented by Destination Oregon City, Inc. | June 3, 2026

Oregon City's river tourism economy largely consists of three businesses: Sportcraft Landing Moorage, eNRG Kayaking, and S&P Water Rentals. Combined, they represent the City's only remaining on-water visitor economy and the primary experiential connection between visitors and the rivers. The following options represent tools available to the City to support their survival and growth through the remaining construction period and into the waterfront recovery ahead.

IMMEDIATE ACTIONS – NO BUDGET REQUIRED

- **Retroactive lease reduction for Sportcraft Landing** – As landlord, the City has direct authority to reduce Sportcraft's lease rate for the duration of the construction impact period. Sportcraft has committed to passing savings directly to tenants including eNRG Kayaking and S&P Water Rentals. This is the fastest, most legally straightforward relief mechanism available.
- **Letters of support for grant applications** – Clackamas County's Tourism Small Business & Entrepreneur Acceleration Grant (up to $100,000) is open now with a June 18, 2026 deadline. Draft letters prepared by Travel Oregon City on behalf of the City are available for signature. No staff time required except to put the letter on official letterhead and sign.
- **Formal City endorsement of the #OpenforBusiness campaign** – A resolution or public statement of support from the Commission costs nothing and materially strengthens the campaign's credibility with regional media, potential sponsors, and the public.
- **Event permit fee waivers** – Waive or reduce city event permit fees for waterfront business activations during the construction period. Removes a direct barrier to the expanded event programming that is these businesses' most viable near-term revenue recovery strategy.
- **Wayfinding and parking redirect signage** – Work with ODOT to ensure signage directing visitors from Clackamette Park and other available parking areas to the Sportcraft Landing waterfront is clear, current, and visible. A simple, low-cost intervention with immediate visitor impact.
- **Quarterly business impact reporting** – Direct City staff to formally track and report on waterfront business health as a standing agenda item alongside ODOT's quarterly construction updates. Makes business recovery a visible, documented City priority.

Destination Oregon City, Inc. offers itself as administrator of any river tourism support and recovery program funded by the City, reducing / removing the need for City staff labor. This funding could go towards: a matching contribution or co-sponsorship to the DMO's #OpenforBusiness summer campaign; seed funding for a waterfront business recovery event or activation series; or contribution to a small business bridge micro-loan or grant fund administered through Destination Oregon City and a local lending partner. The next page offers program ideas for the City to consider funding.

FINANCIAL TOOLS – EXISTING CITY RESOURCES

ODOT Easement Payment – The City received this payment as compensation for construction impacts to city-owned parkland. A portion directed toward waterfront business recovery is a defensible and appropriate use of those funds.

Transient Lodging Tax Reserve – Oregon City holds TLT reserves collected from visitor overnight stays. Directing an additional portion toward recovery marketing for the visitor-facing businesses most impacted by construction is squarely within the purpose of TLT funding.

Urban Renewal tools – The waterfront falls within an active urban renewal district, the Urban Renewal Agency may have grant, loan, or tax increment financing tools available for business stabilization. Request a formal assessment of applicable tools from the URA.

PROGRAM IDEAS – CITY AS CONVENER OR CO-SPONSOR

Waterfront Business Bridge Loan or Grant Program – A small, short-term, low-interest loan or grant program for directly impacted waterfront businesses, administered through the DMO in partnership with a local bank or credit union. Modeled after construction mitigation loan programs used in other Oregon cities. The City contributes the seed capital.

Witness the Build – A Guided "Hard Hat Tour" Paddle – A signature event offering the public a rare water-level perspective on the largest active construction project currently underway in Oregon. Guided kayak tours bring participants alongside the Abernethy Bridge seismic retrofit work with interpretive narration on the engineering, earthquake readiness, and the history of the crossing. Limited capacity per tour creates a premium, ticketed experience. Partners may include regional engineering or architecture educational programs. Generates earned media, social content, and waterfront visitation. City co-sponsorship provides credibility, promotional reach, and connection to ODOT and Kiewit as co-participants. Converts Oregon City's most visible liability into a temporary attraction and positions the waterfront as a place worth visiting now, not just after construction ends.

River Clean Up Paddle – Sponsored Environmental Activation – Modeled after Copenhagen's GreenKayak program, paddlers earn a free or discounted rental in exchange for collecting a bag of trash during their paddle. The City and corporate sponsorship reimburses eNRG at full rental rate. A nonprofit partner, like Willamette Riverkeeper, receives a portion of sponsorship proceeds. The City's role: facilitate introductions, provide public space access, and co-promote.

"Open for Business" – Willamette River Sessions Concert & Dinner Series – A recurring summer event series co-produced by Travel Oregon City and eNRG Kayaking, combining a guided paddle or kayak rental with a live floating concert on the water on on shore, and a packaged dinner at Rivershore Bar & Grill. The series creates a complete Oregon City waterfront evening experience – on the water, then at the table – while generating direct revenue for businesses in the waterfront cluster. City endorsement and a modest co-sponsorship contribution amplifies reach through the DMO's destination marketing channels and positions the City as an active partner in waterfront recovery.

Seasonal Shuttle – Shopping Center to Waterfront Loop – A simple, low-cost seasonal shuttle connecting available parking at the Shopping Center to Clackamette Park and Sportcraft Landing waterfront cluster during peak season weekends. Could be operated by the City, contracted to a local provider, or funded through ODOT mitigation funds as a direct construction impact remedy.

Jakob Wiley

From: No Reply <noreply@civicplus.com>
Sent: Friday, May 29, 2026 8:53 AM
To: City Recorder Team
Subject: Public Comment Submission

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.

Submitted by: Rachel Ringle
Email Address: ringlefamily@ymail.com

Commented on event: https://oregoncityor.portal.civicclerk.com/event/3232/overview
If you are having trouble viewing the URL above, cut and paste the string into your browser window.

User comment: Dear Oregon City Commissioners, I am writing as a parent and community member to respectfully ask for your consideration and support regarding the Loder Rd. funds currently restricted for a future project involving Oregon City School District. First, I want to acknowledge that I understand this request comes within the context of many important matters currently before the City, including ongoing land use considerations, bond funding and other long-term community needs involving the District. I recognize that these decisions are rarely simple, and I appreciate the responsibility each of you carries in balancing both present and future priorities. I am reaching out because something remarkable happened during the Oregon City School District Budget Committee meeting this week. After extensive public engagement and thoughtful discussion, the Budget Committee approved motions to redirect approximately $1.415 million back into the General Fund for student-facing priorities. This included: • $1 million from the Loder Rd. reserved funds • $415,000 in acknowledged budgeting errors For many families, educators, and community members, these actions represented a meaningful effort to prioritize students and classrooms during a difficult budget season. The decisions were the result of months of public participation, community feedback, and a shared desire to minimize impacts to students whenever possible. However, we understand that a portion of this effort now depends upon the City's willingness to consider lifting the restrictions associated with the Loder Rd. funds. I want to be clear that our community is approaching this request respectfully and collaboratively. We are not asking the City to disregard future planning needs or long-term obligations. Rather, we are asking that consideration be given to the immediate needs facing students, classrooms, and school staff today. This is undoubtedly a significant request, and I believe many community members recognize that. At the same time, we are hopeful that through partnership and open dialogue, a path forward can be found that supports both the long-term interests of our community and the immediate needs of our children. Our schools are facing difficult financial realities. Every opportunity to preserve student-facing services, support educators, and strengthen classrooms matters. Thank you for your service to Oregon City and for your willingness to consider this request. I look forward to attending the upcoming Commission meeting and listening to the discussion. I am hopeful that, together, we can continue building the collaborative relationships necessary to support the success of our students and our community.

Respectfully, Rachel Ringle Oregon City (Beavercreek) Parent and Community Member 

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

CITY OF OREGON CITY

Staff Report

To:	City Commission	**Agenda Date:**	June 3, 2026
From:	Hannah Schmidt, Community Engagement Specialist		

SUBJECT:
Item 5.a. - Youth Advisory Commission Annual Report

STAFF RECOMMENDATION:
N/A

EXECUTIVE SUMMARY:
The 2025-2026 term of the Youth Advisory Commission is coming to an end, with their last meeting scheduled on June 8, 2026. The Chair, Justin Evers, and Vice Chair, Syndey McFarland, will present an update of the accomplishments of the past term to the City Commission.

BACKGROUND:
Please reference Exhibit A for a full list of all the accomplishments of the 2025-2026 Youth Advisory Commission term.

OPTIONS:
N/A

BUDGET IMPACT:
N/A

2025 – 2026
Youth Advisory Commission Term Accomplishments

The Youth Advisory Commission was compromised of 15 high school students this term. They created four working groups to address high priority issues of concern within the community. Please refer below to the details and accomplishments of each identified working group:

Youth Houselessness Working Group: *Jack Solari (working group leader), Hyrum Freestone and Max Bishop*

Working group is dedicated to learning about the youth houseless issue within the Oregon City community and addressing the needs of the houseless community.

- Conducted meetings with the following community partners and discussed their observations and work related to youth houselessness:
    - Parrot Creek - December 17, 2025 (Zoom Meeting)
    - Northwest Family Services - December 17, 2025 (Zoom Meeting)
    - Fathers Heart/Love One - February 11, 2026 (In Person Meeting)
- All three working group members attended a Love One BRAX Laundry Event on May 27, 2026, to help prepare food for vulnerable community members.

Youth Nicotine Addiction Working Group: *Myles Kinney (working group leader), Gaby Rysdam, Elyjah McFarland, and Emma Artman*

Working group focused on addressing the problem of youth nicotine addiction post Resolution No. 25-04 that was passed by the City Commission in February 2025.

- Internally discussed the negative impacts of nicotine, including loss of friends, health risks, nicotine poisoning, safety concerns, addiction difficulties, expense, false high sensations, and impacts on others.
- Met with the Senior Regional Lead for the American Heart Association to be more informed on the impacts of the Oregon Supreme Courts ruling on Washington County's local tobacco ban ordinance and discussed alternate intervention tools.
- Plan on attending and providing public comment at the upcoming City Commission Work Session regarding the discussion of a local City ban on flavored tobacco products.

Environmental Working Group: *Sydney McFarland (working group leader), Cole Solari, and Hadley Taylor*

Working group seeks to increase access to nature and connect with local environmental organizations to learn ways they can impact and improve their local environment.

- Coordinated with Chair and staff liaison to have Parks and Recreation Director present at a Youth Advisory Commission meeting.
- Met with Parks and Recreation Director, Deputy Director, and Parks Manager to inquire about potential for engagement with local community gardens.

- Spread the word to peers about Metro Nature in Neighborhoods Community Choice Grants first and second round voting to help support Oregon City projects.
- Reached out to Greater Oregon City Watershed Council and Clackamas County Watershed Council to see how they could best get involved in local Oregon City initiatives.
    - Resulted in Greater Oregon City Watershed Council incorporating the Youth Advisory Commission as a partner within their grant application for Abernethy Creek Park improvements.
    - Worked with the organization to sign a letter of support for the grant application/project.
- Coordinated with Parks staff to host a pollinator clean-up at River Access Park on May 19, 2026, from 8:30 a.m. – 1 p.m.

Education and Accessibility Working Group: *McKenzie Gilmore (working group leader), Bettie Chappell, Donald Bredehoeft, and Evan Conley.*

Working Group worked to inform youth of the educational opportunities and career paths available and worked to raise awareness of challenges faced by youth with disabilities.

- Created an Education Access brochure that was distributed out at the Spring Forward Community Resource Fair.
- Contributed accessibility-focused feedback to Compass to Connection, a suicide prevention app by the Suicide Prevention Coalition of Clackamas County's Youth and Young Adult Action Team, centering the needs of youth with disabilities.
- Coordinated with Chair and staff liaison to invite Assistant City Engineer to present the City's ADA Transition Plan for the Public Right of Way.

Below are a list of events and accomplishments that the Youth Advisory Commission had over the 2025-2026 term:

1. LOC Annual Conference

Two members of the Youth Advisory Commission attended one day at the League of Oregon Cities 100th Annual Conference. They participated in several seminars and breakout sessions, including:

- Large Cities Networking
- Legacy Leadership
- Money Talks: Making Sense of City Budgets & Government Accounting
- City County Coordination in Homelessness Response: Washington County Case Study
- Youth Delegate Workshop
    - Other City youth councils/commissions included
        - City of Hermiston
        - City of Hillsboro
        - City of Happy Valley

2. **YAC Work Session - Neighborhood Association Social Media Outreach and Youth Engagement**
   In advance of the regular scheduled Youth Advisory Commission Meeting in October, the members held a Work Session with representatives from Neighborhood Associations (NA) within Oregon City to discuss youth engagement at NA meetings.
   - Youth Advisory Commission members shared that they had only general awareness of neighborhood associations in Oregon City and emphasized that Instagram is the most effective platform for reaching youth, with recommendations to use consistent posting, location tags/hashtags, interactive features (polls), and visually engaging content to increase engagement.
   - They suggested content strategies such as highlighting local youth achievements, sharing neighborhood updates and history, and posting informal community content (e.g., scenery, pets), alongside regular updates before and after meetings to maintain visibility and interest.
   - For events, members recommended youth-friendly engagement approaches including food-centered gatherings, seasonal and themed events (like movie nights), craft activities tied to meetings, and community cleanups designed to make participation more appealing and social.

3. **Spring Forward Community Resource Fair**
   Youth Advisory Commission members tabled the City booth at the Spring Forward Community Resource Fair on March 7, 2026. They created and distributed two brochures at the event to help inform the community of who they are and what they do for the community. They also advertised for youth participation within the "If I Were Mayor…" Contest and helped residents receive information on other City programs, events, and resources.

4. **"If I Were Mayor…" Contest**
   Members judged the "If I Were Mayor…" Contest, evaluating the top three essay submissions and all 17 poster submissions at a Special Meeting on March 30, 2026. Chair Justin Evers assisted the Mayor in presenting the following awards at the April 15 City Commission meeting:

   Aleah C. Gil Rosales – 1st place poster

   Olivia Cain – 2nd place poster

   Lily Chase – 3rd place poster

   Miriam Wolf – 1st place essay

   Zirui Zhu – 1st place multimedia presentation (1st place in OMA state level)

5. **2026-2027 Youth Advisory Commission Recruitment**
   Members conducted in-person outreach at the following schools this year to recruit for open seats in the 2026-2027 term:

- **Gardiner Middle School**
- **Springwater Environmental Sciences School**
- **Clackamas County of Industrial Sciences**
- **North Clackamas Christian High School**

2025-2026 Tours and Presenters:

November 2025:

- Processes of the City of Oregon City Government – Alex Troutman, Assistant City Manager

December 2025:

- Robert Libke Public Safety Building Tour – Shawn Davis, Police Chief
- Parks and Recreation Department – Scott Archer, Director of Parks and Recreation
- Compass to Connection – Clackamas County Health, Housing, & Human Services

February 2026:

- Oregon City Engineering and Operations Complex Tour – Vance Walker, Assistant Public Works Director

March 2026:

- Pioneer Community Center Tour – Cecily Rose, Community Center Manager

April 2026:

- Oregon City Public Library Tour – Greg Williams, Library Director
- Travel Oregon City – Sylecia Johnston, Administrator

May 2026:

- Water Safety Month — Melissa Sebastian, Aquatics & Recreation Manager
- ADA Transition Plan for the Public Right-of-Way — Josh Wheeler, Assistant City Engineer
- Greater Oregon City Watershed Council — Kira Smith, Outreach and Stakeholder Engagement Coordinator

625 Center Street
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CITY OF OREGON CITY

Staff Report

To:	City Commission	**Agenda Date:**	June 3, 2026
From:	Dayna Webb, Public Works Director		

SUBJECT:
Item 7.a. - Resolution No. 26-11, Adopting Updated Guidelines for Transportation Impact Analyses

STAFF RECOMMENDATION:
Approve Resolution No. 26-11, Updating the Guidelines for Transportation Impact Analyses.

EXECUTIVE SUMMARY:
The Guidelines for Transportation Impact Analyses define the criteria for determining when private developments must assess their potential impacts on the existing transportation network and outline the standardized procedures for completing those studies. The Guidelines were last updated on June 16, 2021.

On June 24, 2025, the Oregon Legislature passed Oregon House Bill 2138, which exempts middle-housing developments of 12 units or fewer from transportation impact analysis studies. Adoption of this resolution brings the City in line with State Law.

BACKGROUND:
The Guidelines for Transportation Impact Analyses defines the types of private developments required to study the impact of their development on the existing roadway system, and provides guidelines for completing those impact studies.

The City's Guidelines for Transportation Impact Analyses were first adopted in November 2005 and updated in July 2021. In 2025, the Oregon Legislature passed House Bill 2138, which exempts middle-housing developments of 12 units or fewer from conducting a transportation impact analysis. Staff recommends adoption of Resolution No. 26-11 to bring the City into alignment with State Law.

OPTIONS:
1. Approve Resolution No. 26-11, Adopting Updated Guidelines for Transportation Impact Analyses.
2. Approve Resolution No. 26-11, Adopting Updated Guidelines for Transportation Impact Analyses with Amendments.
3. Deny Resolution No. 26-11, Adopting Updated Guidelines for Transportation Impact Analyses and provide further direction.

BUDGET IMPACT:

Amount	$0
Fiscal Year(s):	N/A
Funding Source(s):	N/A
Included in Approved Budget:	N/A

RESOLUTION NO. 26-11

A RESOLUTION ADOPTING UPDATED GUIDELINES FOR TRANSPORTATION IMPACT ANALYSES

WHEREAS, the impact of traffic generated from new development is a serious concern of the City of Oregon City; and

WHEREAS, the City recognizes the balance between property owner's rights to develop their property and the need for a safe, reliable, and adequate transportation system; and

WHEREAS, previously a Site Traffic Impact Study Procedures document, Policy No. 23 dated December 15, 1990, was published; and

WHEREAS, the Site Traffic Impact Study Procedures document, Policy No. 23 dated December 15, 1990, was replaced by the Guidelines for Transportation Analyses by Resolution No. 05-30 on November 2, 2005; and

WHEREAS, the Guidelines for Transportation Analyses adopted by Resolution No. 05-30 on November 2, 2005, was replaced by Resolution No. 20-37 on June 16, 2021; and

WHEREAS, the City desires to update the Analyses once again to bring the document into compliance with House Bill 2138 adopted by the Oregon Legislature on August 7, 2025.

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

Section 1. That the Commission, by this Resolution, adopts the Guidelines for Transportation Analyses **(Exhibit A)**, attached to this Resolution and incorporated herein by reference.

Section 2. This Resolution shall take effect immediately upon its adoption by the City Commission.

Section 3. The Guidelines for Transportation Analyses adopted by this Resolution shall supersede the Guidelines for Transportation Analyses, as adopted June 16, 2021, under Resolution No. 20-37.

Approved and adopted at a regular meeting of the City Commission held on the 3rd day of June 2026.

_____
Denyse C. McGriff, Mayor

Attested to this 3rd day of June 2026:

_____
Jakob Wiley, City Recorder

Approved as to legal sufficiency:

_____
City Attorney

CITY OF OREGON CITY

GUIDELINES FOR

TRANSPORTATION IMPACT ANALYSES

Adopted: NOVEMBER 2, 2005
Revised: JULY 16, 2021

Revised: JUNE 3, 2026

1.0 PURPOSE

1.1 TRANSPORTATION PLANNING AND TRANSPORTATION IMPACT ANALYSES (TIAs)

Oregon City strives to accommodate growth in a responsible and sustainable manner. With regard to land use and transportation, this involves a need to balance property owners' rights to develop their land and the City's goal to plan for and provide a transportation system that serves its intended function in a safe, reliable, and predictable manner for the public.

It should be noted that the transportation system includes "transportation facilities" as defined by OCMC 17.04.1312 which more commonly include the roadway, sidewalk, and offsite pathways for vehicles, bicycles, pedestrians, transit, freight, and other modes of transportation.

The City adopted its Transportation System Plan (TSP) in 2001 and was updated on August 16, 2013, outlining a plan to provide a multi- modal transportation system to accommodate expected growth through year 2035. *The Guidelines for Transportation Impact Analyses* are consistent with the TSP Goals:

1. Health and Safety – Enhance the health and safety of residents.
2. Effective and Efficient – Emphasize effective and efficient management of the transportation system.
3. Sustainable – Foster a sustainable transportation system.
4. Equitable, Balanced, and Connected – Provide an equitable, balanced, and connected multi-modal transportation system.
5. Fundable – Identify solutions and funding to meet system needs.
6. Convenient and Available – Increase the convenience and availability of pedestrian, bicycle, and transit modes.
7. Prosperity – Ensure the transportation system supports a prosperous and competitive economy.
8. Compliant – Comply with state and regional transportation plan.

In addition, *The Guidelines for Transportation Impact Analyses* are intended to be consistent with the provisions of the Oregon City Municipal Code (OCMC); however, if differences or conflicting language are found, the OCMC governs.

1.2 THE NEED FOR TRANSPORTATION ANALYSES FOR INDIVIDUAL DEVELOPMENTS

The City's development review process is designed to help the City achieve its goal of managing growth in a responsible and sustainable manner. The applicant for development is required to submit full and accurate information upon which the City staff and elected officials can base decisions. A developer-submitted transportation study prepared by a professional engineer qualified in the traffic engineering field is a critical tool used by the City to assess the expected transportation system impacts associated with a proposed development and the long-term viability of the transportation system. A study must highlight development-specific issues, present a mitigation plan to mitigate for traffic impacts, and alert the City to the potential need to program specific projects from the TSP into the Capital Improvement

Program (CIP).

1.3 THE LEVEL OF ANALYSIS AND DOCUMENTATION

This document establishes analysis and submittal requirements for developments in accordance with their expected transportation impacts. Under certain conditions, the City allows a lesser level of analysis and documentation for small developments. In addition, other developments meeting specific criteria are exempted from long-range analyses.

The City's overriding concern, as stated in Oregon City Municipal Code (OCMC) 17.02.015, is "to promote public health, safety, and general welfare through standards and regulations…and to facilitate adequate provision for transportation…." It is the responsibility of the applicant to help the City achieve this goal through the analysis and submittal of appropriate documentation.

2.0 OVERVIEW

2.1 DIFFERENT DOCUMENTATION FOR DIFFERENT DEVELOPMENT PROPOSALS

This document describes the City's required content for a **Transportation Analysis Letter** (TAL) and for a **Transportation Impact Study** (TIS). In general terms, the TAL is applicable to smaller developments that are presumed to have a lesser transportation impact. The TIS applies to larger developments that are presumed to have a greater transportation impact.

Middle housing developments (duplexes, triplexes, quadplexes, cottage clusters or townhomes) of 12 units or fewer are exempt from the requirement to prepare a TAL or TIS.

Whether the development requires a TAL or a TIS, a professional engineer must prepare it and must use appropriate data, methods, and standards. TAL and TIS documents share many common elements, but the scope of TALs is more limited. Furthermore, there will be more variability in the scope for TISs depending on the type, location, and size of the development being proposed.

Section 3.1 provides criteria used to determine whether a TAL or TIS is required.

2.2 CONTENT OF TRANSPORTATION IMPACT ANALYSES GENERALLY

Transportation analyses, whether conducted to support a TAL or a TIS, are required to provide an objective assessment of the potential multi-modal transportation impacts associated with a specific land use action (e.g., the development of vacant land, the redevelopment of an existing land use, a comprehensive plan amendment or zoning change). The analysis and the documentation provided by the applicant must help answer several important transportation related questions including:

- Will the existing transportation system accommodate the proposed development from a capacity and safety standpoint?
- What on-site and off-site transportation system improvements will be necessary to accommodate the proposed development?
- How will access to the proposed development affect the traffic operations on the existing transportation system and how will each study area intersection operate relative to the city's mobility standards?
- How will transportation impacts of the proposed development impact the land uses, including commercial, institutional, industrial, and residential uses within the development's influence

area?

- How will the proposed development meet current city standards for roadway design?How will the proposed development ensure the safe and efficient circulation on and adjacent to the site?
- How will the proposed development provide needed connections to abutting parcels (developed or undeveloped) for motorized as well as non-motorized traffic?
- What TSP projects or elements of TSP projects and projects consistent with and derived from specific polices in the TSP will be needed to accommodate the proposed development?
- If the development or certain public improvements are proposed to be completed in phases, how will the various phases impact the transportation system throughout the development timeline, and how will the future phases be developed?

2.3 RESPONSIBILITIES OF THOSE PREPARING TRANSPORTATION ANALYSES GENERALLY

The responsibility for assessing the traffic impacts associated with a proposed land use action rests with the landowner or land use permit applicant. Transportation analyses submitted to the City must be prepared by or under the direct supervision of a Professional Engineer with competence in traffic engineering and registered in the State of Oregon. The report shall be signed and stamped by the professional engineer.

Under state law, engineers shall recognize at all times that their primary obligation is to protect the safety, health, property and welfare of the public in the performance of their professional duties.

These Guidelines in no way serve as a substitute for the application of sound professional engineering judgement expected to be used by practitioners in the preparation and submittal of transportation analyses.

2.4 RESPONSIBILITIES AND AUTHORITY FOR THE CITY

Throughout this document the term “City Engineer” is used as the individual with authority for certain actions and for interpretation of aspects of these guidelines. For the purposes of this document, the term “City Engineer” should be taken to mean the “City Engineer or his/her designee including but not limited to designated staff or City consultant.”

3.0 TRANSPORTATION IMPACT ANALYSIS DOCUMENTS

An analysis and appropriate documentation is generally required when a development application and/or application for re-zoning is filed with the City. A transportation impact analysis (TIA) is required when application is made for land to be subdivided as provided for in OCMC 16.12; when application is made for a conditional use as specified in OCMC 17.56; and when application is made for a change in zoning districts as provided for in OCMC 17.68.

A transportation analysis is not required for modification of a single-family dwelling, construction of a replacement dwelling, accessory dwelling unit (ADU), lot line adjustment, or an application for work in the right of way. In most other circumstances and for most other development applications, some level of transportation analysis is required.

Recognizing that not all developments will have a significant impact on the transportation system, these guidelines include criteria to help determine the need for and level of transportation analysis required in relation to the proposed development.

3.1 DETERMINING THE REQUIRED LEVEL OF TRANSPORTATION ANALYSIS AND DOCUMENTATION

A Transportation Impact Study (TIS) is required for developments that are expected to have an impact on the transportation system. When specific criteria generally associated with small developments are met, a Transportation Analysis Letter (TAL) may be substituted for the required TIS.

At the discretion of the City Engineer, a TAL may satisfy the City's transportation analysis requirements, in lieu of a TIS, when a development meets all of the following criteria:

A. The development generates fewer than 24 peak hour trips during either the AM or PM peak hour and fewer than 250 daily trips.

Examples of common developments generating fewer trips than these threshold levels are: a subdivision containing 24 or fewer single-family residences, a general office building less than 15,000 square feet, a multi-family building with 42 or fewer units, or any proposed partition.

B. The development is not expected to further impact intersections that currently fail to meet the City's mobility standards or intersections that are operating near the limits of the acceptable thresholds during a peak operating hour. (Mobility standards are defined in 7.9.1)

C. The development is not expected to significantly impact adjacent roadways and intersections that are high accident locations, areas that contain an identified safety concern, or high concentration of pedestrians or bicyclists such as school zones

The specific requirements for and content of a TAL are contained in Section 5.0. The specific requirements for and content of a TIS are contained in Section 6.0.

4.0 PROCESS AND PROCEDURES

This section describes in general terms the process and procedures followed by the City in relation to the processing and review of transportation impact analyses. Nothing in this section is intended to replace or supersede the City's process, code requirements, or obligations under state law with regard to land use actions.

4.1 PRE-APPLICATION MEETING

A landowner or developer seeking to develop/redevelop property shall contact the City and schedule a pre-application meeting as required by OCMC 17.50.050. The City's pre-application form specifies the City's requirements applicable to land use actions. An applicant should be prepared to present, preferably in writing, the following:

- type of uses within the development
- the size of the development
- the location of the development
- proposed new accesses or roads
- estimated trip generation and source of data
- proposed study area

4.2 ESTABLISHING THE SCOPE OF WORK

During, or within a reasonable time following the pre-application meeting, the City will establish whether a TAL or TIS is required. (See Section 3.1). If a TIS is required, the City will provide a scoping summary detailing the study area and any special parameters or requirements beyond the requirements set forth in this document. An applicant is encouraged, but not required, to propose a scope of work and a study area using the guidance presented in Section 7.2.

4.2.1 Potential for Expansion of the Scope of Work

In the scoping summary the City will establish expectations and a study area within which significant impacts of the development are expected. The City's final decision on the land use criteria cannot be bound by the specifications or limitations in the scoping summary because additional information or concerns may come to light over the course of the analysis that causes the City to require additional analysis or information. Ultimately, it is the applicant's responsibility to demonstrate compliance with the criteria in the Oregon City code.

The City Engineer reserves the right to require additional analysis, especially when the need for such analysis becomes evident from information gathered by or presented by the applicant. The applicant's engineer should be alert to this possibility and expand his/her scope of work to address issues, especially those of public safety, or at least advise the City of such issues if they arise.

The City Engineer may at his/her discretion expand the requirements and/or study area of a TIS or TAL if needed to address any issue that comes to light after the preparation of the scoping summary.

4.2.2 Time Limit on the Scoping Summary

The City's scoping summary and review requirements are to be considered valid for a reasonable period of time, but are not to be considered binding on the city. Applicants are advised that delays of more than a few months before submitting TAL or TIS documents significantly increases the likelihood that the City will need additional information to adequately evaluate the impacts of a proposed development.

4.3 COMPLETENESS REVIEW

Upon completion of the TIS or TAL, the applicant will submit the number of copies specified by the City in accordance with OCMC 17.50.080 to the City for review. At that time, City staff will perform an initial review of the document to determine whether there are obvious omissions or concerns. The City will rely upon and make use of the TIS checklist, described in more detail in Section 9.0. The lack of a submission of a TIS or TAL will result in a determination of "Incomplete".

A determination of Completeness is not a determination that the applicant's data, methods, accuracy of the analysis, or conclusions and recommendations are valid.

Once the overall development application, including the required TAL or TIS, as appropriate, is deemed "complete," the 120-day land use review process will begin.

4.4 TECHNICAL REVIEW

Once the land use review process is initiated, the City Engineer will conduct a technical review of the TIA to determine the adequacy and quality of the work including, but not limited to the study data sources, methods, findings and recommendations. The City Engineer and/or his/her designee(s) will provide findings for use by the City regarding expected transportation impacts from the proposed development.

If substantive errors or omissions are discovered during review, the applicant will be notified and asked to address the comments prior to a land use decision. The applicant should promptly rectify omissions

and respond with any additional analysis or information; a delay or refusal to respond may result in the denial of an application if the information and analysis submitted is insufficient to show compliance with the applicable criteria.

The lack of specificity on the part of the City in the scoping summary or confusion in its interpretation does not alter the applicant's responsibility to perform a thorough and comprehensive transportation analysis nor does it preclude City decision maker from determining that a TAL or TIS that fully complies with the scoping requirement is insufficient to show compliance with all applicable criteria.

Issues or problems discovered during the Technical Review may, at the discretion of the City's decision maker, be resolved through the use of condition of approval.

5.0 TRANSPORTATION ANALYSIS LETTER CONTENTS

If the City determines based on information provided by the applicant and in accordance with the criteria specified in Section 3.1 that a TAL is the appropriate document to submit, the following requirements shall apply.

The TAL shall be prepared by or prepared under the direct supervision of a Professional Engineer registered in the State of Oregon who shall sign and stamp the TAL.

The TAL shall include the following:

1. The expected trip generation of the proposed development including the AM peak hour, the PM peak hour, daily traffic, and other germane periods as may be appropriate, together with appropriate documentation and references.
2. Site plan showing the location of all access driveways, private streets, or alleys where they intersect with public streets plus driveways of abutting properties and driveways on the opposite side of the street from the proposed development. Dimensions of driveway spacing as measured at the right of way from edge to edge of driveway shall be shown and shall meet or exceed the minimum driveway spacing standards.
3. Site plan showing width of all driveways and shall meet Oregon City Driveway Approach Size Standards.
4. Site plan showing that all public roads meet Oregon City's Street Design Standards including alignment, intersection angles, cul-de-sacs, and block standards.
5. Documentation that all new site accesses and/or public street intersections meet AASHTO intersection sight distance guidelines.
6. Preliminary analysis that all new streets comply with traffic sight obstructions in OCMC 10.32.
7. Documentation that there are no inherent safety issues associated with the design and location of the site access driveways.
8. Documentation that the applicant has reviewed the City's TSP and that proposed streets and frontage improvements do or will comply with any applicable standards regarding the functional classification, typical sections, access management, traffic calming and other attributes as appropriate.
9. When required of the development, documentation that no inherent safety issues are associated with the design and location of pedestrian, bicycle, or transit safety.

6.0 TRANSPORTATION IMPACT STUDY (TIS) CONTENTS

The following information shall be included in each TIS submitted to the City. Additional information specified by the City in the scoping summary or through the pre-application meeting or other project meetings shall also be included.

1. Table of Contents – Listings of all sections, figures, and tables included in the report.
2. Executive Summary – A summary of key points, findings, conclusions, and recommendations including a mitigation plan.
3. Introduction:
   - Proposed land use action including site location, zoning, building size, and project scope.
   - Map showing the proposed site, building footprint (s), access driveways, and/or parking facilities.
   - Map of the study area that shows site location and surrounding roadway facilities
4. Existing Conditions:
   - Existing site conditions and adjacent land uses.
   - Roadway characteristics of transportation facilities located within the study area, including roadway functional classifications, street cross-section, posted speeds, general sight distance, bicycle and pedestrian facilities, on-street parking, and transit facilities.
   - Existing lane configurations and traffic control devices at the study area intersections.
   - Existing traffic volumes and operational analysis of the study area roadways and intersections.
   - Roadway and intersection crash history analysis.
   - Intersection and stopping sight distance related to new and impacted (existing) driveways and intersections.
5. Background Conditions (without the proposed land use action)
   - Approved in-process developments and funded transportation improvements in the study area.
   - Traffic growth assumptions.
   - Addition of traffic from other planned developments.
   - Background traffic volumes and operational analysis.
6. Full Buildout Traffic Conditions (with the proposed land use action)
   - Description of the proposed development plans.
   - Trip generation characteristics of proposed project (including trip reduction documentation).
   - Trip distribution assumptions.
   - Full buildout traffic volumes and intersection operational analysis including the performance relative to the applicable mobility standards for each intersection.
   - Site circulation and parking.
   - Intersection and site-access driveway queuing analysis.
   - Recommended roadway and intersection mitigation measures (if necessary).
7. Conclusions and recommendations
8. Appendix- With dividers or tabs
   - Traffic count summary sheets.
   - Crash analysis summary sheets.
   - Existing, Background, and Full Buildout traffic operational analysis worksheets with detail to review capacity calculations.
   - Signal, left-turn, and right-turn lane warrant evaluation calculations.

- Intersection analysis – Roundabout vs. Traffic Signal
- Other analysis summary sheets such as queuing.

To present the information required to analyze the transportation impacts of development, the following figures shall be included in the TIS:

1. Vicinity Map
2. Existing Lane Configurations and Traffic Control Devices
3. Existing Traffic Volumes and Levels of Service for each required time period
4. Future Year Background Traffic Volumes and Levels of Service for each required time period
5. Proposed Site Plan, including access points for abutting parcels and for those across the street from the proposed development
6. Future Year Assumed Lane Configurations and Traffic Control Devices
7. Estimated Trip Distribution/Assignment Pattern
8. Trip reductions (pass-by trips at site access (es))
9. Site-Generated Traffic Volumes for each required time period
10. Full Buildout Traffic Volumes and Levels of Service for each required time period

7.0 STANDARDS AND PROCEDURES

To help ensure consistency in the preparation and review of each TIS and TAL, the City of Oregon City has established a set of guidelines and procedures. These standards and procedures include the following:

- Preparer qualifications
- TIS study area
- Analysis years and time periods
- Data collection guidelines
- Trip generation guidelines
- Trip distribution and assignment guidelines
- Minimum intersection operational standards
- Minimum access spacing standards
- Other analysis guidelines

7.1 PREPARER QUALIFICATIONS

Each TIS and TAL shall be prepared by or under the direct supervision of a Professional Traffic Engineer registered in the State of Oregon or a Professional Engineer registered in the State of Oregon qualified to perform traffic engineering as defined by OAR 820-040-0030. The engineer must have background and experience in the methods and concepts associated with transportation impact studies. Each TIS and TAL shall be sealed and signed by the Professional Engineer registered in the State of Oregon prior to acceptance by the City for a technical review.

7.2 TIS STUDY AREA

Each TIS shall include a vicinity map that shows the site, the study area, and the surrounding transportation system. A brief description of the site location and study area shall be provided. The study area shall be based on engineering judgement and an understanding of existing and future land use and traffic conditions in the vicinity of the site. The following considerations shall form the basis of establishing the study area.

The following facilities shall be included in the study area for all TIS's:

- All site-access points and intersections (signalized and unsignalized) adjacent to the proposed site. In particular, if the proposed site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage, including those serving parcels on the opposite side of the street(s) and parcels directly adjacent to the proposed development.
- Roads through and adjacent to the proposed development.
- Any intersection of two streets, each with a classification of collector or arterial, where site traffic will exceed 20 vehicles during a peak hour or, in the case of a rezone, if the trip differential resulting from the rezone will exceed 20 vehicles during a peak hour.
- All intersections needed for signal progression analysis

As indicated in Section 4.1, the applicant is encouraged to propose a study area at the pre-application meeting or in response to the discussions between the applicant and the City's representatives.

In addition to these requirements, the City Engineer may determine any additional intersections or roadway links that may be adversely affected as a result of the proposed development. The applicant reduces his risk of having an adverse staff report if the applicant reaches agreement with the City Engineer prior to the start of the transportation impact analysis.

7.3 ANALYSIS YEARS TO BE ANALYZED IN THE TIS

To adequately assess the impacts of a proposed land use action, several study periods should be addressed in the transportation impact analysis. These study periods or horizon years consist of the following:

- **Existing Year**
- **Background** – The conditions in the year in which the proposed land use action will be completed and occupied, but without the expected traffic from the proposed land use action. This analysis should include all in-process developments, or city approved developments that are expected to be fully built out in the proposed land use action horizon year. It should also account for all in-process/planned transportation system improvements.

  Note: Depending on funding or project development issues, it may not be appropriate to assume that certain planned transportation system improvements will be in place on opening day. Applicants should contact the City Engineer to confirm appropriate assumptions.
- **Full Buildout –** The background condition plus traffic from the proposed land use action assuming full build-out and occupancy.
- **Phased Years of Completion** – If the project involves construction or occupancy in phases or for master plans, the applicant is expected to assess the expected roadway, intersection, and land use conditions resulting from major development phases. Phased years of analysis will be determined in coordination with City staff.
- **20-Year or TSP Horizon Year** – For master plans, zone changes, and conditional uses, the

applicant shall assess the expected future roadway, intersection, and land use conditions resulting from deviations from approved comprehensive planning documents. A twenty-year or TSP Horizon Year analysis will not be required for the following development proposals:

- For out-right permitted uses under the current zoning.
- For residential-to-residential rezoning proposals when the rezoning produces an increase of twenty-five (25) or fewer peak hour trips.

7.4 ANALYSIS PERIODS TO BE ANALYZED IN THE TIS

Within each analysis year, specific consideration should be directed to the time period(s) that experience the highest degree of network travel. These periods typically occur during the weekday morning (7:00 AM to 9:00 AM) and weekday evening (4:00 PM to 6:00 PM) peak commuting hours.

The TIS shall address the weekday AM and PM peak hours when the proposed land use action is expected to generate 25 trips or more during the peak time periods. If the applicant can demonstrate that the peak hour trip generation of the proposed land use action is fewer than 25 trips during one of the two peak study periods and the peak trip generation of the land use action corresponds to the roadway system peak, then only the worse of the two peak periods must be analyzed. This does not mean, however, that all aspects of the other peak period can be ignored. The applicant should consider, for example, the possibility that inbound and outbound trips at the site driveway have specific operational issues that may need to be addressed for both peak hours.

Depending upon the proposed land use action and the expected trip generating characteristics of that development, other time periods may be specified, either as a substitute for, or in addition to the AM and PM peak hours. Examples of land uses that have non-typical trip generating characteristics include schools, restaurants, movie theatres, nightclubs, and churches. Applicants should assume that the City will require additional analysis periods for certain uses as summarized below:

- Schools – End of the school day (early afternoon) peak hour
- Churches and worship facilities – Peak period prior to and after worship services.
- Restaurants – Mid-day weekday peak hour
- Shopping centers, home improvement centers, superstores, and retail facilities of more than 60,000 square feet – Saturday peak hour.

When the additional hours for analysis are specified, the applicant need not necessarily carry the analysis through all steps if the data and the engineer's analysis show that some time periods clearly represent the worst case. If, for example, the mid-day peak period traffic volumes at a restaurant are lower than the other peak periods, except at the site driveway, the mid-day peak need only be analyzed for the driveway location. The engineer preparing the TIS is advised to provide thorough documentation of the reasons for reducing the scope of the extra time periods. The applicant may choose to bring such issues to the attention of the City Engineer for discussion prior to submittal of the TIS.

The above list is not necessarily an all-inclusive list of uses for which additional analysis periods is required. The City Engineer and applicant should discuss the potential for additional study periods prior to the start of the transportation impact analysis.

7.5 APPLICATIONS INVOLVING ZONE CHANGES

In the case of a land use proposal involving a zone change, the TIS must analyze a 20-year horizon period as required by the Oregon Transportation Planning Rule (TPR) and may require interim years in the case of a master plan that also requires a zone change. Applicants seeking a rezoning are advised

that in addition to any requirements specified by the City, it is their obligation to address requirements in OAR 660-12-0060. The City's exemption from the requirement for 20-year analysis for certain rezoning actions as specified in Section 7.3 may not exempt the applicant from addressing TPR requirements.

For proposals involving rezoning, the applicant shall compare the traffic generated by his/her development proposal, a reasonable worst-case development under the proposed zoning and a reasonable worst-case development under current zoning.

7.6 TRAFFIC COUNT REQUIREMENTS

Once the TIS study area and analysis periods have been determined, turning movement counts shall be collected at all study area intersections to determine the base traffic conditions. These turning movement counts should typically be conducted during the weekday (Tuesday through Thursday) between 7:00 AM – 9:00 AM and 4:00 PM – 6:00 PM and for other periods depending upon the proposed and/or surrounding land uses. Historical turning movement counts may be used if the data is not more than 12 months old at the time the TIS is deemed complete for review. Historical counts shall be factored accordingly to meet the existing traffic conditions. In high traffic locations where congestion is present or traffic peaks early or late, extended or altered count periods may be required.

7.7 TRIP GENERATION FOR THE PROPOSED DEVELOPMENT

To determine the impacts of a proposed development on the surrounding transportation network, the trip generation characteristics of that development must be estimated. Trip generation characteristics should be obtained from one of the following acceptable sources:

- Institute of Transportation Engineers (ITE) *Trip Generation* (latest edition).
- Specific trip generation studies that have been conducted for the particular land use for the purposes of estimating peak hour trip generating characteristics, subject to approval by the City Engineer prior to their inclusion in the transportation impact analysis.

In addition to new site generated trips, several land uses typically generate additional trips that are not added to the adjacent traffic network. These trips include pass-by trips and internal trips and are considered to be separate from the total number of new trips generated by the proposed development. The procedures listed in the (ITE) *Trip Generation Handbook* should be used *where appropriate* (emphasis added) to account for pass-by trips and internal trips. The applicant's engineer shall not use any pass-by or internal trip reductions with prior approval of the method or data sources by the City Engineer.

Special Attention Items

The ITE *Trip Generation Handbook* maintains limited data regarding pass-by, diverted-linked, and internal shared trip-making characteristics. Professional judgment needs to be used in applying this data. For example, it is not appropriate to apply PM peak hour pass-by percentages to AM or daily periods where AM and daily percentages do not exist. Also, ITE's internal shared trip characteristics are based on a limited number of studies from the early 1990's in Florida. These sites included a mix of commercial, residential, retail, and other uses. For developments that contain only one or two of these uses, a maximum shared trip reduction of five (5) percent will be allowed without appropriate justification and supporting data from the applicant.

The ITE *Trip Generation Handbook* outlines specific guidelines for use of weighted average trip rates versus regression equations. These guidelines shall be followed unless the applicant provides valid justification for deviation.

7.8 TRIP DISTRIBUTION AND ASSIGNMENT

Estimated site generated traffic for the proposed development should be distributed and assigned to the existing or proposed arterial and collector street network. Trip distribution methods should be based on a reasonable assumption of local travel patterns and the locations of off-site origin/destination points within the site vicinity. Acceptable trip distribution methods should be based on one or more of the following procedures:

- A select zone analysis of the proposed site can be obtained from Metro's regional planning model. When using the regional planning model for distribution purposes, the engineer preparing the TIS should make sure that the model assumes the proper existing and future year land use and zoning designations and that he/she understands model load points (centroid connectors). The applicant should also be aware that Metro's model is a regional model and that professional judgment must be applied when using it for specific developments.
- An analysis of local traffic patterns and intersection turning movement counts can be used as long as the data has been gathered within the previous twelve months.
- A detailed market study specific to the proposed development and surrounding land uses may be used to determine the specific influence area. Site generated traffic within the identified influence area should be distributed based on principles and concepts associated with the gravity model theory. Note that if a market study is to be used as a basis for trip distribution, the entire market study must be made available to the City and it shall become part of the public record and, as such, any client confidentiality is lost.

Special Attention Items

In the case of retail developments, the applicant shall clearly distinguish between pass-by and non-pass-by trips to allow the reviewer to understand how the pass-by trips were accounted for and applied throughout the study area. The treatment of pass-by trips at the site entrance may be most easily addressed through separate figures depicting the total site trips and the individual pass-by and non-pass-by components.

7.9 INTERSECTION OPERATIONAL STANDARDS

To assess the impacts of the proposed land use action on the transportation system, the TIS shall compare the existing, background, and full buildout intersection traffic volumes to the minimum intersection operational standards.

The City of Oregon City evaluates intersection operational performance based on the volume-to-capacity ratio (v/c) or the Level of Service (LOS) as defined in the *Highway Capacity Manual (HCM)* published by the Transportation Research Board depending on the specifics of the intersection and location

All LOS definitions should be consistent with the most recent version of the *HCM.* The v/c ratio used by Oregon City is based on the Oregon Department of Transportation's *Analysis Procedures Manual.*

7.9.1 Intersection Level of Service Standards

The City of Oregon City requires all intersections within the study area to maintain an acceptable performance upon full buildout of the proposed land use action as defined below.

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the city of Oregon City requires all intersections, except for the facilities identified in subsection E below, to be maintained at or below the following mobility

standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the transportation system plan (TSP) or as otherwise identified by the city engineer.

A. For intersections within the regional center, the following mobility standards apply:

   1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

   2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

   3. Intersections located on the regional center boundary shall be considered within the regional center.

B. For intersections outside of the regional center but designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:

   1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

   2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

C. For intersections outside the boundaries of the regional center and not designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:

   1. For signalized intersections:

      a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

      b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

   2. For unsignalized intersections outside of the boundaries of the regional center:

      a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.

D. For the intersection of OR 213 and Beavercreek Road, the following mobility standards apply:

1. During the first, second and third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.

E. Until the city adopts new performance measures that identify alternative mobility targets, the city shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

I- 5/OR 99E Interchange.

State intersections located within or on the regional center boundaries.

1. In the case of conceptual development approval for a master plan that impacts the above references intersections:

   a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the code in place at the time the detailed development plan is submitted; and

   b. Only those trips approved by a detailed development plan review are vested.

2. Development which does not comply with the mobility standards for the intersections identified in OCMC 16.12.033 shall provide for the improvements identified in the transportation system plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the code.

7.9.2 Intersection Design Features and Queuing Calculations

The TIS shall contain sufficient data and information derived from the traffic analysis to provide the roadway/intersection designer and City staff with information on which to assess intersection design features such as the length of storage required for lanes on each approach.

Queue lengths shall be calculated for each lane of all approaches to signalized intersections for the 95th percentile queue. Queue lengths shall also be calculated for unsignalized locations, such as site driveways, where standing queues can interfere with other movements, especially if such interference can contribute to safety problems. Appropriate analysis methods should be used that account for the actual arrivals of vehicles at an intersection.

Special Attention Items

The applicant's engineer shall use professional judgment in selecting the appropriate analysis tools and methods for evaluation of intersection operations. The HCM, for example, states "The [HCM] methodology does not take into account the potential impact of downstream congestion on intersection operation. Nor does the methodology detect and adjust for the impacts of turn-pocket overflows on through traffic and intersection operation." If these conditions are present or can reasonably be expected to exist as a result of the proposed development, the applicant's engineer shall supplement his/her initial analysis with other analysis tools and methods that account for such conditions.

The applicant's engineer also must use reasonable signal timing and consider corridor timing plans where appropriate.

When calculating queues, Poisson distribution may be used for locations subject to random arrivals. Other analysis methods shall be used where signal systems cause different arrival patterns and when congestion causes accumulation from one cycle to the next. Queue lengths shall be based on average vehicle length of twenty-five (25) feet, or longer where appropriate.

7.10 ACCESS SPACING STANDARDS

Access locations on roadway sections must be located to ensure safe and efficient travel along a transportation facility to limit potential conflicting turning movements, weaving maneuvers over short distances, and congestion along facilities. Access management standards vary depending upon the functional classification and purpose on a given roadway. Roadways in the upper echelon of the functional classification system (i.e. arterials) tend to have stringent spacing standards, while facilities ranked lower in the functional classification system allow more closely spaced accesses.

The applicant shall use the standards in OCMC 16.12 and discuss whether the following standards are met through their proposed development:

- Minimum city street intersection spacing (the distance between adjacent intersections),
- Minimum private access spacing (the distance between adjacent driveways and between driveways and street intersections),
- Minimum traffic signal spacing (the distance between adjacent signalized intersections),
- Minimum private access driveway widths (the measurement of the individual driveway surface)

Exception Process:

In cases where physical constraints or unique site characteristics limit the ability for the above access spacing standards to be met, the City decision maker may grant an access spacing exception. Typically, access exceptions are available only for a parcel whose roadway frontage, topography, or location would otherwise preclude issuance of a conforming permit and the parcel would either have no reasonable access or cannot otherwise obtain reasonable alternate access to the public road system. However, if the limitation or condition is one that the applicant or owner has contributed to by any previous subdivision of property, sale, building activity, or site development, the limitation or condition shall not constitute a basis for an access exception. Note also that the City may choose to prohibit some movements (e.g. left turns) at the site access location, especially if such access is in a location where an access exception is needed.

When an exception is required, the transportation impact analysis must show that the new access will not adversely impact the existing transportation system. A high burden is placed on the applicant and his/her engineer to prove that the system will not be adversely impacted, and that public safety will not be compromised.

7.11 SIGHT DISTANCE

For all new proposed site driveways and public street intersections, an evaluation of stopping sight distance (SSD) and intersection sight distance (ISD) shall be conducted consistent with procedures outlined in the current version of the AASHTO *Policy on Geometric Design of Highways and Streets.* At the discretion of the City Engineer, the applicant may be exempted from a need to assess sight distance.

The City standard for new driveways and intersections requires that ISD meet the minimum distance specified in AASHTO. The applicant may apply for a design exception allowing a driveway or intersection that meets SSD rather than ISD. A high burden is placed on the applicant and his/her engineer to prove that the system will not be adversely impacted, and that public safety will not be compromised. The City Engineer may grant a design exception if the following conditions are met:

1. The intersection or driveway is proposed to intersect with a local or neighborhood collector street (not a major collector or arterial street), and
2. The approach is forecast to serve fewer than forty (40) vehicles per day, and
3. The intersection will not adversely impact the existing transportation system.

The City Engineer may also grant a design exception if the intersection is forecast to serve less than 100 vehicles per day for a period of not more than twenty-four (24) months. Should the City Engineer choose to grant a design exception, he/she may place additional conditions on the applicant, such as, but not limited to placement of warning signs or the use of flaggers for manual traffic control as prescribed by the *Manual on Uniform Traffic Control Devices* (MUTCD).

Special Attention Items

Under AASHTO procedures, intersection sight distance is evaluated based on the roadway design speed, not the roadway posted speed. Where design speed is not known, it shall be estimated using procedures outlined in the AASHTO *Policy on Geometric Design of Highways and Streets*. This generally results in a design speed anywhere from 5 to 10 mph above prevailing posted speed.

7.12 CRASH HISTORY

Within the study area for each TIS, a crash history evaluation shall be conducted for the most recent four-year period. The intent of the evaluation is to identify any apparent trends in the data that reflect a safety issue that may be exacerbated by the proposed development and to identify mitigation to resolve the issue(s). At a minimum, the analysis shall summarize the number of crashes per year by type and severity. Intersection crash rates shall be calculated and evaluated. The engineer shall assess the overall results of the safety analysis.

7.13 SAFE ROUTES TO SCHOOL

For proposed residential developments, the TIS shall include a brief discussion of routes to the nearest schools. The applicant shall identify the primary walking/biking route between the proposed development and the nearest elementary, middle, and high school. Specifically, the applicant shall describe the general bicycle and pedestrian environment between the proposed development and each school, including the presence and condition of pedestrian and bicycle facilities and the roadway environment (speed, lanes, etc.) along the routes. This section requires applicants to address the special need to link residential areas to area schools.

7.14 WARRANTS (TURN LANE, TRAFFIC CONTROL)

The following section provides guidance on evaluating turn lane and traffic signal warrants.

7.14.1 Traffic Control Warrants

An evaluation of traffic signal warrants shall be conducted for all unsignalized study area intersections where any approach is shown to operate at LOS E or worse under existing, background, or total traffic conditions. Signal warrant analysis shall be conducted in accordance with the current version of the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD).

Warrants to evaluate conversions between yield control, two-way STOP control, and multi-way- STOP control shall, as deemed necessary by the applicant's traffic engineer, comply with the MUTCD.

Special Attention Items

The reduction of minor street right turns is an important factor in evaluating traffic signal warrants and care must be taken to ensure the practice is not overlooked or improperly applied as it can affect warrant determinations. Both the MUTCD and the National Cooperative Highway Research Program (NCHRP) Report 457- *Evaluating Intersection Improvements: An Engineering Study Guide*, 2001 offer detailed discussions of the proper methods to address right turn reductions.

For state highways, ODOT's Transportation Planning Analysis Unit maintains specific guidelines regarding right turn reductions that shall be applied to highway intersections. Other methods such as delay-based reduction methods may be considered if reasonably explained and justified by the applicant.

The construction of a lane to accommodate right turns shall be considered as a mitigation measure before or in addition to the analysis of traffic signal warrants for the installation of a traffic signal.

Note that Warrant 3, Peak Hour according to the MUTCD "shall be applied only in unusual cases." The burden of proof is on the applicant that the case is truly unusual. The applicant must evaluate the conditions using other warrants before attempting to justify the use of the Peak Hour warrant.

7.14.2 Turn Lane Warrants

The provision of dedicated left- and right-turn lanes on the major approach to an unsignalized intersection can significantly improve operations and safety at an intersection. The provision of a second lane on minor street approaches at unsignalized intersections can significantly reduce side street delay for right-turning motorists.

The applicant's engineer shall exercise professional judgement in evaluating the need for, and benefits of, providing dedicated left-turn and right-turn lanes. Documentation of the engineer's analysis of turn lanes shall be provided in the TIS.

The following is a non-exclusive list of conditions where an evaluation of turn lanes is appropriate:

- When no lane is currently provided for left turns and when left turn movements from the major street are predicted to increase because of the proposed development. This is especially appropriate when a turn lane is included as part of the standard cross-section for a street of this classification in the *Transportation System Plan*.

- When an intersection has a crash rate above 1.0 crashes per million entering vehicles and includes crash types subject to improvement from a turn lane.

- When the speed and volume of through traffic and increases predicted in right turn volumes raise concerns in the engineer's professional judgment about safety or about impeding through traffic.

- When only a single lane is provided for minor street approaches and the approach LOS is calculated to be "E" or worse.

The following are some of the references that should be considered by the applicant's engineer.

- **State Highways –** The Oregon Department of Transportation (ODOT) maintains criteria that shall be used for evaluating development of left- and right-turn lanes along state highways at Unsignalized Grade Intersections.

- **Local Streets –** Much of the published information regarding warrant criteria are centered on highway facilities and practitioners have therefore applied these criteria to local streets. The applicant shall refer to pages 686-89 of the 2001 *AASHTO Policy on Geometric Design of Highways and Streets* when evaluating turn lane warrants. Specifically, the applicant shall draw from other sources [see sources 2, 11, 12, and 13] cited by AASHTO. This criteria shall be updated coinciding with future revisions to the AASHTO *Policy*. An additional resource not cited by AASHTO is the National Cooperative Highway Research Program (NCHRP) Report 457- *Evaluating Intersection Improvements: An Engineering Study Guide*, 2001.

8.0 COMMON ERRORS AND OMISSIONS

The following are some common errors and omissions. Special care should be taken to address these items that are part of the TIS requirements identified herein.

- Failure to include a crash analysis.
- Failure to conduct a warrant analysis or incorrect methods, particularly a failure to account for right turns from minor streets.
- Failure to address access spacing.
- Lack of discussion of observed traffic flow.
- Failure to address intersection and/or stopping sight distance.
- Failure to discuss bicycle, pedestrian, and transit facilities.
- Failure to present justification for some assumptions.
- Failure to account for downstream congestion, turn-pocket overflow, or signal timing of adjacent traffic signals (particularly with regard to the selection of software analysis tools).
- Use of unrealistic signal timing
- Use of inappropriate tools and assumptions for calculation of queues.

TRANSPORTATION IMPACT STUDY CHECKLIST

Project Name:_____

City Reference Code:_____

Provided?		Page No.	
Yes	No	_____	Study Required Comment:_____Date:_____
			BACKGROUND INFORMATION
Yes	No	_____	Oregon PE Stamp and Signature
Yes	No	_____	**INTRODUCTION AND SUMMARY**
			EXISTING CONDITIONS
Yes	No	_____	Roadway Network - summary of roadway classifications, lanes, speeds, transit service and facilities, alternative mode service and facilities (e.g., sidewalks, bike lanes, crosswalks) and description of study area
Yes	No	_____	Analysis Periods Correct ☐ AM ☐ Mid-day ☐ PM ☐ Afternoon ☐ Saturday _____ ☐ Other _____
Yes	No	_____	Existing Traffic Operations (Existing LOS, traffic volumes (new counts ☐), speeds ☐, crash data ☐)
			IMPACTS
Yes	No	_____	Trip Generation - Daily, peak hour trips generated by site development
Yes	No	_____	Level of Service Analysis -projected LOS with site build out, existing, and background traffic growth
Yes	No	_____	Future year 20-year analysis required for zone change or conditional use
Yes	No	_____	Signal Warrant Analysis
Yes	No	_____	Turn Lane Warrant Analysis
Yes	No	_____	Access Spacing Standards
Yes	No	_____	Analysis of intersection and stopping sight distance at frontage road access point(s)
Yes	No	_____	Identify safe route to school or school bus stop (contact with school district)
Yes	No	_____	Analysis of safe pedestrian/bicycle access to nearest transit stop (if within 1/2 mile of project site)
Yes	No	_____	Identify accessibility to public transit
Yes	No	_____	Account for planned roadway improvements: ☐ At future build year ☐ 20-year horizon
			MITIGATION
Yes	No	_____	Identify need for right/left turn lanes, storage capacity and length
Yes	No	_____	Identify possible corrections of any LOS deficiencies
Yes	No	_____	Identify any access deficiencies (including transit/pedestrian/bicycle connections)
Yes	No	_____	Identify any TDM measures
			FIGURES
Yes	No	_____	Vicinity Map
Yes	No	_____	Site Plan
Yes	No	_____	Existing Peak Hour Turn Movement Volumes (counts conducted within previous 12 months)
Yes	No	_____	Trip Distribution (%) including Added Project Peak Hour Traffic Volumes (see sample)
Yes	No	_____	Approved Projects Peak Hour Traffic Volumes (see sample)
Yes	No	_____	Programmed Transportation Improvements and Transportation Mitigation Outlined in Study
			TABLES
Yes	No	_____	Intersection Performance Existing Conditions
Yes	No	_____	Project Trip Generation
Yes	No	_____	Intersection Level of Service
			OTHER
Yes	No	_____	Technical Appendix - sufficient material to convey complete understanding of traffic issues (e.g., HCM or similar analyses, trip generation calculations, signal warrant analyses, turn lane warrant analyses, queuing calculations, signal timing sheets, traffic counts, etc.)

[SEAL]

Completed By: _____

Date: _____

CITY OF OREGON CITY

GUIDELINES FOR

TRANSPORTATION IMPACT ANALYSES

Adopted: NOVEMBER 2, 2005
Revised: JULY 16, 2021

Revised: JUNE 3, 2026

1.0 PURPOSE

1.1 TRANSPORTATION PLANNING AND TRANSPORTATION IMPACT ANALYSES (TIAs)

Oregon City strives to accommodate growth in a responsible and sustainable manner. With regard to land use and transportation, this involves a need to balance property owners' rights to develop their land and the City's goal to plan for and provide a transportation system that serves its intended function in a safe, reliable, and predictable manner for the public.

It should be noted that the transportation system includes "transportation facilities" as defined by OCMC 17.04.1312 which more commonly include the roadway, sidewalk, and offsite pathways for vehicles, bicycles, pedestrians, transit, freight, and other modes of transportation.

The City adopted its Transportation System Plan (TSP) in 2001 and was updated on August 16, 2013, outlining a plan to provide a multi- modal transportation system to accommodate expected growth through year 2035. *The Guidelines for Transportation Impact Analyses* are consistent with the TSP Goals:

1. Health and Safety – Enhance the health and safety of residents.
2. Effective and Efficient – Emphasize effective and efficient management of the transportation system.
3. Sustainable – Foster a sustainable transportation system.
4. Equitable, Balanced, and Connected – Provide an equitable, balanced, and connected multi-modal transportation system.
5. Fundable – Identify solutions and funding to meet system needs.
6. Convenient and Available – Increase the convenience and availability of pedestrian, bicycle, and transit modes.
7. Prosperity – Ensure the transportation system supports a prosperous and competitive economy.
8. Compliant – Comply with state and regional transportation plan.

In addition, *The Guidelines for Transportation Impact Analyses* are intended to be consistent with the provisions of the Oregon City Municipal Code (OCMC); however, if differences or conflicting language are found, the OCMC governs.

1.2 THE NEED FOR TRANSPORTATION ANALYSES FOR INDIVIDUAL DEVELOPMENTS

The City's development review process is designed to help the City achieve its goal of managing growth in a responsible and sustainable manner. The applicant for development is required to submit full and accurate information upon which the City staff and elected officials can base decisions. A developer-submitted transportation study prepared by a professional engineer qualified in the traffic engineering field is a critical tool used by the City to assess the expected transportation system impacts associated with a proposed development and the long-term viability of the transportation system. A study must highlight development-specific issues, present a mitigation plan to mitigate for traffic impacts, and alert the City to the potential need to program specific projects from the TSP into the Capital Improvement

Program (CIP).

1.3 THE LEVEL OF ANALYSIS AND DOCUMENTATION

This document establishes analysis and submittal requirements for developments in accordance with their expected transportation impacts. Under certain conditions, the City allows a lesser level of analysis and documentation for small developments. In addition, other developments meeting specific criteria are exempted from long-range analyses.

The City's overriding concern, as stated in Oregon City Municipal Code (OCMC) 17.02.015, is "to promote public health, safety, and general welfare through standards and regulations…and to facilitate adequate provision for transportation…." It is the responsibility of the applicant to help the City achieve this goal through the analysis and submittal of appropriate documentation.

2.0 OVERVIEW

2.1 DIFFERENT DOCUMENTATION FOR DIFFERENT DEVELOPMENT PROPOSALS

This document describes the City's required content for a **Transportation Analysis Letter** (TAL) and for a **Transportation Impact Study** (TIS). In general terms, the TAL is applicable to smaller developments that are presumed to have a lesser transportation impact. The TIS applies to larger developments that are presumed to have a greater transportation impact.

Middle housing developments (duplexes, triplexes, quadplexes, cottage clusters or townhomes) of 12 units or fewer are exempt from the requirement to prepare a TAL or TIS.

Whether the development requires a TAL or a TIS, a professional engineer must prepare it and must use appropriate data, methods, and standards. TAL and TIS documents share many common elements, but the scope of TALs is more limited. Furthermore, there will be more variability in the scope for TISs depending on the type, location, and size of the development being proposed.

Section 3.1 provides criteria used to determine whether a TAL or TIS is required.

2.2 CONTENT OF TRANSPORTATION IMPACT ANALYSES GENERALLY

Transportation analyses, whether conducted to support a TAL or a TIS, are required to provide an objective assessment of the potential multi-modal transportation impacts associated with a specific land use action (e.g., the development of vacant land, the redevelopment of an existing land use, a comprehensive plan amendment or zoning change). The analysis and the documentation provided by the applicant must help answer several important transportation related questions including:

- Will the existing transportation system accommodate the proposed development from a capacity and safety standpoint?
- What on-site and off-site transportation system improvements will be necessary to accommodate the proposed development?
- How will access to the proposed development affect the traffic operations on the existing transportation system and how will each study area intersection operate relative to the city's mobility standards?
- How will transportation impacts of the proposed development impact the land uses, including commercial, institutional, industrial, and residential uses within the development's influence

area?

- How will the proposed development meet current city standards for roadway design?How will the proposed development ensure the safe and efficient circulation on and adjacent to the site?
- How will the proposed development provide needed connections to abutting parcels (developed or undeveloped) for motorized as well as non-motorized traffic?
- What TSP projects or elements of TSP projects and projects consistent with and derived from specific polices in the TSP will be needed to accommodate the proposed development?
- If the development or certain public improvements are proposed to be completed in phases, how will the various phases impact the transportation system throughout the development timeline, and how will the future phases be developed?

2.3 RESPONSIBILITIES OF THOSE PREPARING TRANSPORTATION ANALYSES GENERALLY

The responsibility for assessing the traffic impacts associated with a proposed land use action rests with the landowner or land use permit applicant. Transportation analyses submitted to the City must be prepared by or under the direct supervision of a Professional Engineer with competence in traffic engineering and registered in the State of Oregon. The report shall be signed and stamped by the professional engineer.

Under state law, engineers shall recognize at all times that their primary obligation is to protect the safety, health, property and welfare of the public in the performance of their professional duties.

These Guidelines in no way serve as a substitute for the application of sound professional engineering judgement expected to be used by practitioners in the preparation and submittal of transportation analyses.

2.4 RESPONSIBILITIES AND AUTHORITY FOR THE CITY

Throughout this document the term “City Engineer” is used as the individual with authority for certain actions and for interpretation of aspects of these guidelines. For the purposes of this document, the term “City Engineer” should be taken to mean the “City Engineer or his/her designee including but not limited to designated staff or City consultant.”

3.0 TRANSPORTATION IMPACT ANALYSIS DOCUMENTS

An analysis and appropriate documentation is generally required when a development application and/or application for re-zoning is filed with the City. A transportation impact analysis (TIA) is required when application is made for land to be subdivided as provided for in OCMC 16.12; when application is made for a conditional use as specified in OCMC 17.56; and when application is made for a change in zoning districts as provided for in OCMC 17.68.

A transportation analysis is not required for modification of a single-family dwelling, construction of a replacement dwelling, accessory dwelling unit (ADU), lot line adjustment, or an application for work in the right of way. In most other circumstances and for most other development applications, some level of transportation analysis is required.

Recognizing that not all developments will have a significant impact on the transportation system, these guidelines include criteria to help determine the need for and level of transportation analysis required in relation to the proposed development.

3.1 DETERMINING THE REQUIRED LEVEL OF TRANSPORTATION ANALYSIS AND DOCUMENTATION

A Transportation Impact Study (TIS) is required for developments that are expected to have an impact on the transportation system. When specific criteria generally associated with small developments are met, a Transportation Analysis Letter (TAL) may be substituted for the required TIS.

At the discretion of the City Engineer, a TAL may satisfy the City's transportation analysis requirements, in lieu of a TIS, when a development meets all of the following criteria:

A. The development generates fewer than 24 peak hour trips during either the AM or PM peak hour and fewer than 250 daily trips.

Examples of common developments generating fewer trips than these threshold levels are: a subdivision containing 24 or fewer single-family residences, a general office building less than 15,000 square feet, a multi-family building with 42 or fewer units, or any proposed partition.

B. The development is not expected to further impact intersections that currently fail to meet the City's mobility standards or intersections that are operating near the limits of the acceptable thresholds during a peak operating hour. (Mobility standards are defined in 7.9.1)

C. The development is not expected to significantly impact adjacent roadways and intersections that are high accident locations, areas that contain an identified safety concern, or high concentration of pedestrians or bicyclists such as school zones

The specific requirements for and content of a TAL are contained in Section 5.0. The specific requirements for and content of a TIS are contained in Section 6.0.

4.0 PROCESS AND PROCEDURES

This section describes in general terms the process and procedures followed by the City in relation to the processing and review of transportation impact analyses. Nothing in this section is intended to replace or supersede the City's process, code requirements, or obligations under state law with regard to land use actions.

4.1 PRE-APPLICATION MEETING

A landowner or developer seeking to develop/redevelop property shall contact the City and schedule a pre-application meeting as required by OCMC 17.50.050. The City's pre-application form specifies the City's requirements applicable to land use actions. An applicant should be prepared to present, preferably in writing, the following:

- type of uses within the development
- the size of the development
- the location of the development
- proposed new accesses or roads
- estimated trip generation and source of data
- proposed study area

4.2 ESTABLISHING THE SCOPE OF WORK

During, or within a reasonable time following the pre-application meeting, the City will establish whether a TAL or TIS is required. (See Section 3.1). If a TIS is required, the City will provide a scoping summary detailing the study area and any special parameters or requirements beyond the requirements set forth in this document. An applicant is encouraged, but not required, to propose a scope of work and a study area using the guidance presented in Section 7.2.

4.2.1 Potential for Expansion of the Scope of Work

In the scoping summary the City will establish expectations and a study area within which significant impacts of the development are expected. The City's final decision on the land use criteria cannot be bound by the specifications or limitations in the scoping summary because additional information or concerns may come to light over the course of the analysis that causes the City to require additional analysis or information. Ultimately, it is the applicant's responsibility to demonstrate compliance with the criteria in the Oregon City code.

The City Engineer reserves the right to require additional analysis, especially when the need for such analysis becomes evident from information gathered by or presented by the applicant. The applicant's engineer should be alert to this possibility and expand his/her scope of work to address issues, especially those of public safety, or at least advise the City of such issues if they arise.

The City Engineer may at his/her discretion expand the requirements and/or study area of a TIS or TAL if needed to address any issue that comes to light after the preparation of the scoping summary.

4.2.2 Time Limit on the Scoping Summary

The City's scoping summary and review requirements are to be considered valid for a reasonable period of time, but are not to be considered binding on the city. Applicants are advised that delays of more than a few months before submitting TAL or TIS documents significantly increases the likelihood that the City will need additional information to adequately evaluate the impacts of a proposed development.

4.3 COMPLETENESS REVIEW

Upon completion of the TIS or TAL, the applicant will submit the number of copies specified by the City in accordance with OCMC 17.50.080 to the City for review. At that time, City staff will perform an initial review of the document to determine whether there are obvious omissions or concerns. The City will rely upon and make use of the TIS checklist, described in more detail in Section 9.0. The lack of a submission of a TIS or TAL will result in a determination of "Incomplete".

A determination of Completeness is not a determination that the applicant's data, methods, accuracy of the analysis, or conclusions and recommendations are valid.

Once the overall development application, including the required TAL or TIS, as appropriate, is deemed "complete," the 120-day land use review process will begin.

4.4 TECHNICAL REVIEW

Once the land use review process is initiated, the City Engineer will conduct a technical review of the TIA to determine the adequacy and quality of the work including, but not limited to the study data sources, methods, findings and recommendations. The City Engineer and/or his/her designee(s) will provide findings for use by the City regarding expected transportation impacts from the proposed development.

If substantive errors or omissions are discovered during review, the applicant will be notified and asked to address the comments prior to a land use decision. The applicant should promptly rectify omissions

and respond with any additional analysis or information; a delay or refusal to respond may result in the denial of an application if the information and analysis submitted is insufficient to show compliance with the applicable criteria.

The lack of specificity on the part of the City in the scoping summary or confusion in its interpretation does not alter the applicant's responsibility to perform a thorough and comprehensive transportation analysis nor does it preclude City decision maker from determining that a TAL or TIS that fully complies with the scoping requirement is insufficient to show compliance with all applicable criteria.

Issues or problems discovered during the Technical Review may, at the discretion of the City's decision maker, be resolved through the use of condition of approval.

5.0 TRANSPORTATION ANALYSIS LETTER CONTENTS

If the City determines based on information provided by the applicant and in accordance with the criteria specified in Section 3.1 that a TAL is the appropriate document to submit, the following requirements shall apply.

The TAL shall be prepared by or prepared under the direct supervision of a Professional Engineer registered in the State of Oregon who shall sign and stamp the TAL.

The TAL shall include the following:

1. The expected trip generation of the proposed development including the AM peak hour, the PM peak hour, daily traffic, and other germane periods as may be appropriate, together with appropriate documentation and references.
2. Site plan showing the location of all access driveways, private streets, or alleys where they intersect with public streets plus driveways of abutting properties and driveways on the opposite side of the street from the proposed development. Dimensions of driveway spacing as measured at the right of way from edge to edge of driveway shall be shown and shall meet or exceed the minimum driveway spacing standards.
3. Site plan showing width of all driveways and shall meet Oregon City Driveway Approach Size Standards.
4. Site plan showing that all public roads meet Oregon City's Street Design Standards including alignment, intersection angles, cul-de-sacs, and block standards.
5. Documentation that all new site accesses and/or public street intersections meet AASHTO intersection sight distance guidelines.
6. Preliminary analysis that all new streets comply with traffic sight obstructions in OCMC 10.32.
7. Documentation that there are no inherent safety issues associated with the design and location of the site access driveways.
8. Documentation that the applicant has reviewed the City's TSP and that proposed streets and frontage improvements do or will comply with any applicable standards regarding the functional classification, typical sections, access management, traffic calming and other attributes as appropriate.
9. When required of the development, documentation that no inherent safety issues are associated with the design and location of pedestrian, bicycle, or transit safety.

6.0 TRANSPORTATION IMPACT STUDY (TIS) CONTENTS

The following information shall be included in each TIS submitted to the City. Additional information specified by the City in the scoping summary or through the pre-application meeting or other project meetings shall also be included.

1. Table of Contents – Listings of all sections, figures, and tables included in the report.
2. Executive Summary – A summary of key points, findings, conclusions, and recommendations including a mitigation plan.
3. Introduction:
   - Proposed land use action including site location, zoning, building size, and project scope.
   - Map showing the proposed site, building footprint (s), access driveways, and/or parking facilities.
   - Map of the study area that shows site location and surrounding roadway facilities
4. Existing Conditions:
   - Existing site conditions and adjacent land uses.
   - Roadway characteristics of transportation facilities located within the study area, including roadway functional classifications, street cross-section, posted speeds, general sight distance, bicycle and pedestrian facilities, on-street parking, and transit facilities.
   - Existing lane configurations and traffic control devices at the study area intersections.
   - Existing traffic volumes and operational analysis of the study area roadways and intersections.
   - Roadway and intersection crash history analysis.
   - Intersection and stopping sight distance related to new and impacted (existing) driveways and intersections.
5. Background Conditions (without the proposed land use action)
   - Approved in-process developments and funded transportation improvements in the study area.
   - Traffic growth assumptions.
   - Addition of traffic from other planned developments.
   - Background traffic volumes and operational analysis.
6. Full Buildout Traffic Conditions (with the proposed land use action)
   - Description of the proposed development plans.
   - Trip generation characteristics of proposed project (including trip reduction documentation).
   - Trip distribution assumptions.
   - Full buildout traffic volumes and intersection operational analysis including the performance relative to the applicable mobility standards for each intersection.
   - Site circulation and parking.
   - Intersection and site-access driveway queuing analysis.
   - Recommended roadway and intersection mitigation measures (if necessary).
7. Conclusions and recommendations
8. Appendix- With dividers or tabs
   - Traffic count summary sheets.
   - Crash analysis summary sheets.
   - Existing, Background, and Full Buildout traffic operational analysis worksheets with detail to review capacity calculations.
   - Signal, left-turn, and right-turn lane warrant evaluation calculations.

- Intersection analysis – Roundabout vs. Traffic Signal
- Other analysis summary sheets such as queuing.

To present the information required to analyze the transportation impacts of development, the following figures shall be included in the TIS:

1. Vicinity Map
2. Existing Lane Configurations and Traffic Control Devices
3. Existing Traffic Volumes and Levels of Service for each required time period
4. Future Year Background Traffic Volumes and Levels of Service for each required time period
5. Proposed Site Plan, including access points for abutting parcels and for those across the street from the proposed development
6. Future Year Assumed Lane Configurations and Traffic Control Devices
7. Estimated Trip Distribution/Assignment Pattern
8. Trip reductions (pass-by trips at site access (es))
9. Site-Generated Traffic Volumes for each required time period
10. Full Buildout Traffic Volumes and Levels of Service for each required time period

7.0 STANDARDS AND PROCEDURES

To help ensure consistency in the preparation and review of each TIS and TAL, the City of Oregon City has established a set of guidelines and procedures. These standards and procedures include the following:

- Preparer qualifications
- TIS study area
- Analysis years and time periods
- Data collection guidelines
- Trip generation guidelines
- Trip distribution and assignment guidelines
- Minimum intersection operational standards
- Minimum access spacing standards
- Other analysis guidelines

7.1 PREPARER QUALIFICATIONS

Each TIS and TAL shall be prepared by or under the direct supervision of a Professional Traffic Engineer registered in the State of Oregon or a Professional Engineer registered in the State of Oregon qualified to perform traffic engineering as defined by OAR 820-040-0030. The engineer must have background and experience in the methods and concepts associated with transportation impact studies. Each TIS and TAL shall be sealed and signed by the Professional Engineer registered in the State of Oregon prior to acceptance by the City for a technical review.

7.2 TIS STUDY AREA

Each TIS shall include a vicinity map that shows the site, the study area, and the surrounding transportation system. A brief description of the site location and study area shall be provided. The study area shall be based on engineering judgement and an understanding of existing and future land use and traffic conditions in the vicinity of the site. The following considerations shall form the basis of establishing the study area.

The following facilities shall be included in the study area for all TIS's:

- All site-access points and intersections (signalized and unsignalized) adjacent to the proposed site. In particular, if the proposed site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage, including those serving parcels on the opposite side of the street(s) and parcels directly adjacent to the proposed development.
- Roads through and adjacent to the proposed development.
- Any intersection of two streets, each with a classification of collector or arterial, where site traffic will exceed 20 vehicles during a peak hour or, in the case of a rezone, if the trip differential resulting from the rezone will exceed 20 vehicles during a peak hour.
- All intersections needed for signal progression analysis

As indicated in Section 4.1, the applicant is encouraged to propose a study area at the pre-application meeting or in response to the discussions between the applicant and the City's representatives.

In addition to these requirements, the City Engineer may determine any additional intersections or roadway links that may be adversely affected as a result of the proposed development. The applicant reduces his risk of having an adverse staff report if the applicant reaches agreement with the City Engineer prior to the start of the transportation impact analysis.

7.3 ANALYSIS YEARS TO BE ANALYZED IN THE TIS

To adequately assess the impacts of a proposed land use action, several study periods should be addressed in the transportation impact analysis. These study periods or horizon years consist of the following:

- **Existing Year**
- **Background** – The conditions in the year in which the proposed land use action will be completed and occupied, but without the expected traffic from the proposed land use action. This analysis should include all in-process developments, or city approved developments that are expected to be fully built out in the proposed land use action horizon year. It should also account for all in-process/planned transportation system improvements.

  Note: Depending on funding or project development issues, it may not be appropriate to assume that certain planned transportation system improvements will be in place on opening day. Applicants should contact the City Engineer to confirm appropriate assumptions.
- **Full Buildout –** The background condition plus traffic from the proposed land use action assuming full build-out and occupancy.
- **Phased Years of Completion** – If the project involves construction or occupancy in phases or for master plans, the applicant is expected to assess the expected roadway, intersection, and land use conditions resulting from major development phases. Phased years of analysis will be determined in coordination with City staff.
- **20-Year or TSP Horizon Year** – For master plans, zone changes, and conditional uses, the

applicant shall assess the expected future roadway, intersection, and land use conditions resulting from deviations from approved comprehensive planning documents. A twenty-year or TSP Horizon Year analysis will not be required for the following development proposals:

- For out-right permitted uses under the current zoning.
- For residential-to-residential rezoning proposals when the rezoning produces an increase of twenty-five (25) or fewer peak hour trips.

7.4 ANALYSIS PERIODS TO BE ANALYZED IN THE TIS

Within each analysis year, specific consideration should be directed to the time period(s) that experience the highest degree of network travel. These periods typically occur during the weekday morning (7:00 AM to 9:00 AM) and weekday evening (4:00 PM to 6:00 PM) peak commuting hours.

The TIS shall address the weekday AM and PM peak hours when the proposed land use action is expected to generate 25 trips or more during the peak time periods. If the applicant can demonstrate that the peak hour trip generation of the proposed land use action is fewer than 25 trips during one of the two peak study periods and the peak trip generation of the land use action corresponds to the roadway system peak, then only the worse of the two peak periods must be analyzed. This does not mean, however, that all aspects of the other peak period can be ignored. The applicant should consider, for example, the possibility that inbound and outbound trips at the site driveway have specific operational issues that may need to be addressed for both peak hours.

Depending upon the proposed land use action and the expected trip generating characteristics of that development, other time periods may be specified, either as a substitute for, or in addition to the AM and PM peak hours. Examples of land uses that have non-typical trip generating characteristics include schools, restaurants, movie theatres, nightclubs, and churches. Applicants should assume that the City will require additional analysis periods for certain uses as summarized below:

- Schools – End of the school day (early afternoon) peak hour
- Churches and worship facilities – Peak period prior to and after worship services.
- Restaurants – Mid-day weekday peak hour
- Shopping centers, home improvement centers, superstores, and retail facilities of more than 60,000 square feet – Saturday peak hour.

When the additional hours for analysis are specified, the applicant need not necessarily carry the analysis through all steps if the data and the engineer's analysis show that some time periods clearly represent the worst case. If, for example, the mid-day peak period traffic volumes at a restaurant are lower than the other peak periods, except at the site driveway, the mid-day peak need only be analyzed for the driveway location. The engineer preparing the TIS is advised to provide thorough documentation of the reasons for reducing the scope of the extra time periods. The applicant may choose to bring such issues to the attention of the City Engineer for discussion prior to submittal of the TIS.

The above list is not necessarily an all-inclusive list of uses for which additional analysis periods is required. The City Engineer and applicant should discuss the potential for additional study periods prior to the start of the transportation impact analysis.

7.5 APPLICATIONS INVOLVING ZONE CHANGES

In the case of a land use proposal involving a zone change, the TIS must analyze a 20-year horizon period as required by the Oregon Transportation Planning Rule (TPR) and may require interim years in the case of a master plan that also requires a zone change. Applicants seeking a rezoning are advised

that in addition to any requirements specified by the City, it is their obligation to address requirements in OAR 660-12-0060. The City's exemption from the requirement for 20-year analysis for certain rezoning actions as specified in Section 7.3 may not exempt the applicant from addressing TPR requirements.

For proposals involving rezoning, the applicant shall compare the traffic generated by his/her development proposal, a reasonable worst-case development under the proposed zoning and a reasonable worst-case development under current zoning.

7.6 TRAFFIC COUNT REQUIREMENTS

Once the TIS study area and analysis periods have been determined, turning movement counts shall be collected at all study area intersections to determine the base traffic conditions. These turning movement counts should typically be conducted during the weekday (Tuesday through Thursday) between 7:00 AM – 9:00 AM and 4:00 PM – 6:00 PM and for other periods depending upon the proposed and/or surrounding land uses. Historical turning movement counts may be used if the data is not more than 12 months old at the time the TIS is deemed complete for review. Historical counts shall be factored accordingly to meet the existing traffic conditions. In high traffic locations where congestion is present or traffic peaks early or late, extended or altered count periods may be required.

7.7 TRIP GENERATION FOR THE PROPOSED DEVELOPMENT

To determine the impacts of a proposed development on the surrounding transportation network, the trip generation characteristics of that development must be estimated. Trip generation characteristics should be obtained from one of the following acceptable sources:

- Institute of Transportation Engineers (ITE) *Trip Generation* (latest edition).
- Specific trip generation studies that have been conducted for the particular land use for the purposes of estimating peak hour trip generating characteristics, subject to approval by the City Engineer prior to their inclusion in the transportation impact analysis.

In addition to new site generated trips, several land uses typically generate additional trips that are not added to the adjacent traffic network. These trips include pass-by trips and internal trips and are considered to be separate from the total number of new trips generated by the proposed development. The procedures listed in the (ITE) *Trip Generation Handbook* should be used *where appropriate* (emphasis added) to account for pass-by trips and internal trips. The applicant's engineer shall not use any pass-by or internal trip reductions with prior approval of the method or data sources by the City Engineer.

Special Attention Items

The ITE *Trip Generation Handbook* maintains limited data regarding pass-by, diverted-linked, and internal shared trip-making characteristics. Professional judgment needs to be used in applying this data. For example, it is not appropriate to apply PM peak hour pass-by percentages to AM or daily periods where AM and daily percentages do not exist. Also, ITE's internal shared trip characteristics are based on a limited number of studies from the early 1990's in Florida. These sites included a mix of commercial, residential, retail, and other uses. For developments that contain only one or two of these uses, a maximum shared trip reduction of five (5) percent will be allowed without appropriate justification and supporting data from the applicant.

The ITE *Trip Generation Handbook* outlines specific guidelines for use of weighted average trip rates versus regression equations. These guidelines shall be followed unless the applicant provides valid justification for deviation.

7.8 TRIP DISTRIBUTION AND ASSIGNMENT

Estimated site generated traffic for the proposed development should be distributed and assigned to the existing or proposed arterial and collector street network. Trip distribution methods should be based on a reasonable assumption of local travel patterns and the locations of off-site origin/destination points within the site vicinity. Acceptable trip distribution methods should be based on one or more of the following procedures:

- A select zone analysis of the proposed site can be obtained from Metro's regional planning model. When using the regional planning model for distribution purposes, the engineer preparing the TIS should make sure that the model assumes the proper existing and future year land use and zoning designations and that he/she understands model load points (centroid connectors). The applicant should also be aware that Metro's model is a regional model and that professional judgment must be applied when using it for specific developments.
- An analysis of local traffic patterns and intersection turning movement counts can be used as long as the data has been gathered within the previous twelve months.
- A detailed market study specific to the proposed development and surrounding land uses may be used to determine the specific influence area. Site generated traffic within the identified influence area should be distributed based on principles and concepts associated with the gravity model theory. Note that if a market study is to be used as a basis for trip distribution, the entire market study must be made available to the City and it shall become part of the public record and, as such, any client confidentiality is lost.

Special Attention Items

In the case of retail developments, the applicant shall clearly distinguish between pass-by and non-pass-by trips to allow the reviewer to understand how the pass-by trips were accounted for and applied throughout the study area. The treatment of pass-by trips at the site entrance may be most easily addressed through separate figures depicting the total site trips and the individual pass-by and non-pass-by components.

7.9 INTERSECTION OPERATIONAL STANDARDS

To assess the impacts of the proposed land use action on the transportation system, the TIS shall compare the existing, background, and full buildout intersection traffic volumes to the minimum intersection operational standards.

The City of Oregon City evaluates intersection operational performance based on the volume-to-capacity ratio (v/c) or the Level of Service (LOS) as defined in the *Highway Capacity Manual (HCM)* published by the Transportation Research Board depending on the specifics of the intersection and location

All LOS definitions should be consistent with the most recent version of the *HCM.* The v/c ratio used by Oregon City is based on the Oregon Department of Transportation's *Analysis Procedures Manual.*

7.9.1 Intersection Level of Service Standards

The City of Oregon City requires all intersections within the study area to maintain an acceptable performance upon full buildout of the proposed land use action as defined below.

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the city of Oregon City requires all intersections, except for the facilities identified in subsection E below, to be maintained at or below the following mobility

standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the transportation system plan (TSP) or as otherwise identified by the city engineer.

A. For intersections within the regional center, the following mobility standards apply:

   1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

   2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

   3. Intersections located on the regional center boundary shall be considered within the regional center.

B. For intersections outside of the regional center but designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:

   1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

   2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

C. For intersections outside the boundaries of the regional center and not designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:

   1. For signalized intersections:

      a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

      b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

   2. For unsignalized intersections outside of the boundaries of the regional center:

      a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.

D. For the intersection of OR 213 and Beavercreek Road, the following mobility standards apply:

1. During the first, second and third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.

E. Until the city adopts new performance measures that identify alternative mobility targets, the city shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

I- 5/OR 99E Interchange.

State intersections located within or on the regional center boundaries.

1. In the case of conceptual development approval for a master plan that impacts the above references intersections:

   a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the code in place at the time the detailed development plan is submitted; and

   b. Only those trips approved by a detailed development plan review are vested.

2. Development which does not comply with the mobility standards for the intersections identified in OCMC 16.12.033 shall provide for the improvements identified in the transportation system plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the code.

7.9.2 Intersection Design Features and Queuing Calculations

The TIS shall contain sufficient data and information derived from the traffic analysis to provide the roadway/intersection designer and City staff with information on which to assess intersection design features such as the length of storage required for lanes on each approach.

Queue lengths shall be calculated for each lane of all approaches to signalized intersections for the 95th percentile queue. Queue lengths shall also be calculated for unsignalized locations, such as site driveways, where standing queues can interfere with other movements, especially if such interference can contribute to safety problems. Appropriate analysis methods should be used that account for the actual arrivals of vehicles at an intersection.

Special Attention Items

The applicant's engineer shall use professional judgment in selecting the appropriate analysis tools and methods for evaluation of intersection operations. The HCM, for example, states "The [HCM] methodology does not take into account the potential impact of downstream congestion on intersection operation. Nor does the methodology detect and adjust for the impacts of turn-pocket overflows on through traffic and intersection operation." If these conditions are present or can reasonably be expected to exist as a result of the proposed development, the applicant's engineer shall supplement his/her initial analysis with other analysis tools and methods that account for such conditions.

The applicant's engineer also must use reasonable signal timing and consider corridor timing plans where appropriate.

When calculating queues, Poisson distribution may be used for locations subject to random arrivals. Other analysis methods shall be used where signal systems cause different arrival patterns and when congestion causes accumulation from one cycle to the next. Queue lengths shall be based on average vehicle length of twenty-five (25) feet, or longer where appropriate.

7.10 ACCESS SPACING STANDARDS

Access locations on roadway sections must be located to ensure safe and efficient travel along a transportation facility to limit potential conflicting turning movements, weaving maneuvers over short distances, and congestion along facilities. Access management standards vary depending upon the functional classification and purpose on a given roadway. Roadways in the upper echelon of the functional classification system (i.e. arterials) tend to have stringent spacing standards, while facilities ranked lower in the functional classification system allow more closely spaced accesses.

The applicant shall use the standards in OCMC 16.12 and discuss whether the following standards are met through their proposed development:

- Minimum city street intersection spacing (the distance between adjacent intersections),
- Minimum private access spacing (the distance between adjacent driveways and between driveways and street intersections),
- Minimum traffic signal spacing (the distance between adjacent signalized intersections),
- Minimum private access driveway widths (the measurement of the individual driveway surface)

Exception Process:

In cases where physical constraints or unique site characteristics limit the ability for the above access spacing standards to be met, the City decision maker may grant an access spacing exception. Typically, access exceptions are available only for a parcel whose roadway frontage, topography, or location would otherwise preclude issuance of a conforming permit and the parcel would either have no reasonable access or cannot otherwise obtain reasonable alternate access to the public road system. However, if the limitation or condition is one that the applicant or owner has contributed to by any previous subdivision of property, sale, building activity, or site development, the limitation or condition shall not constitute a basis for an access exception. Note also that the City may choose to prohibit some movements (e.g. left turns) at the site access location, especially if such access is in a location where an access exception is needed.

When an exception is required, the transportation impact analysis must show that the new access will not adversely impact the existing transportation system. A high burden is placed on the applicant and his/her engineer to prove that the system will not be adversely impacted, and that public safety will not be compromised.

7.11 SIGHT DISTANCE

For all new proposed site driveways and public street intersections, an evaluation of stopping sight distance (SSD) and intersection sight distance (ISD) shall be conducted consistent with procedures outlined in the current version of the AASHTO *Policy on Geometric Design of Highways and Streets.* At the discretion of the City Engineer, the applicant may be exempted from a need to assess sight distance.

The City standard for new driveways and intersections requires that ISD meet the minimum distance specified in AASHTO. The applicant may apply for a design exception allowing a driveway or intersection that meets SSD rather than ISD. A high burden is placed on the applicant and his/her engineer to prove that the system will not be adversely impacted, and that public safety will not be compromised. The City Engineer may grant a design exception if the following conditions are met:

1. The intersection or driveway is proposed to intersect with a local or neighborhood collector street (not a major collector or arterial street), and
2. The approach is forecast to serve fewer than forty (40) vehicles per day, and
3. The intersection will not adversely impact the existing transportation system.

The City Engineer may also grant a design exception if the intersection is forecast to serve less than 100 vehicles per day for a period of not more than twenty-four (24) months. Should the City Engineer choose to grant a design exception, he/she may place additional conditions on the applicant, such as, but not limited to placement of warning signs or the use of flaggers for manual traffic control as prescribed by the *Manual on Uniform Traffic Control Devices* (MUTCD).

Special Attention Items

Under AASHTO procedures, intersection sight distance is evaluated based on the roadway design speed, not the roadway posted speed. Where design speed is not known, it shall be estimated using procedures outlined in the AASHTO *Policy on Geometric Design of Highways and Streets*. This generally results in a design speed anywhere from 5 to 10 mph above prevailing posted speed.

7.12 CRASH HISTORY

Within the study area for each TIS, a crash history evaluation shall be conducted for the most recent four-year period. The intent of the evaluation is to identify any apparent trends in the data that reflect a safety issue that may be exacerbated by the proposed development and to identify mitigation to resolve the issue(s). At a minimum, the analysis shall summarize the number of crashes per year by type and severity. Intersection crash rates shall be calculated and evaluated. The engineer shall assess the overall results of the safety analysis.

7.13 SAFE ROUTES TO SCHOOL

For proposed residential developments, the TIS shall include a brief discussion of routes to the nearest schools. The applicant shall identify the primary walking/biking route between the proposed development and the nearest elementary, middle, and high school. Specifically, the applicant shall describe the general bicycle and pedestrian environment between the proposed development and each school, including the presence and condition of pedestrian and bicycle facilities and the roadway environment (speed, lanes, etc.) along the routes. This section requires applicants to address the special need to link residential areas to area schools.

7.14 WARRANTS (TURN LANE, TRAFFIC CONTROL)

The following section provides guidance on evaluating turn lane and traffic signal warrants.

7.14.1 Traffic Control Warrants

An evaluation of traffic signal warrants shall be conducted for all unsignalized study area intersections where any approach is shown to operate at LOS E or worse under existing, background, or total traffic conditions. Signal warrant analysis shall be conducted in accordance with the current version of the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD).

Warrants to evaluate conversions between yield control, two-way STOP control, and multi-way- STOP control shall, as deemed necessary by the applicant's traffic engineer, comply with the MUTCD.

Special Attention Items

The reduction of minor street right turns is an important factor in evaluating traffic signal warrants and care must be taken to ensure the practice is not overlooked or improperly applied as it can affect warrant determinations. Both the MUTCD and the National Cooperative Highway Research Program (NCHRP) Report 457- *Evaluating Intersection Improvements: An Engineering Study Guide*, 2001 offer detailed discussions of the proper methods to address right turn reductions.

For state highways, ODOT's Transportation Planning Analysis Unit maintains specific guidelines regarding right turn reductions that shall be applied to highway intersections. Other methods such as delay-based reduction methods may be considered if reasonably explained and justified by the applicant.

The construction of a lane to accommodate right turns shall be considered as a mitigation measure before or in addition to the analysis of traffic signal warrants for the installation of a traffic signal.

Note that Warrant 3, Peak Hour according to the MUTCD "shall be applied only in unusual cases." The burden of proof is on the applicant that the case is truly unusual. The applicant must evaluate the conditions using other warrants before attempting to justify the use of the Peak Hour warrant.

7.14.2 Turn Lane Warrants

The provision of dedicated left- and right-turn lanes on the major approach to an unsignalized intersection can significantly improve operations and safety at an intersection. The provision of a second lane on minor street approaches at unsignalized intersections can significantly reduce side street delay for right-turning motorists.

The applicant's engineer shall exercise professional judgement in evaluating the need for, and benefits of, providing dedicated left-turn and right-turn lanes. Documentation of the engineer's analysis of turn lanes shall be provided in the TIS.

The following is a non-exclusive list of conditions where an evaluation of turn lanes is appropriate:

- When no lane is currently provided for left turns and when left turn movements from the major street are predicted to increase because of the proposed development. This is especially appropriate when a turn lane is included as part of the standard cross-section for a street of this classification in the *Transportation System Plan*.

- When an intersection has a crash rate above 1.0 crashes per million entering vehicles and includes crash types subject to improvement from a turn lane.

- When the speed and volume of through traffic and increases predicted in right turn volumes raise concerns in the engineer's professional judgment about safety or about impeding through traffic.

- When only a single lane is provided for minor street approaches and the approach LOS is calculated to be "E" or worse.

The following are some of the references that should be considered by the applicant's engineer.

- **State Highways –** The Oregon Department of Transportation (ODOT) maintains criteria that shall be used for evaluating development of left- and right-turn lanes along state highways at Unsignalized Grade Intersections.

- **Local Streets –** Much of the published information regarding warrant criteria are centered on highway facilities and practitioners have therefore applied these criteria to local streets. The applicant shall refer to pages 686-89 of the 2001 *AASHTO Policy on Geometric Design of Highways and Streets* when evaluating turn lane warrants. Specifically, the applicant shall draw from other sources [see sources 2, 11, 12, and 13] cited by AASHTO. This criteria shall be updated coinciding with future revisions to the AASHTO *Policy*. An additional resource not cited by AASHTO is the National Cooperative Highway Research Program (NCHRP) Report 457- *Evaluating Intersection Improvements: An Engineering Study Guide*, 2001.

8.0 COMMON ERRORS AND OMISSIONS

The following are some common errors and omissions. Special care should be taken to address these items that are part of the TIS requirements identified herein.

- Failure to include a crash analysis.
- Failure to conduct a warrant analysis or incorrect methods, particularly a failure to account for right turns from minor streets.
- Failure to address access spacing.
- Lack of discussion of observed traffic flow.
- Failure to address intersection and/or stopping sight distance.
- Failure to discuss bicycle, pedestrian, and transit facilities.
- Failure to present justification for some assumptions.
- Failure to account for downstream congestion, turn-pocket overflow, or signal timing of adjacent traffic signals (particularly with regard to the selection of software analysis tools).
- Use of unrealistic signal timing
- Use of inappropriate tools and assumptions for calculation of queues.

TRANSPORTATION IMPACT STUDY CHECKLIST

Project Name:_____

City Reference Code:_____

Provided?		Page No.	
Yes	No	_____	Study Required Comment:_____Date:_____
			BACKGROUND INFORMATION
Yes	No	_____	Oregon PE Stamp and Signature
Yes	No	_____	**INTRODUCTION AND SUMMARY**
			EXISTING CONDITIONS
Yes	No	_____	Roadway Network - summary of roadway classifications, lanes, speeds, transit service and facilities, alternative mode service and facilities (e.g., sidewalks, bike lanes, crosswalks) and description of study area
Yes	No	_____	Analysis Periods Correct ☐ AM ☐ Mid-day ☐ PM ☐ Afternoon ☐ Saturday _____ ☐ Other _____
Yes	No	_____	Existing Traffic Operations (Existing LOS, traffic volumes (new counts ☐), speeds ☐, crash data ☐)
			IMPACTS
Yes	No	_____	Trip Generation - Daily, peak hour trips generated by site development
Yes	No	_____	Level of Service Analysis -projected LOS with site build out, existing, and background traffic growth
Yes	No	_____	Future year 20-year analysis required for zone change or conditional use
Yes	No	_____	Signal Warrant Analysis
Yes	No	_____	Turn Lane Warrant Analysis
Yes	No	_____	Access Spacing Standards
Yes	No	_____	Analysis of intersection and stopping sight distance at frontage road access point(s)
Yes	No	_____	Identify safe route to school or school bus stop (contact with school district)
Yes	No	_____	Analysis of safe pedestrian/bicycle access to nearest transit stop (if within 1/2 mile of project site)
Yes	No	_____	Identify accessibility to public transit
Yes	No	_____	Account for planned roadway improvements: ☐ At future build year ☐ 20-year horizon
			MITIGATION
Yes	No	_____	Identify need for right/left turn lanes, storage capacity and length
Yes	No	_____	Identify possible corrections of any LOS deficiencies
Yes	No	_____	Identify any access deficiencies (including transit/pedestrian/bicycle connections)
Yes	No	_____	Identify any TDM measures
			FIGURES
Yes	No	_____	Vicinity Map
Yes	No	_____	Site Plan
Yes	No	_____	Existing Peak Hour Turn Movement Volumes (counts conducted within previous 12 months)
Yes	No	_____	Trip Distribution (%) including Added Project Peak Hour Traffic Volumes (see sample)
Yes	No	_____	Approved Projects Peak Hour Traffic Volumes (see sample)
Yes	No	_____	Programmed Transportation Improvements and Transportation Mitigation Outlined in Study
			TABLES
Yes	No	_____	Intersection Performance Existing Conditions
Yes	No	_____	Project Trip Generation
Yes	No	_____	Intersection Level of Service
			OTHER
Yes	No	_____	Technical Appendix - sufficient material to convey complete understanding of traffic issues (e.g., HCM or similar analyses, trip generation calculations, signal warrant analyses, turn lane warrant analyses, queuing calculations, signal timing sheets, traffic counts, etc.)

[SEAL]

Completed By: _____

Date: _____

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

CITY OF OREGON CITY

Staff Report

To:	City Commission	**Agenda Date:**	June 3, 2026
From:	Dayna Webb, Public Works Director		

SUBJECT:
Item 7.b. - Amendment No. 7, 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. 7 to the Personal Services Agreement (PS 22-006) with C & R Reforestation in the amount of $474,976.09

EXECUTIVE SUMMARY:
The Public Works Stormwater Division is responsible for a variety of ongoing landscape maintenance including approximately 129 sites, covering 37 acres of stormwater ponds, roadside planters, swales, ditches, City-owned tracts, and abutting rights-of-way. These have historically been performed by contractors, community service crews, and in-house crews.

In 2022, the City executed a two-year contract with C & R Reforestation, with the option to renew three additional one-year terms subject to Consumer Price Index (CPI-U) adjustments. The initial term concluded in 2024 and was extended for two, one-year renewals through May 2026. Amendment No. 7 exercises the final renewal option, extending the contract through May 31, 2027, with a 3.1% CPI increase.

Under Amendment No. 7, all existing site costs will increase by 3.1%, totaling $14,149.83, and one new site will be added at an annual cost of $4,380.00. The total amount of Amendment No. 7 for one-year of landscape maintenance services is $474,976.09, with a monthly cost of $39,581.34. The total contracted amount from April 2022 through May 2027 shall not exceed $2,211,877.77.

BACKGROUND:

The Public Works Stormwater Division is responsible for a variety of ongoing landscape maintenance including approximately 129 sites, covering 37 acres of stormwater ponds, roadside planters, swales, ditches, City-owned tracts, and abutting rights-of-way. These have historically been performed by contractors, community service crews, and in-house crews.

In accordance with City and State contracting procedures, the City advertised the original proposal on February 15 and February 22, 2022, in the *Daily Journal of Commerce.* 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 should be awarded a two-year contract with the option to renew for three additional one-year terms at the Consumer

Price Index (CPI-U) rate, unless terminated earlier under the contract provisions.

Staff and C & R Reforestation now request to exercise the third and final one-year renewal option, extending the Personal Services Agreement (PS 22-006) through May 2027 with a 3.1% CPI-U increase.

Amendment No. 7, totaling $474,976.09, includes the following adjustments:

- A 3.1% Consumer Price Index (CPI-U) increase applied to all sites covered under the original contract through Amendment No. 6, resulting in an updated annual cost of $470,596.09 - an increase of $14,149.83 from the previous year.
- Addition of one new maintenance site, Timber View Apartments, at an annual cost of $4,380.00.

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 Clairmont Drive, Dotson Farms Pond, Juniper Meadows Roadside Planter, and the Laurel Ridge Stormwater Planter. All previously approved site costs, including 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 renewal of the original two-year agreement. It included the maintenance services for all originally contracted sites in addition to those added through Amendments 1, 2 and 3. This amendment was within the signing authority of the City Manager and was approved administratively.
- Amendment No. 5 added maintenance care at 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.
- Amendment No. 6 was the second one-year renewal of the original two-year agreement. It included maintenance services for all previously approved sites with a 2.8% CPI-U increase, as well as three new sites: Harley Apartments Bio-swales, Mirales Roadside Stormwater Planters, and Williams Street near Gardiner Middle School.

The total contracted amount from April 2022 through May 2027 shall not exceed $2,211,877.77.

Contract and Amendment List				
Contract	**Date Range**	**Duration**	**Sites**	**Total**
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 & 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 increase plus four new sites: 1) Clairmont Drive 2) Dotson Farms Pond 3) Juniper Meadows Roadside Planter 4) Laurel Ridge Stormwater Planter	$36,425.20
Amendment 4	6/1/2024 - 5/31/2025	1 year	All sites listed above	$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	Includes all site costs previously approved with a 2.8% CPI-U increase plus three new sites: 1) Harley Apartments Bio-swales 2) Mirales Roadside Stormwater Planters 3) Williams Street by Gardiner Middle School	$456,446.26
Amendment 7	6/1/2026 - 5/31/2027	1-year	Includes all site costs previously approved with a 3.1% CPI-U increase plus one new site: 1) Timber View Apartments	$474,976.09
Total Contracted amount from 2022 through 2026 Shall Not Exceed				$2,211,877.77

OPTIONS:

1. Approve Amendment No. 7, Extension of Professional Services Agreement (PS 22-006), One Additional Year for Landscape Maintenance Services with C & R Reforestation.
2. Approve Amendment No. 7, 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. 7, 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	$474,976.09
Fiscal Year(s):	2025-26, 2026-27
Funding Source(s):	Stormwater Fund
Included in Approved Budget:	Yes

CITY OF OREGON CITY

Amendment No. 7 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 (hereinafter called "City"), and **C & R REFORESTATION** (hereinafter called "Consultant,") which was previously entered into on **April 22, 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 Services** is hereby amended as follows:

   The scope of services are landscape maintenance services for the following sites:

   - 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.
   - Amendment No. 7: Timber View Apartments

2. The **Term of Agreement** is hereby amended as follows:

   The term of agreement is amended for one (1) additional year, per the original contract option allowing three (3) additional one (1) year renewals. This represents the third and final year in which the renewal option is being exercised.

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

   The compensation provisions include a 3.1% increase applied to all previously approved site costs in accordance with the Consumer Price Index-Urban (CPI-U).

This amendment also incorporates one new site, Timber View Apartments, at an annual cost of $4,380.00.

Amendment No. 7 results in a total **annual amount of $474,976.09**, with a corresponding **monthly payment of $39,581.34**.

The total contracted amount under this Agreement shall not exceed **two-million, two-hundred thousand, eleven, and eight-hundred, seventy-seven dollars and 77/100 cents ($2,211,877.77)**

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

CITY OF OREGON CITY		**C &R REFORESTATION**	
By:		By:	
Name:	Dayna Webb, P.E.	Name:	Robin Winston
Title:	Public Works Director	Title:	
DATED:	, 2026	DATED:	, 2026
By:			
Name	Anthony J. Konkol,III		
Title:	City Manager	ORIGINAL CITY COMMISSION APPROVA IF APPLICABLE:	
DATED:	, 2026		4/22/2022

APPROVED AS TO LEGAL SUFFICIENCY:

By: _____
City Attorney

PS 22-006 Landscape Services - Stormwater Division

*** Original Contract: Two-year contract with the option to renew three (3) additional 1-year terms*
- Two-year contract: April 20, 2022 - April 19, 2024
- Amendments 1, 2, 3 & 5 - Additional sites included between one-year renewal
- Amendment No. 4: Year 1 renewal
- Amendment No. 6: Year 2 renewal
- Amendment No. 7 : Year 3 renewal (Final 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		3.1% CPI-U Increase	Option to Renew Year 3 of 3 2026 - 2027	
		Annually	Monthly		Annual	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	$ 12,910.41	$ 429,375.40	$ 35,781.28
Meyers Road	Amendment 1	$ 11,400.00	$ 950.00	$ 393.30	$ 11,793.30	$ 982.78	$ 330.21	$ 12,123.51	$ 1,010.29	$ 375.83	$ 12,499.34	$ 1,041.61
Hillock Heights Road	Amendment 2	$ 2,280.00	$ 190.00	$ 78.66	$ 2,358.66	$ 196.56	$ 66.04	$ 2,424.70	$ 202.06	$ 75.17	$ 2,499.87	$ 208.32
Parker Knoll	Amendment 2	$ 3,300.00	$ 275.00	$ 113.85	$ 3,413.85	$ 284.49	$ 95.59	$ 3,509.44	$ 292.45	$ 108.79	$ 3,618.23	$ 301.52
Clairmont Drive	Amendment 3				$ 6,000.00	$ 500.00	$ 168.00	$ 6,168.00	$ 514.00	$ 191.21	$ 6,359.21	$ 529.93
Dotson Farms Pond	Amendment 3				$ 5,100.00	$ 425.00	$ 142.80	$ 5,242.80	$ 436.90	$ 162.53	$ 5,405.33	$ 450.44
Juniper Meadows Roadside Planter and Pond	Amendment 3				$ 2,295.00	$ 191.25	$ 64.26	$ 2,359.26	$ 196.61	$ 73.14	$ 2,432.40	$ 202.70
Laurel Ridge Stormwater Planters	Amendment 3				$ 1,020.00	$ 85.00	$ 28.56	$ 1,048.56	$ 87.38	$ 32.51	$ 1,081.07	$ 90.09
Edward Oaks Manor Stormwater Planters	Amendment 5				$ 1,250.00	$ 104.17	$ 35.00	$ 1,285.00	$ 107.08	$ 39.84	$ 1,324.84	$ 110.40
Amendments No. 1 - 5 Include Original Sites(117) + Added Sites Listed Above					**$ 438,352.39**	**$ 36,529.38**	**$ 12,273.87**	**$ 450,626.26**	**$ 37,552.19**		**$ 464,595.67**	**$ 38,716.31**
Harley Apartments Bio-swales	*Amendment 6*							$ 2,580.00	$ 215.00	$ 79.98	$ 2,659.98	$ 221.67
Mirales Roadside Stormwater Planters	*Amendment 6*							$ 1,440.00	$ 120.00	$ 44.64	$ 1,484.64	$ 123.72
Williams Street by Gardiner Middle School	*Amendment 6*							$ 1,800.00	$ 150.00	$ 55.80	$ 1,855.80	$ 154.65
Amendment No. 6 - Added Three New Sites								**$ 5,820.00**	**$ 485.00**	**$ 14,149.83**	**$ 6,000.42**	**$ 500.04**
Timber View Apartments	*Amendment 7*										$4,380.00	$ 365.00
Amendment No. 7 - Added One New Sites											**$4,380.00**	**$ 365.00**
									Total Contract Amount		***$ 474,976.09***	***$ 39,581.34***

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 - One-year Renewal	$ 437,102.39
Amendment 5 - Added one new site	$ 520.83
Amendment 6 - All previous sites at 2.8% CPI-U rate increase + four new sites	*$ 456,446.26*
Amendment 7 - All previous sites at 3.1% CPI-U rate increase + one new site	***$ 474,976.09***
Total Contract Shall Not Exceed:	**$ 2,211,877.77**

PS 22-006 Landscape Services - Stormwater Division

*** Original Contract: Two-year contract with the option to renew three (3) additional 1-year terms*
- Two-year contract: April 20, 2022 - April 19, 2024
- Amendments 1, 2, 3 & 5 - Additional sites included between one-year renewal
- Amendment No. 4: Year 1 renewal
- Amendment No. 6: Year 2 renewal
- Amendment No. 7 : Year 3 renewal (Final renewal)

Sites	Amendment	Option to Renew Year 3 of 3 2026 - 2027	
		Annual	Monthly
Original Contract	Original - 117 Sites	$ 429,375.40	$ 35,781.28
Meyers Road	Amendment 1	$ 12,499.34	$ 1,041.61
Hillock Heights Road	Amendment 2	$ 2,499.87	$ 208.32
Parker Knoll	Amendment 2	$ 3,618.23	$ 301.52
Clairmont Drive	Amendment 3	$ 6,359.21	$ 529.93
Dotson Farms Pond	Amendment 3	$ 5,405.33	$ 450.44
Juniper Meadows Roadside Planter and Pond	Amendment 3	$ 2,432.40	$ 202.70
Laurel Ridge Stormwater Planters	Amendment 3	$ 1,081.07	$ 90.09
Edward Oaks Manor Stormwater Planters	Amendment 5	$ 1,324.84	$ 110.40
Harley Apartments Bio-swales	*Amendment 6*	$ 2,659.98	$ 221.67
Mirales Roadside Stormwater Planters	*Amendment 6*	$ 1,484.64	$ 123.72
Williams Street by Gardiner Middle School	*Amendment 6*	$ 1,855.80	$ 154.65
Timber View Apartments	*Amendment 7*	$4,380.00	$ 365.00
		$ 474,976.09	***$ 39,581.34***

STANDARD CONDITIONS TO CONTRACTS FOR GOODS, SERVICES, PERSONAL SERVICES OR PUBLIC IMPROVEMENT CONTRACTS FOR LESS THAN $50,000

This Standard Condition Agreement shall be applicable to all public contracts for goods, services, personal services, and public improvement projects including:

- Professional services, as referenced in Oregon City Municipal Code (OCMC) Section 2.40.020, and Oregon Revised Statutes (ORS) 279C; or
- Architectural, engineering, photogrammetric mapping, transportation planning or land surveying or related services; or
- Public improvement contracts (capital improvement projects) that cost less than $50,000, except for solar panels or other solar system installations.

1) **Definitions of Terms**: In this Standard Conditions Agreement, the following terms shall be as defined below:

a) **Agent** means a person who is authorized to act on behalf of the Contractor or the Owner.

b) **Applicable Laws** means all federal, state and local laws, codes, rules, regulations and ordinances, as amended applicable to the Work to the Contract or to the Parties individually.

c) **Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services** means professional services that are required to be performed by an architect, engineer, photogrammetrist, transportation planner or land surveyor as defined in Oregon Revised Statutes (ORS) Chapter 279C.

d) **Amendment** means a written alteration, to include a change order, which, when fully executed by the Parties of the Contract, constitutes a change to the contract price, contract time or contract scope. An Amendment shall not be effective until executed by both parties.

e) **Contract or Agreement,** as used interchangeably throughout, means an agreement between two or more Persons which creates an obligation to do or not do a particular thing. Its essentials are competent parties, subject matter, legal consideration, mutuality of agreement and mutuality of obligation.

f) **Contract or Agreement Documents** means the full and complete contract for goods or services including the Goods or Personal Services Agreement, Scope of Work and these Standard Conditions and these terms are used interchangeably, unless otherwise specified.

g) **Contractor or Consultant,** as used interchangeably throughout, means the Person awarded the Contract or Agreement for the Work contemplated and includes a Person providing architectural, engineering, photogrammetric mapping, transportation planning or land surveying services contracted for the provision of services, unless otherwise specified.

h) **Design-Build** means an alternative form of procurement for public improvements in which the Contractor provides or obtains specified design services, participates in the project team with the Owner, and manages both design and construction.

i) **Goods** means supplies, equipment, materials, personal property, and include any tangible, intangible and intellectual property, rights and licenses.

j) **Owner** means the City of Oregon City or any component unit thereof including the City of Oregon City Urban Renewal Agency (URA). Owner may elect, by written notice to Contractor, to delegate certain duties to more than one agent.

k) **Parties** means any person, group or organization who execute a written agreement to complete Work to be done.

l) **Person** means a natural person or entity doing business as a sole proprietorship, a partnership, a joint venture, a corporation, a limited liability company, a nonprofit, a trust, or any other entity possessing the legal capacity to enter into a contract.

m) **Project** means the total undertaking to be accomplished for Owner by architectural, engineering, photogrammetric mapping, transportation planning or land surveying service providers, Contractors, and others, including planning study, design, construction, testing, commissioning, start-up, of which the Work to be performed under the Contract Documents is a part.

n) **Public Improvement (Capital Improvement)** means contracts for construction, reconstruction or major renovation of real property by or for the Owner, per ORS 279A.

o) **Professional Services** means contracts for professional personal services such as financial, accounting, personnel, risk management, insurance, real estate and economics, architect, engineer, photogrammetrist, transportation planner or land surveyor as defined in Oregon Revised Statutes (ORS)

Chapter 279C as well as non- professional services such as a short-term Consultant or services for office maintenance.

p) **Subcontractor** means a Person having a direct contract with the Contractor, or another Subcontractor of any tier, to perform one or more items of Work.

q) **Work** means the furnishing of all materials, equipment, labor, transportation, services, incidentals, those permits, and regulatory approvals not provided by the Owner necessary to successfully comply with any individual items or the entire Contract and the carrying out of duties and obligations imposed by the Contract Documents for the Project.

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

3) Oregon Corporation Registration, Valid Oregon City Business License, and Other Professional Certification Required. Contractor agrees and certifies that it is licensed to do business in the State of Oregon and that, if Contractor is a corporation, that the corporation is in good standing within the State of Oregon. For the duration of this Contract, Contractor shall maintain a valid Oregon City Business License as per Oregon City Municipal Code Chapter 5.04, or a Metro business license for qualifying projects, and any professional occupation licenses required by state or local law and shall furnish proof to Owner upon request.

4) Payment.

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

b) Owner agrees to pay Contractor within thirty (30) days after receipt of Contractor itemized statement, unless the parties agree to payment to be made on other specified terms. Amounts disputed by Owner may be withheld pending settlement.

c) Owner certifies that sufficient funds are available and authorized for expenditure to finance the cost of the materials, equipment, labor, and/or services to be provided pursuant to this Contract.

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

e) With respect to Public Improvement Contracts, Owner may withhold retainage not to exceed 5% of the payment due. Retainage shall be released in accordance with ORS 279.C.570 and applicable laws.

5) Independent Contractor Status.

a) Contractor is an independent contractor as defined in ORS 670.600 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, and not affiliated with, the offices of the Owner and bears the risk of loss related to the Contractor's 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 Contract. 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 Contract.

c) Contractor shall furnish the tools or equipment necessary for the contracted labor or services.

d) Contractor agrees and certifies that:

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

6) Early Termination.

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

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 Contract 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 Owner provided in this Contract 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 Contract.

7) No Third-Party Beneficiaries. Owner and 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 parties unless such third parties are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

8) Payment of Laborers; Payment of Taxes.

a) Contractor shall:

i) Make payments promptly, as due, to all persons supplying to Contractor labor and materials for the prosecution of the services to be provided pursuant to this Contract.

ii) Pay all contributions and amounts due to the State Accident Insurance Fund incurred in the performance of this Contract.

iii) Not permit any lien or claim to be filed or prosecuted against the Owner 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 Contract and, unless Contractor is subject to back-up withholding, the Owner 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 Contract as such claim becomes due, the Owner 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 Contract.

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

d) Contractor and its 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.

e) With respect to Public Improvement Contracts or Professional Service Agreements, all hours of labor shall comply with ORS 279C.520 and overtime pay provided as specified in ORS 279C.540.

9) Subcontractors and Assignment. Contractor shall neither subcontract any of the work, nor assign any rights acquired hereunder, without obtaining prior written approval from the Owner. The Owner, by this Contract, incurs no liability to third parties for payment of any compensation provided herein to the Contractor.

10) Access to Records. Contractor shall maintain all books, documents, papers and records, in paper or electronic form, for a period of no less than three years from the date of substantial completion for the purpose of making audit, examination, excerpts and transcripts. Owner shall have access to all books,

documents, papers and records of Contractor, existing in paper or electronic form, that are pertinent to this Contract for the purpose of making audits, examinations, excerpts and transcripts.

11) Confidentiality. During the course of completing Work, Contractor or its Agent(s), employees, or consultants, may receive confidential information. Contractor agrees to use its best efforts to maintain the confidentiality of such information and to inform each agent and employee performing Work of the confidentiality obligation that pertains to such information.

12) Ownership of Work Product; License. All work products of Contractor that result from this Contract (the "Work Products") are the exclusive property of Owner. 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 Owner 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 Owner or produced by Contractor under this Contract. The parties expressly agree that all works produced (including, but not limited to, any taped or recorded items) pursuant to this Contract are work specially commissioned by Owner, and that any and all such work shall be work made for hire in which all rights and copyrights belong exclusively to Owner. Contractor shall not publish, republish, display or otherwise use any work or Work Products resulting from this Contract without the prior written agreement of Owner. No reports, information and/or data given to or prepared or assembled by the Contractor under this contract shall be made available to any individual or organization by the Contractor without the prior written approval of the Owner.

13) Compliance with Applicable Law. Contractor shall comply with all applicable federal, state, and local laws and ordinances applicable to the Work to be performed pursuant to this Agreement, including, without limitation, the provisions of ORS 279B.220, 279B.230, 279B.235, 279B.270 and 279C.515. Without limiting the generality of the foregoing, Contractor expressly agrees to comply with (i) Titles VI and VII of the Civil Rights Act of 1964, as amended; (ii) Sections 503, 504 and 508 of the Rehabilitation Act of 1973, as amended; (iii) the Americans with Disabilities Act of 1990, as amended; (iv) the Health Insurance Portability and Accountability Act of 1996; (v) the Age Discrimination in Employment Act of 1967, as amended, and the Age Discrimination Act of 1975, as amended; (vi) the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended; (vii) ORS Chapter 659, as amended; (viii) all regulations and administrative rules established pursuant to the foregoing laws; and (ix) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

14) Use of Recycled Products; Demolition Contracts to Require Material Salvage; Lawn and Landscape Maintenance Contracts to Require Composting or Mulching. Contractors are encouraged to use recycled products, including recycled paper, recycled oil and recycled PETE products, whenever possible and appropriate in completing the Work. In accordance with ORS 279C.510, contractor shall salvage or recycle construction and demolition debris, if feasible and cost-effective. To the extent applicable to scope of work, Contractor shall compost or mulch yard waste material at an approved site, if feasible and cost-effective.

15) Professional Standards. With respect to contracts for Professional Services, Contractor shall be responsible to the level of competency presently maintained by others practicing in the same type of services in Owner's community, for the professional and technical soundness, accuracy and adequacy of all services and materials furnished under this Contract

16) Completion and Correction of Work. Work shall be completed in compliance with the terms set forth in the Contract Documents. Owner shall have the right to reject in writing any Work that does not comply with Contract Document specifications. The Contractor shall perform such additional work as may be necessary to correct Contractor's errors without undue delays and without additional cost.

17) Modification, Supplements, Change Orders 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.

18) Indemnity and Insurance.

a) Indemnity.

i) Contractor acknowledges responsibility for liability arising out of Contractor's negligent performance of this Agreement and shall hold Owner, its officers, agents, consultants, and employees harmless from, and indemnify them for, any and all liability, settlements, loss, costs, and expenses, including reasonable 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, consultants or employees of Contractor provided pursuant to this Agreement.

ii) Notwithstanding any other provision of this Contract the foregoing, person(s) providing architectural, engineering, photogrammetric mapping, transportation planning or land surveying services shall not be required to defend the Owner against a professional negligence claim resulting from the professional services provided under this Contract, except to the extent that such liability or fault is determined by adjudication, alternative dispute resolution or resolved by mutual settlement agreement, and shall not to exceed the person's proportionate fault.

b) Workers' Compensation Coverage. Contractor certifies that Contractor has or is qualified for and will maintain workers' compensation as required by the State of Oregon, ORS Chapter 656. Contractor shall provide the Owner, within ten (10) days after full execution of this Contract, 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 Owner, pursuant to OAR 836-043-0001. All agents or consultants of Contractor shall maintain such insurance.

c) General Liability and Commercial Automobile Insurance Coverage. Contractor shall maintain general liability and commercial automobile liability insurance for the protection of Contractor and Owner, insuring against liability for bodily injury or property damage, including loss of use, and occurring as a result of, or in any way related to, Contractor's operation. General Liability policy shall be in an amount not less than $2,000,000, per and $2,000,000 combined single limit coverage under the Commercial Automobile policy. Such insurance shall name Owner, its directors, officers, agents, and employees, as an additional insured, with the stipulation that Contractor insurance, as to the interest of Owner, shall not be invalidated by any act or neglect or breach of this Agreement by Contractor.

d) Professional Liability Insurance:

Contractor shall provide Owner with evidence of professional liability insurance for the protection of Contractor and its employees, insuring against claims for damage arising out of Contractor's negligent acts, omissions, activities or services in an amount not less than $1,000,000 per claim and in the aggregate. If professional liability insurance is cancelled or discontinued prior to Work or Services under this Contract, then Contractor shall implement a supplemental reporting period (tail) of no less than 3 years. Contractor shall maintain in force such coverage for not less than six (6) years following completion of the project.

Within ten (10) days after the full execution of the Contract, Contractor shall furnish Owner with a certificate evidencing the dates, amounts, and type of insurance that have been procured pursuant to this Agreement. Contractor will provide for not less than thirty (30) days' written notice to Owner before the policies may be revised, canceled, or allowed to expire. Contractor shall not alter the terms of any policy with prior written authorization from Owner. The provisions of the subsections fully apply to Contractor and its consultants or agents.

e) Such insurance will include contractual liability.

19) Legal Expenses. In the event legal action is brought by Owner 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.

20) 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.

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

22) 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.

23) Hierarchy. The conditions contained in this document are applicable to every Personal Services Agreement entered into by the Owner in the absence of contrary provisions. To the extent there is a conflict, the terms of the Personal Services Agreement will control 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.

24) 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.

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

26) Nonwaiver. The failure of Owner 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.

27) Information and Reports. Contractor shall, at such time and in such form as Owner 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 Owner. Contractor shall furnish Owner, 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 Owner but shall remain with Contractor. Copies as requested shall be provided free of cost to Owner.

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

29) 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.

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.

30) 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.

31) Counterparts and Electronic Signatures. This Agreement may be executed in counterparts. Electronic signatures using an electronic verification system approved by the Owner shall be considered as valid signatures.

32) Entire Agreement. This Contract signed by both parties is the parties' final and entire Agreement and supersedes all prior contemporaneous oral or written communications between the Parties, their agents and representatives. There are no representations, promises, terms, conditions or obligations other than those contained herein.

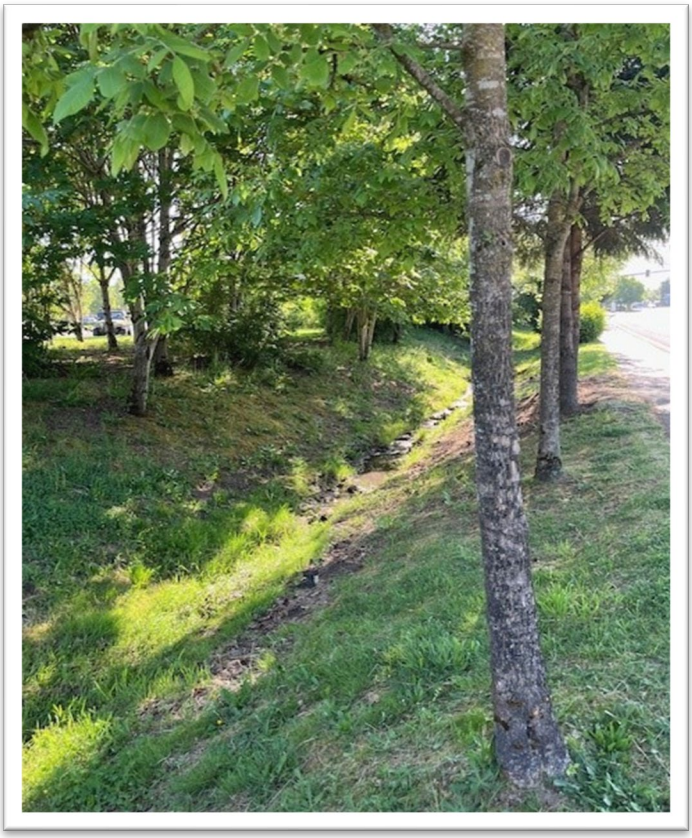
Ponds



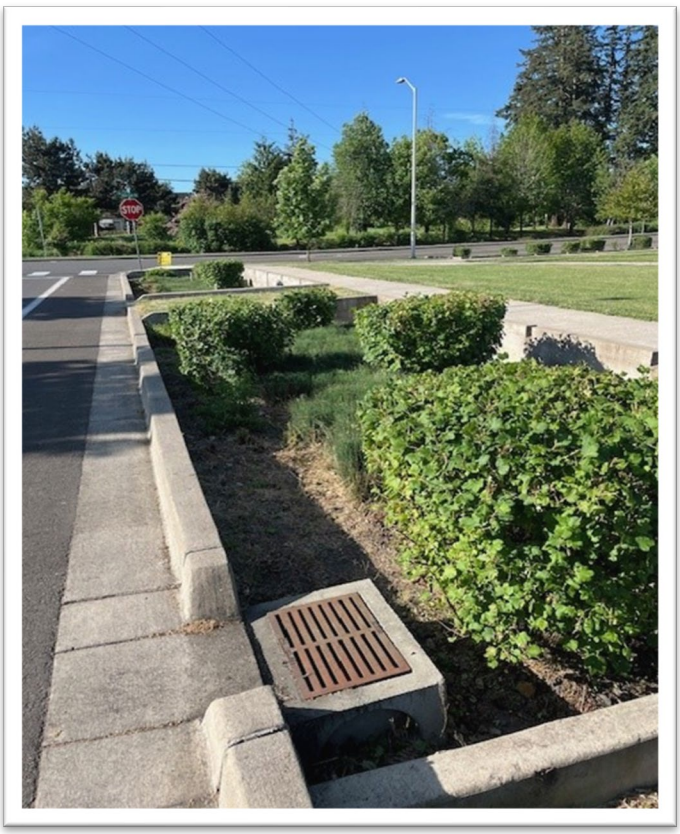
Rain Garden



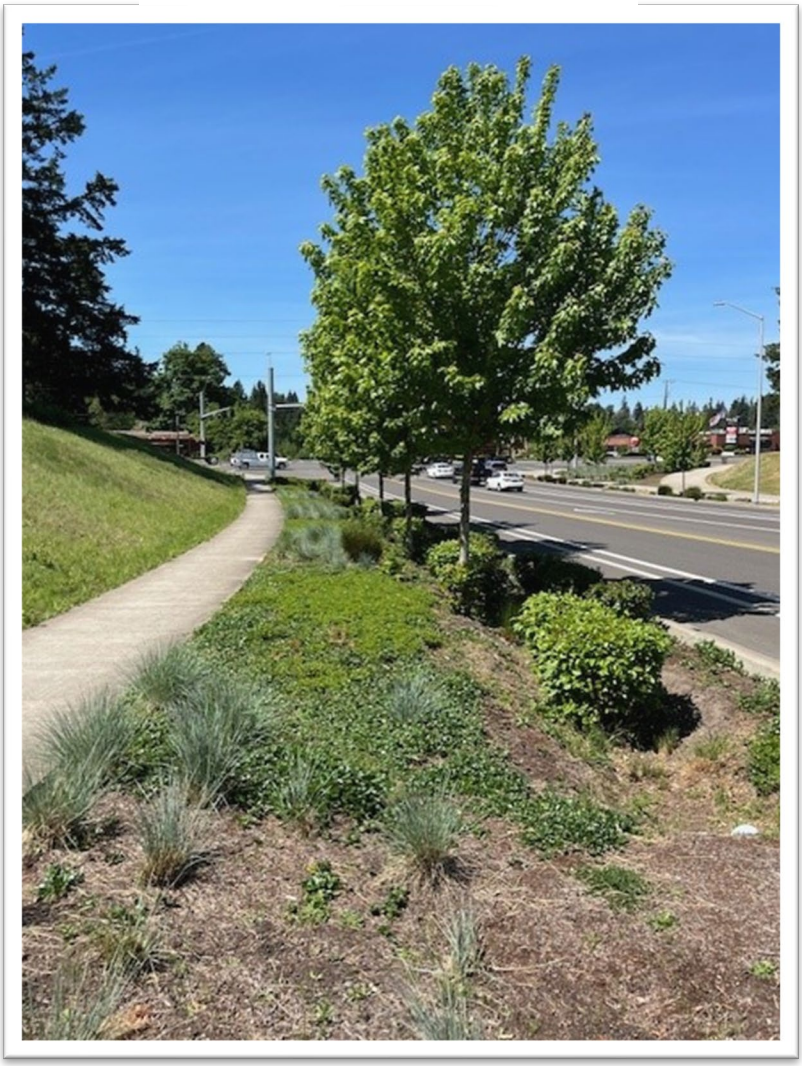
Regional Stormwater Ditch



Roadside Stormwater Planter



Swale



Stormwater Ponds in RFP							
Qty	RFP ID	Name	Location	Category	Site ID	Map Page	Maint Sched
1	Stm-1	Leland Run Basin (North)	next to 19378 Silver Fox Way	Pond	Stm-1-3004	1	Pond
2	Stm-2	High School Basin (South)	Glen Oak Rd. & High School Ave.	Pond	Stm-2-3006	1	Pond
3	Stm-3	Glen Oak Meadows Basin	Between Quiet Oak & Mossy Meadows off of Brittany Terr.	Pond	Stm-3-3007	2	Pond
4	Stm-4	Meadowood Basin (North)	Corner of Talawa Dr. & Quiet Oak St.	Pond	Stm-4-3089	2	Pond
5	Stm-5	Meadowood Basin (South)	14320 Talawa Dr.	Pond	Stm-5-3008	3	Pond
6	Stm-6	Chestnut Circle Basin	11354 Legato Dr.	Pond	Stm-6-3009	3	Pond
7	Stm-7	Sophia Gardens Basin	12376 Shore Pine Pl.	Pond	Stm-7-3014	4	Pond
8	Stm-8	Barlow Crest Detention Basin	End of Josi Ct.	Pond	Stm-8-3016	4	Pond
9	Stm-9	Newell Ridge Basin	18028 Newell Ridge Dr.	Pond	Stm-9-3018	5	Pond
10	Stm-10	Barclay Hills Basin	18025 Newell Ridge Dr.	Pond	Stm-10-3019	5	Pond
11	Stm-11	Duck Run Basin	12304 Duck Ct.	Pond	Stm-11-3021	6	Pond
12	Stm-12	Vincent and Conn Natural Resource Area	Corner of Vincient Dr. & Conn St.	Pond	Stm-12-3022	6	Pond
13	Stm-13	Salmon Springs Basin	19450 Sunset Springs Dr.	Pond	Stm-13-3024	7	Pond
14	Stm-14	Hazel Grove Basin	19389 Hazel Drove Dr.	Pond	Stm-14-3026	7	Pond
15	Stm-15	Moccasin Basin	Across from 13147 Moccasin Way	Pond	Stm-15-3029	8	Pond
16	Stm-16	Kolar Basin	19671 Kolar Dr. & 11519 Parrish Rd. (2 parcels	Pond	Stm-16-3030	8	Pond
17	Stm-17	Parrish Grove Basin	11664 & 11688 Finnegan's Way	Pond	Stm-17-3032	9	Pond
18	Stm-18	Pioneer Place Natural Resource Area	Between 14429 & 14477 Andrea Lynn Terr.	Pond	Stm-18-3036	9	Pond
19	Stm-19	Coquille Basin	20085 Coquille Dr.	Pond	Stm-19-3038	10	Pond
20	Stm-20	Fairway Downs Basin (Beaver Creek)	Along Beavercreek Rd. across from golf course.	Pond	Stm-20-3039	10	Pond
21	Stm-21	Melinda Basin	Melinda St. & Short Ave.	Pond	Stm-21-3042	11	Pond
22	Stm-22	Hazel Creek Farms Basin (North & South)	Next to 19380 Ochard Dr. & along McCord Rd. (2 Ponds)	Pond	Stm-22-3044	11	Pond
23	Stm-23	Willow Run Basin	Leland Rd & Caddis Pl.	Pond	Stm-23-3045	12	Pond
24	Stm-24	Bailey Estates Basin	19984 Quiet Oak t.	Pond	Stm-24-3046	12	Pond
25	Stm-25	Tracey Heights Basin	14878 Smithfield Dr.	Pond	Stm-25-3047	13	Pond
26	Stm-26	Berry Hill Basin	19046-19076 Beavercreek Rd.	Pond	Stm-26-3049	13	Pond
27	Stm-27	Barclay Hills Detention Basin	17883 Peter Skene Way	Pond	Stm-27-3050	14	Pond

Stormwater Ponds in RFP							
Qty	RFP ID	Name	Location	Category	Site ID	Map Page	Maint Sched
28	Stm-28	Mays Point Basin	12733 Swallowtail Pl.	Pond	Stm-28-3051	14	Pond
29	Stm-29	Sequoia Basin (South)	Next to 20079 Chanticleer Pl.	Pond	Stm-29-3053	15	Pond
30	Stm-30	Sequoia Basin (North)	Murren Way & Berge View Ave. (includes traffic island in median)	Pond	Stm-30-3101	15	Pond
31	Stm-31	Trails View Basin	15010 Journey Dr.	Pond	Stm-31-3056	16	Pond
32	Stm-32	Walnut Grove Basin	Thayer Rd. & Maplelane Rd.	Pond	Stm-32-3057	16	Pond
33	Stm-33	Allen Heights Basin	16278 Hunter Rd.	Pond	Stm-33-3059	17	Pond
34	Stm-34	Cook Street Basin	18763 Cook St.	Pond	Stm-34-3061	17	Pond
35	Stm-35	Filbert Basin	11680 Filbert Dr.	Pond	Stm-35-3064	18	Pond
36	Stm-36	Gentry Highlands Basin	19391 Leland Rd.	Pond	Stm-36-3066	18	Pond
37	Stm-37	Jennifer Estates Basin	16430 Swan Ave.	Pond	Stm-37-3068	19	Pond
38	Stm-38	Little Creek Basin	behind 11402 Parrish Rd.	Pond	Stm-38-3069	19	Pond
39	Stm-39	Maxwell Meadows Basin	11858 Maxwell Ct.	Pond	Stm-39-3071	20	Pond
40	Stm-40	Millenium Park Basin	Next to 13172 Millennum Way	Pond	Stm-40-3077	20	Pond
41	Stm-41	Quinalt Basin	20083 Quinalt Dr.	Pond	Stm-41-3079	21	Pond
42	Stm-42	Silver Fox Basin	Next to 12958 Frontier Pkwy.	Pond	Stm-42-3080	21	Pond
43	Stm-43	South Hampton Basin	19365 Pease Rd.	Pond	Stm-43-3081	22	Pond
44	Stm-44	South Ridge Basin	Shelby Rose Dr. & South End Rd.	Pond	Stm-44-3082	22	Pond
45	Stm-45	Thayer Basin	Next to 14630 Coltrane St.	Pond	Stm-45-3083	23	Pond
46	Stm-46	Wasco Acres Basin	14953 Buffalo Way	Pond	Stm-46-3084	23	Pond
47	Stm-47	Chinook Landing Basin	Pease Rd. & Fisherman's Way	Pond	Stm-47-3086	24	Pond
48	Stm-48	Holcomb Ridge Basin	16587 Oak Tree Terr.	Pond	Stm-48-3087	24	Pond
49	Stm-49	Knots Landing Basin	Maggie Pl. & Cedar Ln.	Pond	Stm-49-3088	25	Pond
50	Stm-50	Camellia Place Basin	Moss Lake Way & Blue Mountain Way	Pond	Stm-50-3090	25	Pond
51	Stm-51	Dawn Meadows Basin (Middle)	11600 Darling Way	Pond	Stm-51-3092	26	Pond
52	Stm-52	Dawn Meadows Basin (North)	18800 Sunblaze Dr.	Pond	Stm-52-3093	26	Pond
53	Stm-53	Katys Place Basin	Tidewater ST. & Pease Rd.	Pond	Stm-53-3094	27	Pond
54	Stm-54	Laurel Lane Basin	Next to 1019 & 1020 Laurel Ln. (2 parcels)	Pond	Stm-54-3095	27	Pond
55	Stm-55	McDowell Water Quality Facility	Next to 19425 McDowell Ln,	Pond	Stm-55-3097	28	Pond
56	Stm-56	Newberry Basin	12810 Joys Dr.	Pond	Stm-56-3099	28	Pond
57	Stm-57	Rian Park Basin	19533 Leland Rd.	Pond	Stm-57-3100	29	Pond

Stormwater Ponds in RFP							
Qty	RFP ID	Name	Location	Category	Site ID	Map Page	Maint Sched
58	Stm-58	Sequoia Crossing Basin	Glen Oak Rd. & Quaking Aspen Ave.	Pond	Stm-58-3102	29	Pond
59	Stm-59	Edgemont Estates Basin	Hwy 213 & Edgemont Dr.	Pond	Stm-59-3104	30	Pond
60	Stm-60	Sunny Brook Basin	Next to 15834 Pasture Way	Pond	Stm-60-3105	30	Pond
61	Stm-61	Pavilion Park Basin	Across from 19573 McCord Rd.	Pond	Stm-61-3106	31	Pond
62	Stm-62	Caufield Place Basin	13987 Traveler Rd.	Pond	Stm-62-3107	31	Pond
63	Stm-63	Thurman Estates Basin	Behind 14292 Forsythe Rd.	Pond	Stm-63-3108	32	Pond
64	Stm-64	Tugs Landing Basin	Ripe Tide St. & Trade Wind St.	Pond	Stm-64-3109	32	Pond
65	Stm-65	Juneberry Basin	Fisher Ave. & Juneberry Ln.	Pond	Stm-65-3126	33	Pond
66	Stm-66	Lindsey Anne Estates	Next to 19756 Cherrywood Way	Pond	Stm-66-3183	33	Pond
67	Stm-67	Adeline Acres	Next to 1318 Josephine St.	Pond	Stm-67-3185	34	Pond
68	Stm-68	Central Point Crossing	White Ln. & Hydrangea Ln.	Pond	Stm-68-3186	34	Pond
69	Stm-69	Marlo Farms	Next to 19836 Cherrywood Way	Pond	Stm-69-3191	35	Pond
70	Stm-70	Ellis Estates	Next to 19786 Cherrywood Way	Pond	Stm-70-3192	35	Pond
71	Stm-71	Sunnybrook Ridge	Ames St. & Pasture Way	Pond	Stm-71-3197	36	Pond
72	Stm-72	Boulder Run	Next to 19375 Pease Rd.	Pond	Stm-72-3211	36	Pond
73	Stm-73	Small Slope	19731 Meyers Rd.	Pond	Stm-73-3213	37	Pond
74	Stm-74	Lucille Riggs	Behind 19147 Pease Rd.	Pond	Stm-74-3234	37	Pond
75	Stm-75	Eds Orchard	Hazel Creek Dr. & Tolstup Dr.	Pond	Stm-75-3235	38	Pond
76	Stm-76	Abernethy Landing	Next to 15257 Holcomb Blvd	Pond	Stm-76-3310	38	Pond
77	Stm-77	Wheeler Farms Pond	Behind 19684 Orchard Grove Dr.	Pond	Stm-77-3408	39	Pond
78	Stm-78	Lindsay Anne Estates Too	Next to 19719 Cherrywood Way	Pond	Stm-78-3442	39	Pond
79	Stm-79	Depot Ln Pond	Next to 13014 Clackamas River Dr.	Pond	Stm-79-3182	40	Pond
80	Stm-80	Ives Estates Detention Pond	Next to 15813 Cherabon Court	Pond	Stm-80-3058	40	Pond
81	Stm-113	Payson Farms Detention Pond	Next to 11853 Payson Lane	Pond	Stm-113-3034	41	Pond
82	Stm-115	Merchant Pl. Pond	In front of 19214 Merchant Pl.	Pond	Stm-115-3073	41	Pond

Stormwater Pond Landscape Maintenance Schedule												
Job Task	**Jan**	**Feb**	**Mar**	**Apr**	**May**	**Jun**	**Jul**	**Aug**	**Sep**	**Oct**	**Nov**	**Dec**
Weed Removal			2	2	2	2	2	2	2	1	1	
Pre-Emergent Application			1						1			
Fertilize Trees & Shrups, (planter beds only)				1								
Leaf Removal			1							1	2	
Trash, Debris, Dead Plant Removal	2	2	2	2	2	2	2	2	2	2	1	2
Blow Off Walkways & Pathways			2	2	2	2	2	2	2	2	2	
Check & Clear Inlet & Oulet Grates	2	2	2	2	2	2	2	2	2	2	2	2
Barkdust	Barkdust will be applied to site which requrie barkdust, once every 3 years.											
Tree & Shrub Pruning	Per specs and as needed per species for proper growth & development.											
Mowing & Edging			1	2	3	3	2	1	1	1		
String Trimming			1	2	3	3	2	1	1	1		
Fertilizaton, (lawn only)			1							1		
Broadleaf spray (lawn only)			1							1		
Field Mowing (site specific, see spreasheet)			1	2	2	2	2	1	1	1		
Irrigation (site specific, see spreasheet)			On	1	1	1	1	1	1	Off		

Roadside Stormwater Planters & Swales in RFP									
Qty	**RFP ID**	**Name**	**Location**	**Category**	**Site ID**	**Map Page**	**Maint Sched**	**Special Notes**	**Maint SqFt**
1	**Stm-81**	**10th Street Roadside Planter**	10th & Main, (east & west sides of 10th St.)	Roadside Planter	Stm-81-3207	42	Planter/Swale	**Total Sq Ft**	**310**
2	**Stm-82**	**Clearbrook Dr Roadside Planters**				42	Planter/Swale	**Total Sq Ft**	**372**
		Clearbrook Dr. East	1011 Clearbrook Dr., (both sides of street)	Roadside Planter	Stm-82-3209				185
		Clearbrook Dr. West	1011 Clearbrook Dr., (both sides of street)	Roadside Planter	Stm-82-3210				187
3	**Stm-83**	**Meyers Rd Stormwater Planters**				43		**Total Sq Ft**	**9,016**
		Meyers Rd.	14551 Meyers Rd. (south side of Meyers)	Roadside Planter	Stm-83-3215		Planter/Swale		4,481
		Meyers Rd.	14551 Meyers Rd. (north side of Meyers)	Roadside Planter	Stm-83-3216		Planter/Swale		2,285
		Meyers Rd.	14551 Meyers Rd. (north side of Meyers)	Roadside Planter	Stm-83-3217		Planter/Swale		1,479
		Meyers Rd.	14551 Meyers Rd. (north side of Meyers)	Roadside Planter	Stm-83-3218		Planter/Swale		339
4	**Stm-84**	**15th St Roadside Planter**	1511 Division St., (on north side of 15th St.)	Roadside Planter	Stm-84-3247	43	Planter/Swale		432
5	**Stm-85**	**Hunter Hills Subdivision**				44		**Total Sq Ft**	**1,451**
		Hunter Ave Stormwater Planter	14190 Quail Ct., (on Hunter Ave.)	Roadside Planter	Stm-85-3299		Planter/Swale		137
		Quail Ct Stormwater Planter (South)	14180 Quail Ct.	Roadside Planter	Stm-85-3296		Planter/Swale		86
		Quail Ct Stormwater Planter (South)	14170 Quail Ct.	Roadside Planter	Stm-85-3297		Planter/Swale		122
		Quail Ct Stormwater Planter (North)	14169 Quail Ct.	Roadside Planter	Stm-85-3298		Planter/Swale		161
		Hunter Hills Swale A	14139 Quail Ct.	Swale	Stm-85-3294		Planter/Swale		361
		Hunter Hills Swale B	14160 Quail Ct., (in cul-de-sac)	Swale	Stm-85-3295		Planter/Swale		290
		Hunter Hills Swale C	14140 Quail Ct., (along private street)	Swale	Stm-85-3293		Planter/Swale		294
6	**Stm-86**	**Caufield St. & Pleasant Ave**				44		**Total Sq Ft**	**432**
		Caufield St.	399 Caufield St.	Roadside Planter	Stm-86-3463		Planter/Swale		76
		Pleasant Ave.	399 Caufield St. , (on Pleasant Ave.)	Roadside Planter	Stm-86-3462		Planter/Swale		68
7	**Stm-87**	**Apperson Blvd. Roadside Planter**	16123 Apperson Blvd	Roadside Planter	Stm-87-3464	45	Planter/Swale		288
8	**Stm-88**	**Holcomb Blvd Storm Swales**				45		**Total Sq Ft**	**3,382**
		Holcomb Blvd Bioswale	14246 Holcomb Blvd	Swale	Stm-88-3160		Planter/Swale		1,620
		Holcomb Blvd Bioswale	14230 Holcomb Blvd	Swale	Stm-88-3199		Planter/Swale		775
		Holcomb Blvd Bioswale	14076 Holcomb Blvd	Swale	Stm-88-3198		Planter/Swale		987
9	**Stm-89**	**Swan Ave**				46		**Total Sq Ft**	**4,429**
		Swan Ave. Storm Swale (South)	16022 Swan	Swale	Stm-89-3420		Planter/Swale		2,642
		Swan Ave. Storm Swale (North)	15964 & 15974 Swan	Swale	Stm-89-3499		Planter/Swale		1,787
10	**Stm-90**	**Main St. Ext Swales**				46		**Total Sq Ft**	**16,834**
		The Cove Water Quality Swale	1913 Main St. - Edgewater Apts on Main St.	Swale	Stm-90-3232		Planter/Swale		2,696

Roadside Stormwater Planters & Swales in RFP									
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		Meyers Rd.	14551 Meyers Rd. (north side of Meyers)	Roadside Planter	Stm-83-3217		Planter/Swale		1,479
		Meyers Rd.	14551 Meyers Rd. (north side of Meyers)	Roadside Planter	Stm-83-3218		Planter/Swale		339
4	**Stm-84**	**15th St Roadside Planter**	1511 Division St., (on north side of 15th St.)	Roadside Planter	Stm-84-3247	43	Planter/Swale		432
5	**Stm-85**	**Hunter Hills Subdivision**				44		**Total Sq Ft**	**1,451**
		Hunter Ave Stormwater Planter	14190 Quail Ct., (on Hunter Ave.)	Roadside Planter	Stm-85-3299		Planter/Swale		137
		Quail Ct Stormwater Planter (South)	14180 Quail Ct.	Roadside Planter	Stm-85-3296		Planter/Swale		86
		Quail Ct Stormwater Planter (South)	14170 Quail Ct.	Roadside Planter	Stm-85-3297		Planter/Swale		122
		Quail Ct Stormwater Planter (North)	14169 Quail Ct.	Roadside Planter	Stm-85-3298		Planter/Swale		161
		Hunter Hills Swale A	14139 Quail Ct.	Swale	Stm-85-3294		Planter/Swale		361
		Hunter Hills Swale B	14160 Quail Ct., (in cul-de-sac)	Swale	Stm-85-3295		Planter/Swale		290
		Hunter Hills Swale C	14140 Quail Ct., (along private street)	Swale	Stm-85-3293		Planter/Swale		294
6	**Stm-86**	**Caufield St. & Pleasant Ave**				44		**Total Sq Ft**	**432**
		Caufield St.	399 Caufield St.	Roadside Planter	Stm-86-3463		Planter/Swale		76
		Pleasant Ave.	399 Caufield St. , (on Pleasant Ave.)	Roadside Planter	Stm-86-3462		Planter/Swale		68
7	**Stm-87**	**Apperson Blvd. Roadside Planter**	16123 Apperson Blvd	Roadside Planter	Stm-87-3464	45	Planter/Swale		288
8	**Stm-88**	**Holcomb Blvd Storm Swales**				45		**Total Sq Ft**	**3,382**
		Holcomb Blvd Bioswale	14246 Holcomb Blvd	Swale	Stm-88-3160		Planter/Swale		1,620
		Holcomb Blvd Bioswale	14230 Holcomb Blvd	Swale	Stm-88-3199		Planter/Swale		775
		Holcomb Blvd Bioswale	14076 Holcomb Blvd	Swale	Stm-88-3198		Planter/Swale		987
9	**Stm-89**	**Swan Ave**				46		**Total Sq Ft**	**4,429**
		Swan Ave. Storm Swale (South)	16022 Swan	Swale	Stm-89-3420		Planter/Swale		2,642
		Swan Ave. Storm Swale (North)	15964 & 15974 Swan	Swale	Stm-89-3499		Planter/Swale		1,787
10	**Stm-90**	**Main St. Ext Swales**				46		**Total Sq Ft**	**16,834**
		The Cove Water Quality Swale	1913 Main St. - Edgewater Apts on Main St.	Swale	Stm-90-3232		Planter/Swale		2,696

Roadside Stormwater Planters & Swales in RFP									
Qty	RFP ID	Name	Location	Category	Site ID	Map Page	Maint Sched	Special Notes	Maint SqFt
		Main St. Ext Swale	1900 McLoughlin Blvd. (North of OC Shopping Center on Main St.)	Swale	Stm-90-3500		Planter/Swale		14,138
11	**Stm-91**	**Prospector Terrace Swale**	19345 Prospecter Terr.	Swale	Stm-91-3477	47	Planter/Swale	**Total Sq Ft**	**1,780**
12	**Stm-92**	**Warner Miline Rain Garden**	Molalla Ave & Warner Milne Rd.	Rain Garden	Stm-92-3376	47	Planter/Swale	**Total Sq Ft**	**5,929**
13	**Stm-93**	**Abernethy Landing Subdivision**				48		**Total Sq Ft**	**10,265**
		Stormwater Planter - Barlow Dr	16334 Kitty Hawk Ave on Barlow Dr	Roadside Planter	Stm-93-3347		Planter/Swale		94
		Stormwater Planter - Barlow Dr	16340 Kitty Hawk Ave on Barlow Dr	Roadside Planter	Stm-93-3348		Planter/Swale		159
		Stormwater Planter - Barlow Dr	16355 Earhart Ave on Barlow Dr	Roadside Planter	Stm-93-3355		Planter/Swale		133
		Stormwater Planter - Barlow Dr	16249 Barlow Dr	Roadside Planter	Stm-93-3356		Planter/Swale		165
		Stormwater Planter - Barlow Dr	16350 Earhart Ave on Barlow Dr	Roadside Planter	Stm-93-3357		Planter/Swale		283
		Stormwater Planter - Barlow Dr	16344 Earhart Ave on Barlow Dr	Roadside Planter	Stm-93-3358		Planter/Swale		326
		Stormwater Planter - Earhart Ave	16239 Jada Way on Earhart Ave	Roadside Planter	Stm-93-3333		Planter/Swale		246
		Stormwater Planter - Earhart Ave	16235 Jada Way on Earhart Ave	Roadside Planter	Stm-93-3334		Planter/Swale		239
		Stormwater Planter - Earhart Ave	16386 Earhart Ave	Roadside Planter	Stm-93-3335		Planter/Swale		73
		Stormwater Planter - Earhart Ave	16379 Earhart Ave	Roadside Planter	Stm-93-3336		Planter/Swale		84
		Stormwater Planter - Earhart Ave	16368 Earhart Ave	Roadside Planter	Stm-93-3349		Planter/Swale		117
		Stormwater Planter - Earhart Ave	16362 Earhart Ave	Roadside Planter	Stm-93-3350		Planter/Swale		102
		Stormwater Planter - Earhart Ave	16361 Earhart Ave	Roadside Planter	Stm-93-3351		Planter/Swale		75
		Stormwater Planter - Earhart Ave	16361 Earhart Ave	Roadside Planter	Stm-93-3352		Planter/Swale		69
		Stormwater Planter - Earhart Ave	16356 Earhart Ave	Roadside Planter	Stm-93-3353		Planter/Swale		99
		Stormwater Planter - Earhart Ave	16355 Earhart Ave	Roadside Planter	Stm-93-3354		Planter/Swale		134
		Stormwater Planter - Earhart Ave	16344 Earhart Ave	Roadside Planter	Stm-93-3359		Planter/Swale		330
		Stormwater Planter - Earhart Ave	16245 Barlow Dr on Earhart Ave	Roadside Planter	Stm-93-3360		Planter/Swale		352
		Stormwater Planter - Earhart Ave	16319 Earhart Ave	Roadside Planter	Stm-93-3370		Planter/Swale		134
		Stormwater Planter - Earhart Ave	16313 Earhart Ave	Roadside Planter	Stm-93-3371		Planter/Swale		175
		Stormwater Planter - Earhart Ave	16233 Wright Flyer Ln on Earhart Ave	Roadside Planter	Stm-93-3372		Planter/Swale		214
		Stormwater Planter - Holcomb Blvd	15272 Holcomb Blvd	Roadside Planter	Stm-93-3316		Planter/Swale		156
		Stormwater Planter - Holcomb Blvd	15268 Holcomb Blvd	Roadside Planter	Stm-93-3317		Planter/Swale		181
		Stormwater Planter - Holcomb Blvd	15269 Holcomb Blvd	Roadside Planter	Stm-93-3318		Planter/Swale		420
		Stormwater Planter - Holcomb Blvd	15264 Holcomb Blvd	Roadside Planter	Stm-93-3319		Planter/Swale		147
		Stormwater Planter - Holcomb Blvd	15260 Holcomb Blvd	Roadside Planter	Stm-93-3320		Planter/Swale		222
		Stormwater Planter - Holcomb Blvd	Holcomb Blvd in front of Pond	Roadside Planter	Stm-93-3321		Planter/Swale		91
		Stormwater Planter - Holcomb Blvd	Holcomb Blvd in front of Pond	Roadside Planter	Stm-93-3322		Planter/Swale		272
		Stormwater Planter - Holcomb Blvd	Holcomb Blvd in front of Pond	Roadside Planter	Stm-93-3323		Planter/Swale		418
		Stormwater Planter - Holcomb Blvd	15265 Holcomb Blvd	Roadside Planter	Stm-93-3324		Planter/Swale		139
		Stormwater Planter - Jada Way	Jada Way at Pond	Roadside Planter	Stm-93-3328		Planter/Swale		88
		Stormwater Planter - Jada Way	16251 Jada Way	Roadside Planter	Stm-93-3329		Planter/Swale		114

Roadside Stormwater Planters & Swales in RFP									
Qty	RFP ID	Name	Location	Category	Site ID	Map Page	Maint Sched	Special Notes	Maint SqFt
		Stormwater Planter - Jada Way	16234 Jada Way	Roadside Planter	Stm-93-3330		Planter/Swale		144
		Stormwater Planter - Jada Way	16230 Jada Way	Roadside Planter	Stm-93-3331		Planter/Swale		105
		Stormwater Planter - Jada Way	16227/16231 Jada Way	Roadside Planter	Stm-93-3332		Planter/Swale		185
		Stormwater Planter - Kitty Hawk Ave	16441 Kitty Hawk Ave	Roadside Planter	Stm-93-3311		Planter/Swale		78
		Stormwater Planter - Kitty Hawk Ave	16435 Kitty Hawk Ave	Roadside Planter	Stm-93-3312		Planter/Swale		194
		Stormwater Planter - Kitty Hawk Ave	16430 Kitty Hawk Ave	Roadside Planter	Stm-93-3313		Planter/Swale		79
		Stormwater Planter - Kitty Hawk Ave	16430 Kitty Hawk Ave	Roadside Planter	Stm-93-3314		Planter/Swale		128
		Stormwater Planter - Kitty Hawk Ave	15264 Holcomb Blvd on Kitty Hawk Ave	Roadside Planter	Stm-93-3315		Planter/Swale		96
		Stormwater Planter - Kitty Hawk Ave	15265 Holcomb Blvd on Kitty Hawk Ave	Roadside Planter	Stm-93-3325		Planter/Swale		152
		Stormwater Planter - Kitty Hawk Ave	16412/16418 Kitty Hawk Ave	Roadside Planter	Stm-93-3326		Planter/Swale		152
		Stormwater Planter - Kitty Hawk Ave	16218 Jada Way on Kitty Hawk Ave	Roadside Planter	Stm-93-3327		Planter/Swale		181
		Stormwater Planter - Kitty Hawk Ave	16219 Jada Way on Kitty Hawk Ave	Roadside Planter	Stm-93-3337		Planter/Swale		267
		Stormwater Planter - Kitty Hawk Ave	16223 Jada Way on Kitty Hawk Ave	Roadside Planter	Stm-93-3338		Planter/Swale		170
		Stormwater Planter - Kitty Hawk Ave	16381 Kitty Hawk Ave	Roadside Planter	Stm-93-3339		Planter/Swale		62
		Stormwater Planter - Kitty Hawk Ave	16369/16375 Kitty Hawk Ave	Roadside Planter	Stm-93-3340		Planter/Swale		184
		Stormwater Planter - Kitty Hawk Ave	16382 Kitty Hawk Ave	Roadside Planter	Stm-93-3341		Planter/Swale		61
		Stormwater Planter - Kitty Hawk Ave	16370/16376 Kitty Hawk Ave	Roadside Planter	Stm-93-3342		Planter/Swale		180
		Stormwater Planter - Kitty Hawk Ave	16358 Kitty Hawk Ave	Roadside Planter	Stm-93-3343		Planter/Swale		89
		Stormwater Planter - Kitty Hawk Ave	16357 Kitty Hawk Ave	Roadside Planter	Stm-93-3344		Planter/Swale		71
		Stormwater Planter - Kitty Hawk Ave	16346 Kitty Hawk Ave	Roadside Planter	Stm-93-3345		Planter/Swale		145
		Stormwater Planter - Kitty Hawk Ave	16212 Barlow Dr on Kitty Hawk Ave	Roadside Planter	Stm-93-3346		Planter/Swale		133
		Stormwater Planter - Kitty Hawk Ave	16334 Kitty Hawk Ave	Roadside Planter	Stm-93-3361		Planter/Swale		172
		Stormwater Planter - Kitty Hawk Ave	16327/16333 Kitty Hawk Ave	Roadside Planter	Stm-93-3362		Planter/Swale		248
		Stormwater Planter - Kitty Hawk Ave	16328 Kitty Hawk Ave	Roadside Planter	Stm-93-3363		Planter/Swale		176
		Stormwater Planter - Kitty Hawk Ave	16310 Kitty Hawk Ave	Roadside Planter	Stm-93-3364		Planter/Swale		198
		Stormwater Planter - Kitty Hawk Ave	16209 Wright Flyer Ln on Kitty Hawk Ave	Roadside Planter	Stm-93-3365		Planter/Swale		121
		Stormwater Planter - Wright Flyer Ln	16310 Kitty Hawk Ave on Wright Flyer Ln	Roadside Planter	Stm-93-3366		Planter/Swale		75
		Stormwater Planter - Wright Flyer Ln	16316 Kitty Hawk Ave on Wright Flyer Ave	Roadside Planter	Stm-93-3367		Planter/Swale		79
		Stormwater Planter - Wright Flyer Ln	16320 Earhart Ave on Wright Flyer Ln	Roadside Planter	Stm-93-3368		Planter/Swale		260
		Stormwater Planter - Wright Flyer Ln	16217/16225 Wright Flyer Ln	Roadside Planter	Stm-93-3369		Planter/Swale		229
14	**Stm-111**	**Bonn St. Roadside Planters**				49		**Total Sq Ft**	**642**
		Bonn St.	14279 Bonn St.	Roadside Planter	Stm-111-3175		Planter/Swale		271
		Bonn St.	14271 Bonn St.	Roadside Planter	Stm-111-3176		Planter/Swale		201
		Bonn St.	14263 Bonn St.	Roadside Planter	Stm-111-3177		Planter/Swale		170
15	**Stm-114**	**Brendon Estates Swale**	Behind 14187 & 14199 Conway Dr.	Swale	Stm-114-3060	49	Planter/Swale	**Total Sq Ft**	**2,712**
16	**Stm-116**	**Lindsey Anne Too Subdivision**				50		**Total Sq Ft**	**1,249**

Roadside Stormwater Planters & Swales in RFP									
Qty	RFP ID	Name	Location	Category	Site ID	Map Page	Maint Sched	Special Notes	Maint SqFt
		Stormwater Planter - Cedarwood Way	19697 Cedarwood Way	Roadside Planter	Stm-116-3445		Planter/Swale		49
		Stormwater Planter - Cedarwood Way	19698 Cedarwood Way	Roadside Planter	Stm-116-3446		Planter/Swale		52
		Stormwater Planter - Cedarwood Way	19709 Cedarwood Way	Roadside Planter	Stm-116-3449		Planter/Swale		136
		Stormwater Planter - Cedarwood Way	19703 Cedarwood Way	Roadside Planter	Stm-116-3450		Planter/Swale		49
		Stormwater Planter - Cedarwood Way	19706 Cedarwood Way	Roadside Planter	Stm-116-3451		Planter/Swale		48
		Stormwater Planter - Cedarwood Way	19712 Cedarwood Way	Roadside Planter	Stm-116-3452		Planter/Swale		46
		Stormwater Planter - Leland Rd	19711 Leland Rd	Roadside Planter	Stm-116-3436		Planter/Swale		137
		Stormwater Planter - Leland Rd	12784 Mrytlewood on Leland Rd	Roadside Planter	Stm-116-3437		Planter/Swale		55
		Stormwater Planter - Myrtlewood Way	12784 Mrytlewood at Leland Rd	Roadside Planter	Stm-116-3438		Planter/Swale		67
		Stormwater Planter - Myrtlewood Way	12784 Mrytlewood at Leland Rd	Roadside Planter	Stm-116-3439		Planter/Swale		46
		Stormwater Planter - Myrtlewood Way	19711 Leland Rd on Mrytlewood Way	Roadside Planter	Stm-116-3440		Planter/Swale		99
		Stormwater Planter - Myrtlewood Way	19711 Leland Rd on Mrytlewood Way	Roadside Planter	Stm-116-3441		Planter/Swale		89
		Stormwater Planter - Myrtlewood Way	19703 Cedarwood Way on Myrtlewood Way	Roadside Planter	Stm-116-3443		Planter/Swale		84
		Stormwater Planter - Myrtlewood Way	19697 Cedarwood Way on Myrtlewood Way	Roadside Planter	Stm-116-3444		Planter/Swale		108
		Stormwater Planter - Myrtlewood Way	19698 Cedarwood Way on Myrtlewood Way	Roadside Planter	Stm-116-3447		Planter/Swale		116
		Stormwater Planter - Myrtlewood Way	19706 Cedarwood Way on Myrtlewood Way	Roadside Planter	Stm-116-3448		Planter/Swale		68
17	**Stm-117**	**Wheeler Farms Subdivision**				51		**Total Sq Ft**	**4,724**
		Stormwater Planter - Larence Ln	19736 Larence Ln	Roadside Planter	Stm-117-3424		Planter/Swale		72
		Stormwater Planter - Larence Ln	19731 Larence Ln	Roadside Planter	Stm-117-3425		Planter/Swale		101
		Stormwater Planter - Orchard Grove Dr	19740 Orchard Grove Dr	Roadside Planter	Stm-117-3399		Planter/Swale		156
		Stormwater Planter - Orchard Grove Dr	19716 Orchard Grove Dr	Roadside Planter	Stm-117-3400		Planter/Swale		61
		Stormwater Planter - Orchard Grove Dr	12053 Wheeler Way on Orchard Grove Dr	Roadside Planter	Stm-117-3409		Planter/Swale		45
		Stormwater Planter - Orchard Grove Dr	19667 Orchard Grove Dr	Roadside Planter	Stm-117-3410		Planter/Swale		61
		Stormwater Planter - Orchard Grove Dr	Next to 19684 Orchard Grove Dr	Roadside Planter	Stm-117-3411		Planter/Swale		245
		Stormwater Planter - Orchard Grove Dr	At Pond entrance	Roadside Planter	Stm-117-3412		Planter/Swale		204
		Stormwater Planter - Orchard Grove Dr	19643 Orchard Grove Dr	Roadside Planter	Stm-117-3413		Planter/Swale		51
		Stormwater Planter - Orchard Grove Dr	19607 Orchard Grove Dr	Roadside Planter	Stm-117-3414		Planter/Swale		118
		Stormwater Planter - Orchard Grove Dr	19608 Orchard Grove Dr	Roadside Planter	Stm-117-3415		Planter/Swale		79
		Stormwater Planter - Orchard Grove Dr	19584 Orchard Grove Dr	Roadside Planter	Stm-117-3416		Planter/Swale		73
		Stormwater Planter - Orchard Grove Dr	19572 Orchard Grove Dr	Roadside Planter	Stm-117-3417		Planter/Swale		68
		Stormwater Planter - Orchard Grove Dr	19560 Orchard Grove Dr	Roadside Planter	Stm-117-3418		Planter/Swale		170
		Stormwater Planter - Orchard Grove Dr	19561 Orchard Grove Dr	Roadside Planter	Stm-117-3419		Planter/Swale		69
		Stormwater Planter - Skellenger Way	11936 Skellenger Way	Roadside Planter	Stm-117-3426		Planter/Swale		106
		Stormwater Planter - Skellenger Way	19631 Orchard Grove Dr on Skellenger Way	Roadside Planter	Stm-117-3431		Planter/Swale		66
		Stormwater Planter - Skellenger Way	11960 Skellenger Way	Roadside Planter	Stm-117-3432		Planter/Swale		138
		Stormwater Planter - Skellenger Way	19619 Orchard Grove Dr on Skellenger Way	Roadside Planter	Stm-117-3433		Planter/Swale		66
		Stormwater Planter - Skellenger Way	11981 Skellenger Way	Roadside Planter	Stm-117-3434		Planter/Swale		190

Roadside Stormwater Planters & Swales in RFP									
Qty	RFP ID	Name	Location	Category	Site ID	Map Page	Maint Sched	Special Notes	Maint SqFt
		Stormwater Planter - Tolstrup Dr	19561 Orchard Grove Dr on Tolstrup Dr	Roadside Planter	Stm-117-3420		Planter/Swale		59
		Stormwater Planter - Tolstrup Dr	19561 Orchard Grove Dr on Tolstrup Dr	Roadside Planter	Stm-117-3421		Planter/Swale		227
		Stormwater Planter - Tolstrup Dr	19583 Orchard Grove Dr on Tolstrup Dr	Roadside Planter	Stm-117-3422		Planter/Swale		64
		Stormwater Planter - Tolstrup Dr	19583 Orchard Grove Dr on Tolstrup Dr	Roadside Planter	Stm-117-3423		Planter/Swale		199
		Stormwater Planter - Wheeler Farm Rd	Across from 19745 Wheeler Farm Rd	Roadside Planter	Stm-117-3403		Planter/Swale		268
		Stormwater Planter - Wheeler Farm Rd	19737/19729 Wheeler Farm Rd	Roadside Planter	Stm-117-3404		Planter/Swale		255
		Stormwater Planter - Wheeler Farm Rd	19689 Wheeler Farm Rd	Roadside Planter	Stm-117-3405		Planter/Swale		123
		Stormwater Planter - Wheeler Farm Rd	19681 Wheeler Farm Rd	Roadside Planter	Stm-117-3406		Planter/Swale		118
		Stormwater Planter - Wheeler Farm Rd	19696 Wheeler Farm Rd	Roadside Planter	Stm-117-3407		Planter/Swale		210
		Stormwater Planter - Wheeler Way	12024 Wheeler Way	Roadside Planter	Stm-117-3427		Planter/Swale		134
		Stormwater Planter - Wheeler Way	19739 Larence Ln on Wheeler Way	Roadside Planter	Stm-117-3428		Planter/Swale		302
		Stormwater Planter - Wheeler Way	12053 Wheeler Way	Roadside Planter	Stm-117-3429		Planter/Swale		130
		Stormwater Planter - Wheeler Way	19643 Orchard Grove Dr on Wheeler Way	Roadside Planter	Stm-117-3430		Planter/Swale		162
		Stormwater Planter - Winnie Way	19705 Wheeler Way on Winnie Way	Roadside Planter	Stm-117-3401		Planter/Swale		186
		Stormwater Planter - Winnie Way	19713 Wheeler Way on Winnie Way	Roadside Planter	Stm-117-3402		Planter/Swale		148
									14,658

Stormwater Raingarden, Planter, Swale Landscape Maintenance Schedule												
Job Task	**Jan**	**Feb**	**Mar**	**Apr**	**May**	**Jun**	**Jul**	**Aug**	**Sep**	**Oct**	**Nov**	**Dec**
Weed Removal			2	2	2	2	2	2	2	1	1	
Trash, Debris, Dead Plant Removal	2	2	2	2	2	2	2	2	2	2	2	2
Blow Off Walkways & Pathways			2	2	2	2	2	2	2	2	2	
String Trimming & Mowing			1	2	3	3	2	1	1	1		
Leaf Removal			1							1	1	1
Clear Catch Basin Grates	1	1	2	2	2	2	2	2	2	2	2	1
Barkdust	Barkdust will be applied to site which requrie barkdust, once every 3 years.											
Tree & Shrub Pruning	Per specs and as needed per species for proper growth & development.											
Irrigation (site specific, see spreasheet)			On	1	1	1	1	1	1	Off		

Stormwater Ditches in RFP									
Qty	RFP ID	Name	Location	Category	Site ID	Map Page	Maint Sched	Special Notes	Maint SqFt
1	Stm-94	Central Point Rd. & McCord Rd.	19231 Central Point Rd. to Parlow Rd. and also behind 11974 & 11976 Kathaway Ct.	Ditch	Stm-94	52	Ditch		6,592
2	Stm-95	3rd Ave.	716 to 704 3rd Ave.	Ditch	Stm-95	52	Ditch		3,463
3	Stm-96	Park Place Ct.	15903 Park Place Ct. to cul-de-sac	Ditch	Stm-96	53	Ditch		8,406
4	Stm-97	Warner Parrott Rd.	alongside 355 Warner Parrott Rd	Ditch	Stm-97	53	Ditch		9,248
5	Stm-98	St. Johns Cemetery & Kamm St.	451 Warner St. and along Kamm St.	Ditch	Stm-98	54	Ditch		20,536
6	Stm-99	Washington St.	In front of 17365 Washington St.	Ditch	Stm-99	54	Ditch		17,365
7	Stm-100	South End Rd	South End Rd. from Salmonberry Dr. to 18952 South End Rd.	Ditch	Stm-100	55	Ditch		8,197
8	Stm-101	Hazelwood Dr.	Between 1005 & 1011 Hazelwood Dr.	Ditch	Stm-101	55	Ditch		580
9	Stm-102	Chapin Park	Between 370 & 374 and also behind 376 Warner Parrot Rd.	Ditch	Stm-102	56	Ditch		1,482
10	Stm-103	Theater Ditch on Beavercreek Rd.	alongside and behind Theater on Beavercreek Rd.	Ditch	Stm-103	56	Ditch		19,869
11	Stm-104	Rossman Landfill	Between 1780 Washington St. and entrance to Home Depot	Ditch	Stm-104	57	Ditch		39,186
12	Stm-105	Credit Union Ditch	Alongside and behind 290 Warner Milne Rd.	Ditch	Stm-105	57	Ditch		20,037
13	Stm-112	Kamm St Ditch	1155 Kamm St & 279 Warner Milne Rd	Ditch	Stm-112	58	Ditch		2,306
									157,267

Stormwater Ditches Landscape Maintenance Schedule												
Job Task	**Jan**	**Feb**	**Mar**	**Apr**	**May**	**Jun**	**Jul**	**Aug**	**Sep**	**Oct**	**Nov**	**Dec**
String Trimming/Mowing			1	2	3	3	2	1	1	1		
Trash, Debris, Dead Plant Removal	2	2	2	2	2	2	2	2	2	2	2	2
Blow Off Walkways & Pathways			2	2	2	2	2	2	2	2	2	
Weed Removal		1	1	1	1	1	1	1	1	1		
Leaf Removal										1	1	1

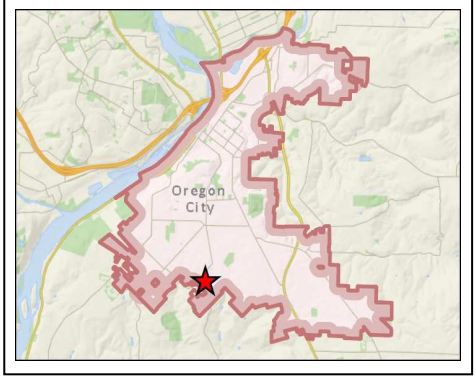
City Owned Stormwater Tracts in RFP									
Qty	RFP ID	Name	Location	Category	Site ID	Map Page	Maint Sched	Special Notes	Maint SqFt
1	Stm-106	Old Hillendale Pump Sta.	19460 Meyers Rd.	City Tract	Stm-106	59	City Tract	Field mowing	25,985
2	Stm-107	Glen Oak Detention Tanks	Next to 14987 Glen Oak Rd.	City Tract	Stm-107	59	City Tract	Field mowing	10,867
3	Stm-108	Maywood Ct. Natural Area	Behind 11266 Maywood Ct.	City Tract	Stm-108	60	City Tract		10,643
4	Stm-109	Hunter Ave Natural Area	Next to 16294 Hunter Ave.	City Tract	Stm-109	60	City Tract	Field mowing	10,812
5	Stm-110	Marlo Farms Open Space	Cherrywood Way & Jessie Ave.	City Tract	Stm-110	61	City Tract	Field mowing	21,918
									80,225

City Stormwater Tract Landscape Maintenance Schedule												
Job Task	**Jan**	**Feb**	**Mar**	**Apr**	**May**	**Jun**	**Jul**	**Aug**	**Sep**	**Oct**	**Nov**	**Dec**
Tree & Shrub Pruning	Per specs and as needed per species for proper growth & development.											
Trash, Debris, Dead Plant Removal	1	1	2	2	2	2	2	2	2	2	2	1
Blow Off Walkways & Pathways			2	2	2	2	2	2	2	2	2	
Leaf Removal	1									1	1	1
String Timming & Mowing			1	2	3	3	2	1	1	1		
Broadleaf spray (lawn only)			1							1		
Irrigation (site specific, see spreasheet)			On	1	1	1	1	1	1	Off		
Barkdust	Barkdust will be applied to site which requrie barkdust, once every 3 years.											

Stormwater Division - Pond Sites

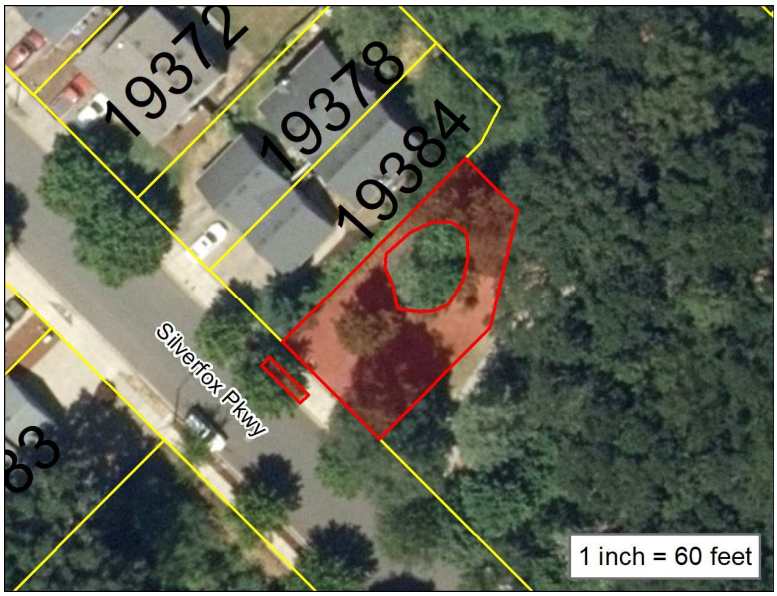
RFP ID: Stm-1 **Site Name**: Leland Run Detention Pond

Location Map



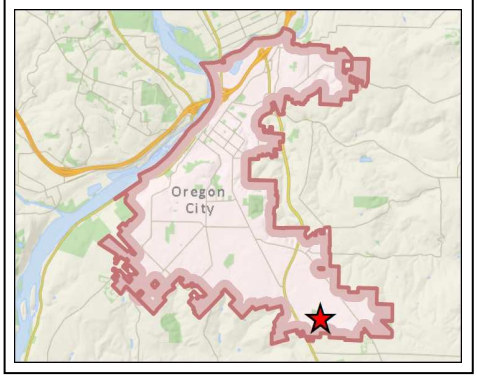
Site Information
Site ID: Stm-1-3004
Site Address:
Next To 19384 Silverfox Pkwy
Category: Pond
Site Area Sq Ft: 2,916

Site Detail Map



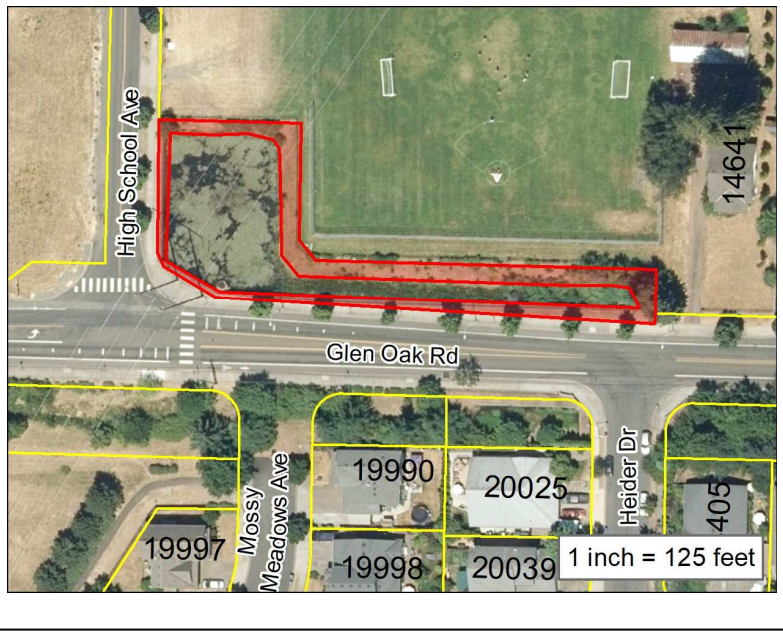
RFP ID: Stm-2 **Site Name**: High School Detention Pond (South)

Location Map



Site Information
Site ID: Stm-2-3006
Site Address: Corner Of High School Ave. & Glenn Oak Rd.
Category: Pond
Site Area Sq Ft: 8,165

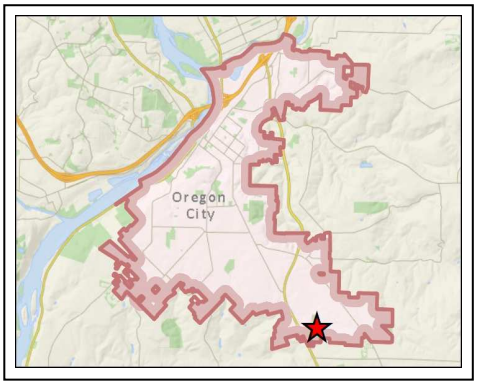
Site Detail Map



Stormwater Division - Pond Sites continued

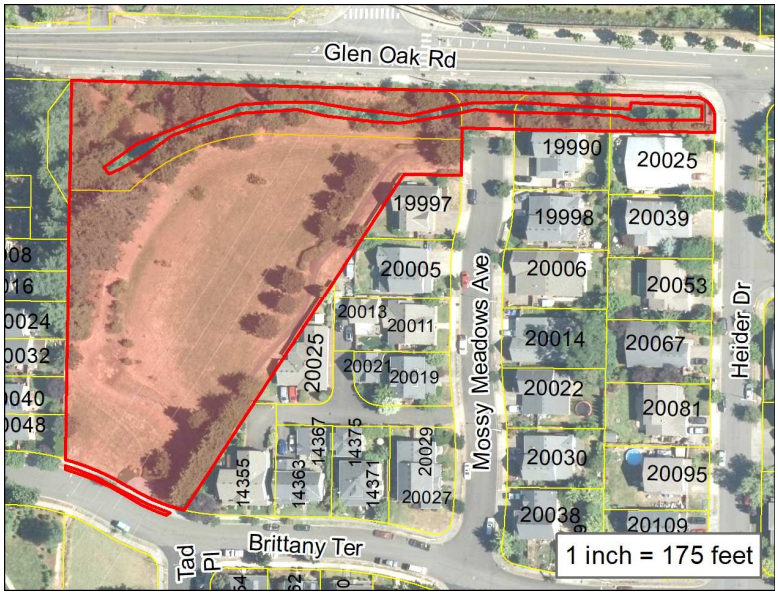
RFP ID: Stm-3 **Site Name**: Glen Oak Meadows Detention Pond

Location Map



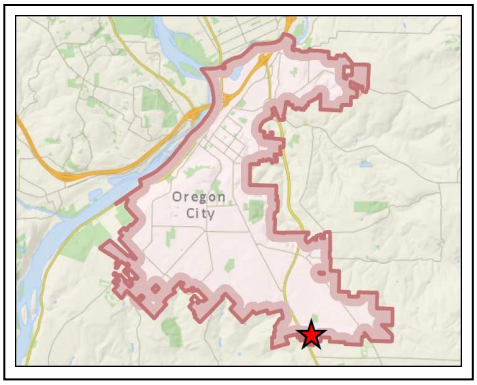
Site Information
Site ID: Stm-3-3007
Site Address: Between Quiet Oak & Mossy Meadows Off Brittany Terr.
Category: Pond
Site Area Sq Ft: 101,442

Site Detail Map



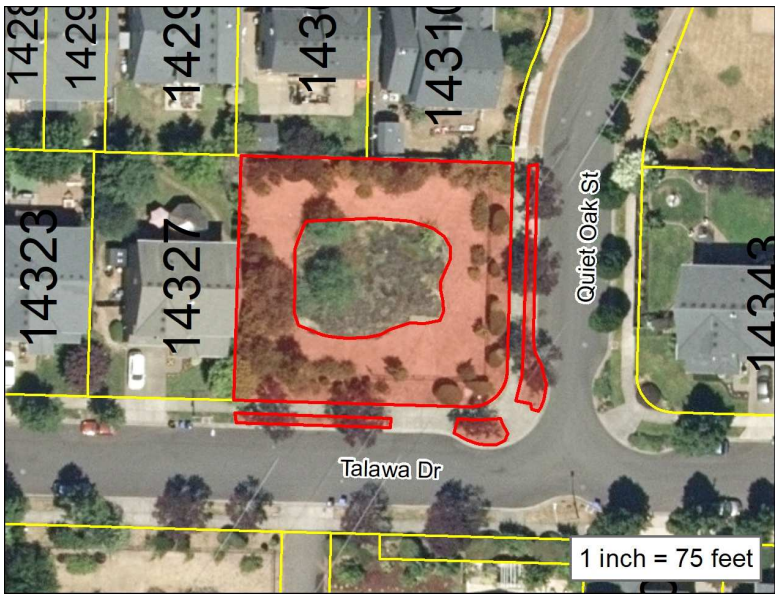
RFP ID: Stm-4 **Site Name**: Meadowood Detention Pond (North)

Location Map



Site Information
Site ID: Stm-4-3089
Site Address: Corner Of Talawa Dr. & Quiet Oak
Category: Pond
Site Area Sq Ft: 9,305

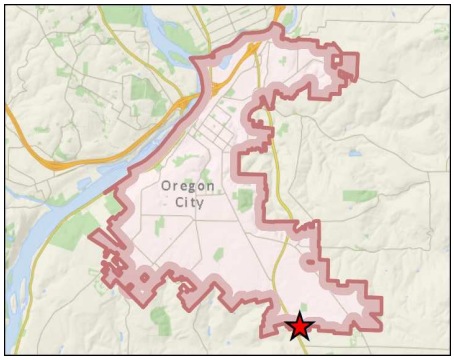
Site Detail Map



Stormwater Division - Pond Sites continued

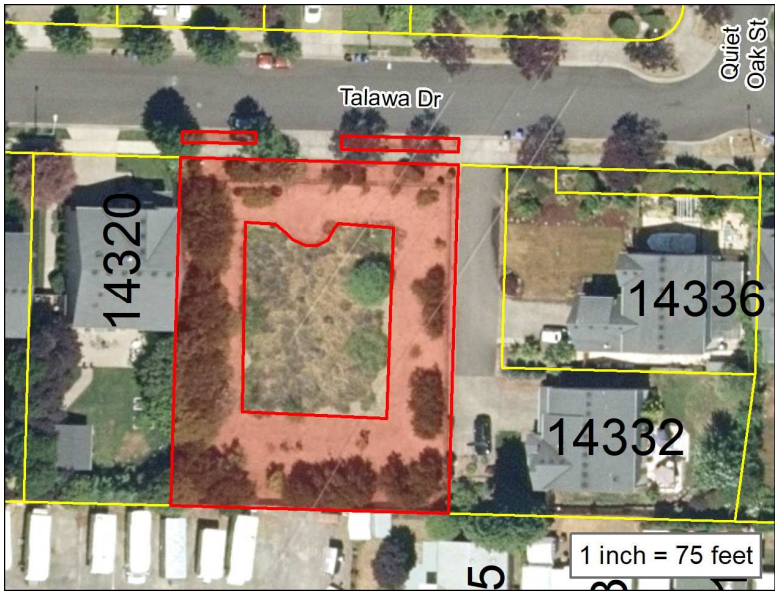
RFP ID: Stm-5 **Site Name**: Meadowood Detention Pond (South)

Location Map



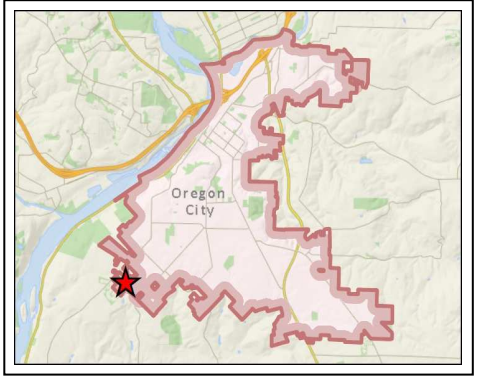
Site Information
Site ID: Stm-5-3008
Site Address:
Next To 14320 Talawa Dr.
Category: Pond
Site Area Sq Ft: 12,058

Site Detail Map



RFP ID: Stm-6 **Site Name**: Chestnut Circle Detention Pond

Location Map



Site Information
Site ID: Stm-6-3009
Site Address:
Across From 11354 Legato Dr.
Category: Pond
Site Area Sq Ft: 11,388

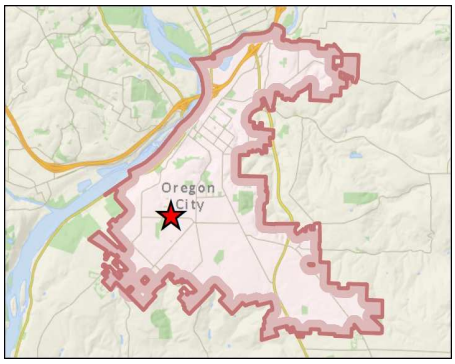
Site Detail Map



Stormwater Division - Pond Sites continued

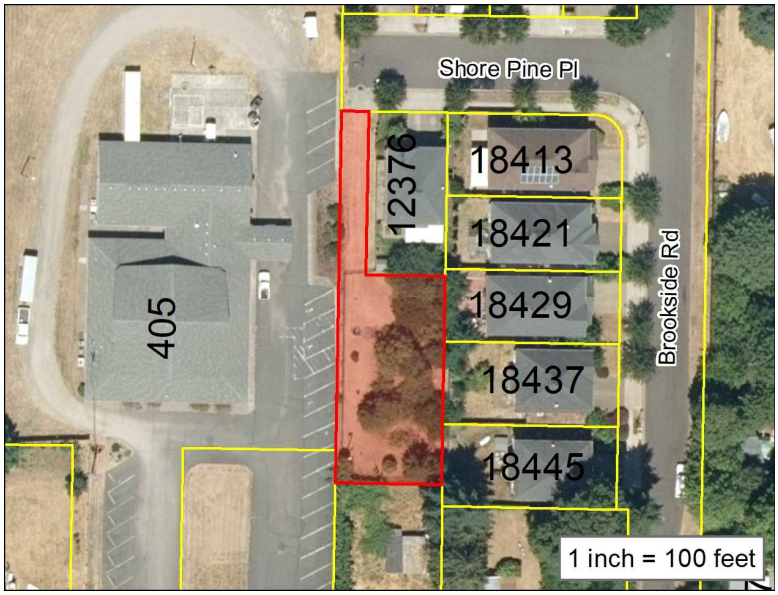
RFP ID: Stm-7 **Site Name**: Sophia Gardens Detention Pond

Location Map



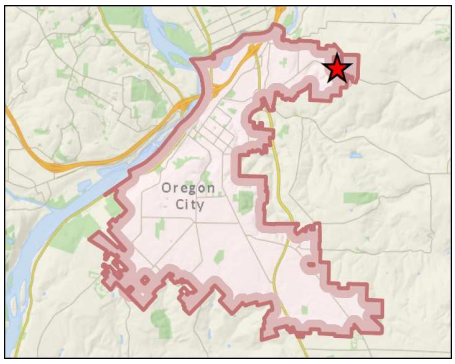
Site Information
Site ID: Stm-7-3014
Site Address: In Front Of Church Next To 419 Warner Parrot Rd.
Category: Pond
Site Area Sq Ft: 7,947

Site Detail Map



RFP ID: Stm-8 **Site Name**: Barlow Crest Detention Pond

Location Map



Site Information
Site ID: Stm-8-3016
Site Address:
At The End Of Josi Court
Category: Pond
Site Area Sq Ft: 20,423

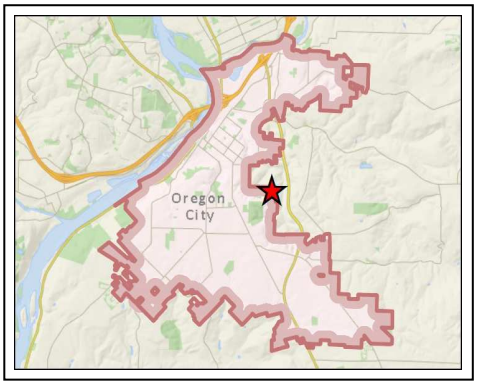
Site Detail Map



Stormwater Division - Pond Sites continued

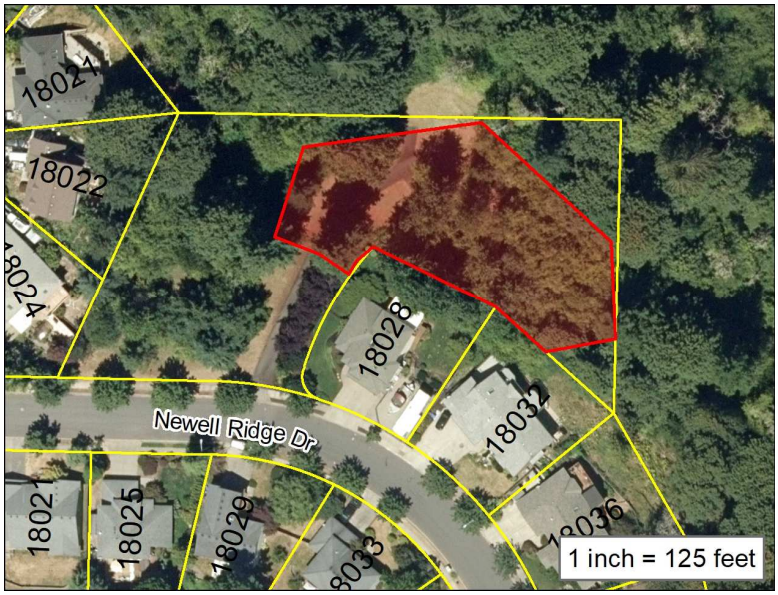
RFP ID: Stm-9 **Site Name**: Newell Ridge Detention Pond

Location Map



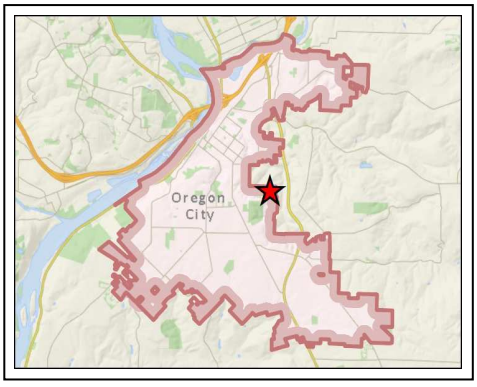
Site Information
Site ID: Stm-9-3018
Site Address:
Behind 18028 Newell Ridge Dr.
Category: Pond
Site Area Sq Ft: 20,975

Site Detail Map



RFP ID: Stm-10 **Site Name**: Barclay Hills Detention Pond

Location Map



Site Information
Site ID: Stm-10-3019
Site Address: Across From 18025 Newel Ridge Drive
Category: Pond
Site Area Sq Ft: 14,869

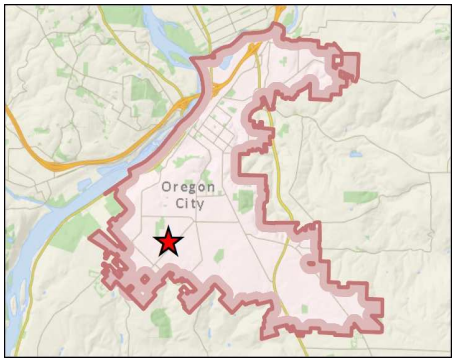
Site Detail Map



Stormwater Division - Pond Sites continued

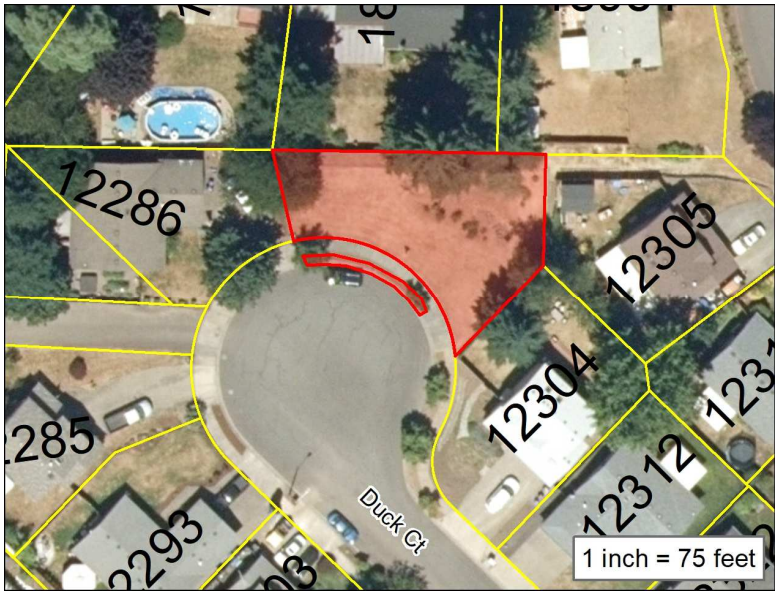
RFP ID: Stm-11 **Site Name**: Duck Run Detention Pond

Location Map



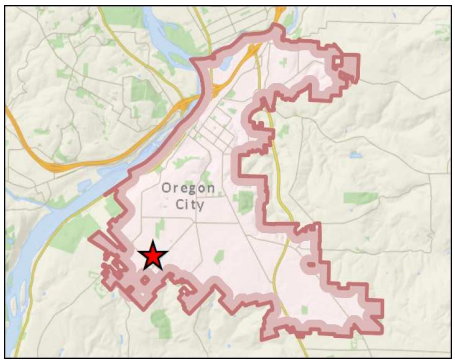
Site Information
Site ID: Stm-11-3021
Site Address:
Next To 12304 Duck Court
Category: Pond
Site Area Sq Ft: 5,657

Site Detail Map



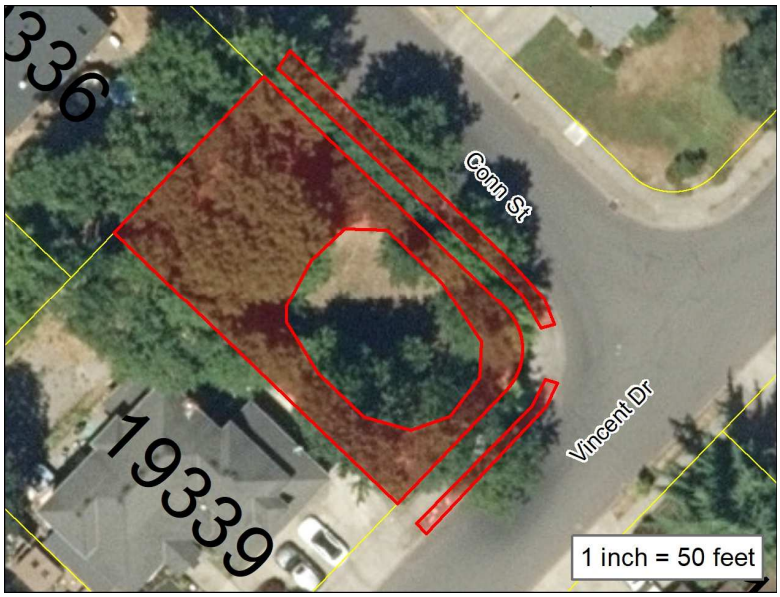
RFP ID: Stm-12 **Site Name**: Conn Street Detention Pond

Location Map



Site Information
Site ID: Stm-12-3022
Site Address: Corner of Vincent Dr & Conn St
Category: Pond
Site Area Sq Ft: 4,929

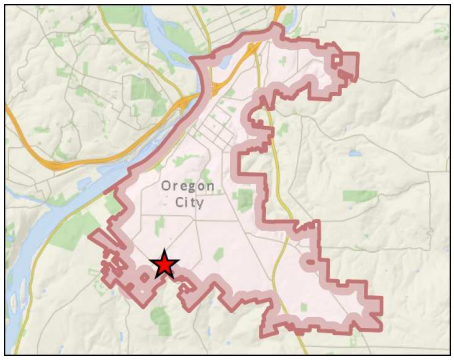
Site Detail Map



Stormwater Division - Pond Sites continued

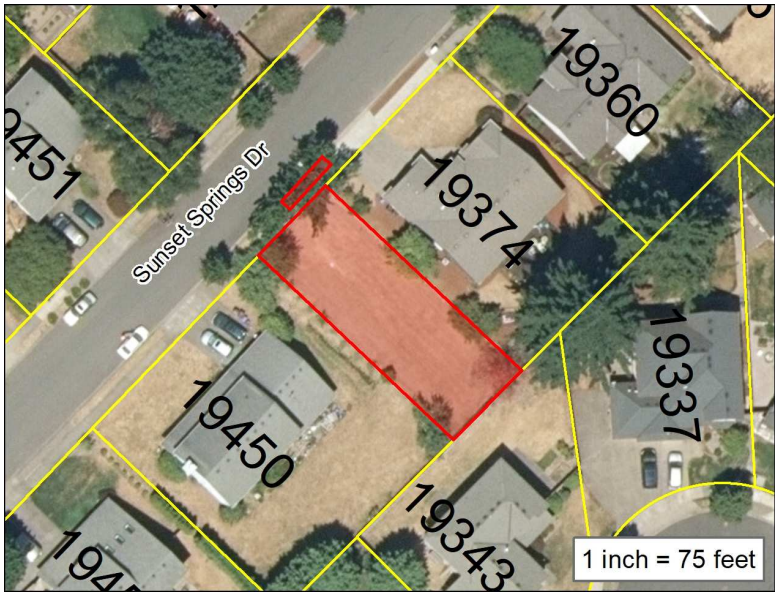
RFP ID: Stm-13 **Site Name**: Salmon Springs Detention Pond

Location Map



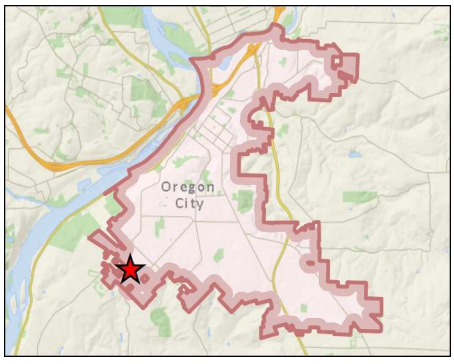
Site Information
Site ID: Stm-13-3024
Site Address:
Next To 19450 Sunset Springs Drive
Category: Pond
Site Area Sq Ft: 4,465

Site Detail Map



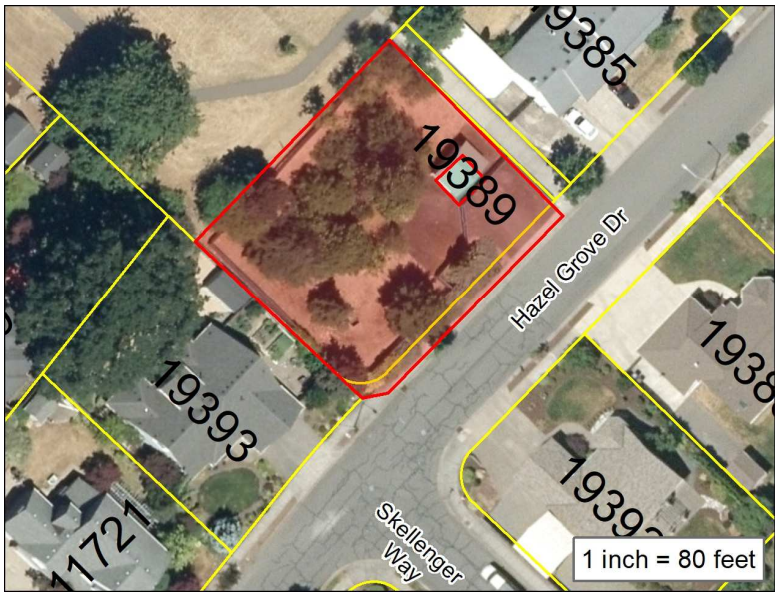
RFP ID: Stm-14 **Site Name**: Hazel Grove Detention Pond

Location Map



Site Information
Site ID: Stm-14-3026
Site Address:
19389 Hazel Grove Dr.
Category: Pond
Site Area Sq Ft: 12562

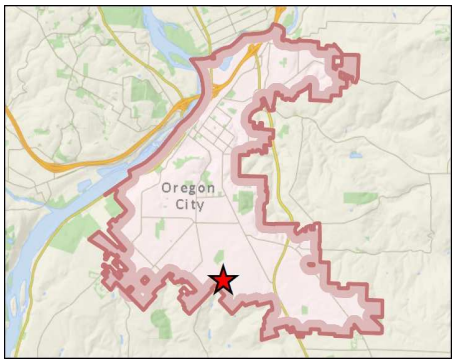
Site Detail Map



Stormwater Division - Pond Sites continued

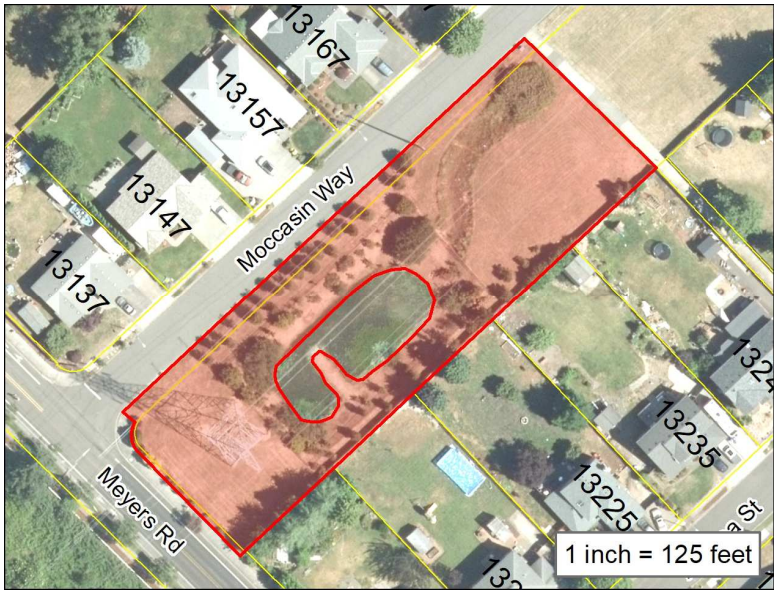
RFP ID: Stm-15 **Site Name**: Moccasin Detention Pond

Location Map



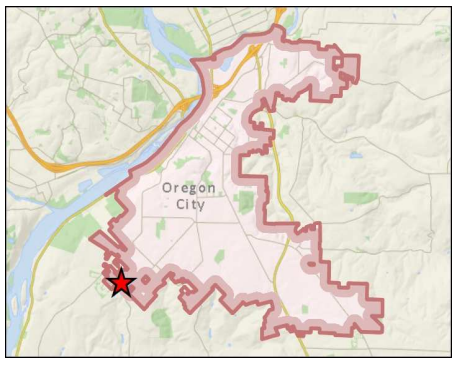
Site Information
Site ID: Stm-15-3029
Site Address: Across From 13147 Moccasin Way
Category: Pond
Site Area Sq Ft: 43,321

Site Detail Map



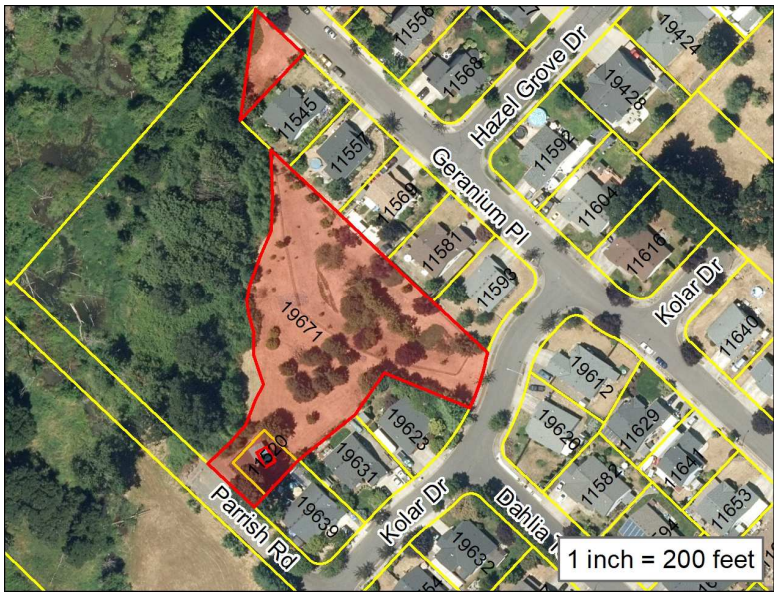
RFP ID: Stm-16 **Site Name**: Kolar Detention Pond

Location Map



Site Information
Site ID: Stm-16-3030
Site Address: 19671 Kolar Dr & 11519 Parrish Rd (2 parcels)
Category: Pond
Site Area Sq Ft: 52,625

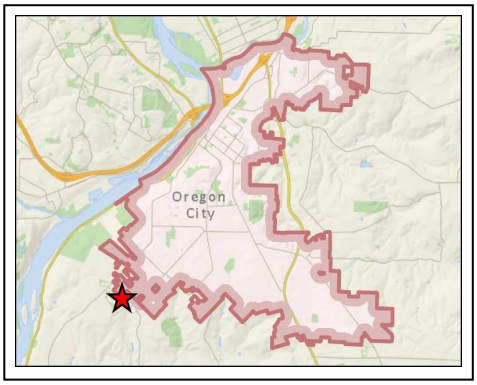
Site Detail Map



Stormwater Division - Pond Sites continued

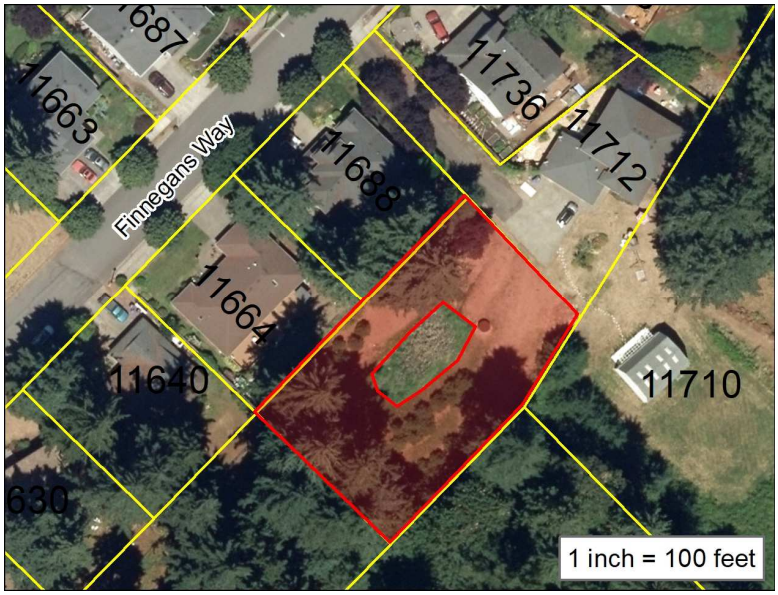
RFP ID: Stm-17 **Site Name**: Parrish Grove Detention Pond

Location Map



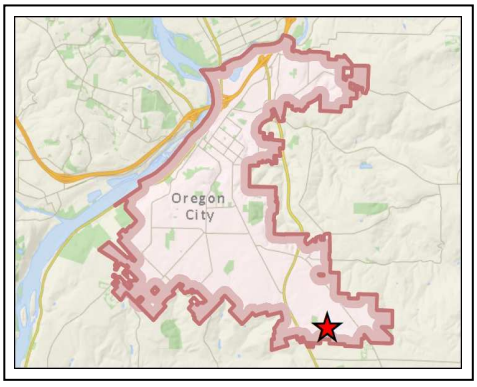
Site Information
Site ID: Stm-17-3032
Site Address: Behind 11664 & 11688 Finnegan's Way
Category: Pond
Site Area Sq Ft: 14,689

Site Detail Map



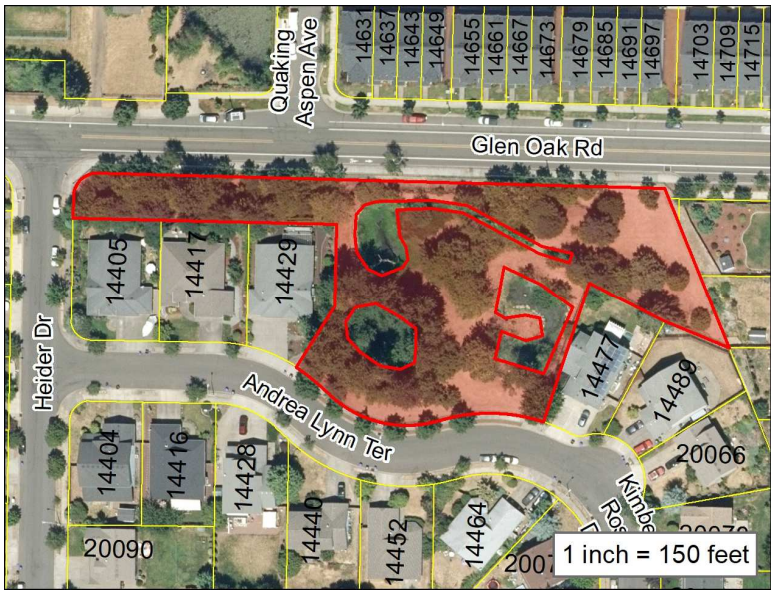
RFP ID: Stm-18 **Site Name**: Glen Oak Natural Area Ponds

Location Map



Site Information
Site ID: Stm-18-3036
Site Address: Between Glen Oak Rd & Andrea Lynn Ter
Category: Pond
Site Area Sq Ft: 47,741

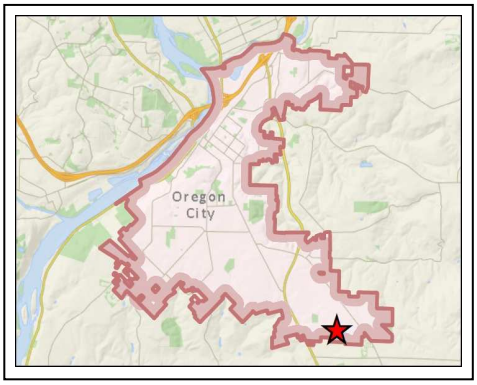
Site Detail Map



Stormwater Division - Pond Sites continued

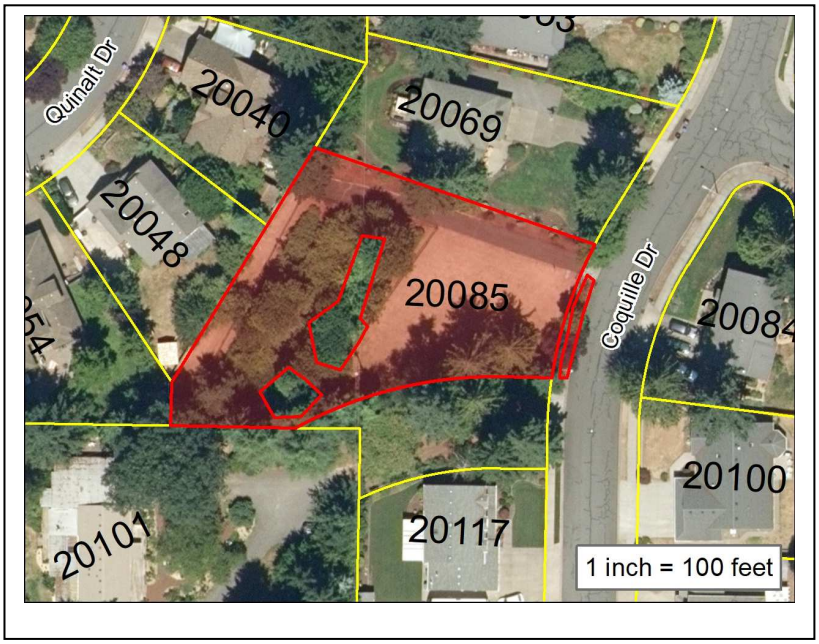
RFP ID: Stm-19 **Site Name**: Coquille Detention Pond

Location Map



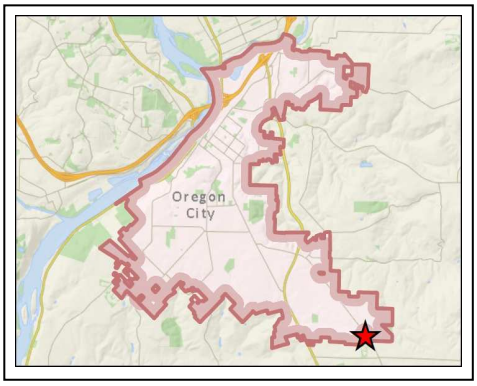
Site Information
Site ID: Stm-19-3038
Site Address: 20085 Coquille Dr.
Category: Pond
Site Area Sq Ft: 20,073

Site Detail Map



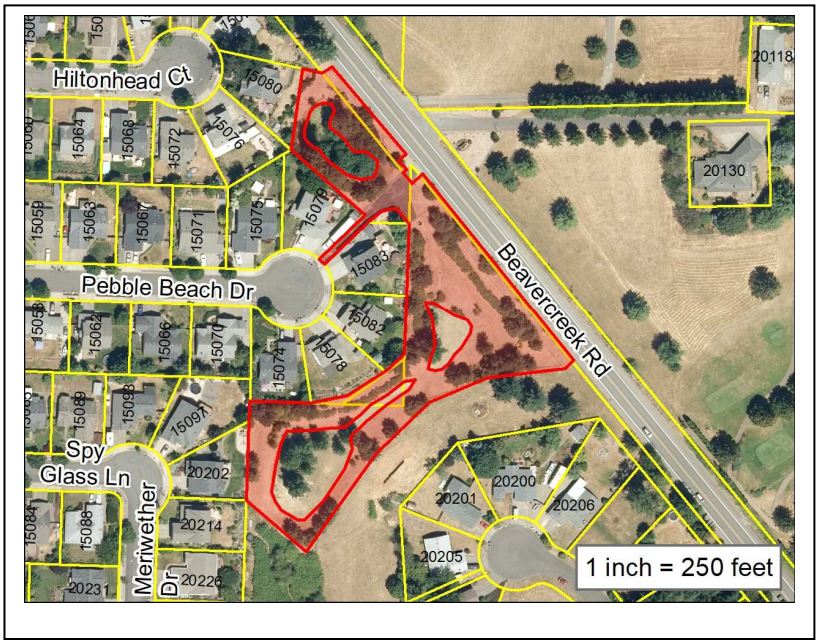
RFP ID: Stm-20 **Site Name**: Fairway Downs Detention Ponds

Location Map



Site Information
Site ID: Stm-20-3039
Site Address: (3 Ponds) Across from Golf Course & Airfield on Beavercreek
Category: Pond
Site Area Sq Ft: 72,229

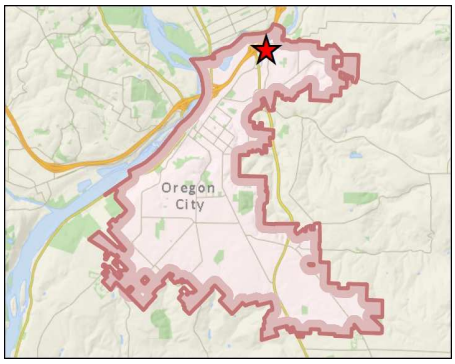
Site Detail Map



Stormwater Division - Pond Sites continued

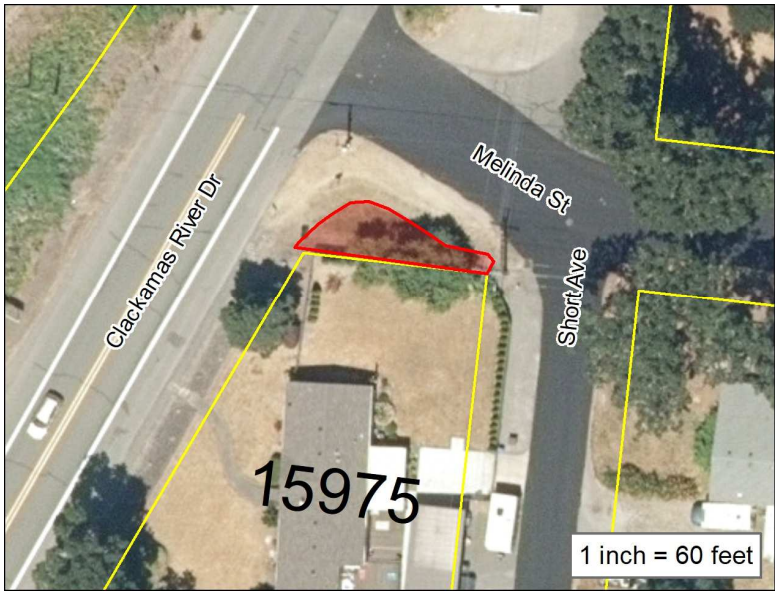
RFP ID: Stm-21 **Site Name**: Melinda Detention Pond

Location Map



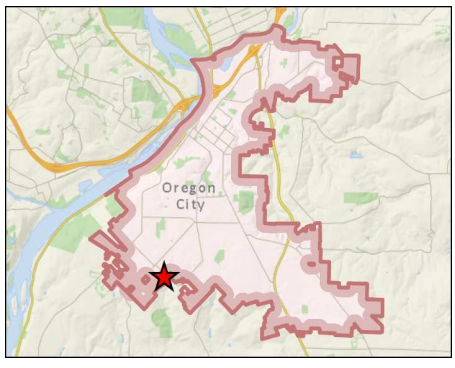
Site Information
Site ID: Stm-21-3042
Site Address: Intersection Of Melinda St. & Short Ave.
Category: Pond
Site Area Sq Ft: 720

Site Detail Map



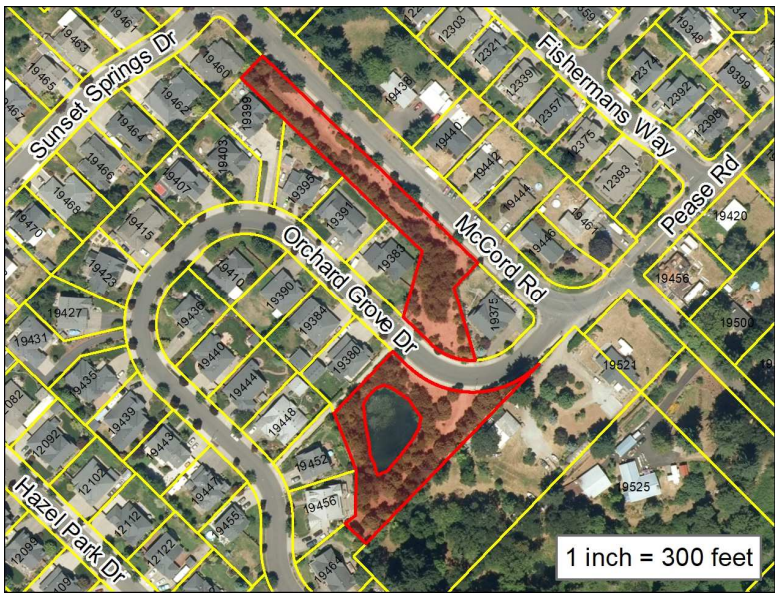
RFP ID: Stm-22 **Site Name**: Hazelcreek Farms Detention Ponds

Location Map



Site Information
Site ID: Stm-22-3044
Site Address: Next to 19380 Orchard Grove Dr & along Mccord Rd (2 Ponds)
Category: Pond
Site Area Sq Ft: 68,132

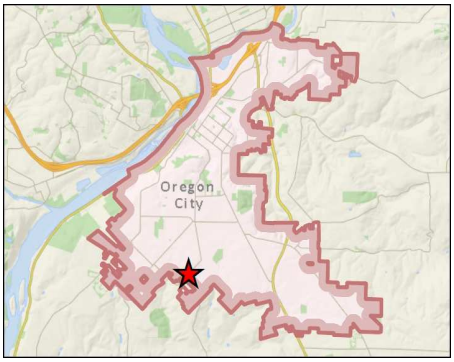
Site Detail Map



Stormwater Division - Pond Sites continued

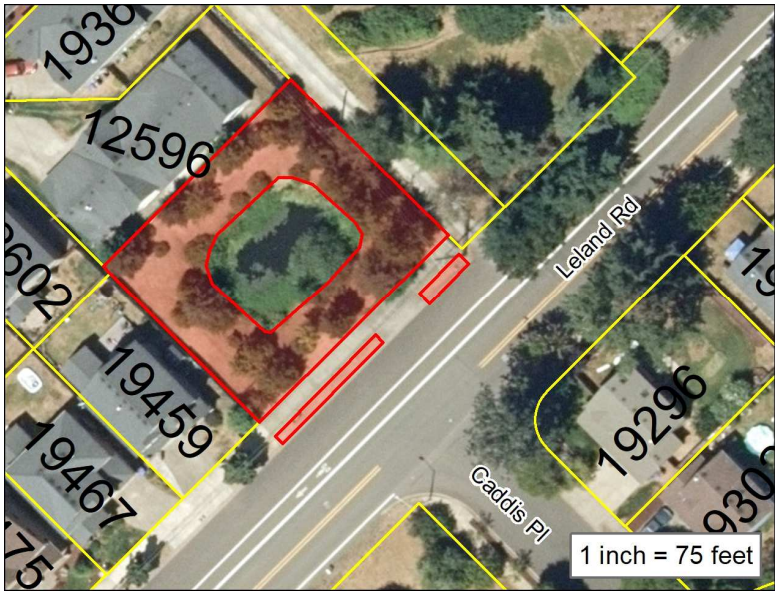
RFP ID: Stm-23 **Site Name**: Willow Run Estates Detention Pond

Location Map



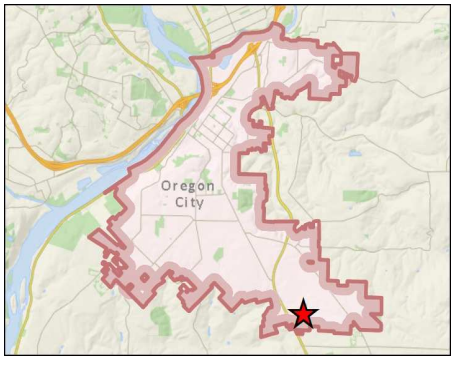
Site Information
Site ID: Stm-23-3045
Site Address: Across From Corner Of Leland Rd. & Caddis Pl.
Category: Pond
Site Area Sq Ft: 7,737

Site Detail Map



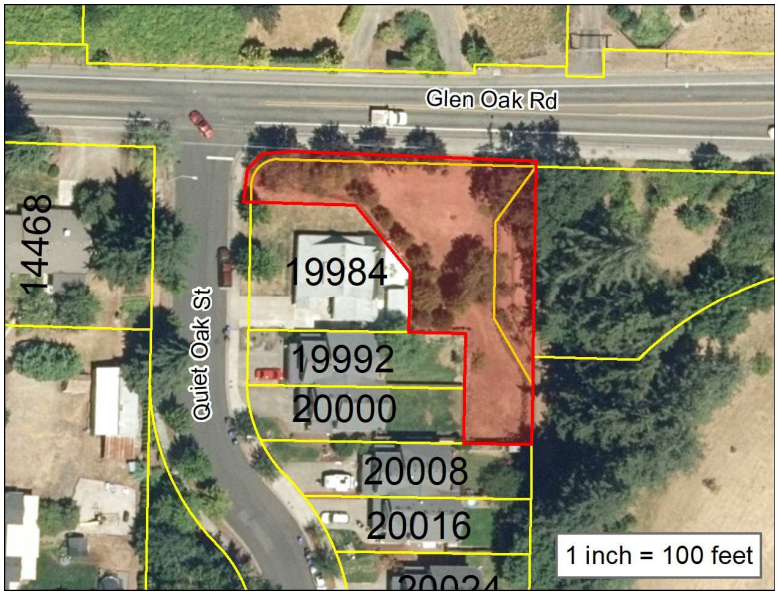
RFP ID: Stm-24 **Site Name**: Bailey Estates Detention Pond

Location Map



Site Information
Site ID: Stm-24-3046
Site Address:
Behind 19984 Quiet Oak St.
Category: Pond
Site Area Sq Ft: 11,731

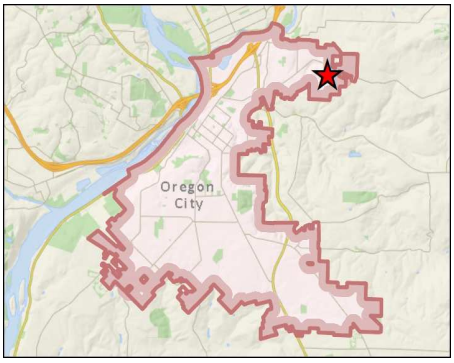
Site Detail Map



Stormwater Division - Pond Sites continued

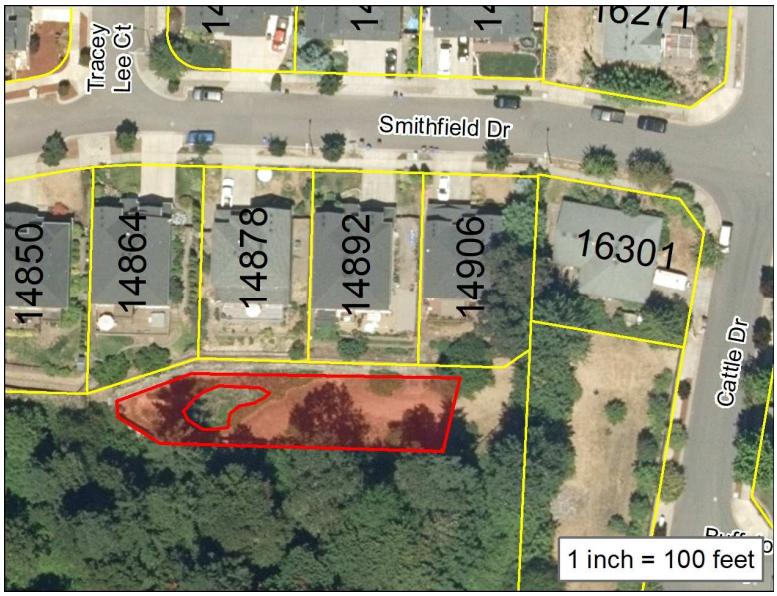
RFP ID: Stm-25 **Site Name**: Tracey Heights Detention Pond

Location Map



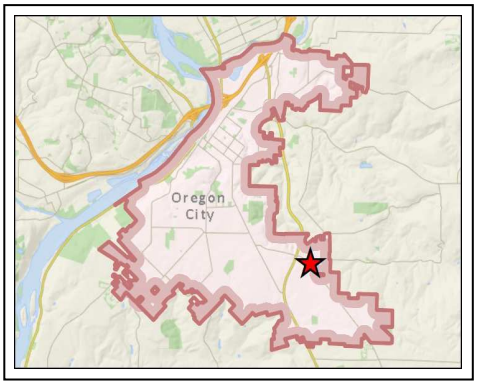
Site Information
Site ID: Stm-25-3047
Site Address:
Behind 14878 Smithfield Dr.
Category: Pond
Site Area Sq Ft: 6,028

Site Detail Map



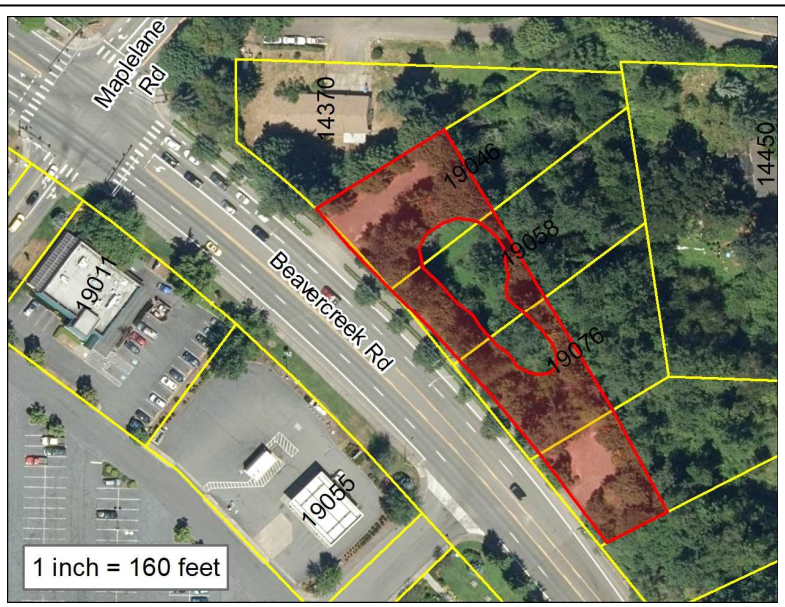
RFP ID: Stm-26 **Site Name**: Berry Hill Detention Pond

Location Map



Site Information
Site ID: Stm-26-3049
Site Address:
19046-19076 Beavercreek Rd.
Category: Pond
Site Area Sq Ft: 28,323

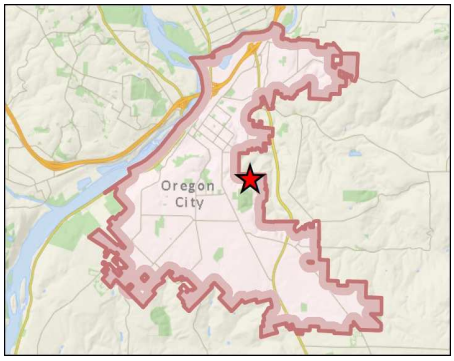
Site Detail Map



Stormwater Division - Pond Sites continued

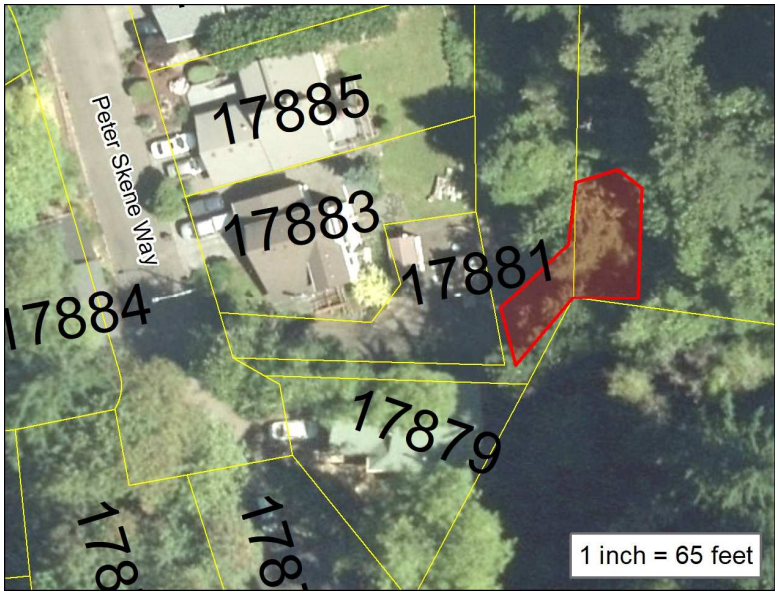
RFP ID: Stm-27 **Site Name**: Detention Pond at Barclay Hills Pump Station

Location Map



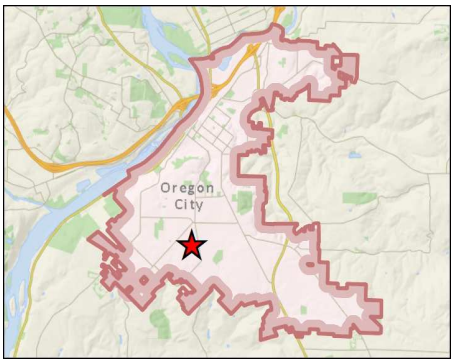
Site Information
Site ID: Stm-27-3050
Site Address:
Behind 17883 Peter Skene Way
Category: Pond
Site Area Sq Ft: 1,560

Site Detail Map



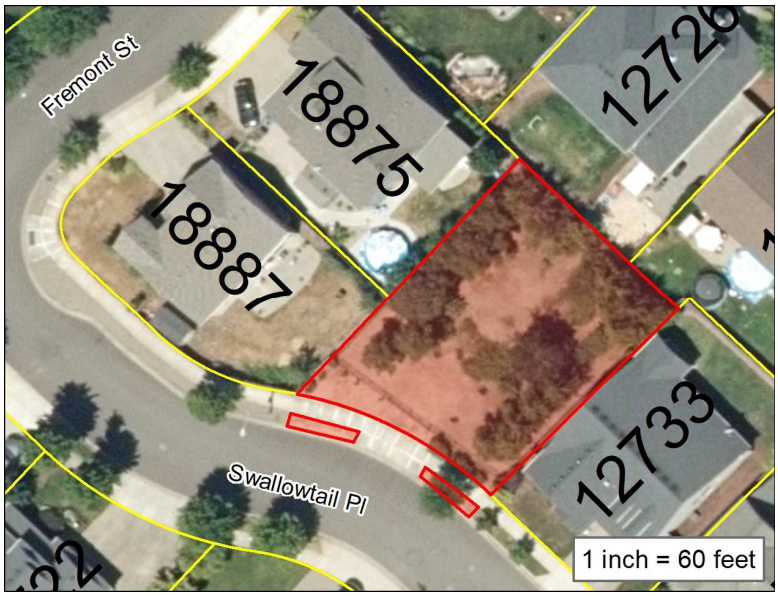
RFP ID: Stm-28 **Site Name**: May's Point Detention Pond

Location Map



Site Information
Site ID: Stm-28-3051
Site Address:
Next To 12733 Swallowtail Pl.
Category: Pond
Site Area Sq Ft: 6,659

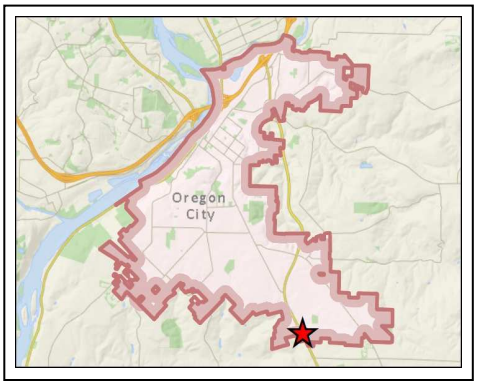
Site Detail Map



Stormwater Division - Pond Sites continued

RFP ID: Stm-29 **Site Name**: Sequoia Detention Pond (South)

Location Map



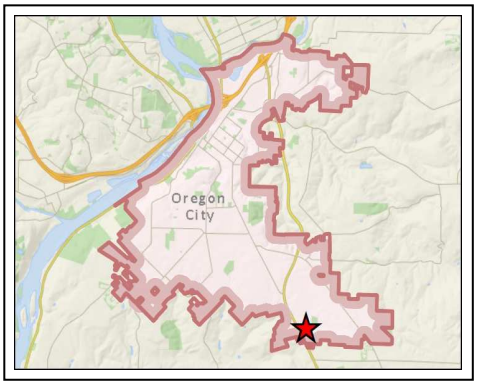
Site Information
Site ID: Stm-29-3053
Site Address: Chanticleer Place & Hwy 213
Category: Pond
Site Area Sq Ft: 5,153

Site Detail Map



RFP ID: Stm-30 **Site Name**: Sequoia Detention Ponds (North) + Median

Location Map



Site Information
Site ID: Stm-30-3101
Site Address: Murren Way & Berge View Ave & Glen Oak Rd traffic island
Category: Pond
Site Area Sq Ft: 20,629

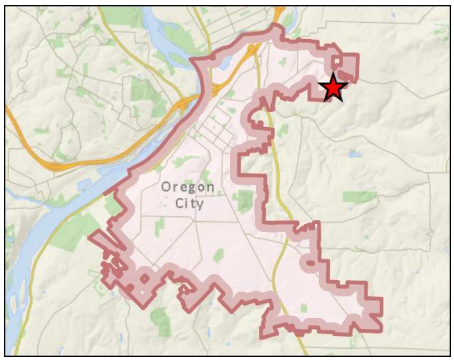
Site Detail Map



Stormwater Division - Pond Sites continued

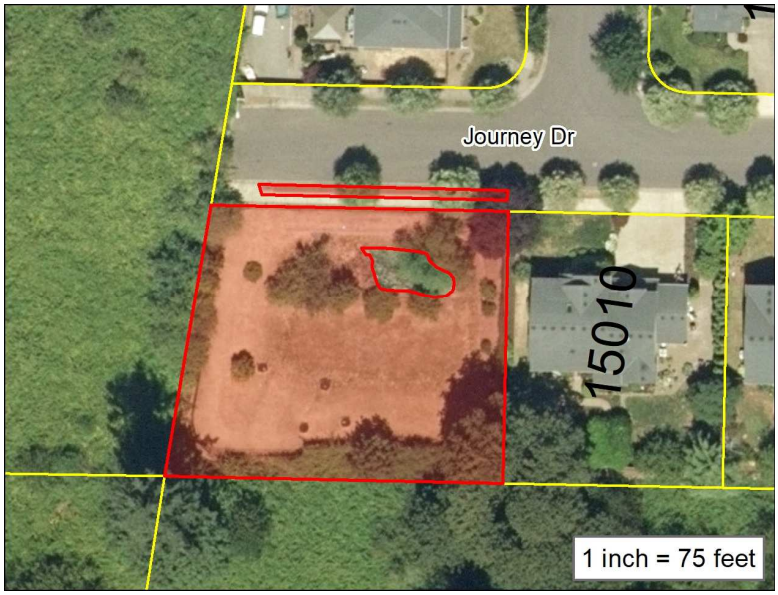
RFP ID: Stm-31 **Site Name**: Trails View Estates Detention Pond

Location Map



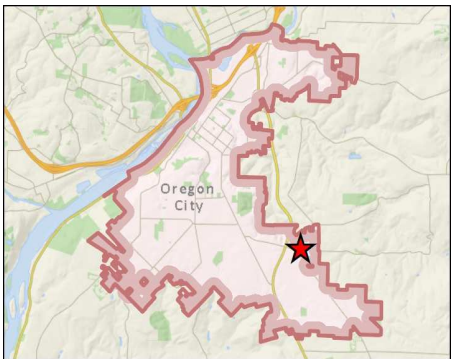
Site Information
Site ID: Stm-31-3056
Site Address:
Next To 15010 Journey Dr.
Category: Pond
Site Area Sq Ft: 14,401

Site Detail Map



RFP ID: Stm-32 **Site Name**: Walnut Grove Detention Pond

Location Map



Site Information
Site ID: Stm-32-3057
Site Address: Corner Of Thayer Rd. & Maplelane Rd.
Category: Pond
Site Area Sq Ft: 27,487

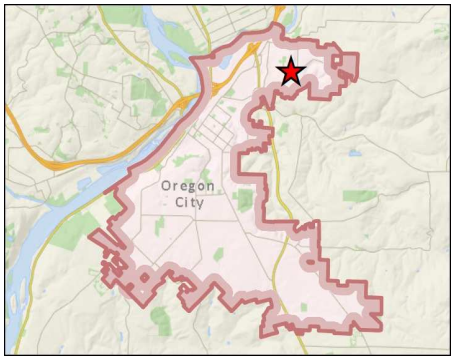
Site Detail Map



Stormwater Division - Pond Sites continued

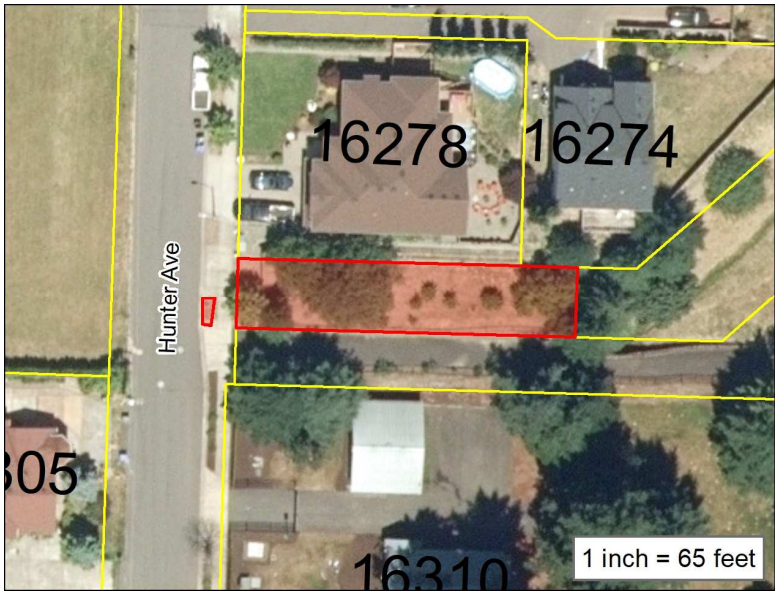
RFP ID: Stm-33 **Site Name**: Allen Heights Detention Pond

Location Map



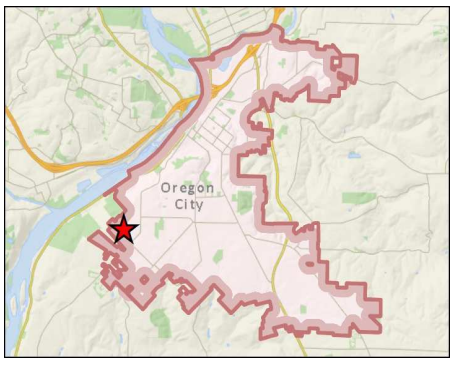
Site Information
Site ID: Stm-33-3059
Site Address:
Next To 16278 Hunter Ave.
Category: Pond
Site Area Sq Ft: 3,039

Site Detail Map



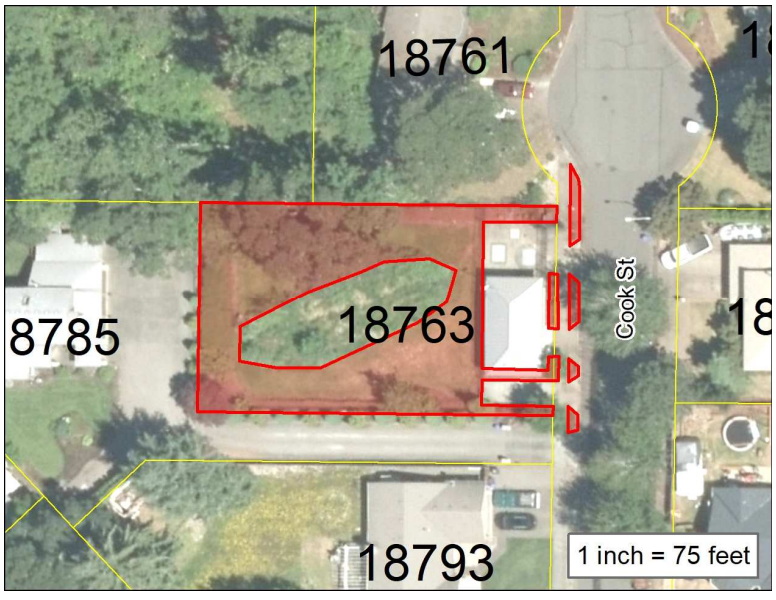
RFP ID: Stm-34 **Site Name**: Cook St Pump Station Detention Pond & Planters

Location Map



Site Information
Site ID: Stm-34-3061
Site Address: 18763 Cook St
Category: Pond
Site Area Sq Ft: 8,469

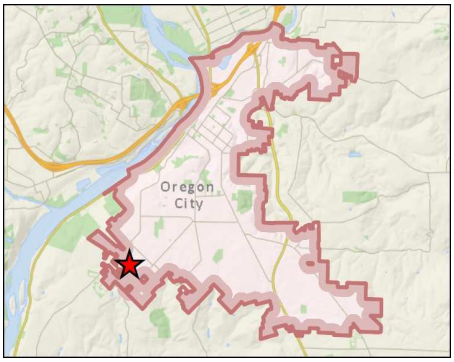
Site Detail Map



Stormwater Division - Pond Sites continued

RFP ID: Stm-35 **Site Name**: Filbert Detention Pond

Location Map



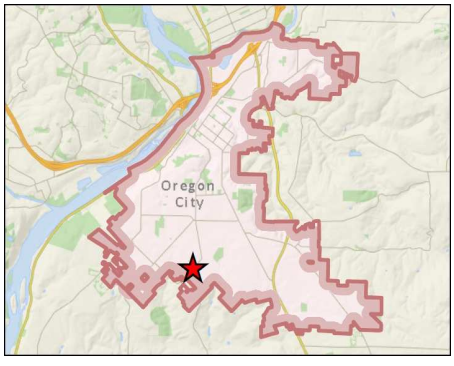
Site Information
Site ID: Stm-35-3064
Site Address:
Next To 11680 Filbert Dr.
Category: Pond
Site Area Sq Ft: 40,174

Site Detail Map



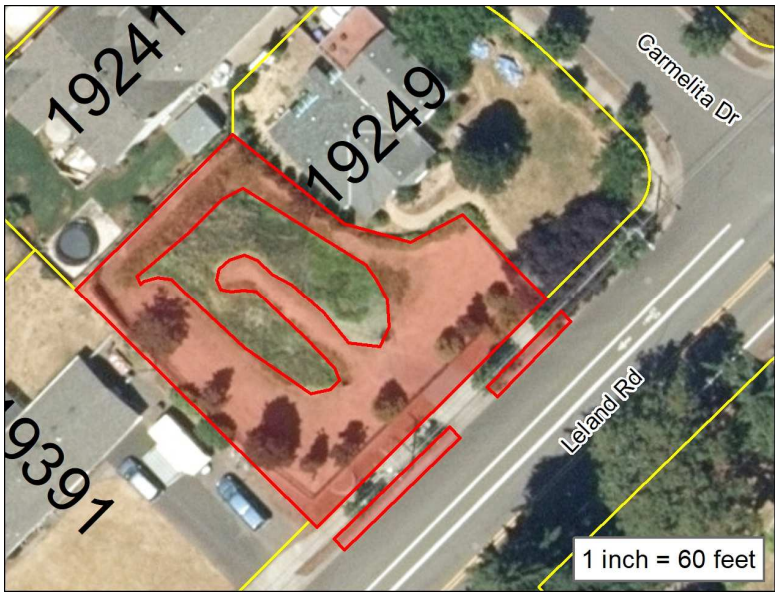
RFP ID: Stm-36 **Site Name**: Gentry Highlands Detention Pond

Location Map



Site Information
Site ID: Stm-36-3066
Site Address:
Next To 19391 Leland Rd.
Category: Pond
Site Area Sq Ft: 7,820

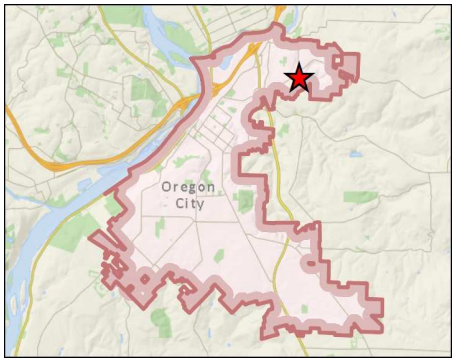
Site Detail Map



Stormwater Division - Pond Sites continued

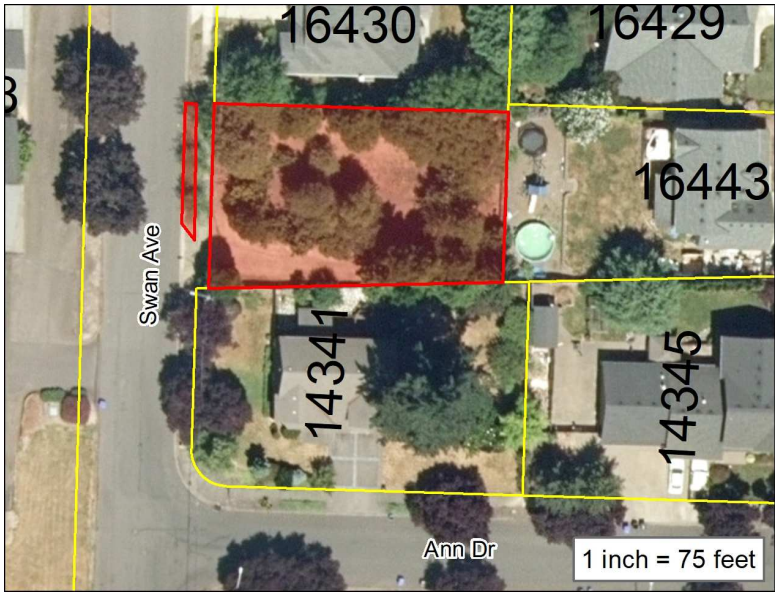
RFP ID: Stm-37 **Site Name**: Jennifer Estates Detention Pond

Location Map



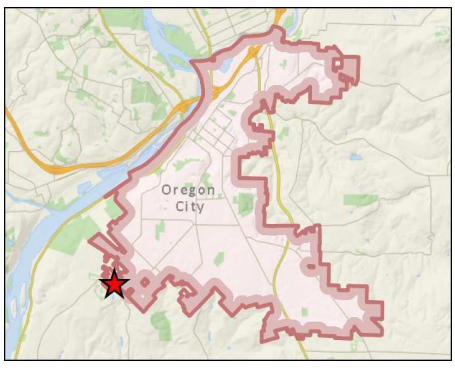
Site Information
Site ID: Stm-37-3068
Site Address:
Next To 16430 Swan Ave.
Category: Pond
Site Area Sq Ft: 8,975

Site Detail Map



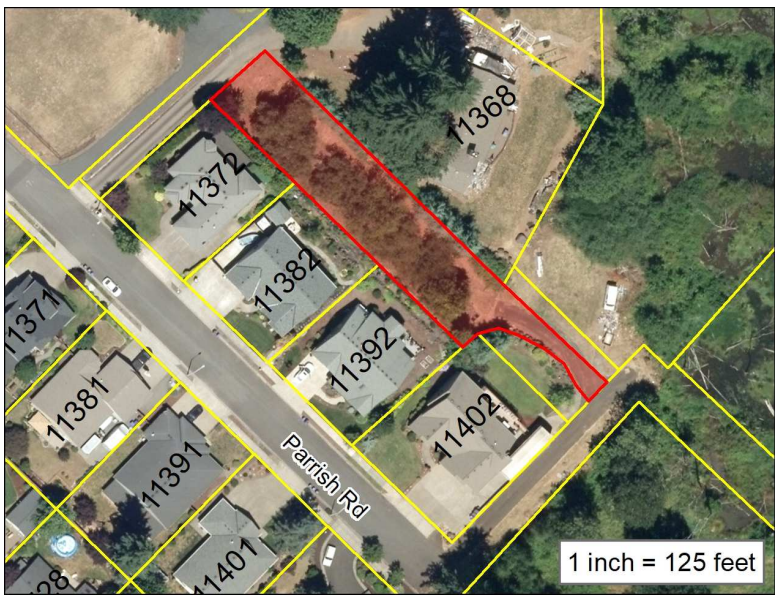
RFP ID: Stm-38 **Site Name**: Little Creek Detention Pond

Location Map



Site Information
Site ID: Stm-38-3069
Site Address:
Behind 11402 Parrish Rd.
Category: Pond
Site Area Sq Ft: 13,420

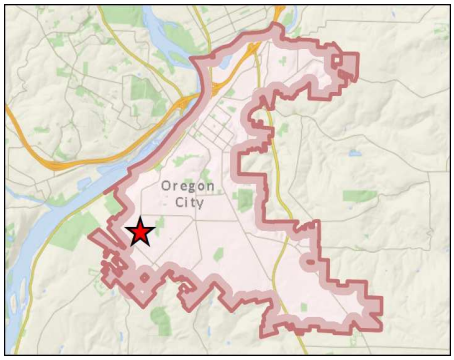
Site Detail Map



Stormwater Division - Pond Sites continued

RFP ID: Stm-39 **Site Name**: Maxwell Meadows Detention Pond

Location Map



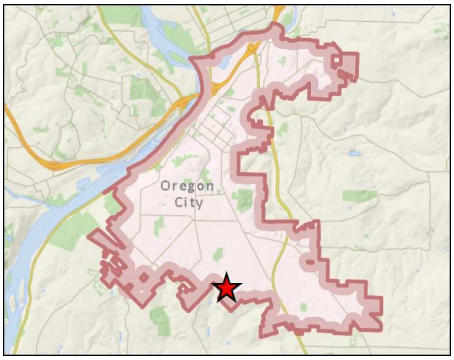
Site Information
Site ID: Stm-39-3071
Site Address:
Next To 11858 Maxwell Ct.
Category: Pond
Site Area Sq Ft: 8,487

Site Detail Map



RFP ID: Stm-40 **Site Name**: Millennium Park Detention Pond

Location Map



Site Information
Site ID: Stm-40-3077
Site Address: Next To 13172 Millennium Way
Category: Pond
Site Area Sq Ft: 13,210

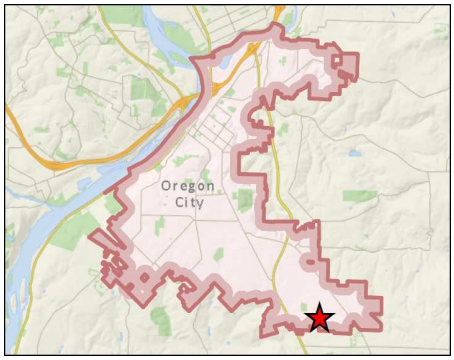
Site Detail Map



Stormwater Division - Pond Sites continued

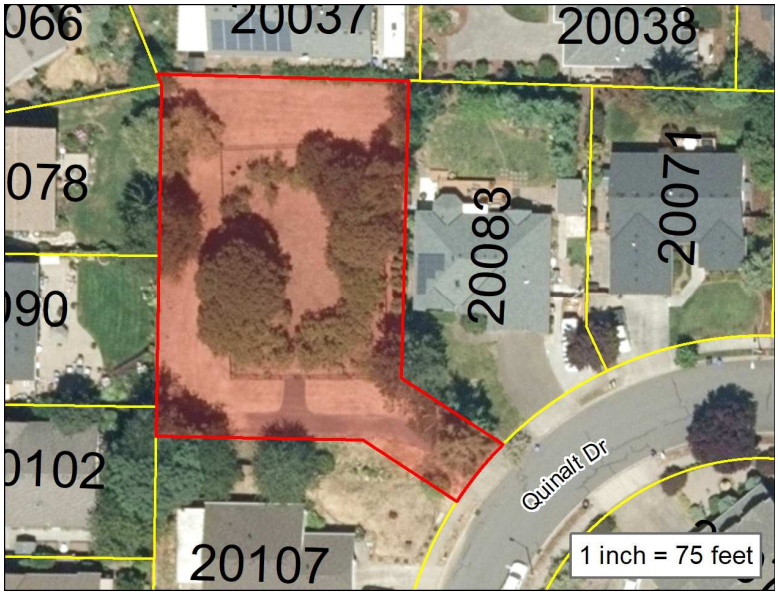
RFP ID: Stm-41 **Site Name**: Quinalt Detention Pond

Location Map



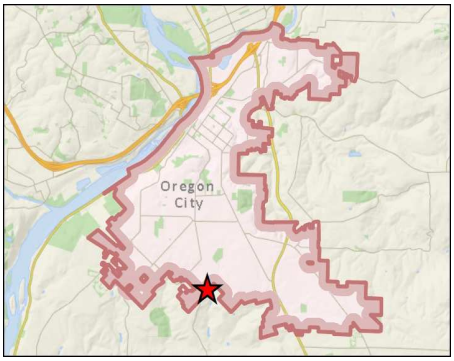
Site Information
Site ID: Stm-41-3079
Site Address:
Next To 20083 Quinalt Dr.
Category: Pond
Site Area Sq Ft: 16,043

Site Detail Map



RFP ID: Stm-42 **Site Name**: Silver Fox Detention Pond

Location Map



Site Information
Site ID: Stm-42-3080
Site Address: Next To
12958 Frontier Pkwy
Category: Pond
Site Area Sq Ft: 15,605

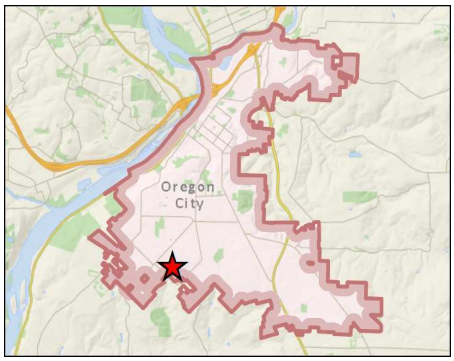
Site Detail Map



Stormwater Division - Pond Sites continued

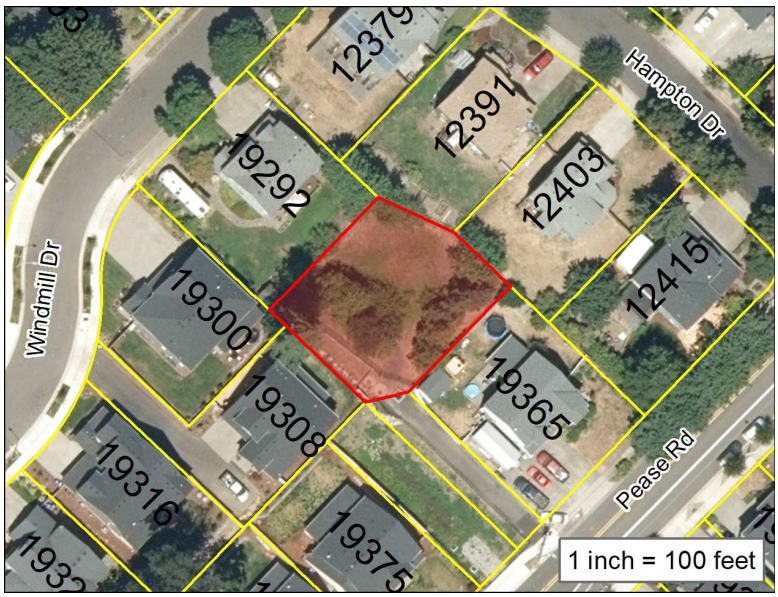
RFP ID: Stm-43 **Site Name**: South Hampton Detention Pond

Location Map



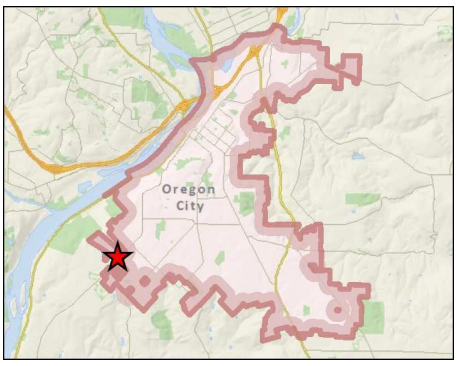
Site Information
Site ID: Stm-43-3081
Site Address:
Behind 19365 Pease Rd.
Category: Pond
Site Area Sq Ft: 8,182

Site Detail Map



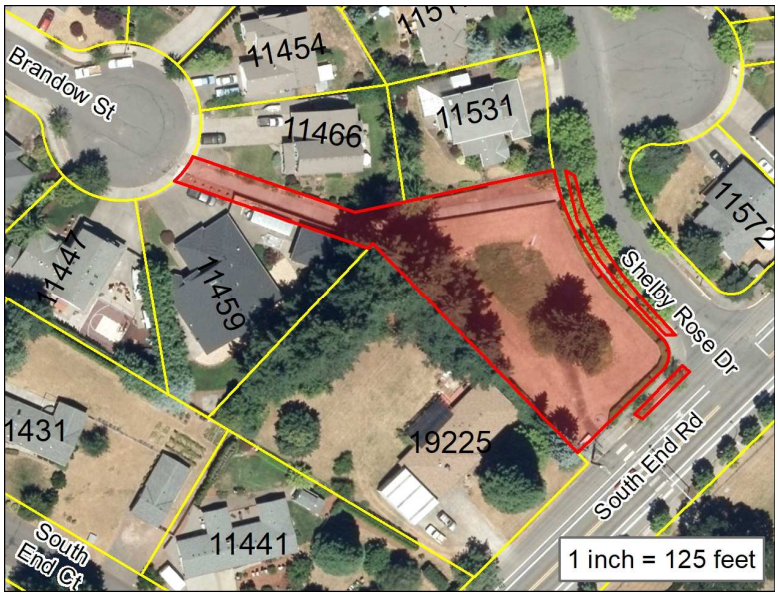
RFP ID: Stm-44 **Site Name**: South Ridge Detention Pond

Location Map



Site Information
Site ID: Stm-44-3082
Site Address: Corner Of Shelby Rose Dr. & South End Rd.
Category: Pond
Site Area Sq Ft: 23,489

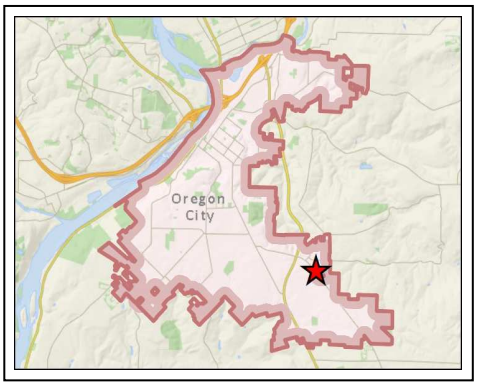
Site Detail Map



Stormwater Division - Pond Sites continued

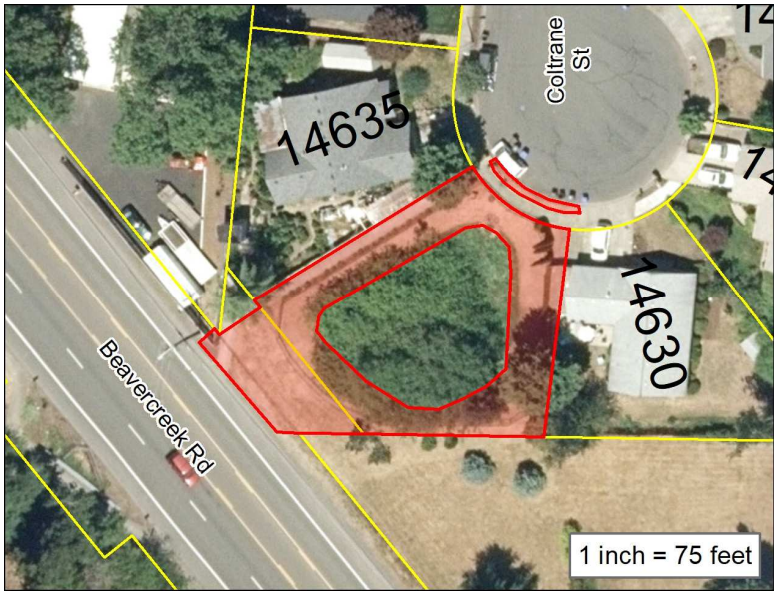
RFP ID: Stm-45 **Site Name**: Thayer Detention Pond

Location Map



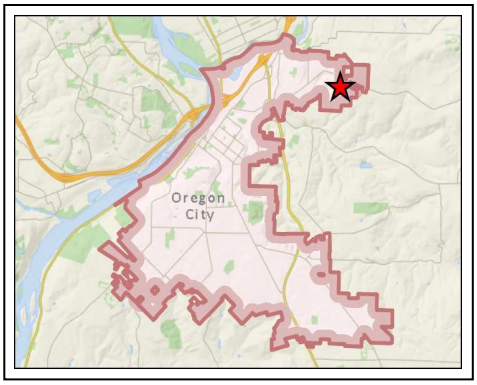
Site Information
Site ID: Stm-45-3083
Site Address:
Next To 14630 Coltrane St.
Category: Pond
Site Area Sq Ft: 7,112

Site Detail Map



RFP ID: Stm-46 **Site Name**: Wasco Acres Detention Pond

Location Map



Site Information
Site ID: Stm-46-3084
Site Address:
Across From 14953 Buffalo Way
Category: Pond
Site Area Sq Ft: 20,238

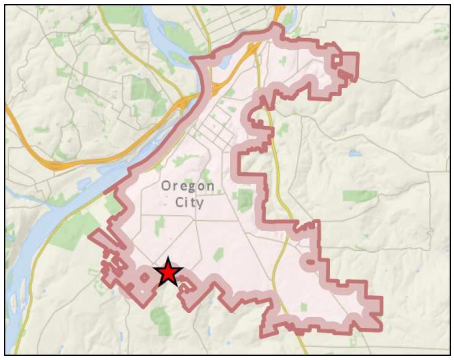
Site Detail Map



Stormwater Division - Pond Sites continued

RFP ID: Stm-47 **Site Name**: Chinook Landing Detention Pond

Location Map



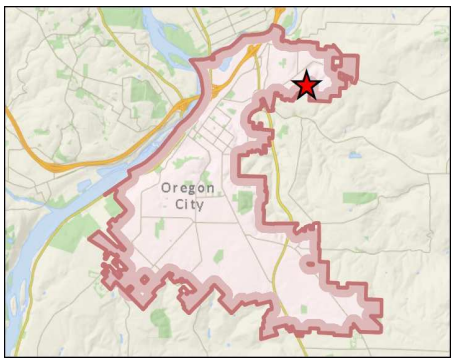
Site Information
Site ID: Stm-47-3086
Site Address: Corner Of Pease Rd. & Fisherman's Way
Category: Pond
Site Area Sq Ft: 7,036

Site Detail Map



RFP ID: Stm-48 **Site Name**: Holcomb Ridge Detention Pond

Location Map



Site Information
Site ID: Stm-48-3087
Site Address:
Next To 16587 Oak Tree Terrace
Category: Pond
Site Area Sq Ft: 14,961

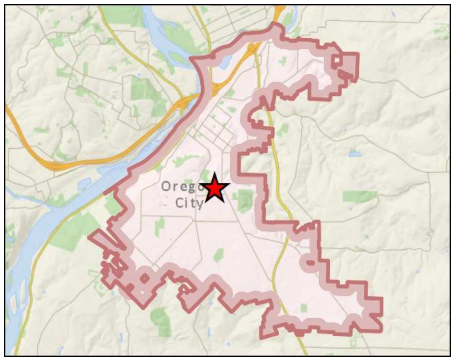
Site Detail Map



Stormwater Division - Pond Sites continued

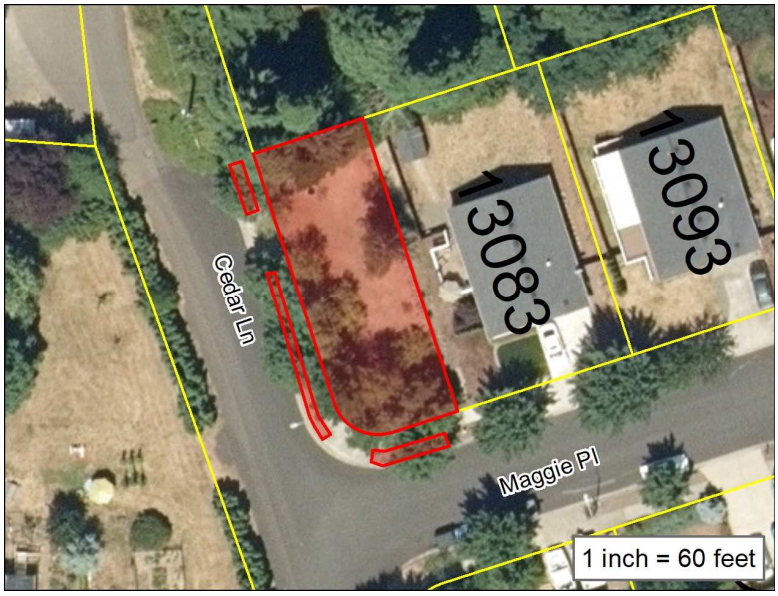
RFP ID: Stm-49 **Site Name**: Knott's Landing Detention Pond

Location Map



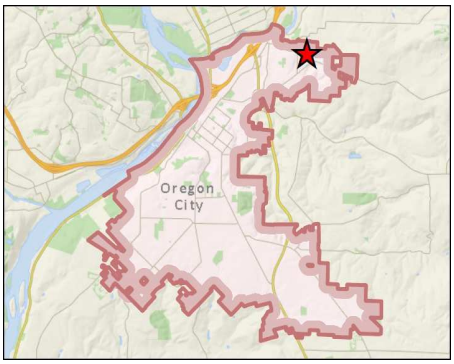
Site Information
Site ID: Stm-49-3088
Site Address:
Corner Of Maggie Pl. & Cedar Ln.
Category: Pond
Site Area Sq Ft: 4,088

Site Detail Map



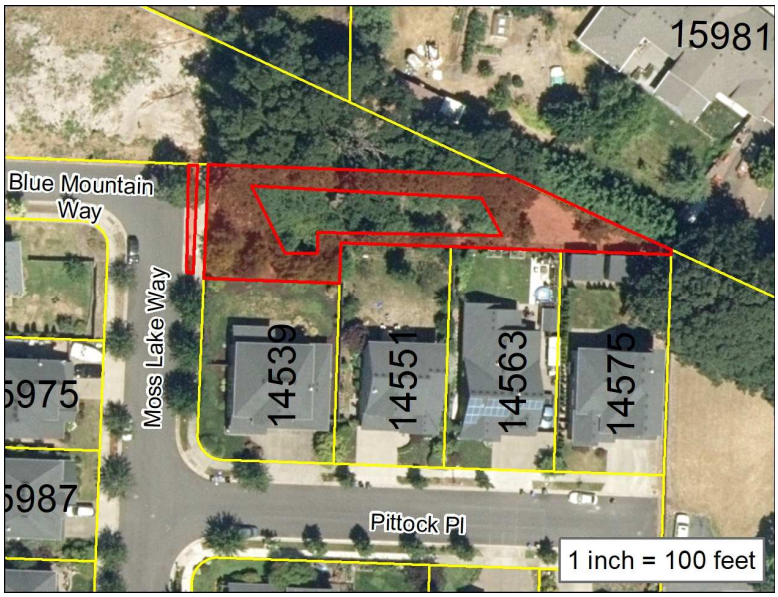
RFP ID: Stm-50 **Site Name**: Camillia Place Detention Pond

Location Map



Site Information
Site ID: Stm-50-3090
Site Address: Corner Of Moss Lake Way & Blue Mountain Way
Category: Pond
Site Area Sq Ft: 7,343

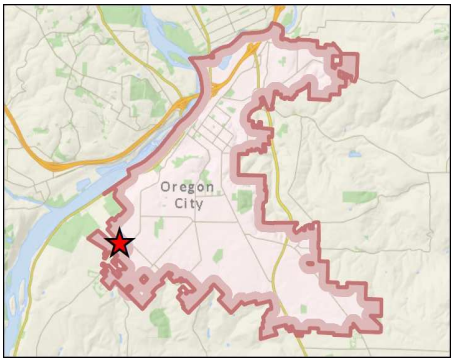
Site Detail Map



Stormwater Division - Pond Sites continued

RFP ID: Stm-51 **Site Name**: Dawn Meadows Detention Pond (Middle)

Location Map



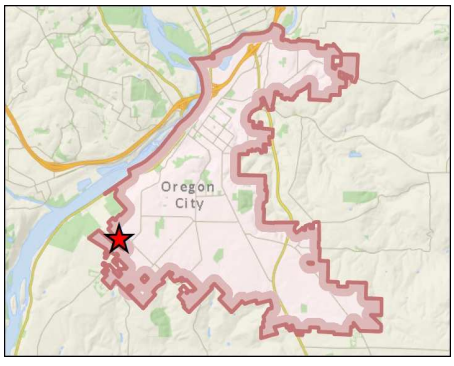
Site Information
Site ID: Stm-51-3092
Site Address:
Across From 11600 Darling Way
Category: Pond
Site Area Sq Ft: 11,723

Site Detail Map



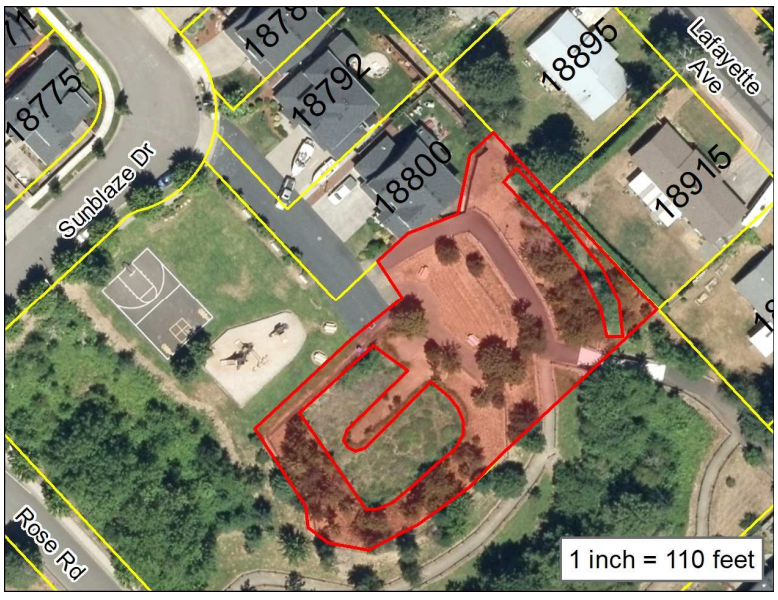
RFP ID: Stm-52 **Site Name**: Dawn Meadows Detention Pond (North)

Location Map



Site Information
Site ID: Stm-52-3093
Site Address:
Across From 18800 Sunblaze Dr.
Category: Pond
Site Area Sq Ft: 22,163

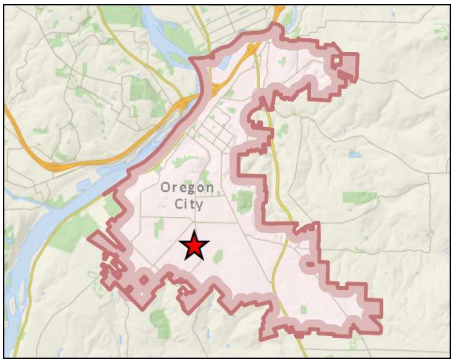
Site Detail Map



Stormwater Division - Pond Sites continued

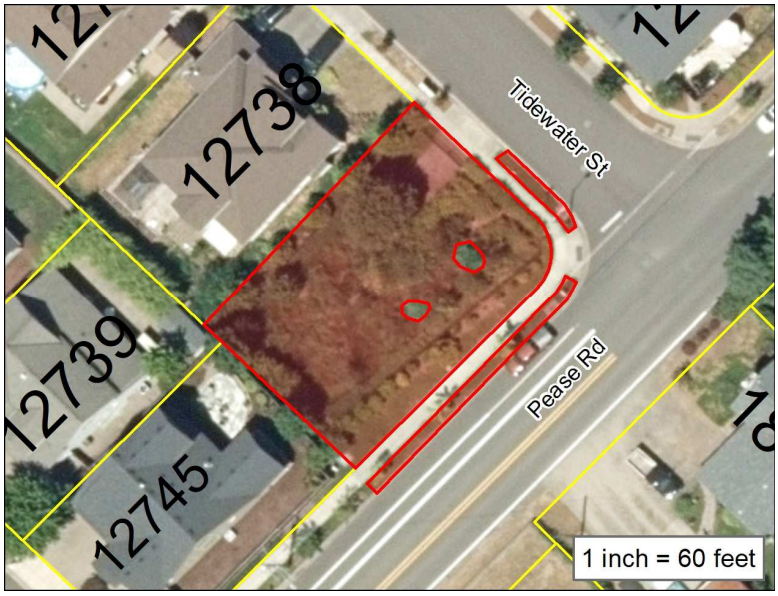
RFP ID: Stm-53 **Site Name**: Katy's Place Detention Pond

Location Map



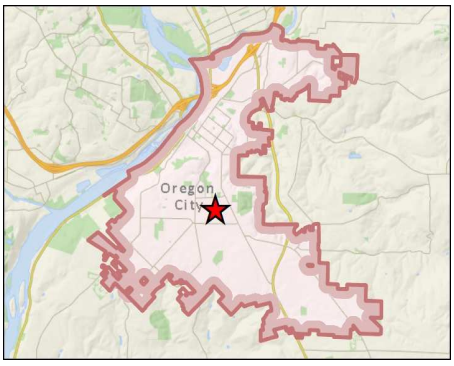
Site Information
Site ID: Stm-53-3094
Site Address: Intersection Of Tidewater St. & Pease Rd.
Category: Pond
Site Area Sq Ft: 7,390

Site Detail Map



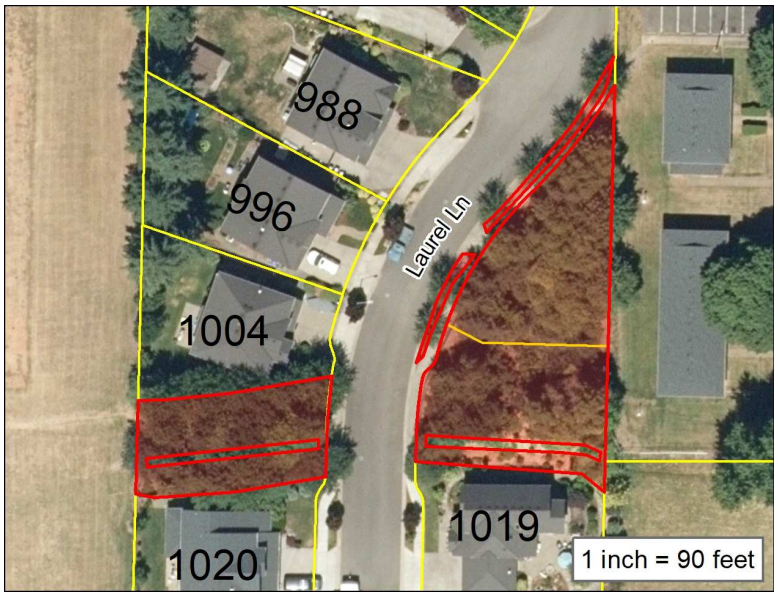
RFP ID: Stm-54 **Site Name**: Laurel Lane Detention Pond

Location Map



Site Information
Site ID: Stm-54-3095
Site Address:
Across From 996 Laurel Lane
Category: Pond
Site Area Sq Ft: 15,710

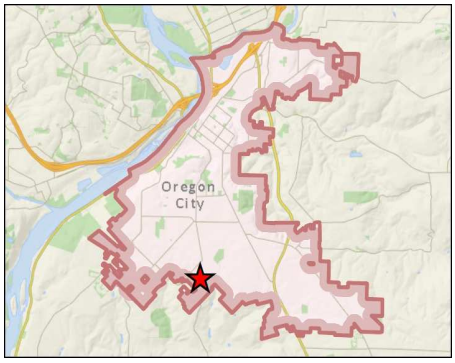
Site Detail Map



Stormwater Division - Pond Sites continued

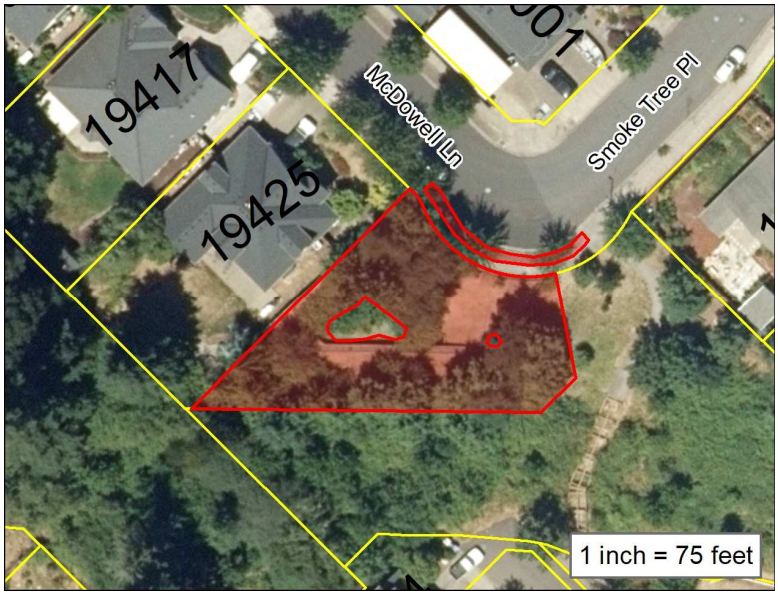
RFP ID: Stm-55 **Site Name**: Aidan's Glenn Detention Pond (Formerly McDowell)

Location Map



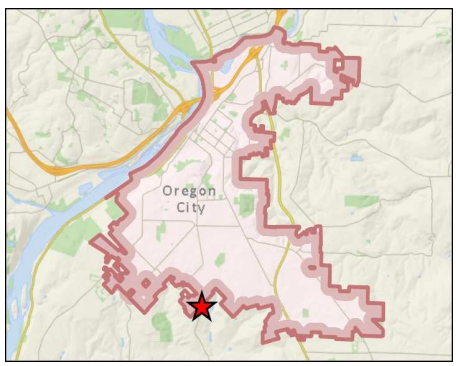
Site Information
Site ID: Stm-55-3097
Site Address:
Next To 19425 Mcdowell Ln.
Category Pond
Site Area Sq Ft: 8,046

Site Detail Map



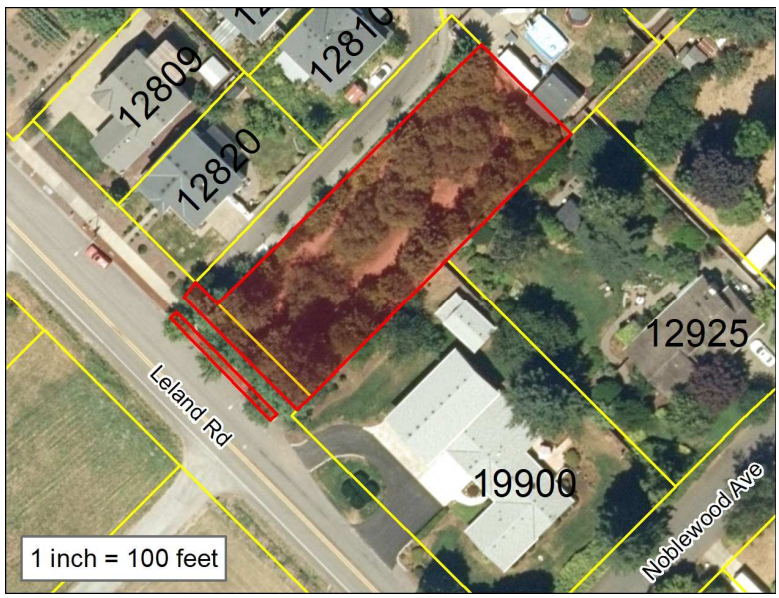
RFP ID: Stm-56 **Site Name**: Newberry Detention Pond

Location Map



Site Information
Site ID: Stm-56-3099
Site Address:
Across From 12810 Joys Drive
Category: Pond
Site Area Sq Ft: 15,464

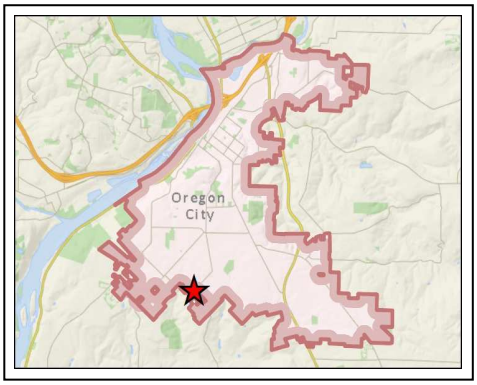
Site Detail Map



Stormwater Division - Pond Sites continued

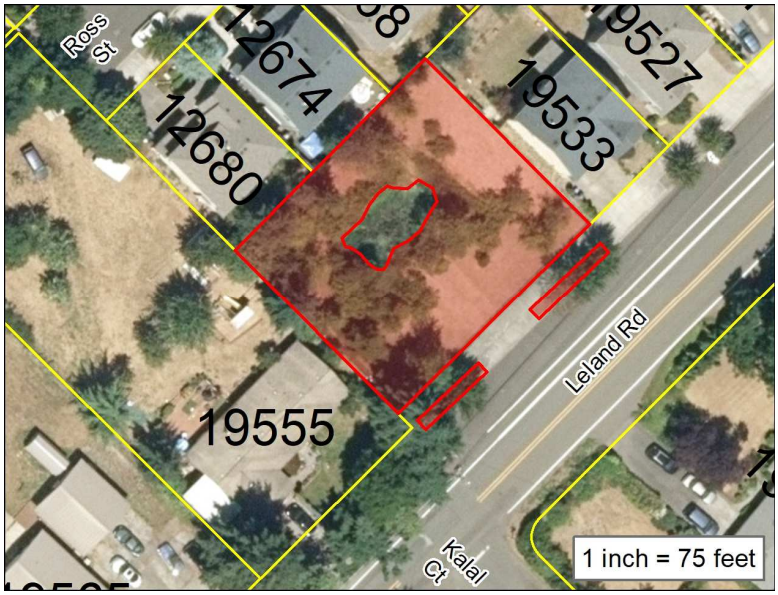
RFP ID: Stm-57 **Site Name**: Rian Park Detention Pond

Location Map



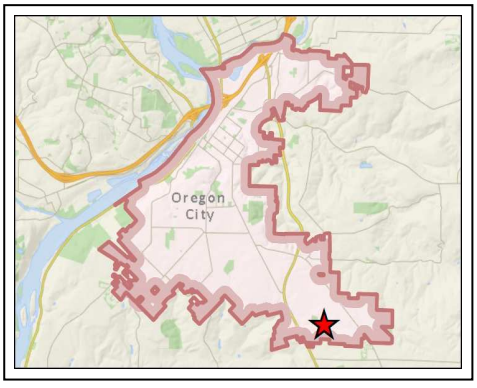
Site Information
Site ID: Stm-57-3100
Site Address:
Next To 19533 Leland Rd.
Category: Pond
Site Area Sq Ft: 10,137

Site Detail Map



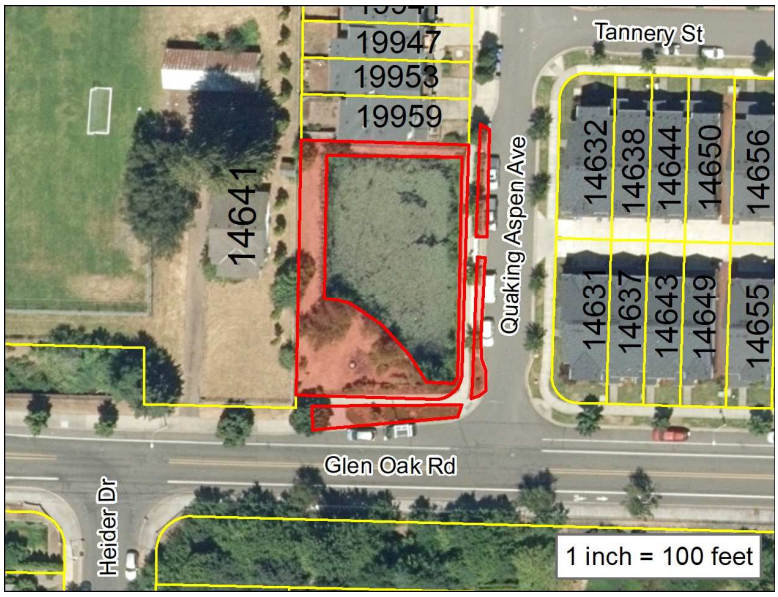
RFP ID: Stm-58 **Site Name**: Sequoia Crossing Detention Pond

Location Map



Site Information
Site ID: Stm-58-3102
Site Address: Corner Of Glen Oak & Quaking Aspen Ave.
Category: Pond
Site Area Sq Ft: 6,690

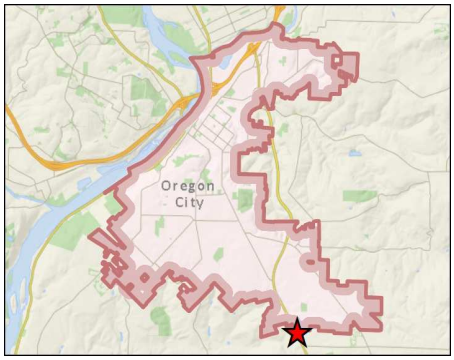
Site Detail Map



Stormwater Division - Pond Sites continued

RFP ID: Stm-59 **Site Name**: Edgemont Estates Detention Pond

Location Map



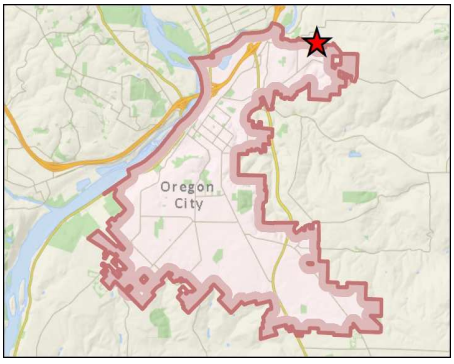
Site Information
Site ID: Stm-59-3104
Site Address: NE Corner Of Hwy 213 & Edgemont Dr.
Category: Pond
Site Area Sq Ft: 5,816

Site Detail Map



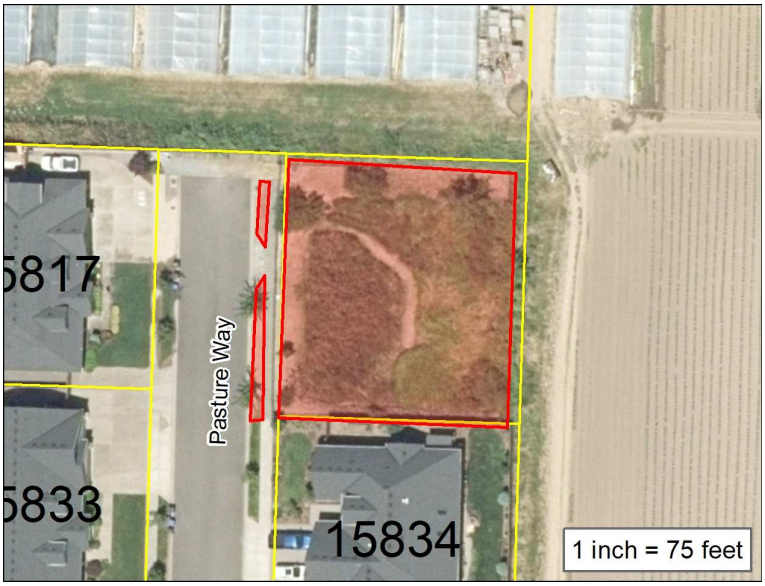
RFP ID: Stm-60 **Site Name**: Sunnybrook Estates Detention Pond

Location Map



Site Information
Site ID: Stm-60-3105
Site Address:
Across From 15834 Pasture Way
Category: Pond
Site Area Sq Ft: 10,472

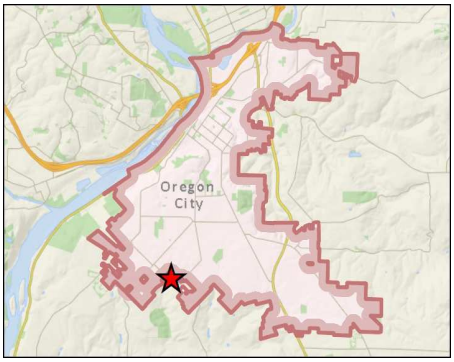
Site Detail Map



Stormwater Division - Pond Sites continued

RFP ID: Stm-61 **Site Name**: Pavilion Park Detention Pond

Location Map



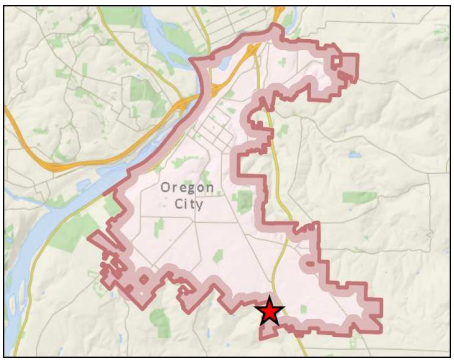
Site Information
Site ID: Stm-61-3106
Site Address:
Across From 19573 Mccord Rd.
Category: Pond
Site Area Sq Ft: 32,125

Site Detail Map



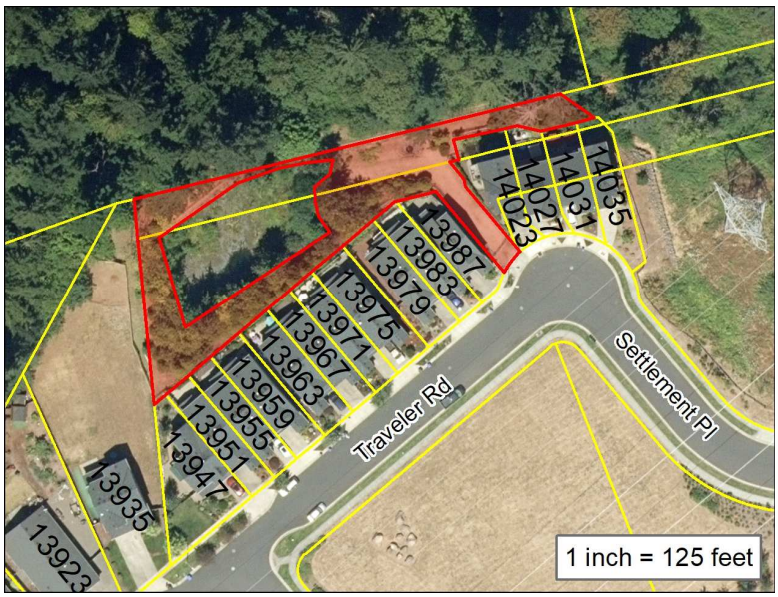
RFP ID: Stm-62 **Site Name**: Caufield Place Detention Pond

Location Map



Site Information
Site ID: Stm-62-3107
Site Address:
Behind 13987 Traveler Rd.
Category: Pond
Site Area Sq Ft: 13,969

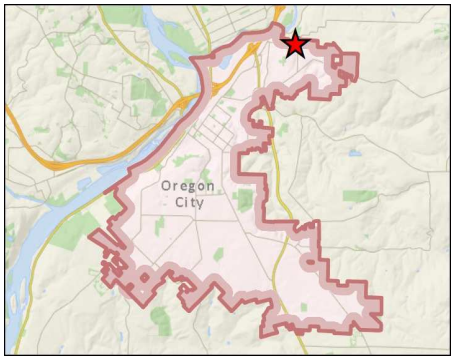
Site Detail Map



Stormwater Division - Pond Sites continued

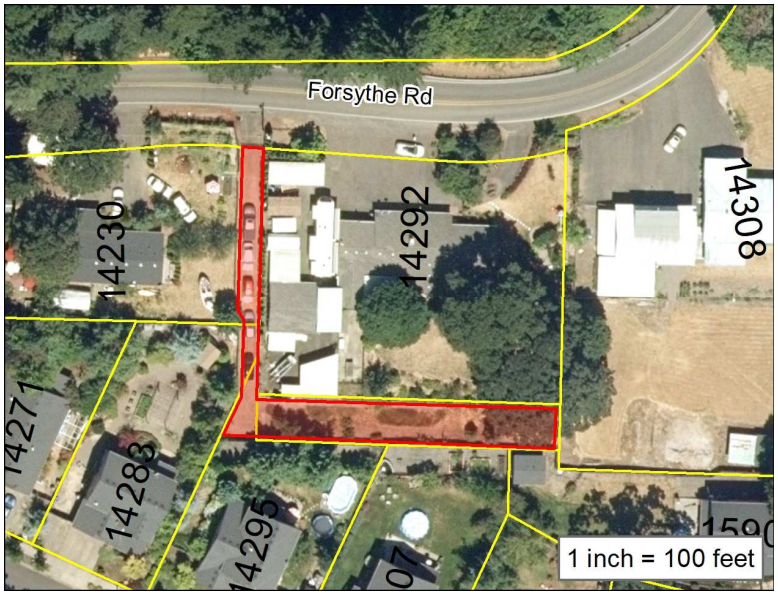
RFP ID: Stm-63 **Site Name**: Thurman Estates Detention Pond

Location Map



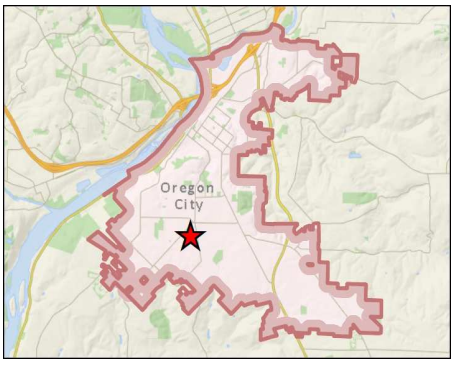
Site Information
Site ID: Stm-63-3108
Site Address:
Behind 14292 Forsythe Rd
Category: Pond
Site Area Sq Ft: 5,144

Site Detail Map



RFP ID: Stm-64 **Site Name**: Tug's Landing Detention Pond

Location Map



Site Information
Site ID: Stm-64-3109
Site Address: Intersection Of Rip Tide St. & Trade Wind
Category: Pond
Site Area Sq Ft: 11,455

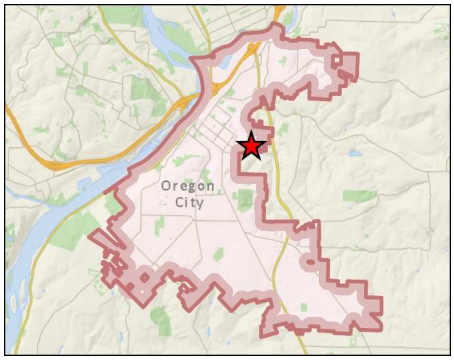
Site Detail Map



Stormwater Division - Pond Sites continued

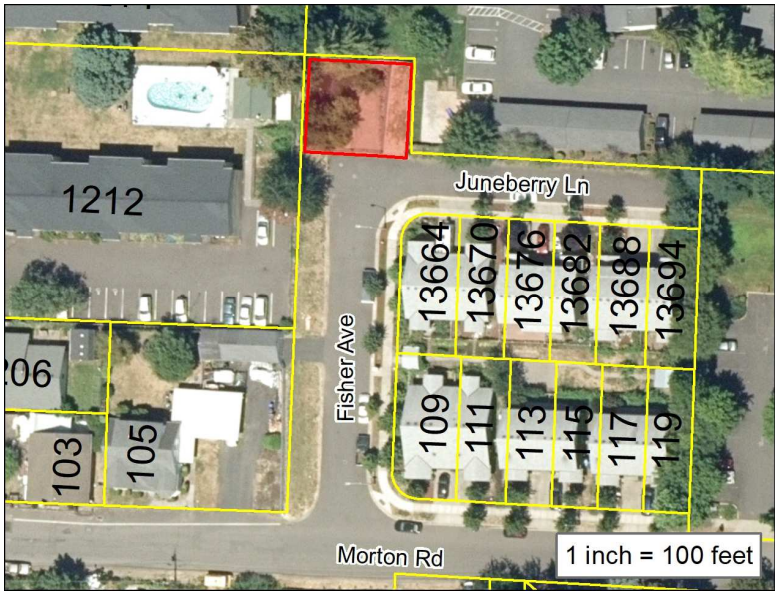
RFP ID: Stm-65 **Site Name**: Juneberry Detention Pond

Location Map



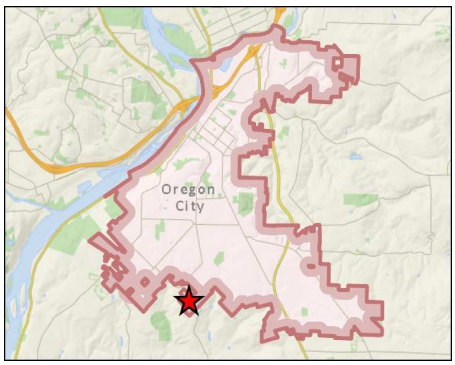
Site Information
Site ID: Stm-65-3126
Site Address: Corner of Fisher Ave and Juneberry Ln
Category: Pond
Site Area Sq Ft: 2,829

Site Detail Map



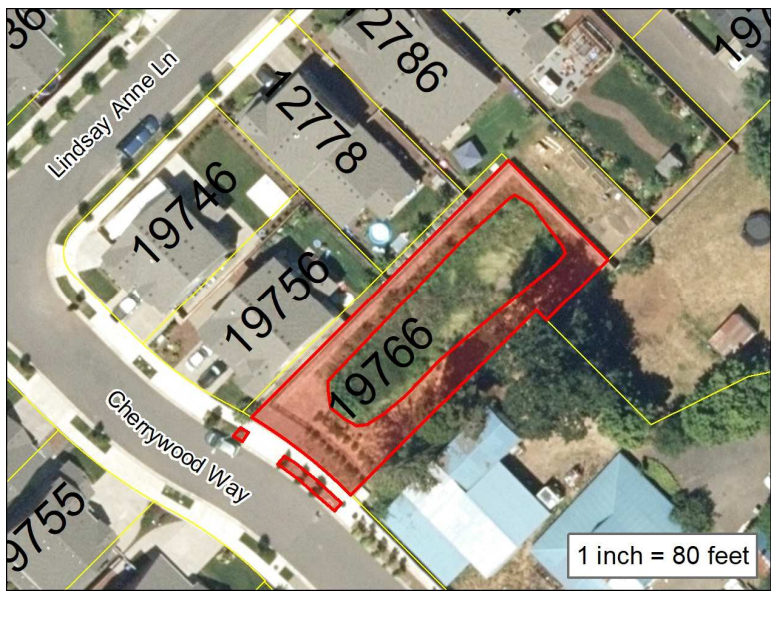
RFP ID: Stm-66 **Site Name**: Lindsay Ann Detention Pond & Planter

Location Map



Site Information
Site ID: Stm-66-3183
Site Address: Next to 19756 Cherrywood Way
Category: Pond
Site Area Sq Ft: 5,185

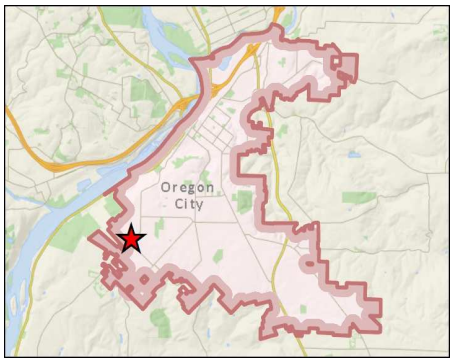
Site Detail Map



Stormwater Division - Pond Sites continued

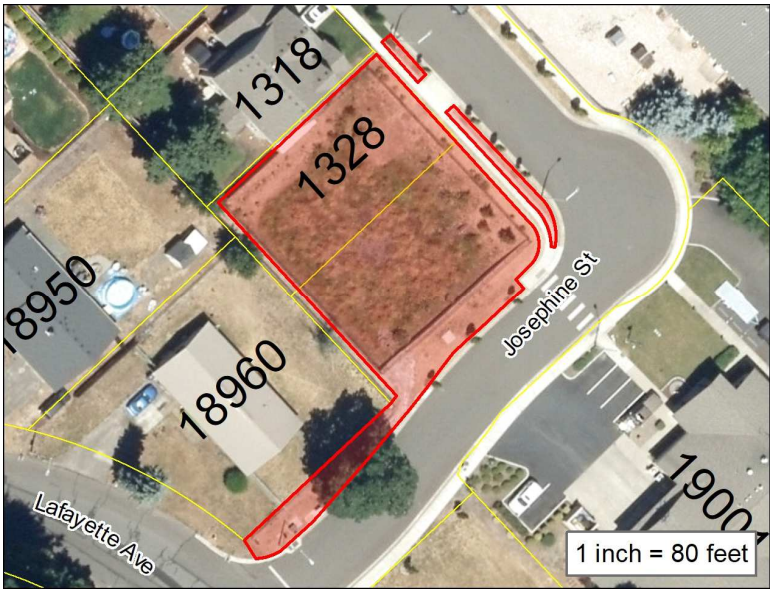
RFP ID: Stm-67 **Site Name**: Adeline Acres Storm Pond and Planters

Location Map



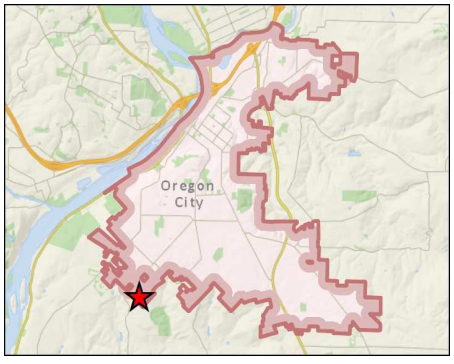
Site Information
Site ID: Stm-67-3185
Site Address: Next to 1318 Josephine St
Category: Pond
Site Area Sq Ft: 12,723

Site Detail Map



RFP ID: Stm-68 **Site Name**: Highland Park Storm Pond and Planters

Location Map



Site Information
Site ID: Stm-68-3186
Site Address: Corner of White Ln & Hydrangea Ln
Category: Pond
Site Area Sq Ft: 17,564

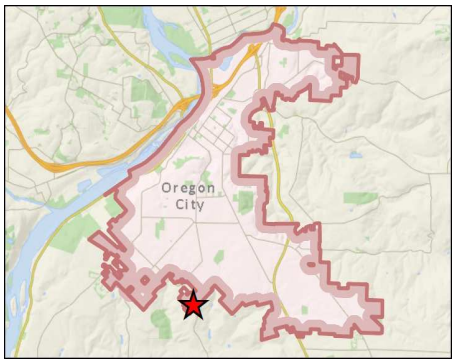
Site Detail Map



Stormwater Division - Pond Sites continued

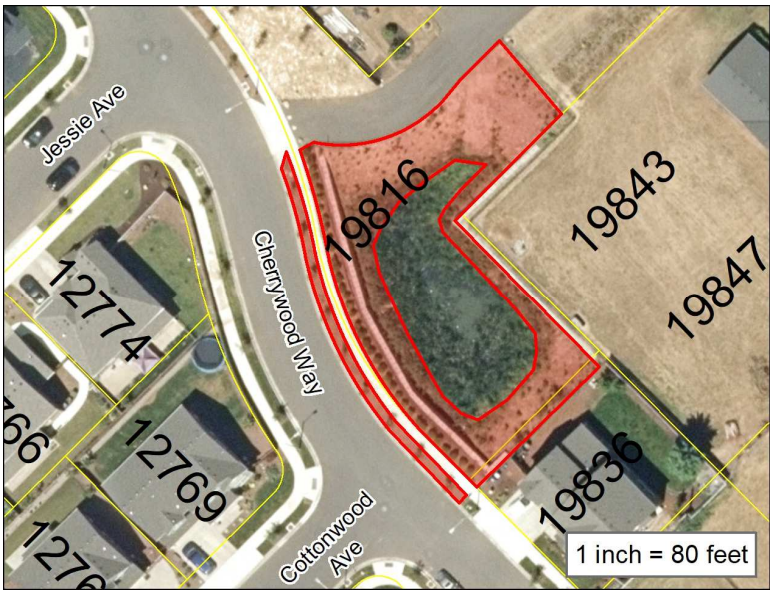
RFP ID: Stm-69 **Site Name**: Marlo Farms Detention Pond & Planter

Location Map



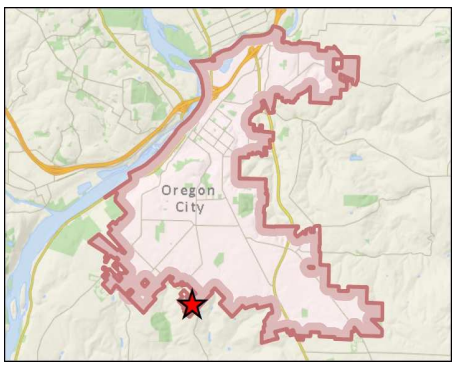
Site Information
Site ID: Stm-69-3191
Site Address: Next to 19836 Cherrywood Way
Category: Pond
Site Area Sq Ft: 9,045

Site Detail Map



RFP ID: Stm-70 **Site Name**: Ellis Estates Detention Pond & Planter

Location Map



Site Information
Site ID: Stm-70-3192
Site Address: Across from 19795 Cherrywood Way
Category: Pond
Site Area Sq Ft: 6,799

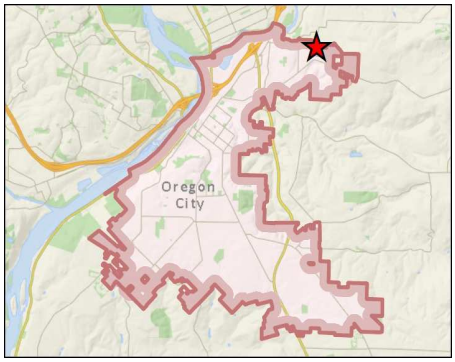
Site Detail Map



Stormwater Division - Pond Sites continued

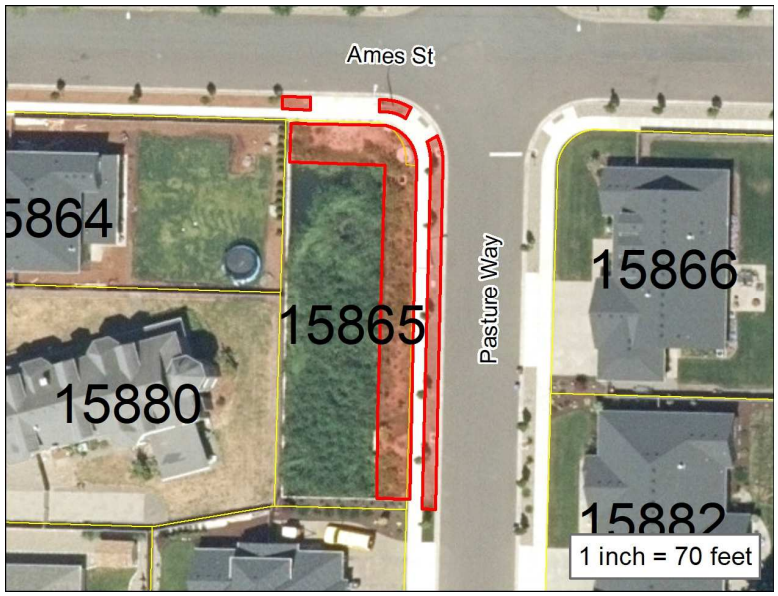
RFP ID: Stm-71 **Site Name**: Sunnybrook 2 Storm Pond and Planter

Location Map



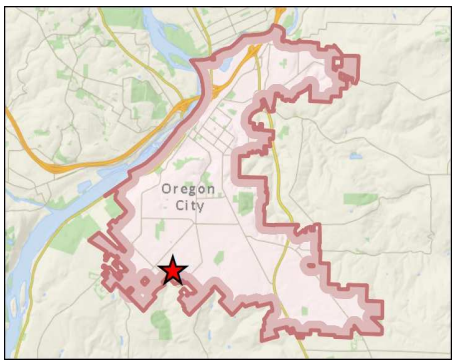
Site Information
Site ID: Stm-71-3197
Site Address: Corner of Ames St & Pasture Way
Category: Pond
Site Area Sq Ft: 3,077

Site Detail Map



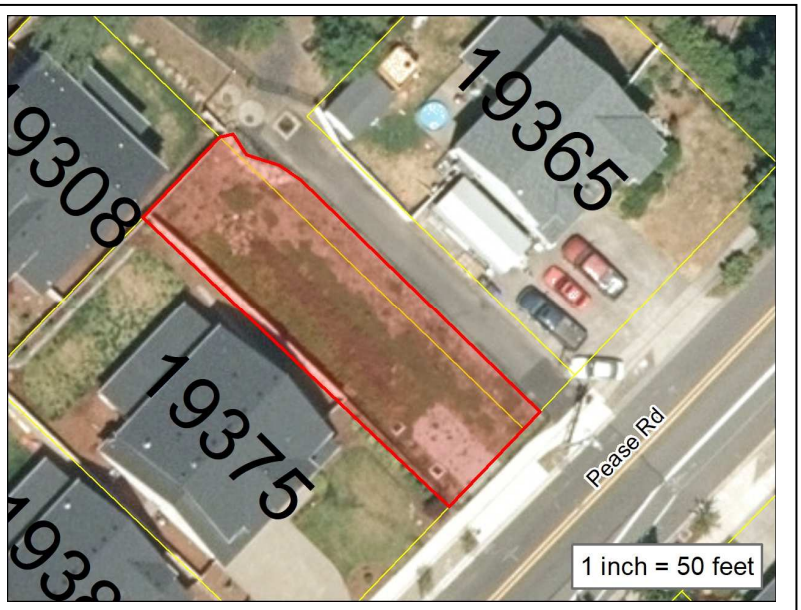
RFP ID: Stm-72 **Site Name**: Boulder Run Detention Pond

Location Map



Site Information
Site ID: Stm-72-3211
Site Address:
Next to 19375 Pease Rd
Category: Pond
Site Area Sq Ft: 4,126

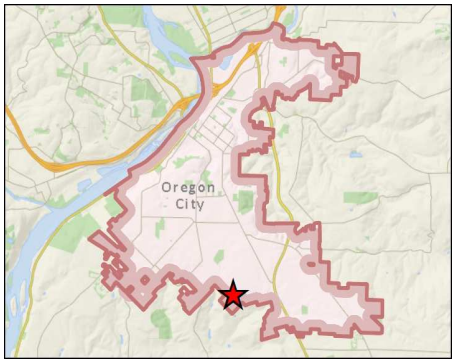
Site Detail Map



Stormwater Division - Pond Sites continued

RFP ID: Stm-73 **Site Name**: Small Slope Detention Pond & Planter

Location Map



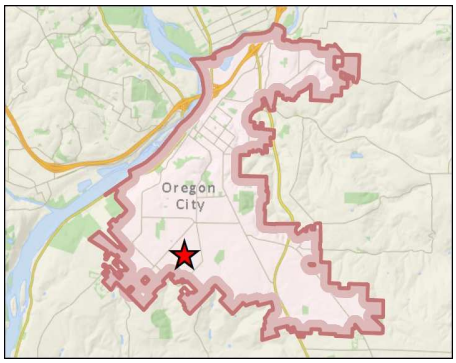
Site Information
Site ID: Stm-73-3213
Site Address: Corner of Small Ct & Meyers Rd
Category: Pond
Site Area Sq Ft: 2,188

Site Detail Map



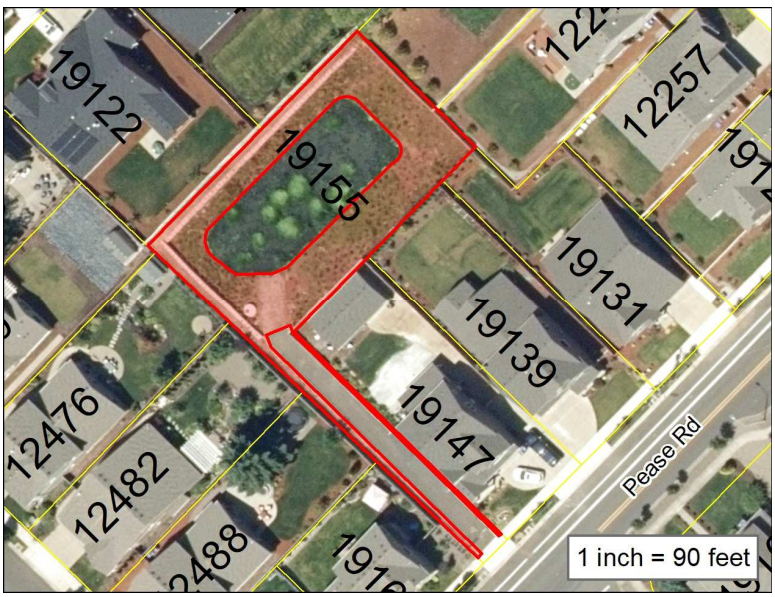
RFP ID: Stm-74 **Site Name**: Lucille Riggs Detention Pond

Location Map



Site Information
Site ID: Stm-74-3234
Site Address: Next to & behind 19147 Pease Rd
Category: Pond
Site Area Sq Ft: 8,489

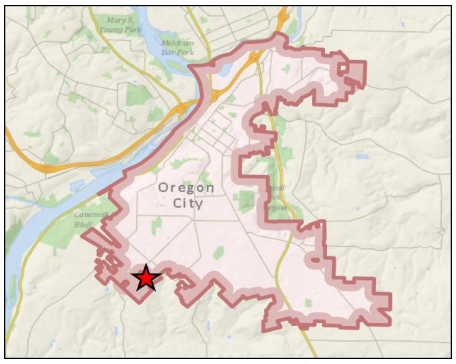
Site Detail Map



Stormwater Division - Pond Sites continued

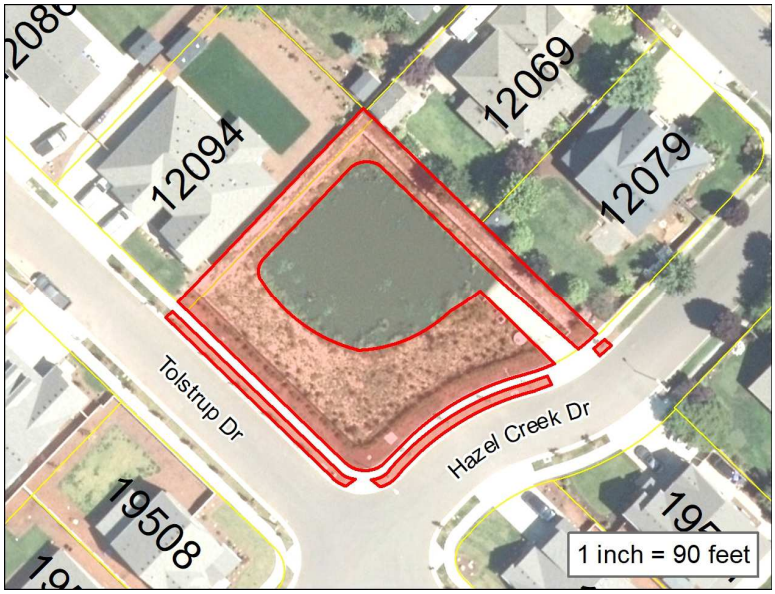
RFP ID: Stm-75 **Site Name**: Eds Orchard Stormwater Pond

Location Map



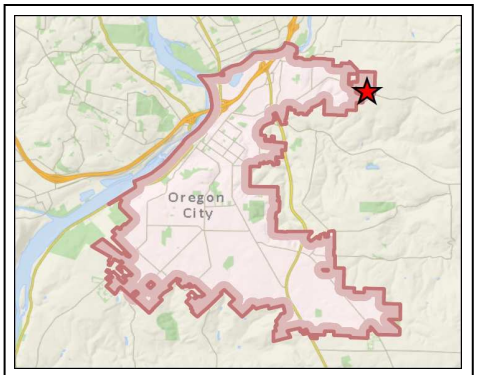
Site Information
Site ID: Stm-75-3235
Site Address: Corner of Tolstrup Dr & Hazel Creek Dr
Category: Pond
Site Area Sq Ft: 12,377

Site Detail Map



RFP ID: Stm-76 **Site Name**: Abernethy Landing Detention Pond

Location Map



Site Information
Site ID: Stm-76-3310
Site Address: Next to 15257 Holcomb Blvd
Category: Pond
Site Area Sq Ft: 15,619

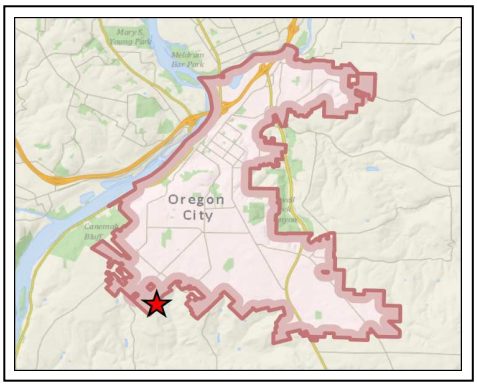
Site Detail Map



Stormwater Division - Pond Sites continued

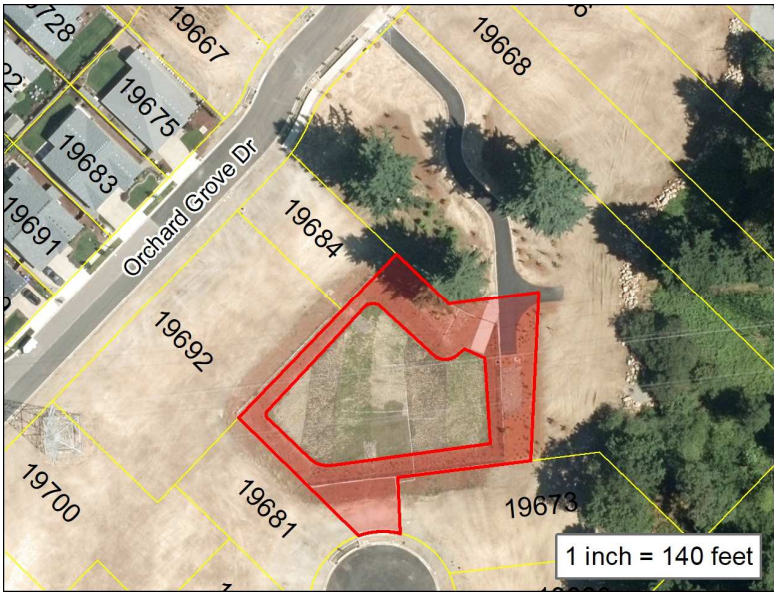
RFP ID: Stm-77 **Site Name:** Wheeler Farms Pond

Location Map



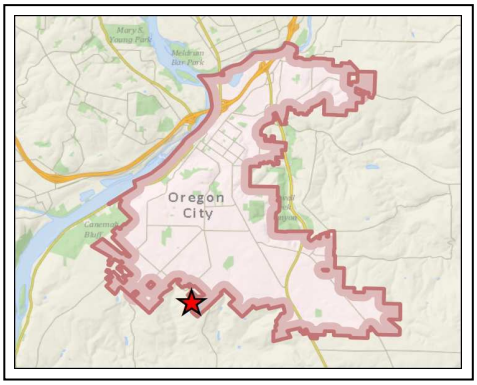
Site Information
Site ID: Stm-77-3408
Site Address:
Behind 19684 Orchard Grove Dr
Category: Pond
Site Area Sq Ft: 15,014

Site Detail Map



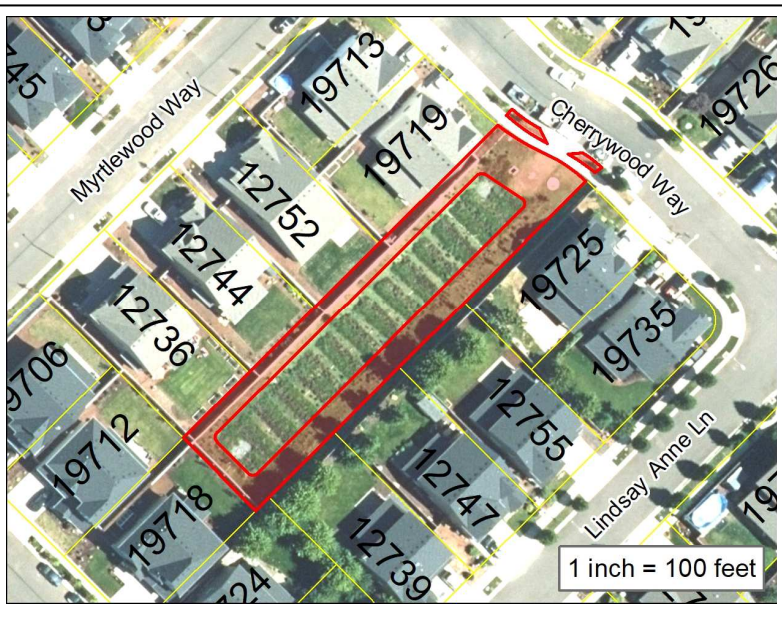
RFP ID: Stm-78 **Site Name:** Lindsay Anne Too Detention Pond

Location Map



Site Information
Site ID: Stm-78-3442
Site Address: Next to 19719 Cherrywood Way
Category: Pond
Site Area Sq Ft: 7,592

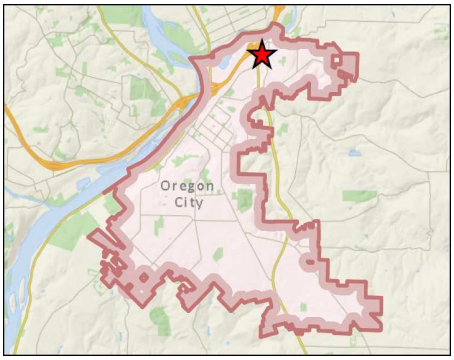
Site Detail Map



Stormwater Division - Pond Sites continued

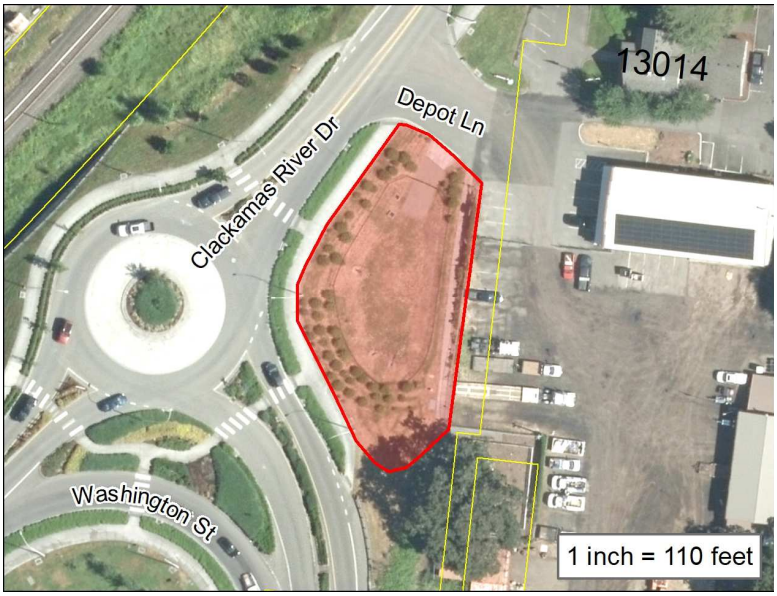
RFP ID: Stm-79 **Site Name:** Depot Ln Pond

Location Map



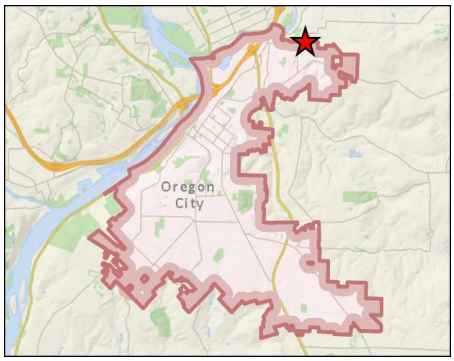
Site Information
Site ID: Stm-79-3182
Site Address: Next to 13014 Clackamas River Dr.
Category: Pond
Site Area Sq Ft: 15,221

Site Detail Map



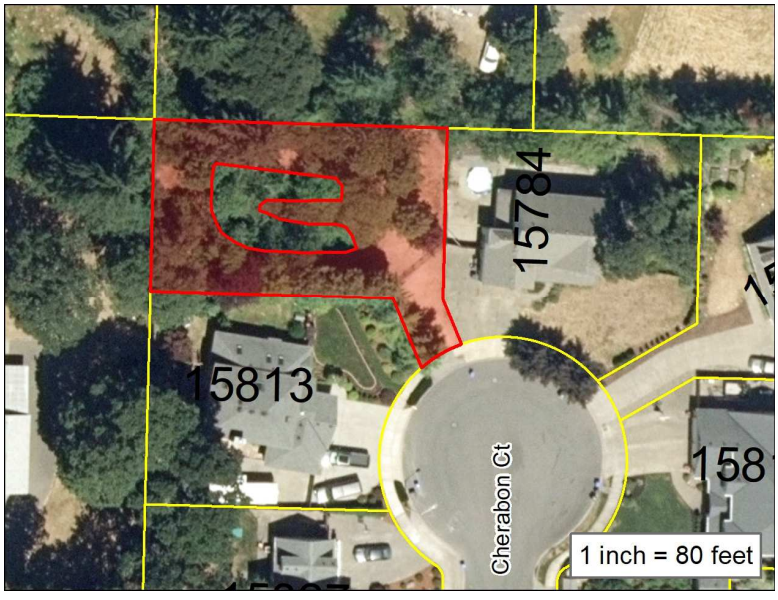
RFP ID: Stm-80 **Site Name**: Ives Estates Detention Pond

Location Map



Site Information
Site ID: Stm-80-3058
Site Address: Next To 15813 Cherabon Court
Category: Pond
Site Area Sq Ft: 8,493

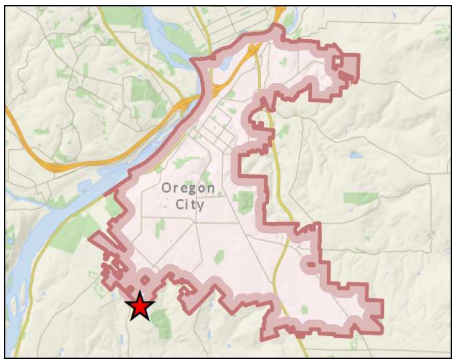
Site Detail Map



Stormwater Division - Pond Sites continued

RFP ID: Stm-113 **Site Name**: Payson Farms Detention Pond

Location Map



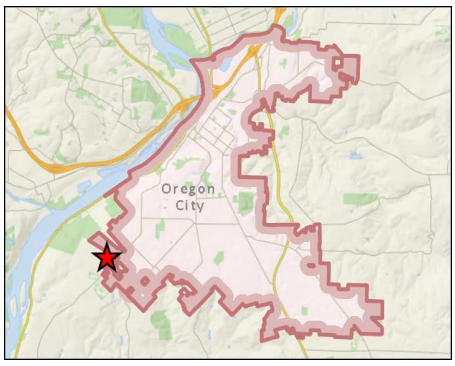
Site Information
Site ID: Stm-113-3034
Site Address:
Next To 11853 Payson Lane
Category: Pond
Site Area Sq Ft: 10,602

Site Detail Map



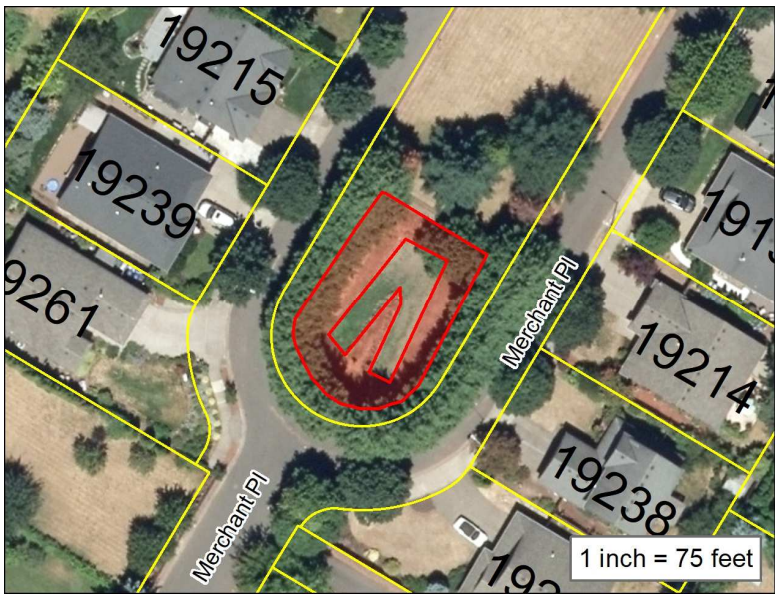
RFP ID: Stm-115 **Site Name**: Merchant Place Detention Pond

Location Map



Site Information
Site ID: Stm-115-3073
Site Address: In Front Of
19214 Merchant Place
Category: Pond
Site Area Sq Ft: 3,111

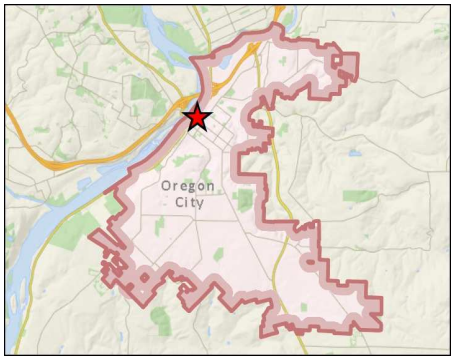
Site Detail Map



Stormwater Division – Gardens, Planters, Swales Sites

RFP ID: Stm-81 **Site Name**: 10th Street Roadside Planters

Location Map



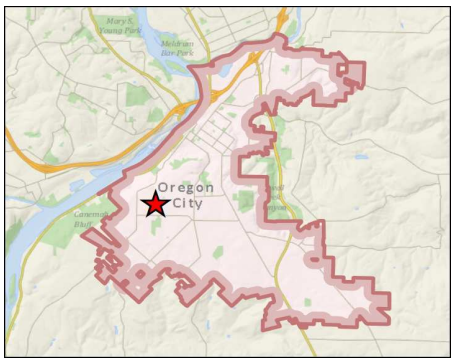
Site Information
Site ID: Stm-81-3207
Site Address: 10th & Main St (Both sides of street) (5 Planters)
Category: Roadside Planter
Total Site Area Sq Ft: 310

Site Detail Map



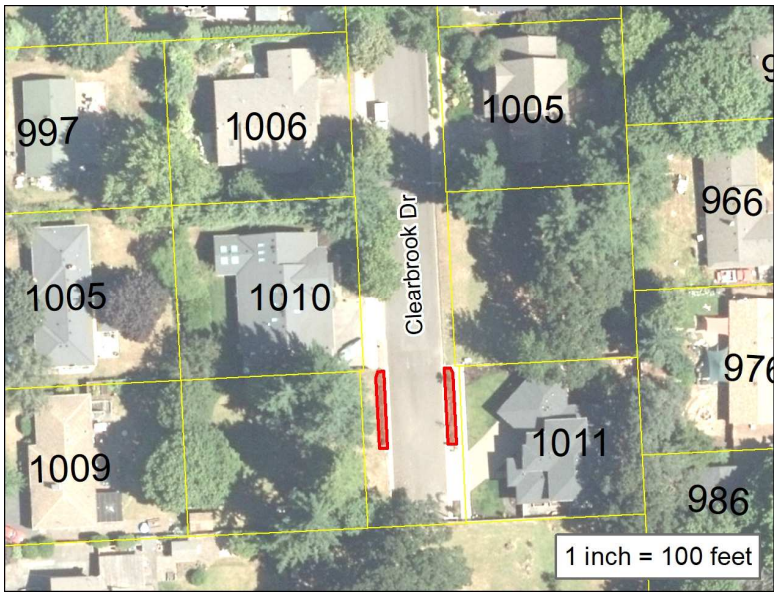
RFP ID: Stm-82 **Site Name**: Clearbrook Dr Roadside Planters

Location Map



Site Information
Site ID: Stm-82-3209, Stm-82-3210
Site Address: 1011 Clearbrook Dr (Both sides of street) (2 Planters)
Category: Roadside Planter
Total Site Area Sq Ft: 372

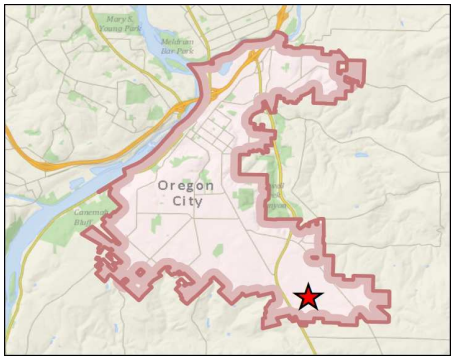
Site Detail Map



Stormwater Division - Gardens, Planters, Swales Sites continued

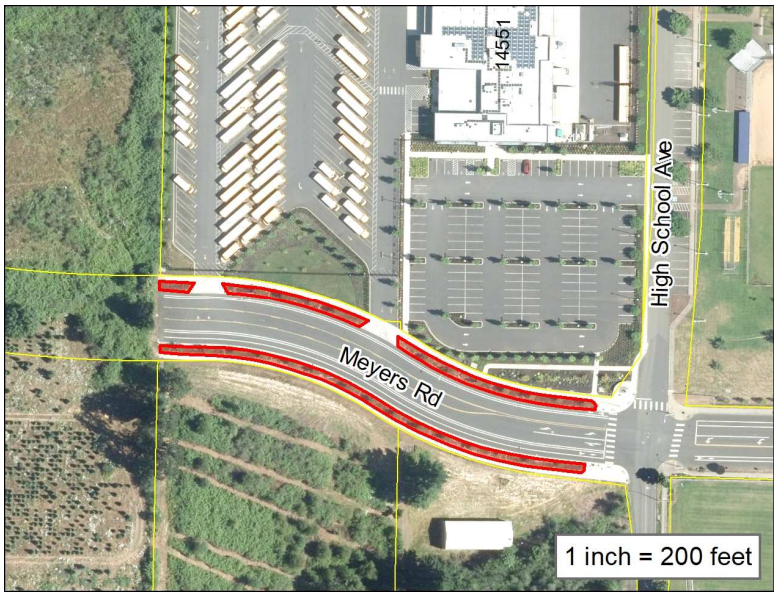
RFP ID: Stm-83 **Site Name**: Meyers Rd Stormwater Planters

Location Map



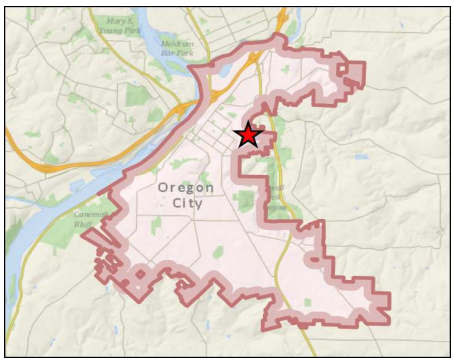
Site Information
Site ID: Stm-83-3215 - Stm-82-3218
Site Address: 14551 Meyers Rd
(Both sides of street) (4 Planters)
Category: Roadside Planter
Total Site Area Sq Ft: 9,016

Site Detail Map



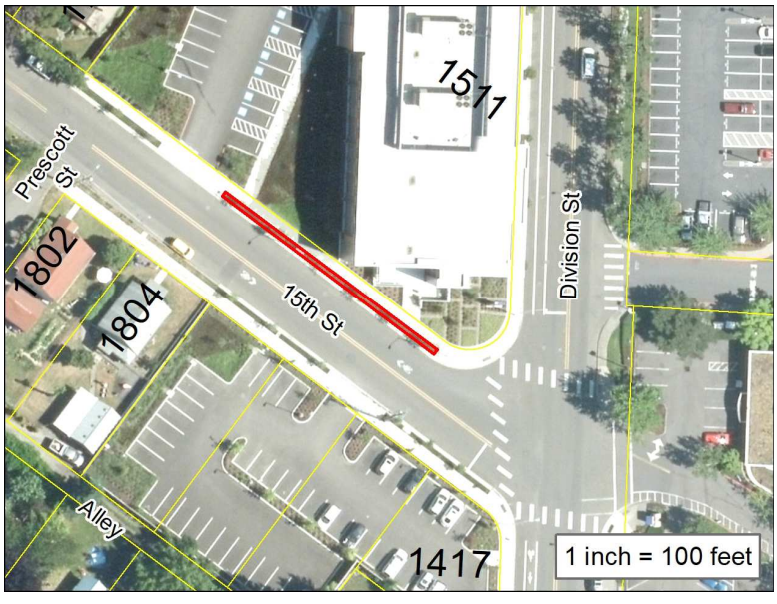
RFP ID: Stm-84 **Site Name**: 15th Street Roadside Planter

Location Map



Site Information
Site ID: Stm-84-3247
Site Address: 1511 Division St
(North side of 15th St) (1 Planter)
Category: Roadside Planter
Total Site Area Sq Ft: 9,016

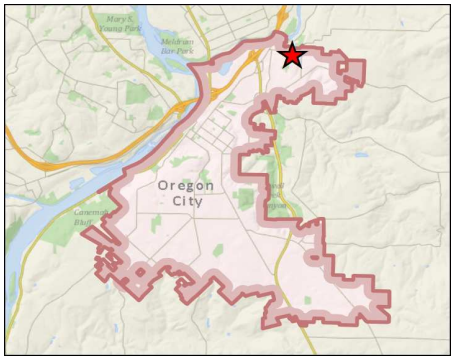
Site Detail Map



Stormwater Division - Gardens, Planters, Swales Sites continued

RFP ID: Stm-85 **Site Name**: Hunter Hills Subdivision

Location Map



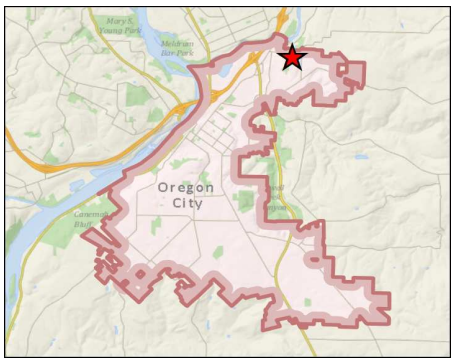
Site Information
Site ID: Stm-85-3293 - Stm-85-3299
Site Address: Quail Ct & Hunter Ave (4 Planters & 3 Swales)
Category: Roadside Planter/Swale
Total Site Area Sq Ft: 1,451

Site Detail Map



RFP ID: Stm-86 **Site Name**: Caufield St & Pleasant Ave

Location Map



Site Information
Site ID: Stm-86-3262, Stm-86-3263
Site Address: 399 Caufield St & Pleasant Ave (2 Planters)
Category: Roadside Planter
Total Site Area Sq Ft: 432

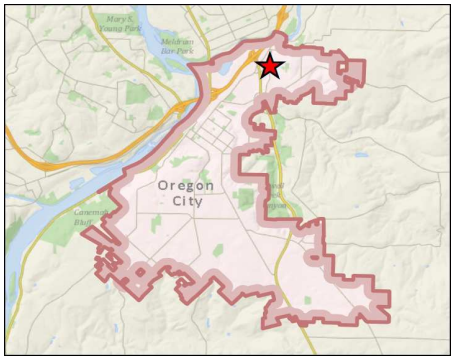
Site Detail Map



Stormwater Division - Gardens, Planters, Swales Sites continued

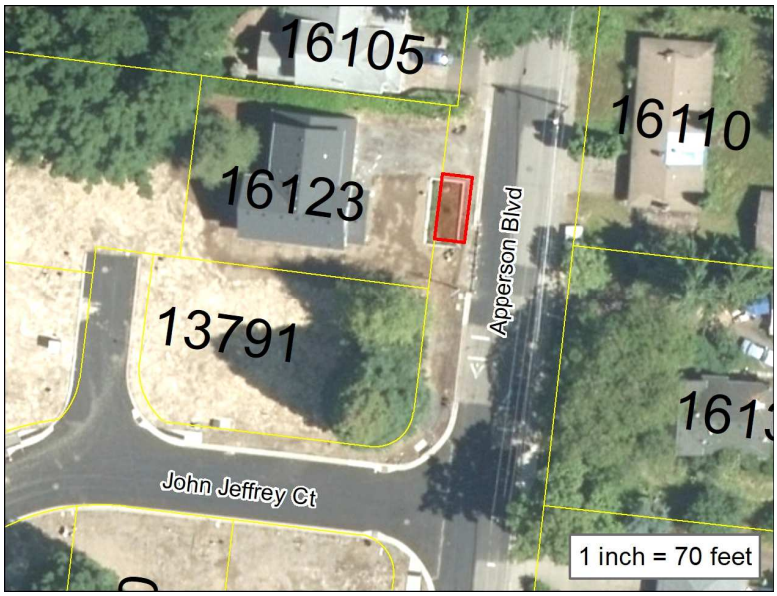
RFP ID: Stm-87 **Site Name**: Apperson Blvd Roadside Planter

Location Map



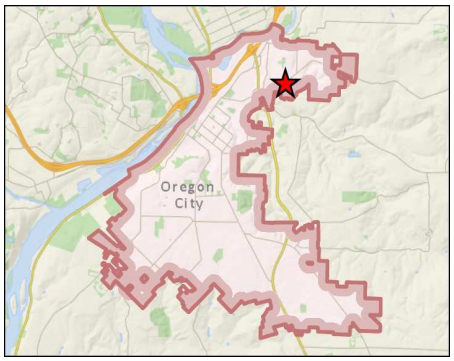
Site Information
Site ID: Stm-87-3463
Site Address: 16123 Apperson Blvd (1 Planter)
Category: Roadside Planter
Total Site Area Sq Ft: 288

Site Detail Map



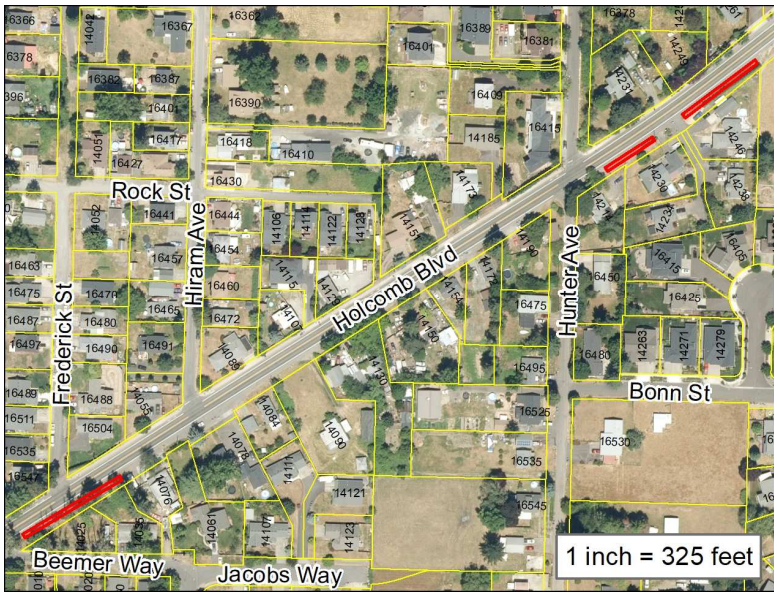
RFP ID: Stm-88 **Site Name**: Holcomb Blvd Storm Swales

Location Map



Site Information
Site ID: Stm-88-3160, Stm-88-3198, Stm-88-3199
Site Address: Ditches on south side of Holcomb Blvd (3 Swales)
Category: Swale
Total Site Area Sq Ft: 3,382

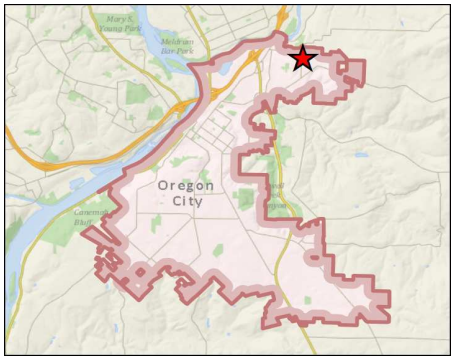
Site Detail Map



Stormwater Division - Gardens, Planters, Swales Sites continued

RFP ID: Stm-89 **Site Name**: Swan Ave Swales

Location Map



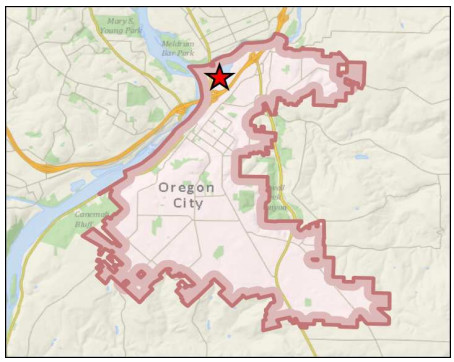
Site Information
Site ID: Stm-89-3420, Stm-89-3499
Site Address: 16022 Swan & 15964/15974 Swan (4 Swales)
Category: Swale
Total Site Area Sq Ft: 4,429

Site Detail Map



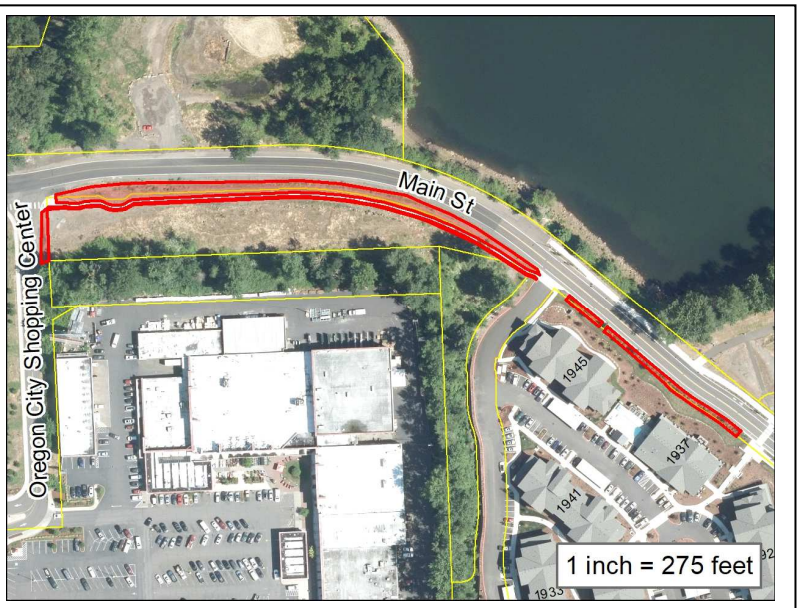
RFP ID: Stm-90 **Site Name**: Main St Extension Swales

Location Map



Site Information
Site ID: Stm-90-3232, Stm-90-3500
Site Address: 1913 Main St & North to OC Shopping Center (2 Swales)
Category: Swale
Total Site Area Sq Ft: 16, 834

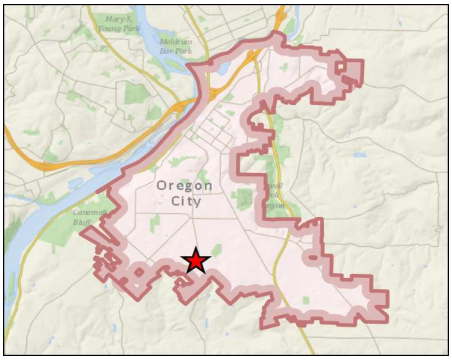
Site Detail Map



Stormwater Division - Gardens, Planters, Swales Sites continued

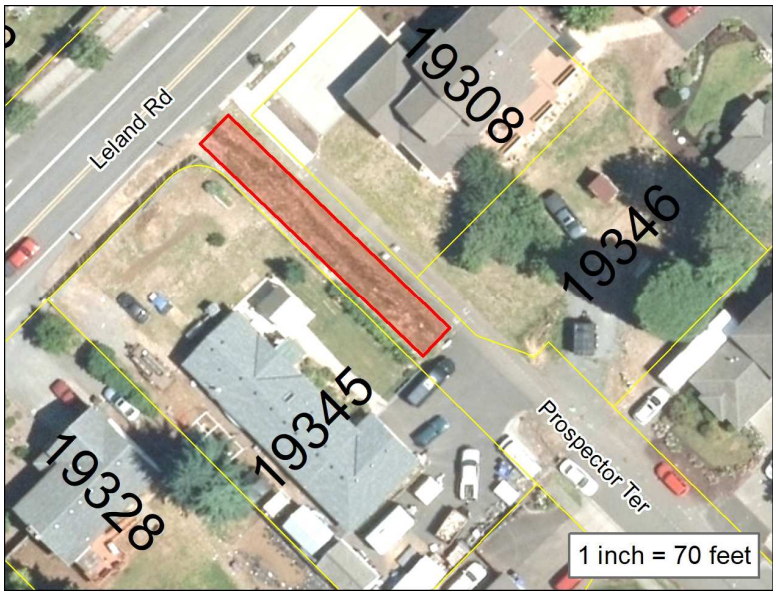
RFP ID: Stm-91 **Site Name**: Prospector Terr Swale

Location Map



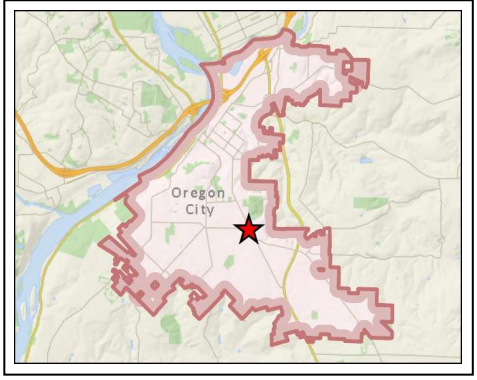
Site Information
Site ID: Stm-91-3477
Site Address: 19345 Prospector Terr (1 Swale)
Category: Swale
Total Site Area Sq Ft: 1,780

Site Detail Map



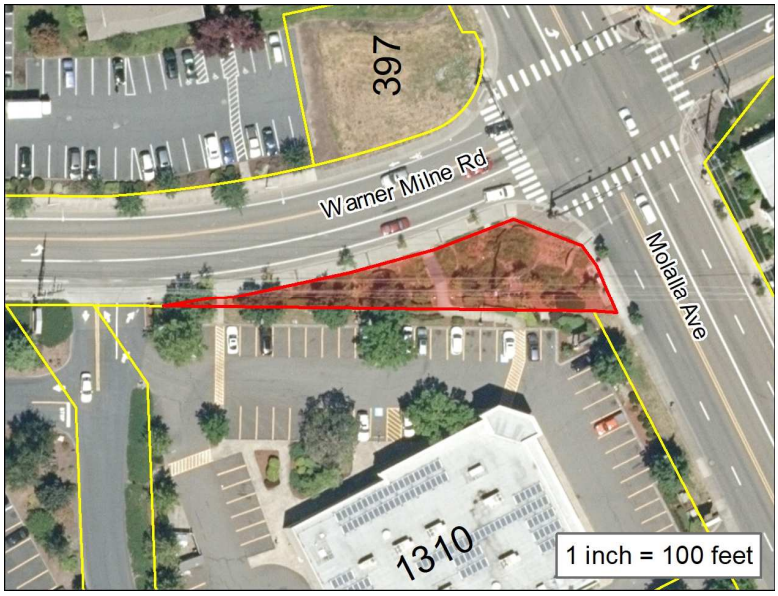
RFP ID: Stm-92 **Site Name**: Warner Milne Rain Garden

Location Map



Site Information
Site ID: Stm-92-3376
Site Address: Intersection Molalla Ave. & Warner Milne At Walgreens
Category: Rain Garden
Site Area Sq Ft: 5,929

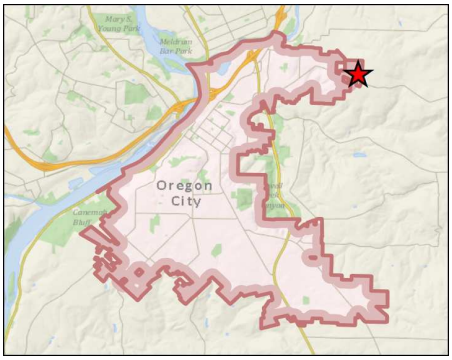
Site Detail Map



Stormwater Division - Gardens, Planters, Swales Sites continued

RFP ID: Stm-93 **Site Name**: Abernethy Landing Subdivision

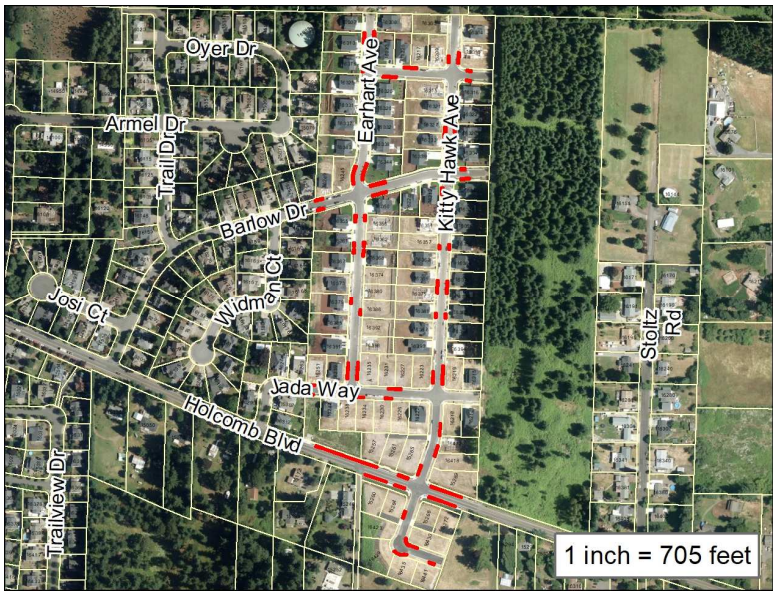
Location Map



Site Information

Site ID: Stm-93-3311 – Stm-93-3372
Site Address: Holcomb Blvd & Kitty Hawk Ave (62 Roadside Planters)
Category: Roadside Planter
Total Site Area Sq Ft: 10,265

Site Detail Map

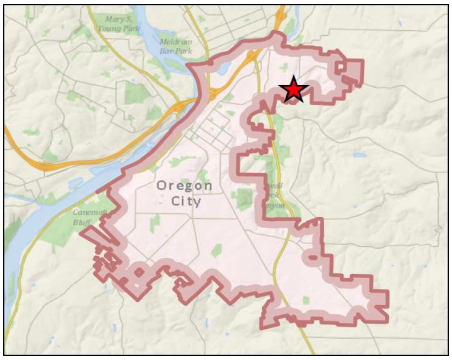


Street Name	Site Count	Site ID's
Barlow Dr	6 Planters	Stm-93-3347, Stm-93-3348, Stm-93-3355 – Stm-93-3357
Earhart Ave	15 Planters	Stm-93-3333 – Stm-93-3336, Stm-93-3349 – Stm-93-3354, Stm-93-3359, Stm-93-3360, Stm-93-3370 – Stm-93-3372
Holcomb Blvd	9 Planters	Stm-93-3316 – Stm-93-3324
Jada Way	5 Planters	Stm-93-3328 – Stm-93-3332
Kitty Hawk Ave (N of Holcomb)	18 Planters	Stm-93-3325 – Stm-93-3327, Stm-93-3337 – Stm-93-3346, Stm-93-3361 – Stm-93-3365
Kitty Hawk Ave (S of Holcomb	5 Planters	Stm-93-3311, Stm-93-3312, Stm-93-3313, Stm-93-3314, Stm-93-3315
Wright Flyer Ln	4 Planters	Stm-93-3366 – Stm-93-3369

Stormwater Division - Gardens, Planters, Swales Sites continued

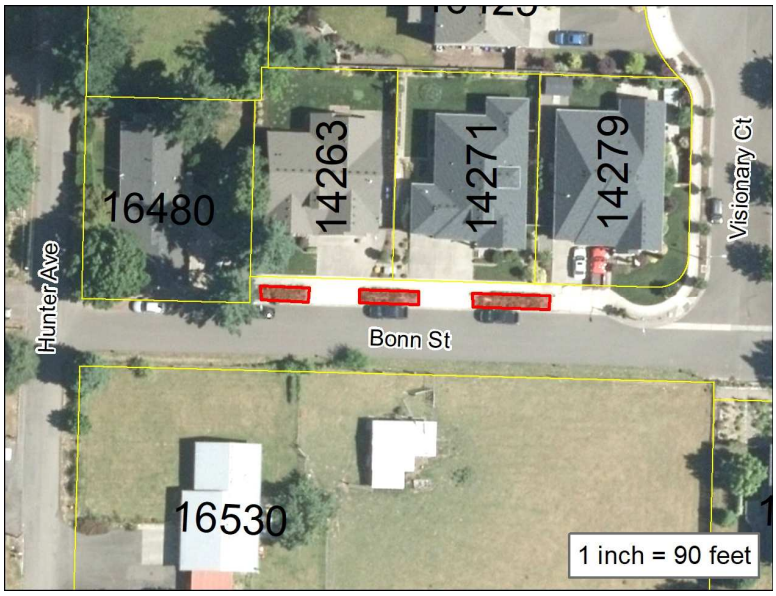
RFP ID: Stm-111 **Site Name**: Bonn St Roadside Planters

Location Map



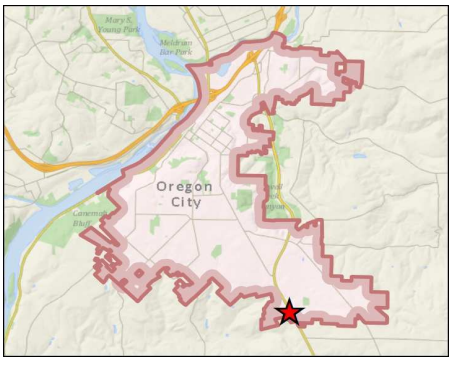
Site Information
Site ID: Stm-111-3175 – Stm-111-3177
Site Address: 14263-14279 Bonn St (3 Roadside Planters)
Category: Roadside Planter
Total Site Area Sq Ft: 642

Site Detail Map



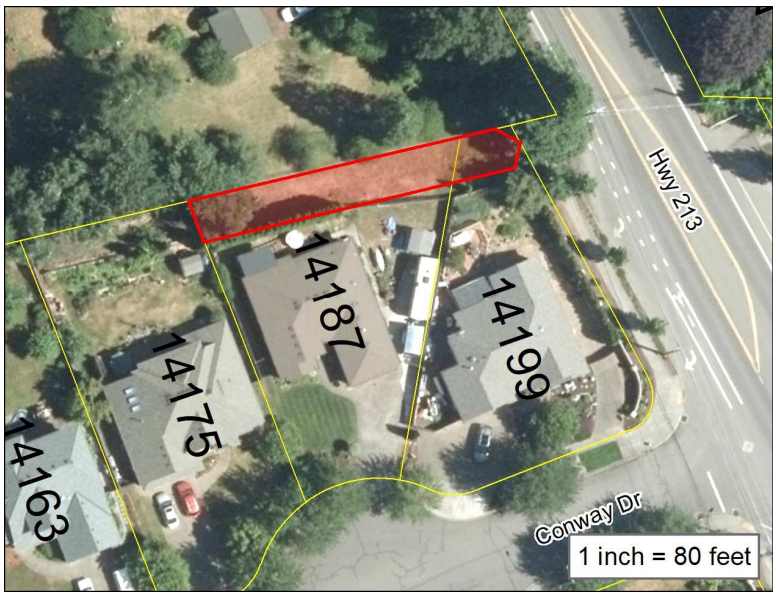
RFP ID: Stm-114 **Site Name**: Brendon Estates Swale

Location Map



Site Information
Site ID: Stm-114
Site Address: Behind 14187 & 14199 Conway Dr.
Category: Swale
Total Site Area Sq Ft: 2,712

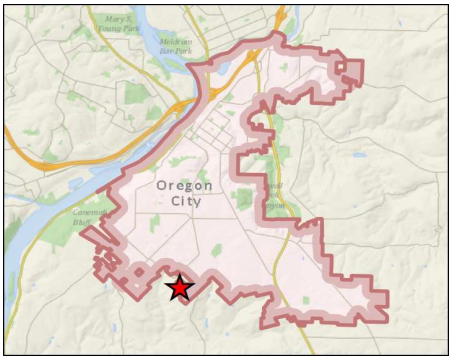
Site Detail Map



Stormwater Division - Gardens, Planters, Swales Sites continued

RFP ID: Stm-116 **Site Name**: Lindsey Anne Too Subdivision

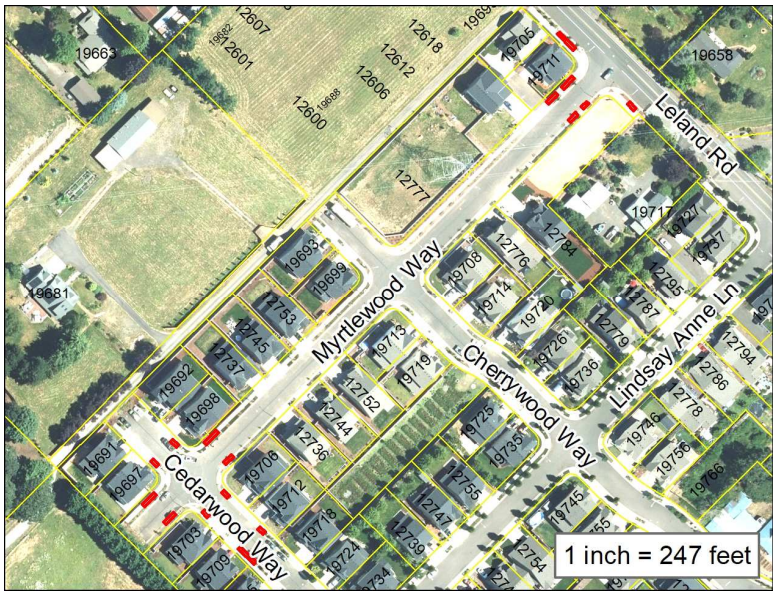
Location Map



Site Information

Site ID: Stm-116-3436 – Stm-116-3452
Site Address: Leland Rd & Myrtlewood Way (16 Roadside Planters)
Category: Roadside Planter
Total Site Area Sq Ft: 1,249

Site Detail Map

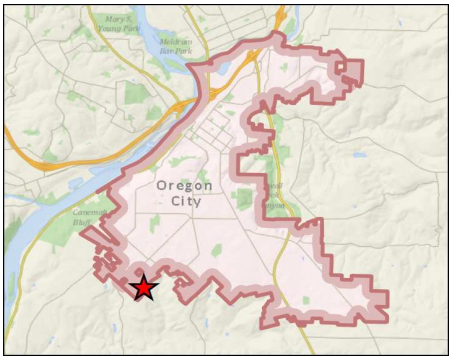


Street Name	Site Count	Site ID's
Cedarwood Way	6 Planters	Stm-116-3445 – Stm-116-3446, Stm-116-3449 – Stm-116-3452
Leland Rd	2 Planters	Stm-116-3436 – Stm-116-3437
Myrtlewood Way	8 Planters	Stm-116-3438 – Stm-116-3441, Stm-116-3443 – Stm-116-3444, Stm-116-3447 – Stm-116-3448

Stormwater Division - Gardens, Planters, Swales Sites continued

RFP ID: Stm-117 **Site Name**: Wheeler Farms Subdivision

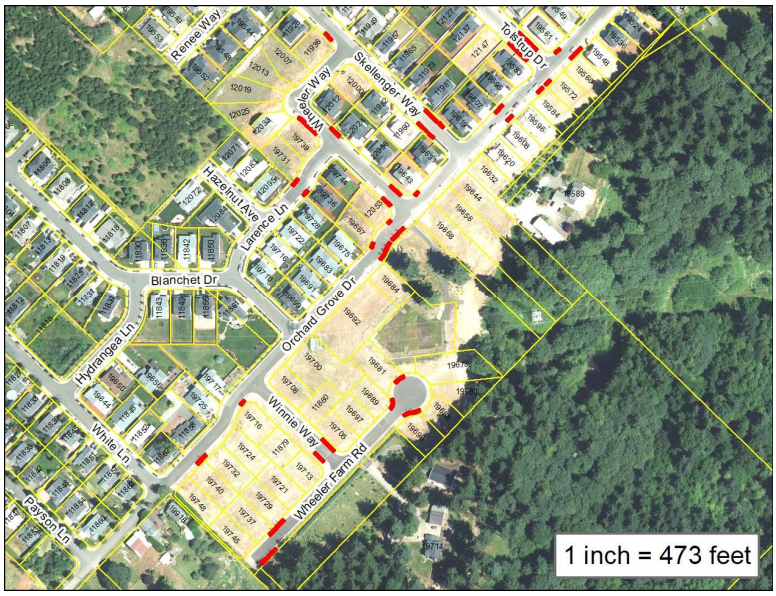
Location Map



Site Information

Site ID: Stm-117-3399 – Stm-117-3434
Site Address: Orchard Grove Dr (35 Roadside Planters)
Category: Roadside Planter
Total Site Area Sq Ft: 4,724

Site Detail Map

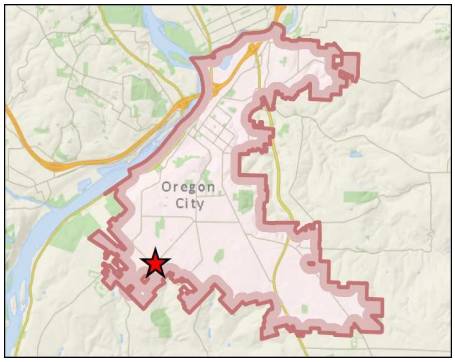


Street Name	Site Count	Site ID's
Larence Ln	2 Planters	Stm-117-3434 – Stm-117-3435
Orchard Grove Ave	13 Planters	Stm-117-3399 – Stm-117-3400, Stm-117-3409 – Stm-117-3419
Skellenger Way	5 Planters	Stm-117-3426, Stm-117-3431 – Stm-117-3434
Tolstrup Dr	4 Planters	Stm-117-3420 – Stm-117-3423
Wheeler Farm Rd	5 Planters	Stm-117-3403 – Stm-117-3407
Wheeler Way	4 Planters	Stm-117-3427 – Stm-117-3430
Winnie Way	2 Planters	Stm-117-3401 – Stm-117-3402

Stormwater Division - Ditch Sites

RFP ID: Stm-94 **Site Name**: Central Point Rd & McCord Rd

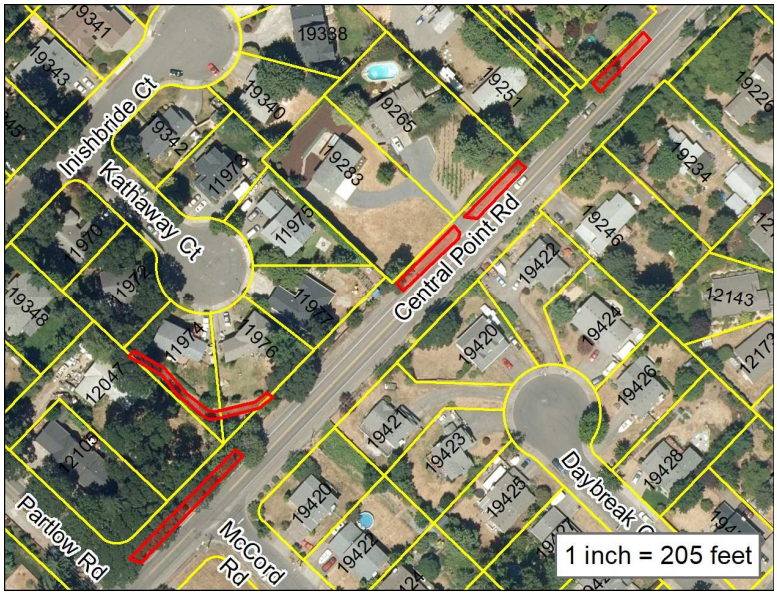
Location Map



Site Information

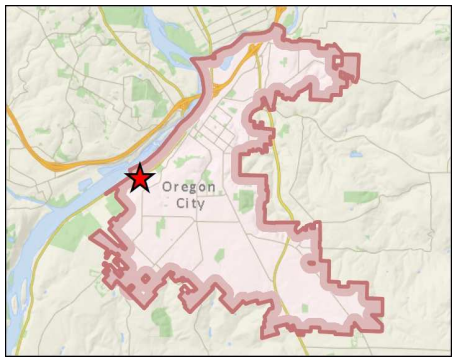
Site ID: Stm-94
Site Address: 19231 Cental Point Rd to Partlow Rd & behind 11974/11976 Kathaway Ct
Category: Ditch
Site Area Sq Ft: 6,592

Site Detail Map



RFP ID: Stm-95 **Site Name**: 3rd Ave. & Apperson

Location Map



Site Information

Site ID: Stm-95
Site Address: In Front Of 708 - 716 3rd Ave.
Category: Ditch
Site Area Sq Ft: 3,463

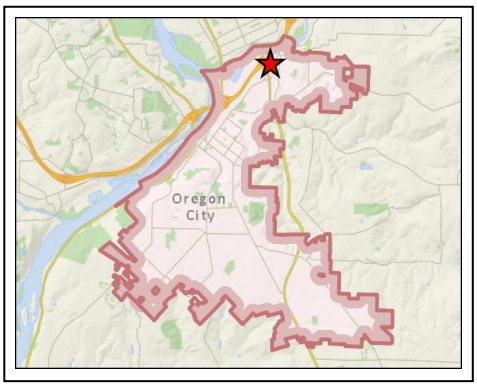
Site Detail Map



Stormwater Division - Ditch Sites continued

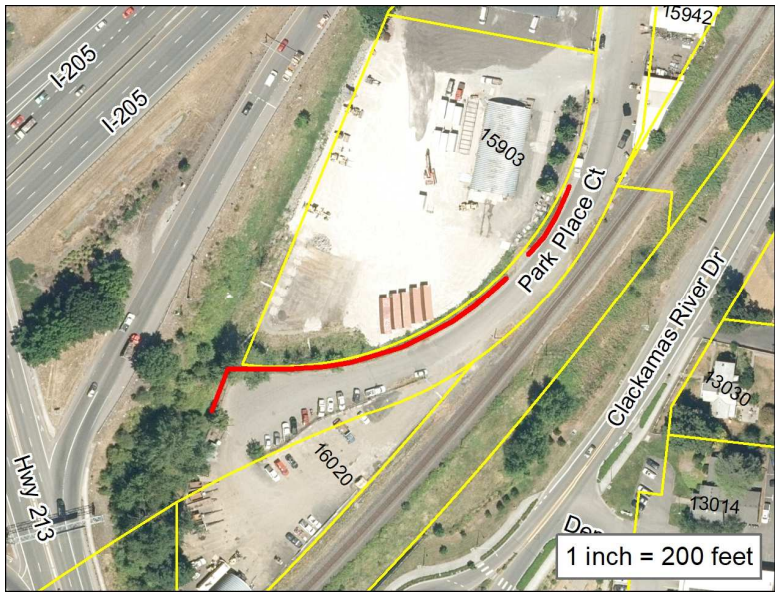
RFP ID: Stm-96 **Site Name**: Park Place Court

Location Map



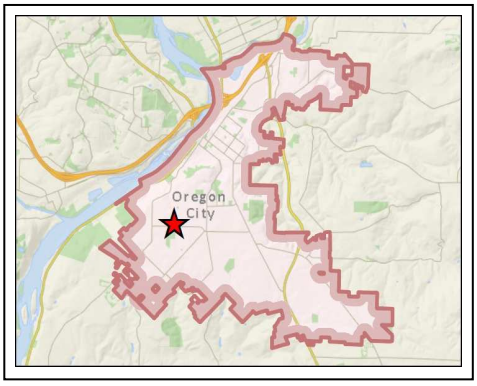
Site Information
Site ID: Stm-96
Site Address: 15903 Park Place Ct. to cul-de-sac
Category: Ditch
Site Area Sq Ft: 8,406

Site Detail Map



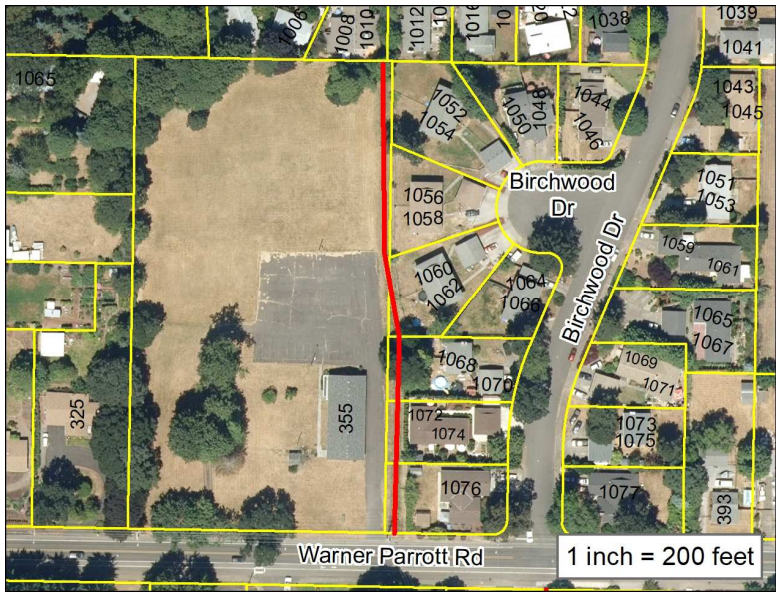
RFP ID: Stm-97 **Site Name**: 355 Warner Parrott Rd.

Location Map



Site Information
Site ID: Stm-97
Site Address: Along 355 Warner Parrott & behind 1054-1076 Birchwood
Category: Ditch
Site Area Sq Ft: 9,248

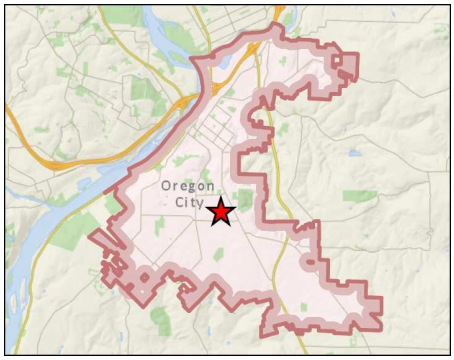
Site Detail Map



Stormwater Division - Ditch Sites continued

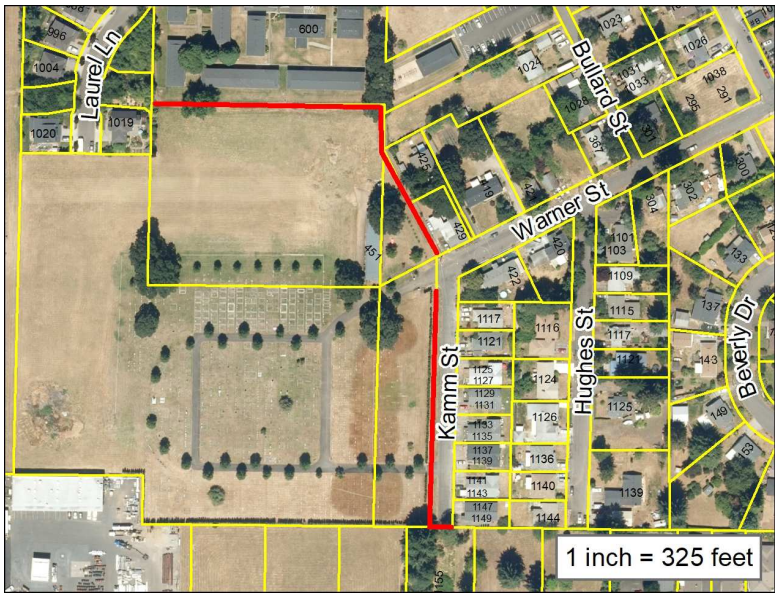
RFP ID: Stm-98 **Site Name**: St. John's Cemetery & Kamm St.

Location Map



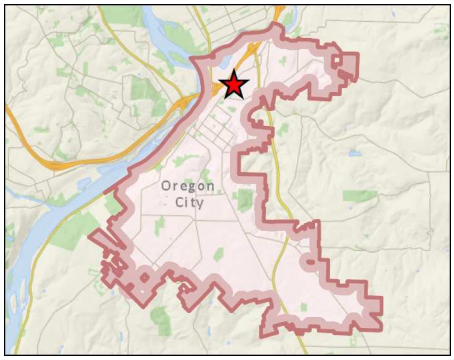
Site Information
Site ID: Stm-98
Site Address: 451 Warner St and along Kamm St
Category: Ditch
Site Area Sq Ft: 20,536

Site Detail Map



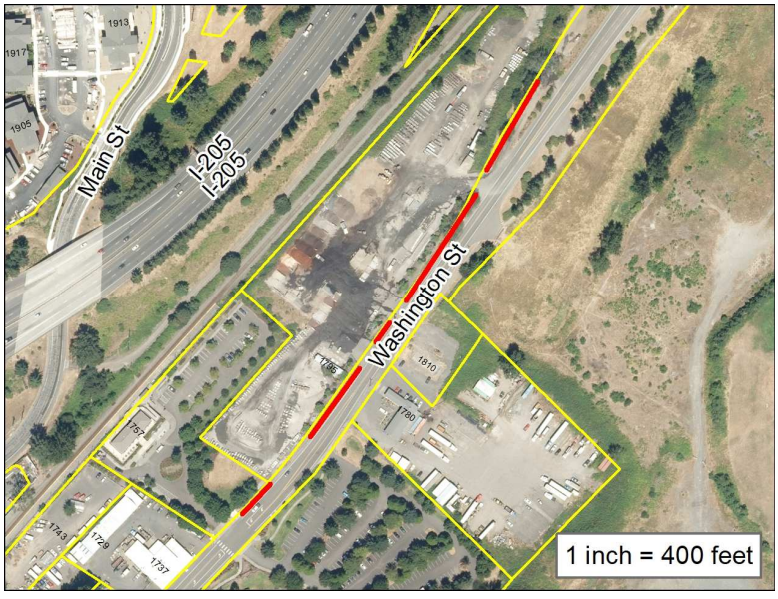
RFP ID: Stm-99 **Site Name**: Washington St.

Location Map



Site Information
Site ID: Stm-99
Site Address:
In Front Of 1795 Washington St.
Category: Ditch
Site Area Sq Ft: 17,365

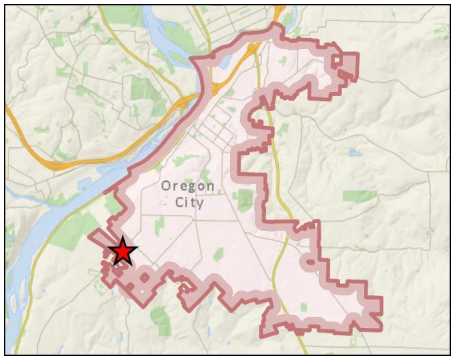
Site Detail Map



Stormwater Division - Ditch Sites continued

RFP ID: Stm-100 **Site Name**: South End Rd

Location Map



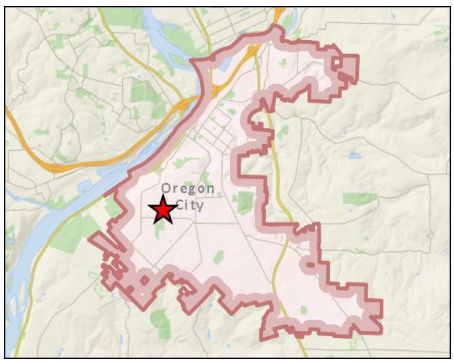
Site Information
Site ID: Stm-100
Site Address: On South End Rd. From Salmonberry Dr. To 18952
Category: Ditch
Site Area Sq Ft: 8,197

Site Detail Map



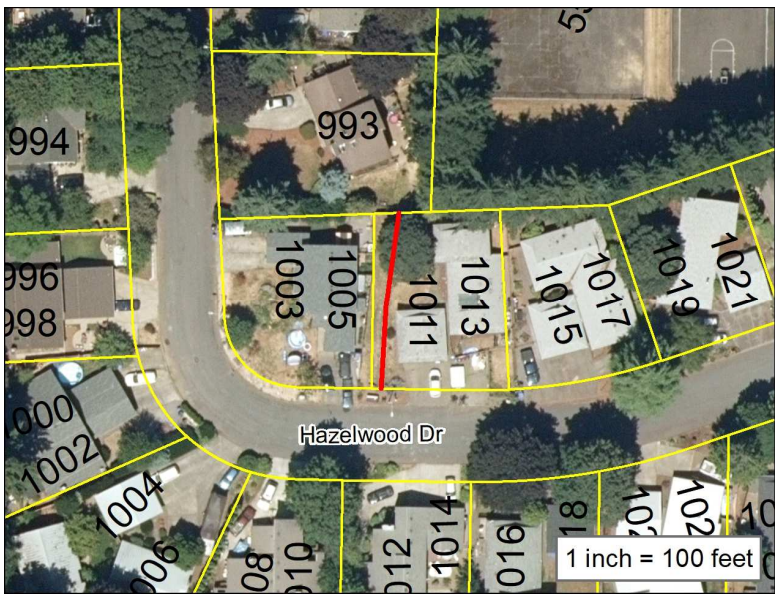
RFP ID: Stm-101 **Site Name**: Hazelwood Dr

Location Map



Site Information
Site ID: Stm-101
Site Address: Between 1005 And 1011 Hazelwood Dr.
Category: Ditch
Site Area Sq Ft: 580

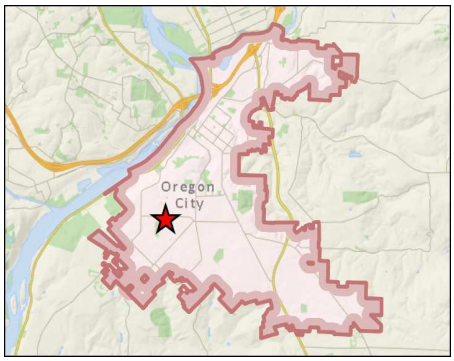
Site Detail Map



Stormwater Division - Ditch Sites continued

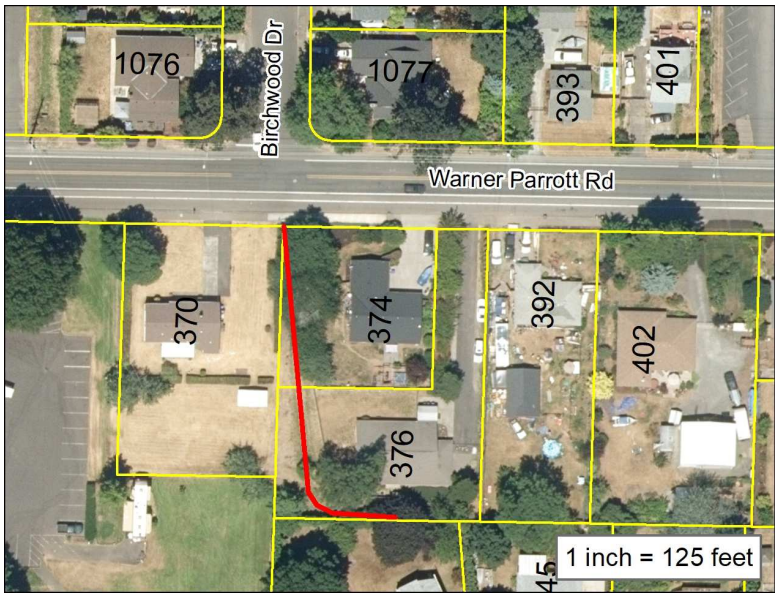
RFP ID: Stm-102 **Site Name**: Chapin Park

Location Map



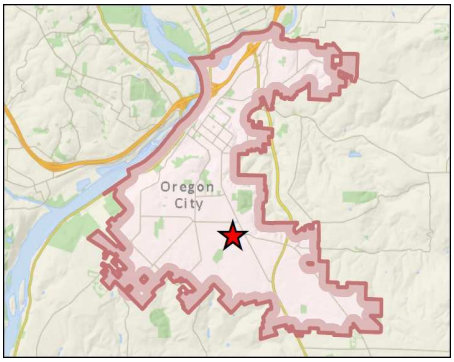
Site Information
Site ID: Stm-102
Site Address: Between 370 & 374 And Behind 374 Warner Parrot Rd.
Category: Ditch
Site Area Sq Ft: 1,482

Site Detail Map



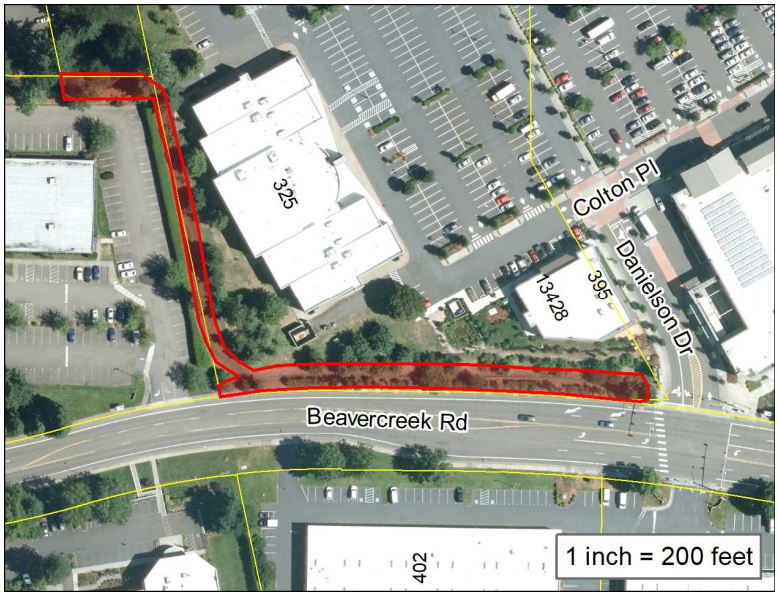
RFP ID: Stm-103 **Site Name**: Theater Ditch on Beavercreek Rd

Location Map



Site Information
Site ID: Stm-103
Site Address: Alongside and behind Theater on Beavercreek Rd
Category: Ditch
Site Area Sq Ft: 19,869

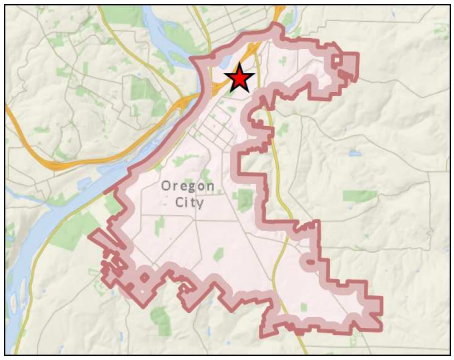
Site Detail Map



Stormwater Division - Ditch Sites continued

RFP ID: Stm-104 **Site Name**: Rossland Landfill Ditch

Location Map



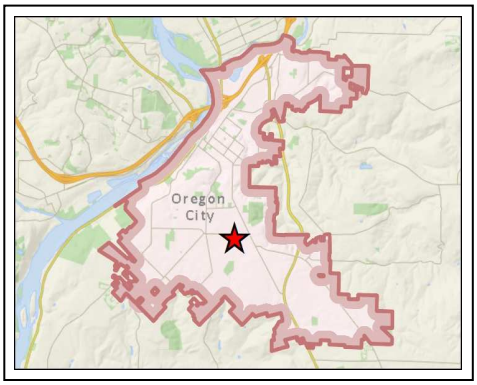
Site Information
Site ID: Stm-104
Site Address: Between 1780 Washington Street to Home Depot
Category: Ditch
Site Area Sq Ft: 39,186

Site Detail Map



RFP ID: Stm-105 **Site Name**: Credit Union Ditch

Location Map



Site Information
Site ID: Stm-105
Site Address: 290 Warner Milne Rd
Category: Ditch
Site Area Sq Ft: 20,037

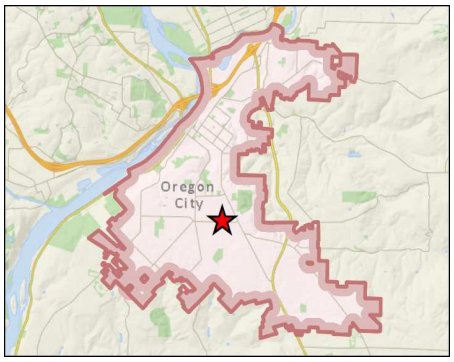
Site Detail Map



Stormwater Division - Ditch Sites continued

RFP ID: Stm-112 **Site Name**: Kamm Street Ditch

Location Map



Site Information

Site ID: Stm-112
Site Address: 279 Warner Milne Rd to Kamm St
Category: Ditch
Site Area Sq Ft: 2,306

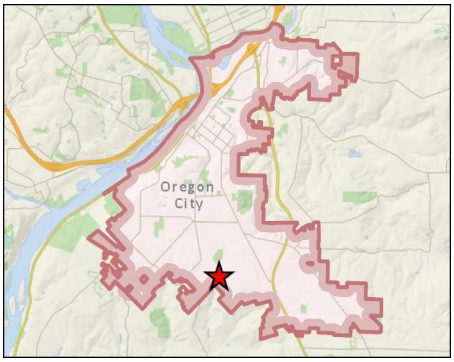
Site Detail Map



Stormwater Division – City Tract Sites

RFP ID: Stm-106 **Site Name**: Old Hillendale Pump Station

Location Map



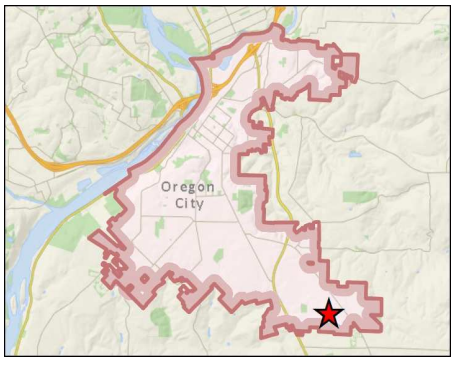
Site Information
Site ID: Stm-106
Site Address: 19460 Meyers Rd.
Category: City Tract
Site Area Sq Ft: 25,895

Site Detail Map



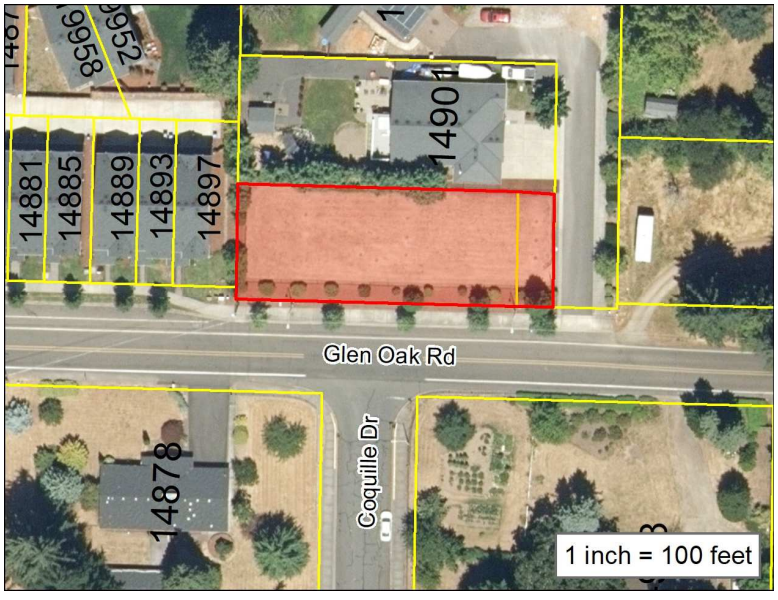
RFP ID: Stm-107 **Site Name**: Glen Oak Detention Tanks

Location Map



Site Information
Site ID: Stm-107
Site Address:
Next to 14987 Glen Oak Road
Category: City Tract
Site Area Sq Ft: 10,867

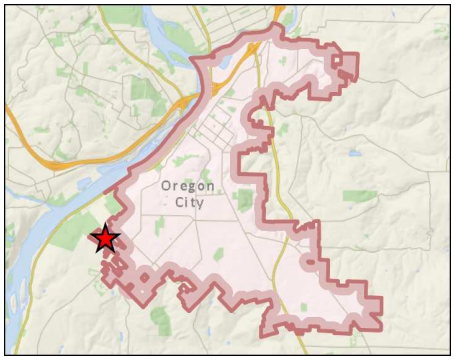
Site Detail Map



Stormwater Division – City Tract Sites continued

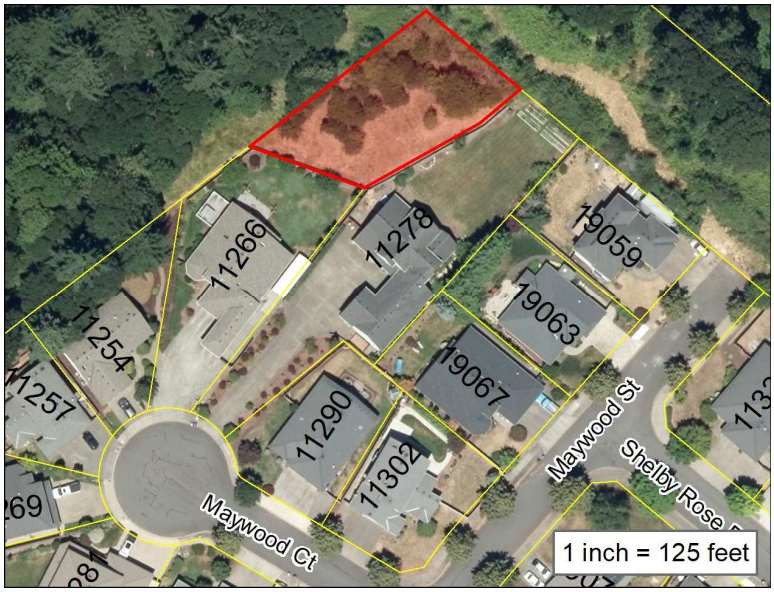
RFP ID: Stm-108 **Site Name**: Maywood Ct Natural Area

Location Map



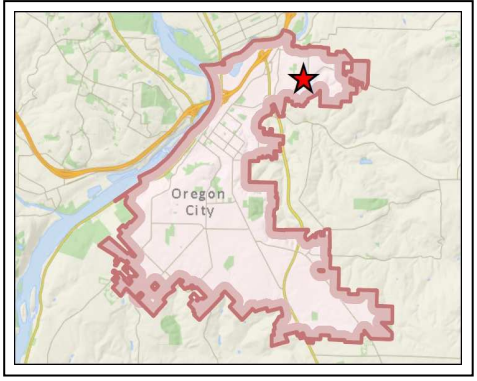
Site Information
Site ID: Stm-108
Site Address:
Behind 11266 Maywood Ct
Category: City Tract
Site Area Sq Ft: 10,643

Site Detail Map



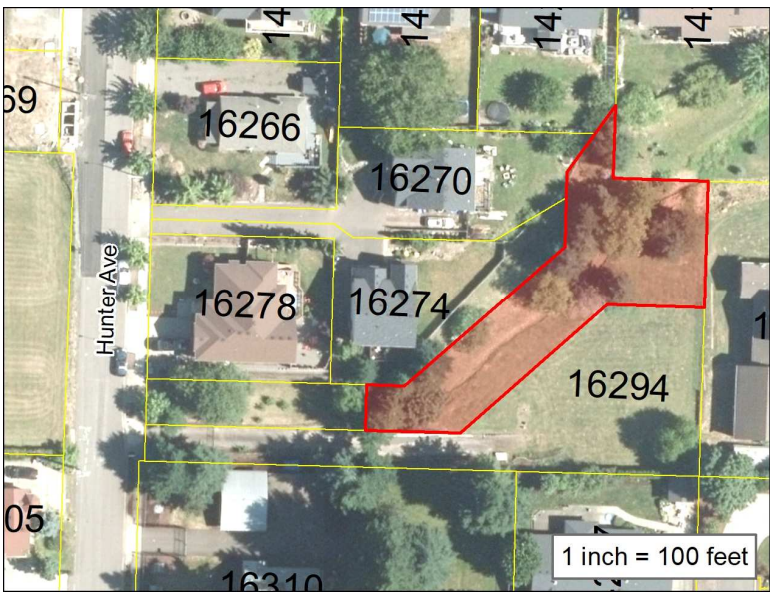
RFP ID: Stm-109 **Site Name**: Hunter Ave Natural Area

Location Map



Site Information
Site ID: Stm-109
Site Address:
Behind 16275 Hunter Ave
Category: City Tract
Site Area Sq Ft: 10,812

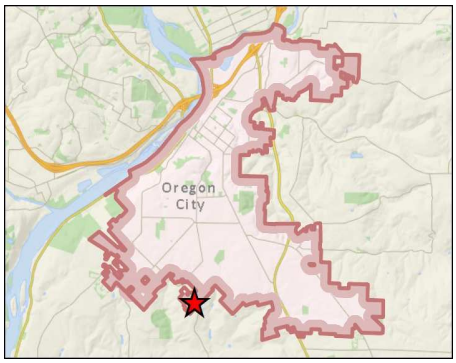
Site Detail Map



Stormwater Division – City Tract Sites continued

RFP ID: Stm-110 **Site Name**: Marlo Farms Open Space

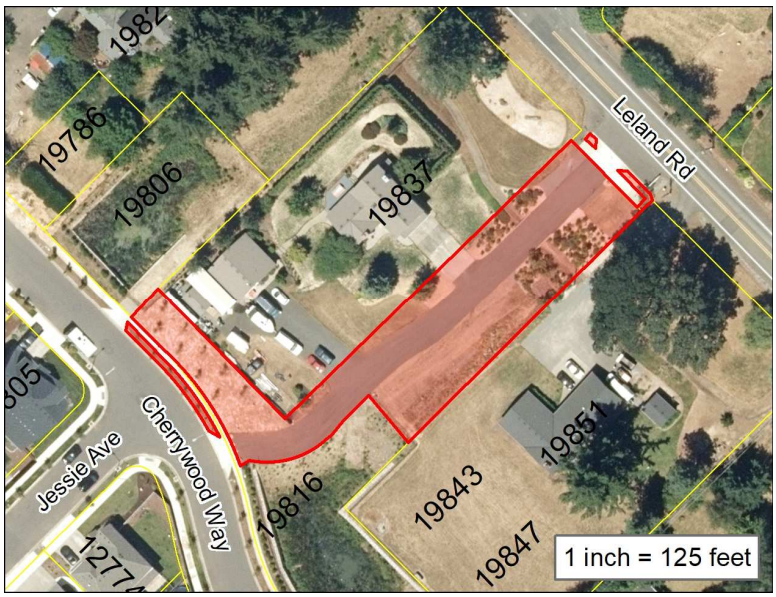
Location Map



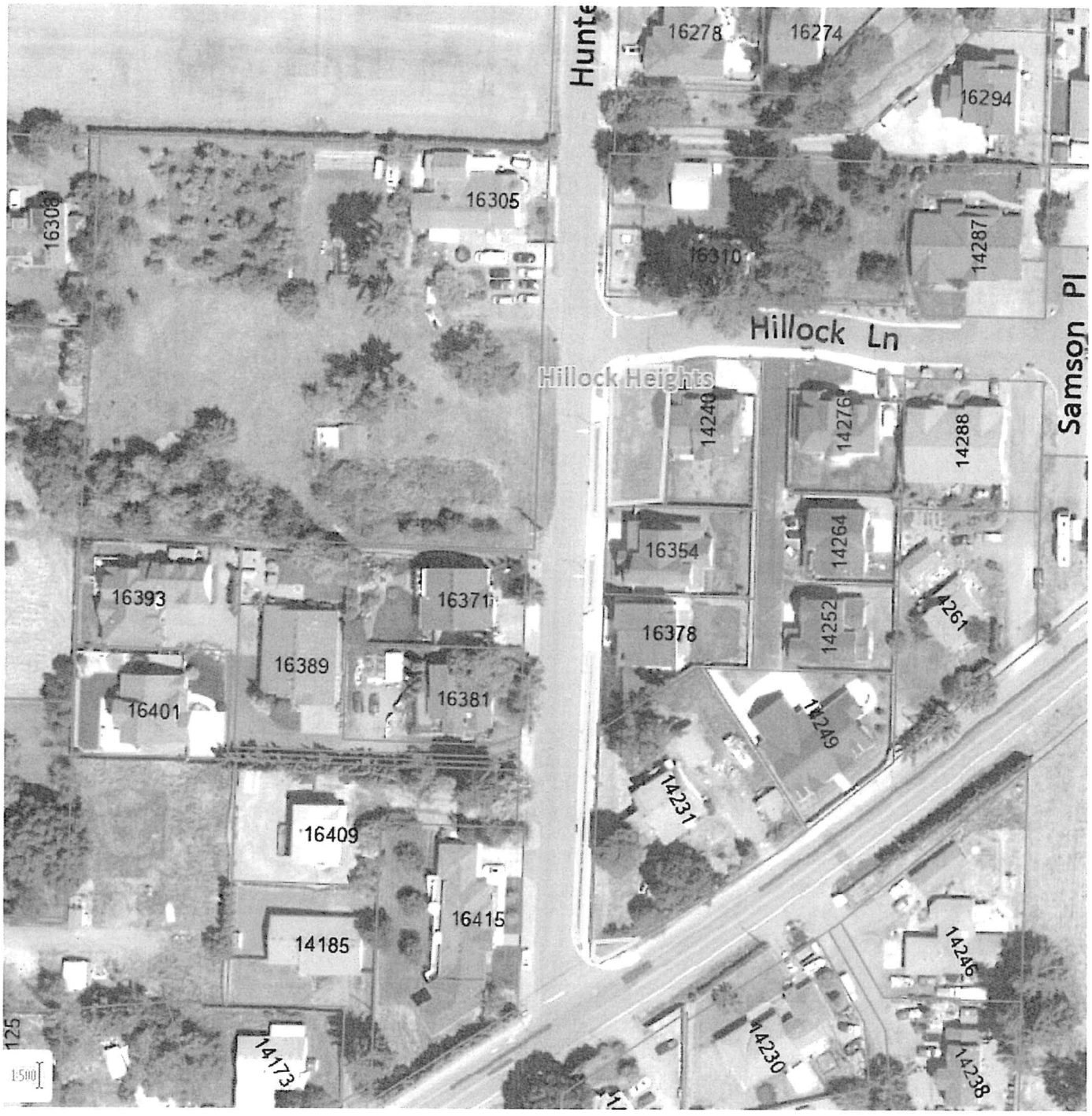
Site Information

Site ID: Stm-110
Site Address: Next to 19837 Leland Rd thru to Cherrywood Way
Category: City Tract
Site Area Sq Ft: 21,918

Site Detail Map




want to...
Meyers Rd
High School Ave
High School Ave
Glen Oak Rd
Passage Pkwy
Capital Ct
19761
19785
19786
19801
19829
19842
19839
19843
19963
19978
19981
14495
14445
14551
14520
14438
14401
14491
14276
14325
100
200ft
Oregon City | Orego


Hunte
16278
16274
16294
16305
16308
16310
14287
Hillock Ln
Samson Pl
Hillock Heights
14240
14276
14288
16354
14264
16393
16371
16378
14252
14261
16389
16401
16381
14249
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16409
16415
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14173
125



1: 600

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



1: 600

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



1: 600

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

Laurel Ridge - Roadside Stormwater Planters

Cleveland St
Cleveland St
Cleveland St
Cleveland St
Hunter Ave
Hunter Ave
Hunter Ave
Laurel Ridge Ave

14014
14121
14124
14132
14138
14141
14146
16231
16236
16231
16263
16269
14250
14254
14258
16266
16270
16278
16274

1: 600

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



Hillock Heights

C & R Reforestation
Reforestation & Wildfire Suppression
Farm & Forest License #35788
CCB #138794

April 11, 2025

City of Oregon City
Attn: Markus Kubrow
13895 Fir Street
Oregon City, OR 97045

Re: Quote for Clairmount Dr. SWQF's (2 sites)

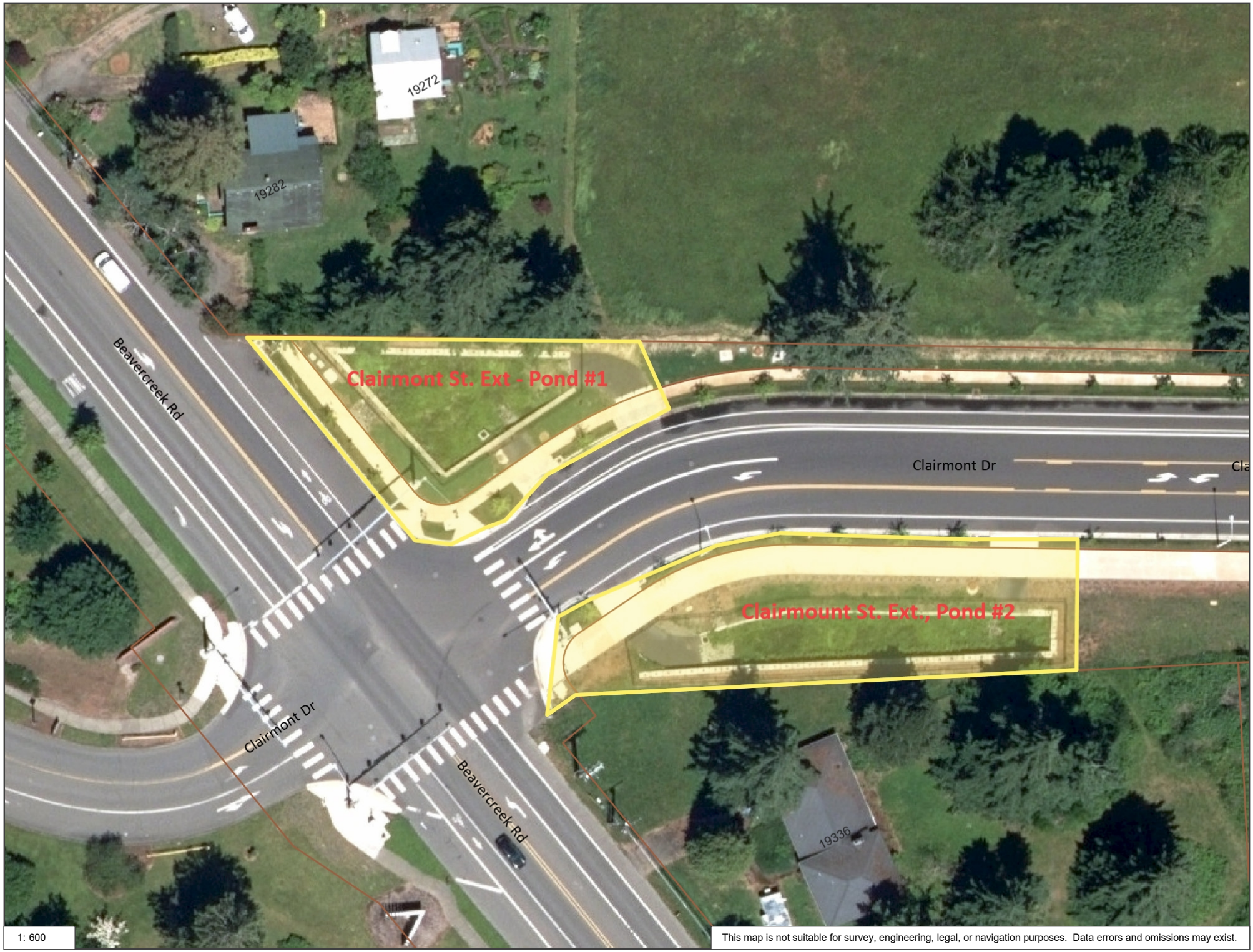
Dear Markus,

Here is our updated quote for the above work:

Quote for yearly maintenance	$6300/year
Monthly cost	$525.00/month

Robin

P.O. Box 649 ■ Aurora, Oregon 97002 ■ Phone 503-678-2516 ■ Fax 503-678-2528


19272
19282
Clairmont St. Ext - Pond #1
Beavercreek Rd
Clairmont Dr
Clairmount St. Ext., Pond #2
Clairmont Dr
Beavercreek Rd
19336
1: 600
This map is not suitable for survey, engineering, legal, or navigation purposes. Data errors and omissions may exist.

C & R Reforestation
Reforestation & Wildfire Suppression
Farm & Forest License #35788
CCB #138794

April 1, 2025

City of Oregon City
Attn: Marcus Kubrow
13895 Fir Street
Oregon City, OR 97045

Re: Quote for Harley Apartments bio-swales

Dear Marcus,

Here is our quote for the above work:

Quote for yearly maintenance	$2,580.00/year
Monthly Cost	$215.00/month

Robin

P.O. Box 649 ■ Aurora, Oregon 97002 ■ Phone 503-678-2516 ■ Fax 503-678-2528


Harley Apts.
Roadside Stormwater Planters
New Site to be added to May 2025 contract renewal.
13154
13150
15823
15815
15831
15839
15847
15855
15863
15824
15836
15848
15860
15872
Taylor L
Harley Ave
Harley Ave
Forsythe Rd
Forsythe Rd
Forsythe Rd
15896
13916
1: 600
This map is not suitable for survey, engineering, legal, or navigation purposes. Data errors and omissions may exist.

C & R Reforestation
Reforestation & Wildfire Suppression
Farm & Forest License #35788
CCB #138794

April 11, 2025

City of Oregon City
Attn: Marcus Kubrow
13895 Fir Street
Oregon City, OR 97045

Re: Quote for Williams St. by Gardiner Middle School

Dear Markus,

Here is our quote for the above work:

Quote for monthly Maintenance	$150.00/month

Robin

P.O. Box 649 ■ Aurora, Oregon 97002 ■ Phone 503-678-2516 ■ Fax 503-678-2528


1214
1222
Leonard St
1221
1225
1232
Williams St
Williams St. - Roadside Stormwater Planters
1: 600
This map is not suitable for survey, engineering, legal, or navigation purposes. Data errors and omissions may exist.

C & R Reforestation
Reforestation & Wildfire Suppression
Farm & Forest License #35788
CCB #138794

February 18, 2026

City of Oregon City
Attn: Marcus Kubrow
13895 Fir Street
Oregon City, OR 97045

Re: Timber View Apartments

Dear Marcus,

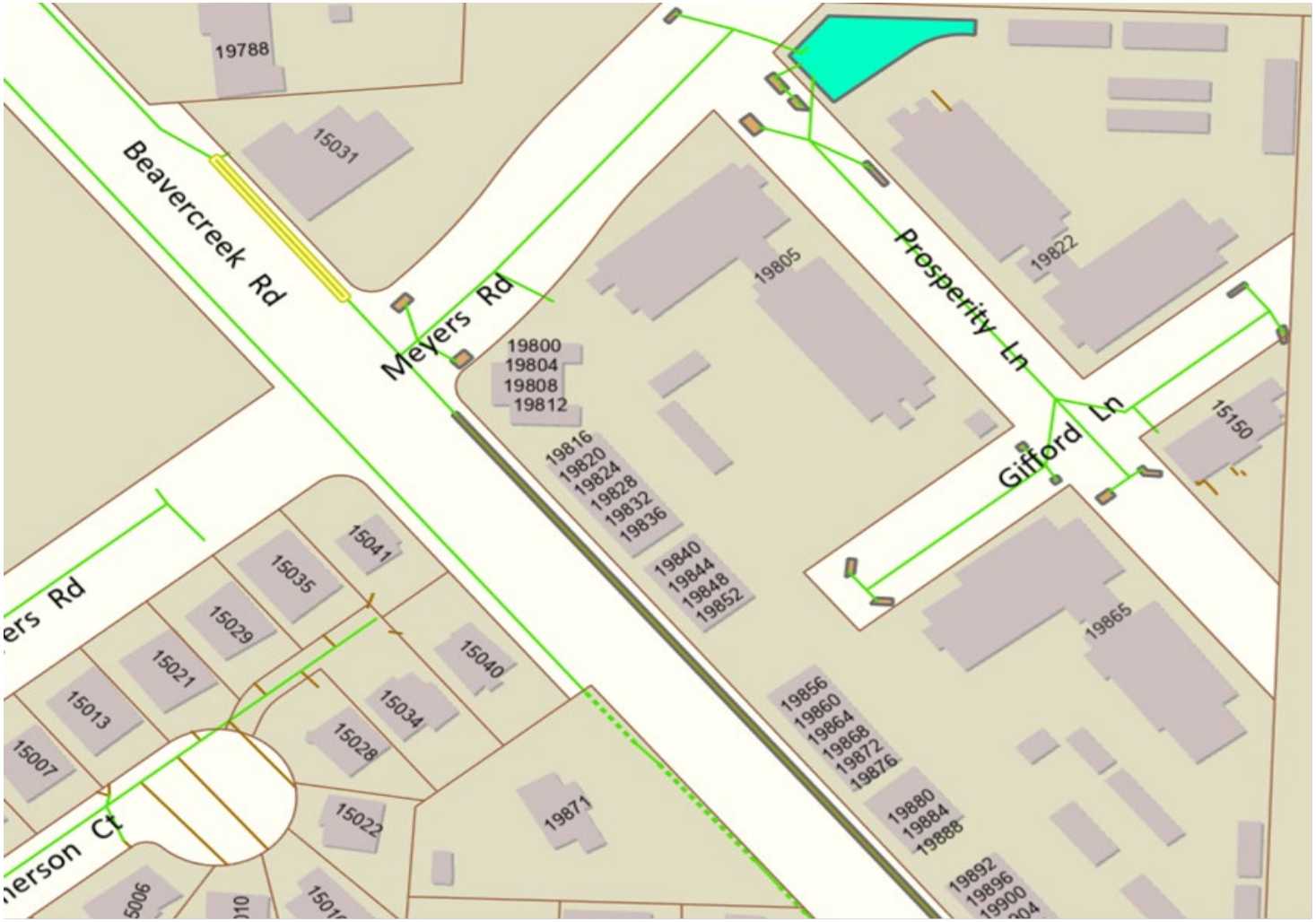
Here is our quote for the above project.

Quote per year	$,4380.00
Quote for monthly Maintenance (16 bioswales, 1 detention pond)	$365.00/month

Robin

P.O. Box 649 ■ Aurora, Oregon 97002 ■ Phone 503-678-2516 ■ Fax 503-678-2528

Timberview Apartments with its 15 roadside planters, two swales, and one pond. Please let me know if you have any or need some clarification on the map.



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

CITY OF OREGON CITY

Staff Report

To:	City Commission	**Agenda Date:**	June 3, 2026
From:	Dayna Webb, Public Works Director		

SUBJECT:
Item 7.c. - Public Improvement Contract with Blackline, Inc for the 2026 Preventative Pavement Maintenance Type II Slurry Seal (CI 26-002)

STAFF RECOMMENDATION:
Award the bid and authorize the City Manager to execute the Public Improvement Contract with Blackline, Inc in the amount of $239,909.04 for construction of the 2026 Preventative Pavement Maintenance Type II Slurry Seal (CI 26-002).

EXECUTIVE SUMMARY:
The Preventative Pavement Maintenance Type II Slurry Seal Project is a part of the Pavement Maintenance Program and is funded through the City's Pavement Maintenance Utility Fee (PMUF). This project will apply a surface treatment to roads that have been identified as in "fair and good condition," to prolong the lifespan of these roads.

BACKGROUND:
The 2026 Preventive Pavement Maintenance Type II Slurry Seal Project is a part of the Pavement Maintenance Program and is funded through the City's Pavement Maintenance Utility Fee (PMUF). This project is a crucial component of the City's annual street maintenance commitment, to treat roads identified as "fair and good condition" and displaying signs of aging through limited pavement cracking and rough surfaces.

A slurry seal is the application of a mixture of emulsified asphalt, water, and well-graded, fine aggregate. This treatment will be applied onto existing damaged pavement to "seal" the surface to preserve and protect the underlying paving structure. Without treatment, these damaged roads will become more porous, allowing water to compromise the subgrade, and causing the road section to fail. The slurry seal extends the life of the road by an estimated seven to ten years.

This project includes street preparation, neighborhood notification, traffic control, material delivery, material application, and final project cleanup. Work is set to begin no earlier than June 22, 2026, and shall be at substantial completion by September 11, 2026.

This project was a Joint Cooperative Procurement with the City of Hillsboro (acting as the administrative contracting agency). Soliciting qualified contractors (through this partnership) reduced staff time and acquired a greater economy of scale.

In accordance with Oregon Revised Statute (ORS) 279A.210 and City contracting

procedures, an invitation to bid was solicited from qualified contractors on March 26, 2026, in the Daily Journal of Commerce, the City bid site and the City of Hillsboro website. The bid opening was held on April 2, 2026, and two (2) bids were received. The City of Hillsboro reviewed the bids and determined that Blackline, Inc. was the low responsive bidder. Oregon City's portion of this contract is two hundred, thirty-nine thousand, nine hundred and nine dollars and 04/100 cents ($239,909.04).

Engineer's Estimate	$1,145,560.99
Blackline, Inc.	$1,220,797.74
Valley Slurry Seal International, Inc.	$1,318,325.00

Oregon City's portion of this project is determined as follows:

Move-in, Bond, Insurance, Clean-up	$10,000.00
Traffic Control and Public Notification	$10,000.00
Street Preparation and Slurry Seal (89,032 square yards (SY) @ $2.47/sy)	$219,909.04
Total	$239,909.04

The Oregon City portion includes the annual PMUF roads, as shown on the attached Project Map. The project shall be substantially complete by or before September 11, 2026, as identified in 00180.50(b) of the Special Provisions. The earliest start date for this work is June 22, 2026.

This Public Improvement Contract is in alignment with the project's budget, and adequate funds are available.

OPTIONS:

1. Approve Public Improvement Contract with Blackline, Inc for the 2026 Preventative Pavement Maintenance Type II Slurry Seal (CI 26-002).
2. Approve Public Improvement Contract with Blackline, Inc for the 2026 Preventative Pavement Maintenance Type II Slurry Seal (CI 26-002) with Amendments.
3. Deny Public Improvement Contract with Blackline, Inc for the 2026 Preventative Pavement Maintenance Type II Slurry Seal (CI 26-002) and provide further direction.

BUDGET IMPACT:

Amount	$239,909.04
Fiscal Year(s):	2025-26, 2026-27
Funding Source(s):	Pavement Maintenance Utility Fee Fund
Included in Approved Budget:	Yes

SECTION III A
CONTRACT AGREEMENT

This Agreement, made and entered into this 4th day of June, 2026, between the CITY OF OREGON CITY ("CITY"), acting by and through the City Commission and **BLACKLINE, INC** ("CONTRACTOR").

Witnesseth, that the CONTRACTOR and the CITY, for the considerations stated herein, agree as follows:

ARTICLE I - Scope of Work

The CONTRACTOR hereby agrees to furnish all of the materials, equipment and labor necessary, and to perform all of the work for the project entitled: **2026 PREVENTIVE PAVEMENT MAINTENANCE TYPE II SLURRY SEAL** in accordance with the contract documents which are hereby made a part of this agreement.

The contract documents consist of:

Invitation to Bid	Prevailing Wage Rates for Public Works Contracts in Oregon, dated July 5, 2024
Scope of Work	Amendments to the Prevailing Wage Rates for Public Works Contracts in Oregon dated October 5, 2024
Instructions to Bidders	Prevailing Wage Apprenticeship Rates dated July 2024
Bid Submittal Requirements and Forms	Definitions of Covered Occupations for Public Works Contracts in Oregon dated October 5, 2024
Contract Agreement	Special Provisions
Oregon City Public Improvement Standard Conditions	Contract Drawings
Statutory Conditions to Contract Agreement	City of Oregon City Standard Details3333
Performance Bond	Technical Specifications
Payment Bond	2021 Oregon Standard Specifications for Construction (ODOT and APWA) as referenced by these documents
State of Oregon Statutory Public Works Bond	All items included within these Contract Documents.
General Conditions	

The order of items cited above does not constitute an order of precedence different than that established in the special or standard specifications. Equivalent titles, which may be substituted for the above listed items, are included as if specifically named.

ARTICLE II - Time of Completion

The project shall be ready for final acceptance by **September 11, 2026,** as identified in 00180.50(b) of the Special Provisions. The earliest start date for this work is **June 22, 2026.**

ARTICLE III – Contract Amount

The Contract Amount for the work covered by this Agreement is estimated to be **two-hundred, thirty-nine thousand, nine-hundred, nine dollars and 04/100 cents ($239,909.04)**

ARTICLE IV - Warranty and Quality of Work

In addition to all other warranties, express or implied, that are part of this Agreement, the Contractor expressly warrants to the City for a period of one year from acceptance of the work by the City that all materials and equipment furnished under this contract will be new, unless otherwise specified, and that the work will be of good quality, free from faults and defects and in conformance with the City's specifications. Work that does not conform to these standards shall be considered defective.

Contractor shall, at its own expense, make good and repair any and all defects arising from faulty workmanship or materials, if the defective work is discovered within the one-year warranty period and notice thereof is given to the Contractor within 60 days after the expiration of the warranty period. If required by the City, the Contractor shall furnish satisfactory evidence as to the kind and quality of materials and equipment used to repair the defect**.**

In witness whereof, the parties hereto have executed this agreement, the day and year first above written.

CITY OF OREGON CITY

By: _____
Anthony J. Konkol III
City Manager

By: _____
Dayna Webb, P.E.
Public Works Director

Approved as to Legal Sufficiency

By: _____
City Attorney

City Commission Award Date:

_____

BLACKLINE, INC

_____
Printed Name

By: _____
Authorized Signature

_____
Title

_____
Date

Address:

_____

_____

_____

_____
Federal Taxpayer ID Number

PART B:

SPECIAL SPECIFICATIONS
GENERAL: ALL SCHEDULES

2026 Pavement Management Program
ITB# 202602-10014

1. Quantities and Schedule of Contract Prices

Each bid schedule (Schedule "A" & "B" & "C") shall be a separate contract for award. Contractors may bid on one or all of the schedules.

The quantities set forth in this contract are approximate only, and the right is reserved by the City to make such increases or decreases in the quantities as may be necessary to satisfactorily complete the work and to maintain the contract within the Pavement Management Program Budget (subject to approval of the 2025-2027 Biennium Fiscal Budget). Such modification will not entitle the contractor to renegotiate the unit prices. Actual payment for work done under these contracts will be made at the unit prices set forth in the Contractor's proposal. It is neither implied nor expressly agreed that the actual amount of work to be done and paid for will correspond therewith. The City reserves the right to reject any or all bids or schedules.

2. Joint Cooperative Procurement

This is a joint cooperative procurement as authorized in ORS 279A.210. The City of Hillsboro is the administrative contracting agency. The City of Beaverton, City of Gladstone, City of Oregon City, and City of West Linn are participating agencies in this solicitation. Each public agency utilizing this bid will issue a contract, including performance/payment and warranty bonds from contractor, binding only their agency. Each contract is between the contractor and the individual agency with no liability to the City of Hillsboro.

2.1. City of Hillsboro:

Slurry Seal work consisting of the preparation and application of approximately 77,131 square yards of type II slurry seal, including the replacement of pavement markings. Map and spreadsheets attached.

2.2. City of Beaverton:

Slurry Seal work consisting of the preparation and application of approximately 141,678 square yards of type II slurry seal, including the replacement of pavement markings. Map and spreadsheets attached.

2.3. City of Gladstone:

Slurry Seal work consisting of the preparation and application of approximately 228,242 square yards of type II slurry seal, including the replacement of pavement markings. Maps and spreadsheet attached.

2.4. City of Oregon City:

Slurry Seal work consisting of the preparation and application of approximately 89,032 square yards of type II slurry seal, including the replacement of pavement markings. Map and spreadsheets attached.

2.5. City of West Linn:

Slurry Seal work consisting of the preparation and application of approximately 95,910 square yards of type II slurry seal, including the replacement of pavement markings. Map and spreadsheets attached.

3. Time of Award

The anticipated time of award for this contract is April 28, 2026 at the City of Hillsboro Council meeting to be held at 5:30 pm via teleconference. Information regarding teleconference details and instructions can be found on the City of Hillsboro website.

4. Standard Specifications

All work shall conform to the current *City of Hillsboro Design and Construction Standards*, the *Oregon Department of Transportation Oregon Standard Specifications for Construction (2024)*, and *Clean Water Services Design and Construction Standards for Sanitary Sewer and Surface Water Management (November 2019, R&O 19-22)*. All traffic control and pavement markings shall be in accordance with the *Manual of Uniform Traffic Control Devices (MUTCD), 2023 Edition and the Oregon Temporary Traffic Control Handbook (OTTCH), January 2026*. The documents referenced above are hereby made part of these specifications.

5. Construction Notices to Bidders

There will be construction projects on major roadways adjacent to the City Limits that may cause delays in traveling to complete the work on this contract. The Oregon Department of Transportation project information can be found at http://www.oregon.gov/ODOT/HWY/REGION1/pages/tvhwypaving/index.aspx.

A citywide map of construction projects taking place in the City, including maintenance work for this contract, is posted on the website for reference in coordinating any adjacent work at https://gis.hillsboro-oregon.gov/hillsboroconstructionprojects/.

There are no current projects scheduled on adjacent roads.

SPECIAL SPECIFICATIONS
SCHEDULE "A": SLURRY SEAL
2026 Pavement Management Program
ITB #202602-10014

1. Time of Construction

Work contemplated in this contract may not commence until July 1, 2026. All work contemplated shall be completed on or before August 29, 2026 including striping.

2. Preconstruction Conference

2.1. CITY OF HILLSBORO:

After the execution of the contract, but prior to the notice to proceed, a pre-construction conference between the contractor, all subcontractors, and the City shall be held by web-conference on a mutually accepted date. The web-conference will be through MS Teams with meeting invites sent directly to attendees. The contractor shall be represented, at a minimum, by a principle of the firm and the superintendent of the project. ***The contractor shall provide the following for the City Engineer's approval prior to the preconstruction conference:***

a. Preliminary work schedule. At a minimum, the work schedule shall include the locations by day, when notification will be placed for each day (keeping in mind requirements in Section 7 – Traffic Control and Public Notification), striping removal, and striping replacement.
b. Traffic control plans.
c. Signed original laboratory report of tests and proposed mix design covering the specific materials to be used on the project.

3. Scope

This schedule consists of furnishing all labor, equipment, and materials necessary for the preparation and application of one or more layers of slurry seal consisting of latex modified emulsified asphalt, water, aggregate, and additives on a prepared asphalt pavement as shown or directed. The cured slurry seal shall have a homogeneous appearance, fill all cracks, and adhere firmly to the surface.

Tree trimming is not included in this contract. All tree trimming will be coordinated if needed with respective Cities prior to placement of the slurry seal.

4. Areas of Work

The areas of work are shown in the attached maps and spreadsheets. Do not place slurry seal on any portion of a concrete roadway or bridge deck.

5. Hours of Work

General hours of work shall be limited to 7:00AM to 5:00PM Monday through Friday, unless otherwise approved by the Project Manager. No work is permitted on Saturdays, Sundays and all holidays or the day of the holiday's observance. Hours of work may also be affected by requirements for events, school hours, and on those roadways abutting other agency roadways.

Slurry seal shall be applied only between the hours of 8:00 AM and 3:00 PM and must be able to support traffic by 5:00 PM. The Contractor has full responsibility for confining operations, *including striping*, to these hours and obtaining any needed waivers.

The City of Hillsboro recognizing the following holidays:

- New Year's Day (January 1)
- Birthday of Martin Luther King, Jr. (Third Monday in January)
- Washington's Birthday (Also known as Presidents Day; third Monday in February)
- Memorial Day (Last Monday in May)
- Juneteenth National Independence Day (June 19)
- Independence Day (July 4)
- Labor Day (First Monday in September)
- Veterans Day (November 11)
- Thanksgiving Day (Fourth Thursday in November)
- Black Friday (Fourth Friday in November)
- Christmas Day (December 25)

The contractor will also need to schedule work so as not to interfere with the events below, including any event detour routes:

5.1. CITY OF BEAVERTON:

- August 24th – Start of school year
- OR any other special events.

5.2. CITY OF HILLSBORO:

- Tuesday Market – Tuesday afternoon to evening generally located on Main between 1st and 4th and on 2nd/3rd Avenues between Washington and Lincoln Street
- Saturday Market – Saturday mornings generally located on Main between 1st and 4th and on 2nd/3rd Avenues between Washington and Lincoln Street
- Helvetia Half Marathon (June 13th)
- Hillsboro Pride Party (June 6th)
- Juneteenth Celebration (June 13th)
- 20th Annual Latino Cultural Festival (August 9th)
- Washington County Fair (July 24th – August 2nd)
- OR any other special events.

5.3. CITY OF GLADSTONE:

- July 27 – August 2, 2026 – Gladstone Community Festival

5.4. CITY OF WEST LINN:

- Old Time Fair (July 10th – 12th)

Permission to work outside these hours may be granted on a case-by-case basis upon application to the Engineer. The Contractor has full responsibility for confining operations to these hours and obtaining any needed waivers.

6. Project Coordination

6.1. School Zones

Work *will not* be permitted near schools at times when students are arriving or departing. The following streets are near Hillsboro schools. Work *will not* be permitted before July 1, 2026:

6.1.1. CITY OF HILLSBORO:

- W L Henry Elementary School

6.1.2. CITY OF GLADSTONE:

- John Wetten Elementary School
- Kraxberger Middle School
- Gladstone High School

6.2. Public Access

The contractor will need to make sure to communicate with all residents and maintain necessary access, including emergency access to areas impacted by the scope of this contract.

6.2.1. CITY OF HILLSBORO:

See Schedule "A" maps.

6.3. Construction Coordination

The contractor will need to coordinate slurry seals on the following streets with other active projects. Schedules will be forthcoming once obtained.

6.3.1. CITY OF BEAVERTON:

CIP utility projects impacting 130th Ave area map and Hargis Rd area map. Projects are not projected to directly impact slurry seal streets but will be taking place on adjacent roadways. City PM (Brant Holaday) will monitor CIP progress and be the main contact for potential conflicts. In case of emergency, please contact Danica Ruud (971-482-8292).

6.3.2. CITY OF HILLSBORO:

Currently we do not have any projects that will interfere with this project.

6.3.3. CITY OF GLADSTONE:

Currently we do not have any projects that will interfere with this project.

6.3.4. CITY OF WEST LINN:

Currently we do not have any projects that will interfere with this project.

6.4. Pavement Marking

Locations where pavement marking is to be removed and replaced require coordination with the appropriate contact.

6.4.1. CITY OF HILLSBORO:

Jimmy McClure (503-615-6544), Hillsboro's Streets Public Works Superintendent or designee

- Contact a minimum of 48 hours for verifying layout prior to installing any material or to obtain assistance in re-establishing marking locations for the City of Hillsboro.

6.4.2. CITY OF BEAVERTON:

Arturo Echeverria 503-526-2225

6.4.3. CITY OF GLADSTONE:

Silas Richardson 503-656-7957
Kristin Bowen – 503.656.7957

6.4.4. CITY OF OREGON CITY:

Jayson Thornberg 503-657-8241

6.4.5. CITY OF WEST LINN:

Wade Veelle 503-742-6091

7. Project Permits:

Any permits required by ODOT, Washington County, P&W Rail, or TriMet to complete the work are the responsibility of the contractor. The contractor shall submit for permits a minimum of one week prior to work beginning for review. A copy of the permits shall be submitted to the City's Engineer prior to beginning work. If a permit is not required, the contractor will submit written documentation from ODOT, Washington County, P&W Rail, or TriMet stating the permit is not required. Permits shall be considered incidental to the traffic control bid item.

7.1. City of Hillsboro

7.1.1. ODOT

No work is proposed near ODOT facilities.

7.1.2. Washington County

Work is proposed near the following Washington County locations:

- SE Oakhurst St & SE River Rd

7.1.3. Portland & Western Railroad

No work is proposed near Railroad facilities.

7.1.4. TriMet

No work is proposed near TriMet facilities.

7.2. City of West Linn

7.2.1. ODOT

No work is proposed near ODOT facilities.

7.3. City of Gladstone

7.3.1. TriMet

Work is proposed near following TriMet facility locations:

- E. Darmouth St.
- W. Gloucester St.

7.4. ODOT

Locations that abut Oregon Department of Transportation (ODOT) roadways will require coordination. The contractor shall coordinate traffic control and obtain any necessary permits through ODOT by sending email to D2Bup@odot.oregon.gov. Contact (971) 673-6200 for general questions.

7.5. Washington County

Thirty-six (36) hours prior to starting work on any given group of streets, the contractor is responsible for notifying the Washington County Consolidated Communications Agency (503-629-0111) of any traffic impairment. Notification shall include the exact location of work and the times when work will be performed, stating time of day and the date of work. A means of emergency access will be maintained at all times in all work zones.

Locations that abut Washington County roadways will require coordination. The contractor shall coordinate traffic control and obtain any necessary permits through Washington County by contacting "Right-of-Way Permits" at (503) 846-7623 or mlutroadperm@washingtoncountyor.gov. WASHCO's "General Construction/Signs" application for the right-of-way permit can be found at www.co.washington.or.us/LUT/Divisions/Operations/Permits/row-permits.cfm.

7.6. Portland & Western Railroad

No work within 100-feet of Portland and Western's rail line is proposed.

7.7. TriMet

Locations where work will impact a TriMet bus route will require coordination. The contractor will coordinate traffic control and obtain any necessary permits with Terry Colly at BSC@Trimet.org

Locations where work will impact a TriMet MAX line will require coordination. The contractor will coordinate traffic control and obtain any necessary permits with Rich Vasquez at foc@trimet.com.

8. Traffic Control and Public Notification

Payment for traffic control shall be lump sum and shall include all labor, permits, equipment, and materials necessary to coordinate and comply with current MUTCD, OTTCH and City standards.

8.1. Street Closures

8.1.1. City of Gladstone:

Closure of streets must be done with proper traffic control equipment, hanging of flags is not considered acceptable form of traffic control.

8.2. Flaggers

The contractor shall provide adequate signing and Oregon certified flaggers to ensure the work zone is properly identified in compliance with the *Manual of Uniform Traffic Control Devices,* 11th Edition (MUTCD) and the *Oregon Temporary Traffic Control Handbook,* January 2026 (OTTCH).

All Oregon certified flaggers shall have:

a. The mental and physical ability to provide timely, clear, and positive guidance.

b. A sense of responsibility for safety of public and work crew.
c. A neat appearance.
d. A courteous but firm manner.
e. Completed an approved work zone traffic control course within the past three (3) years and be able to provide evidence of completion to the Project Inspector upon request.
f. Two-way radios with extra batteries.
g. Shall not use personal cell phones while working on the job site.
h. Shall be able to communicate effectively with the general public, Contractor, Project Inspector.

8.3. Traffic Control Plans

Detailed traffic control plans shall be supplied to the Engineer at the preconstruction meeting for <u>each</u> project site. The plans shall include, but not be limited to all construction signing, flagger locations, types and locations of traffic control devices, and construction phasing, method for maintaining traffic signal functions, detours, and accommodations for pedestrian, bicycle, and transit facilities. Roadways shall remain open to traffic flow unless otherwise approved in writing by the Engineer. No work can commence until the traffic control plans have been approved.

Work shall be performed in a manner that will minimize inconvenience to businesses and the public. The contractor shall at no time close any intersection. Cul-de-sacs and dead ends shall have access restored within 4 hours. ***For all non-residential accesses, at least one lane of the access shall remain open for bi-directional traffic flow unless an alternate access is available. The contractor shall provide the necessary flaggers, barricades and appropriate signage to maintain these accesses***.

8.4. Traffic Control Devices

The Contractor shall erect and maintain all construction signs, warning signs, detour signs, and other traffic control devices necessary to warn and protect the public at all times from injury or damage as a result of the Contractor's operations. No work shall be done on or adjacent to any traveled way until all necessary signs and traffic control devices are in place. Signs that are not in use must be stored so that the message is not visible to the public, i.e., face down.

When specified, the contractor shall provide flaggers and barricades as required to protect the uncured slurry seal from vehicular traffic. Where necessary as directed and approved by the Inspector, the contractor shall spread a thin pathway of sand across the fresh slurry at pedestrian crossings and high traffic street intersections to allow traffic to cross perpendicular to the mat. Any damage to the uncured slurry shall be the responsibility of the contractor.

The contractor shall place a cone (multiple on commercial driveways) in the middle of each driveway when the slurry seal is not to be driven on. Cone(s) shall be removed by the contractor once the street is re-opened to traffic.

8.5. Parking Control

The City shall provide the contractor "NO PARKING" signs for use in posting streets in advance of the Overlays. Streets may be posted "NO PARKING" between the hours of **7:00 AM and 5:00PM.** Parking prohibitions proposed outside of the listed time frame, must have prior approval, in writing, from the Engineer.

Signs should be placed no less than thirty-six (36) hours or no more than seventy-two (72) hours prior to commencement of work. These "NO PARKING" signs shall be mounted by the contractor on a suitable pedestal, e.g. tripod, barricade, etc., provided by the contractor. Signs shall be posted every 100 feet on both sides of the street affected. At the completion of all work, all used "NO PARKING" signs shall be appropriately disposed of by the contractor.

Because these parking restrictions are an inconvenience to residents and businesses, and in order to ensure voluntary compliance, should it be necessary to reschedule work due to inclement weather or other uncontrollable circumstances, signing shall be corrected to reflect revised dates or removed in accordance with the minimum and maximum posting time limits as outlined in the previous paragraph. At the completion of all work, all ***used*** "NO PARKING" signs shall be appropriately disposed of by the contractor. At the end of the project, any ***unused*** "NO PARKING" signs shall be returned to the Inspector/City.

8.5.1. City of Gladstone:

No Parking signs should be placed no less than thirty-six (36) hours or no more than seventy-two (72) hours prior to commencement of work, signage much state "TOW AWAY ZONE" with a date span. These "NO PARKING" signs shall be mounted by the contractor on a suitable pedestal, e.g. tripod, barricade, etc., provided by the contractor. Signs shall be posted every 100 feet on both sides of the street affected. At the completion of all work, all used "NO PARKING" signs shall be appropriately disposed of by the contractor.

8.6. Parking Notices and Door Hangers

8.6.1. City of Hillsboro:

For streets and alleys that will be treated with slurry, the City shall also provide the contractor with door-knob notices in sufficient quantities which will further serve to advise the general public of the pending parking restrictions and planned work. These notices will also provide general information. ***The notices shall be left on or at the front door of each dwelling, apartment unit, or tenant of a commercial unit abutting any of the streets on the list.*** The notices will also need to be placed on any front door where the only access to the roadway is being affected (i.e. a cul-de-sac, alley, private street, etc. that enters onto a roadway being slurried).

This should be done at the same time the "NO PARKING" signs are first placed in the area. Each day, prior to commencement of work, the contractor shall verbally contact, whenever possible, the residents to notify them of impending work. Notification shall be given enough in advance to allow residents to move personal vehicles prior to work beginning. If work is rescheduled for any reason, the notifications need to be appropriately corrected in a timely manner to reflect the change. At the completion of all work, all ***used*** door hangers shall be appropriately disposed of by the contractor. At the end of the project, any ***unused*** door hangers shall be returned to the Inspector/City.

8.6.2. City of Oregon City:

Requires door hanger notification posted no less than thirty-six (36) hours or no more than seventy-two (72) hours prior to commencement of work. The City of Oregon City will provide door hangers. The contractor will provide "NO PARKING" signs which shall contain the information and follow the provided template:

CAUTION
Roadway Work Scheduled
Date: ____
7 AM to 5 PM

NO PARKING and **ROAD CLOSED** on this date.
Obstructions in this **TOW AWAY ZONE** will be removed at owner's expense (OCMC 10.08).
www.orcity.org
[*contractor name and phone number]*

These signs are only for reference for City of Oregon City

8.6.3. City of Gladstone:

The City of Gladstone Requires door hangers (must be approved prior by Public Works staff) to be placed no less that 72 hours prior to commencement of work on any home, business or property within or affected by the project work zone. The City will provide informational signage placed in work areas for additional communication with residents.

8.7. Parking Enforcement

The contractor shall log the posting of the "NO PARKING" signs and door hangers in order for towing to occur for overlays. The log will be submitted on a weekly basis to the Inspector and contain the following minimum information:

- Street Name
- Location (From and To)
- Date Posted
- Time Posted
- Posted By

8.7.1. City of Gladstone:

The City will arrange for towing of any vehicle that is parked within the work zone or that is affecting the contractor's ability to complete work. Contractor is responsible for a good faith effort to contact the resident/vehicle owner, by knocking on door and requesting it be moved prior. If unable to make contact, contractor must contact the Public Works Dept with the following information: address of vehicle, year, make and model of vehicle to be towed and nearest posted signage for project.

9. Materials

9.1. Emulsified Asphalt

The asphalt emulsion shall be homogenous and shall be a latex modified cationic quick-setting asphalt emulsion. The latex polymer material shall be co-milled with the emulsion solution. The emulsion manufacturer shall certify that the emulsion contains a minimum of ***2.5-3% latex solids*** based on the

weight of asphalt (asphalt residual) within the emulsion for each load. The emulsified asphalt shall be within ±1% of the design emulsion content.

The LMCQS-1h latex modified quick setting asphalt emulsion shall meet the following requirements when tested according to AASHTO T59:

TEST	SPECIFICATION
Saybolt Viscosity, seconds at 77˚F (25˚C)	15-50
Residue from Distillation, Mass (Weight)%	**60% minimum**
Sieve Test, % Retained on No. 20 (850µm) Sieve	0.1 maximum
Particle Charge, Electroplate	Positive
Settlement (Storage Stability), 24 hour	1% maximum
Cement Mixing Test	(informational)

The residue shall pass the following specifications:

TEST	SPECIFICATION
Penetration at 77˚F(25˚C), 3.5 ounces (100 grams), 5 seconds.	40-90 minimum
Solubility in CS_2 or TCE	97.5 minimum
Softening Point (ring & ball) Degrees F.	130 minimum
Ductility at 77˚F (25˚C), inch (cm)	15.7 (40) minimum

Each load of emulsified asphalt shall be accompanied with a Certificate of Analysis/Compliance to assure that it meets specification and is the same as that used in the mix design.

9.2. Aggregate

9.2.1. General:

The aggregate used shall be clean, angular, durable, well graded, and uniform. It shall be resistant to abrasion and free from lamination, weak cleavages, and undesirable weathering. The aggregate shall consist of broken stone, crushed gravel, slag, or a combination thereof. To assure the material is totally crushed, 100 percent of the parent aggregate shall be larger than the largest stone in the gradation to be used.

9.2.2. Laboratory Evaluation:

Aggregate shall meet the following test requirements:

TEST	SPECIFICATION
Abrasion Resistance, AASHTO T96	35% Maximum
Soundness, AASHTO T104	
Using Na_2SO_4	15% Maximum
Using $MgSO_4$	25% Maximum
Sand Equivalent, AASHTO T176	**60 Minimum**

9.2.3. Grading:

Percentage composition by weight of the aggregate shall conform with the following gradation prior to the addition of any mineral fillers such as cement or lime. The percentage of aggregate passing any two successive sieves shall not change from one end of the specified range to the other end. The finished product shall be clean, uniform in quality and free from wood, bark, roots and other deleterious materials.

SIEVE	TYPE I % PASSING	TYPE II % PASSING	STOCKPILE TOLERANCE
3/8" (9.55mm)	100	100	0
No. 4 (4.75 mm)	100	90-100	± 5%
No. 8 (2.36 mm)	90-100	65-90	± 5%
No. 16 (1.18mm)	65-90	45-70	± 5%
No. 30 (600 µm)	40-65	30-50	± 5%
No. 50 (300 µm)	25-42	18-30	± 4%
No. 100 (150 µm)	15-30	10-21	± 3%
No. 200 (75 µm)	10-20	5-15	± 2%

9.3. Mineral Filler

Portland cement, hydrated lime, limestone, dust, fly ash or other approved filler meeting the requirements of ASTM D242 shall be used if required by the mix design. They shall be considered as part of the dry aggregate.

9.4. Water:

Water used with the slurry mixture shall be potable, reasonably free from oil, dirt, silt and harmful salts. The Contractor shall ensure that the water planned for use shall be compatible with the slurry mix. If the quality of the water is in question, it should be submitted to the laboratory with the other raw materials for the mix design.

When water is obtained from City fire hydrants, the contractor is required to obtain all necessary permits and meters from the City of Hillsboro Water Department. Cost of the permits and water shall be incidental to the unit bid prices for slurry seal. For information regarding necessary permits and fees, contact the Water Department at 503-615-6700.

9.5. Additives

Additives may be used to accelerate or retard the break-set of the slurry seal or to improve the resulting finished surface only when their quantity can be metered. The use of additives in the slurry mix (or individual materials) shall be made initially in quantities predetermined by the mix design with field adjustments, if required after approval by the City Project Manager.

10. Job Mix Formula (JMF)

At the preconstruction conference, the contractor shall submit a signed original slurry seal mix design incorporating the aggregate and asphalt materials to be used on the project. Percentages of each individual mix material required shall be shown on the mix design report. The mix design shall be developed using the specific materials and same aggregate gradation that will be used for this project and that the treated area will be opened to traffic within 2-3 hours after placement. Previous mix designs shall not be accepted unless authorized by the City Project Manager. After the mix design has been approved, no substitution will be permitted unless first tested and approved by the laboratory preparing the mix design and then approved by

the City Project Manager. Water, not exceeding 11% by mass (weight) to asphalt emulsion, shall be used to develop a good mix. ***No work will begin prior to acceptance and approval of the mix design submittal.***

10.1. Laboratory Evaluation

Have the mix design prepared and tested by a laboratory which has experience in designing emulsified asphalt slurry seal surfacing. Determine the proportion of component materials and perform tests shown in Section 6.

10.2. Mix Design Tests

TEST	DESCRIPTION	SPECIFICATION
ISSA TB-106	Slurry Seal Consistency	**0.79 – 1.18 inches (2-3 cm)**
ISSA TB-139	Wet Cohesion,	
	30 minute set	12 kg-cm Minimum
	60 minute set	20 kg-cm Minimum
ISSA TB-114	Wet striping	Pass (90% minimum)
ISSA TB-100	Wet-Track Abrasion Loss, One hour soak	75 g/ft^2 (807 g/m^2) Maximum
ISSA TB-113	Mix Time @ 77˚F (25˚C)*	Controllable to 180 seconds minimum

* The mixing test and set time should be done at the highest temperature expected during construction.

The wet track test is used to determine the minimum asphalt content required in a slurry seal system.

The mixing test is used to predict how long the material will be mixed in the machine before it begins to break. The laboratory should verify that mix and set times are appropriate for the climatic conditions expected during the project.

The laboratory shall also report the quantitative effects of moisture content on the unit weight of the aggregate (bulking effect) according to AASHTO T19. The report shall clearly show the proportions of aggregate, the minimum and maximum proportions of mineral filler and water, additive usage, and asphalt emulsion based on the dry weight (mass) of the aggregate.

All the component materials used in the mix design shall be representative of the materials proposed for use on the project.

Show the percentages of each individual material required in the laboratory report. Adjustments may be required during the construction, based on the field conditions. The Engineer will give final approval of such adjustments.

10.3. Component Materials

The Engineer will approve the mix design, all slurry seal materials and methods prior to use. The component materials shall be within the following limits:

COMPONENT MATERIALS	LIMITS
Residual Asphalt	Type I: 10-16% Type II: 7.5-13.5% (based on dry weight of aggregate)

Mineral Filler	***0.0-3.0%*** (based on dry weight of aggregate)
Additives	As needed.
Water	As needed to achieve proper mix consistency. Total mix liquids shall not exceed the loose aggregate voids. Use ISSA T106 to check optimum liquids.

11. Tolerances and Limits

Tolerances for individual materials as well as the slurry seal mixture during production are as follows:

- After the designed residual asphalt content is determined, a plus or minus one percentage point by weight of dry aggregate will be permitted.
- The percentage of aggregate passing each sieve shall be within the stockpile tolerance range as stated in 6.2.3.
- The percentage of aggregate passing shall not go from the high end to the low end of the specified range of any two successive sieves.
- The slurry consistency shall not vary more than plus or minus 2 inches (50 mm) from the job mix formula after field adjustments.
- The rate of application, once determined by the Engineer, shall not vary more than plus or minus 2 lbs/yd2 (1.0 kg/m2) while remaining within the design application rates.

12. Protection of Work Materials

12.1. Stockpiling Materials

The contractor shall be fully responsible for the location of, and obtaining permission to use, stockpile sites. The contractor shall make his own arrangements for its use and assume full responsibility for its rental, preparation, maintenance, and cleanup in a manner satisfactory to the City and the property owner. Precautions shall be taken to ensure that stockpiles do not become contaminated with oversized rock, clay, silt, or excessive amounts of moisture. Segregation of aggregate will not be permitted. Aggregate samples will be taken from field stockpile locations, prior to any addition of mineral fillers. ***Contractor shall be responsible to verify and secure all necessary approvals, permits and land use approvals prior to commencing work.***

12.2. Emulsion Storage

The contractor shall provide suitable storage facilities for the asphalt emulsion so as to prevent water from entering the asphalt. An acceptable heating system shall be provided if necessary to prevent the emulsified asphalt from freezing, but the asphalt shall not be heated to a temperature greater than 130° F.

13. Quality Control

Quality Assurance testing and inspection will be provided by the City of Hillsboro. Quality Control will be the Contractor's responsibility. Acceptance samples of the aggregate, asphalt emulsion, and slurry seal mixture (taken directly from the mixing unit) shall be taken by the contractor in the presence of the Project Inspector on a random basis with no cost to the City. A minimum of one (1) sample of the aggregate, asphalt emulsion, and slurry seal mixture will be taken each day of use. If any changes are made during the day an additional sample of the slurry seal mixture will be taken. Testing containers will be provided by the City. These samples will be tested, at the Contractor's expense if the City Project Engineer deems it necessary, based on the finished appearance and/or quality of quantitative measurements made during the proportioning of the slurry seal components while mixing and placing. The responsibility for ensuring that the work is constructed in

strict conformance with the plans, specifications, and other Contract documents resides solely with the Contractor.

14. Equipment

All equipment, tools, and machines used in performance of this work shall be maintained in satisfactory working condition at all times to ensure a high-quality product.

14.1. Mixing Equipment:

The machine(s) shall be specifically designed and manufactured to lay slurry seal. Mix slurry seal in continuous pug mill mixers; a self-propelled machine specifically designed and manufactured to accurately deliver and proportion the aggregate, emulsified asphalt, mineral filler, control setting additive and water to a revolving blade mixer that discharges the thoroughly mixed product on a continuous flow basis. Concrete transit mixer trucks shall not be used. Minimum slurry seal machine size shall be 7 cubic yards (5.35 m^3). In the event of equipment failure have a minimum of two machines on site with another off site for immediate backup. The machine shall be capable of mixing materials at pre-set proportions regardless of the speed of the machine and without changing machine settings. During placement of the slurry, the equipment shall not exceed 180 feet per minute.

The mixing machine shall be equipped with an approved fine feeder that provides an accurate metering device or method to introduce a predetermined proportion of mineral filler into the mixer at the same time and location that the aggregate is fed. Use the fine feeder whenever added mineral filler is a part of the aggregate blend.

14.1.1. Proportioning Devices:

Calibrate and properly mark individual volume or mass (weight) controls, such as revolution counters or similar devices, for proportioning each material to be added to the mix (i.e., aggregate, mineral filler, additive, emulsified asphalt and water). They shall be accessible for ready calibration and so placed that the Engineer may determine the amount of each material used at any time. Instruct the Engineer how to calculate the application rate per square yard (square meter) utilizing the Contractor's proportioning devices.

The Contractor shall allow the Engineer to use the recorders and measuring facilities of the slurry seal unit to determine application rates, asphalt emulsion content, mineral filler and additive quantities for a single load.

14.1.2. Calibration:

Calibrate, in the presence of the Project Inspector, each slurry mixing unit to be used on the Project prior to construction. Previous calibration documentation covering the exact materials to be used may be accepted by Project Inspector provided they were made during the **previous 60 days**. The documentation shall include an individual calibration of each material at various settings, which can be related to the machines metering devices. No machine will be allowed to work on the Project until the calibration has been completed and/or accepted. **Any equipment replacement affecting material proportioning requires that the machine be recalibrated.**

14.1.3. Spreading Equipment – Spreader Box:

Attach to the mixer machine a mechanical type squeegee distributor equipped with flexible material that is in contact with the pavement surface to prevent the loss of slurry from the distributor. Adjust the distributor to prevent the loss of slurry on varying grades and crown and to assure uniform

spread. The slurry seal mixture shall have the proper consistency as it enters the spreader box. Spraying of additional water into the spreader box will not be permitted. There shall be a steering device and a flexible strike-off. The spreader box shall have suitable means to side shift to compensate for variations in the pavement width. Keep the spreader box reasonably clean, and do not allow buildups of asphalt and aggregate. Only one tail rubber will be allowed. Any type of drag used shall be subject to approval by the Engineer and kept in a completely flexible condition at all times. The drag shall not leave a rough surface texture. The drag shall be cleaned or replaced as necessary to ensure that slurry mix accumulations do not cause scores or streaks.

The slurry seal spreader box in use shall be clean and free of slurry seal and emulsion at the start of each work shift.

15. Construction

15.1. Weather Limitations:

Do not apply the slurry seal if either the pavement or air temperature is below 50˚F (10˚C) and falling and/or when the weather forecast exceeds 40 percent probability of rainfall. The slurry seal may be applied when both the pavement and air temperature are above 45˚F (7˚C) and rising. Do not apply if there is a danger that the finished product will freeze before 24 hours. Do not apply when weather conditions prolong opening to traffic beyond a reasonable time (2-3 hours). Do not apply in the rain. Replace slurry damaged by rain after application according to the Specifications, and as determined by Engineer, at no additional cost. Clean the street of all remaining slurry mix materials prior to re-application.

Adjust the rate of application of the fog spray during the day to suit temperatures, surface texture, humidity and dryness of pavement surface. Do not spray additional water into the spreader box.

15.2. Preparation of Surface:

15.2.1. Street Equipment and Procedure:

The existing pavement shall be swept with a vacuum sweeper with blowers until it is free from dirt or other foreign matter such as moss, weeds, oil spots, etc. Areas inaccessible to the vacuum sweeper shall be cleaned by hand, pressure spray, or other equipment as necessary to thoroughly clean the roadway. Finish sweeping no more than 24 hours prior to application of the slurry seal. If there is a delay of more than 48 hours between sweeping and slurry sealing caused by weather conditions or other unforeseen circumstances, re-sweep as determined by the Engineer, at no additional cost to the Agency. Payment for street preparation shall be incidental to the unit prices for slurry seal.

15.2.2. Concrete Surfaces:

The contractor shall be responsible to cover and protect any concrete surfaces to keep them clean from tracking or placement of slurry seal material. Care shall be taken to ensure straight lines along the edges of the concrete surfaces, without overrun onto the concrete. If any material or tracking occurs on the concrete surfaces, the contractor shall be responsible for the removal of any slurry seal on the concrete surface by suitable methods at no additional cost. Hot pressurized water may be used for removing excess slurry seal as long as precaution has been taken to not allow waste to enter storm water inlets. Payment for protection of concrete surfaces is considered incidental to the unit prices for slurry seal.

15.2.3. Auxiliary Equipment:

Hand squeegees, hand drags, shovels, an asphalt distributor, and other support and safety equipment shall be provided as necessary to perform the work. Containers shall be required for disposal of waste slurry.

15.2.4. Utility Covers:

The contractor shall be responsible for verifying utility locations in the field and taking necessary precautions to protect all existing utilities. Protect manholes, valve boxes, catch basins, survey monument boxes, drop inlets and other service entrances from the slurry seal by a suitable method. Clean these covers as quickly as possible after the application of the slurry seal and definitely prior to the final set. If necessary, clean slurry residual from the interior of the utilities.

15.2.5. Tack Coat:

When slurry seal is placed over a brick or Portland cement concrete surface, a highly absorbent asphalt surface, over an asphalt surface where the exposed aggregate has become polished and slick, use a tack coat of emulsified asphalt of the same type and grade specified for the slurry seal. Consult with the slurry seal supplier to determine dilution stability. The tack coat may consist of one part emulsified asphalt to one part water and should be applied with a standard distributor. The distributor shall be capable of applying the dilution evenly at a rate of 0.05 to 0.10 gal/yd^2. The tack coat shall be allowed to cure sufficiently before the application of slurry seal.

15.2.6. Pavement Markings:

Before slurry seal is to be applied to any area, remove all reflector buttons, thermoplastic markings, cold tape markings, and paint markings so that at least 90% of the pavement marking materials are removed by any approved process (i.e., hydro-blasting, grinding, or shot blasting) that leaves no damage to the underlying pavement or a scar depth that is no greater than 1/8" deep. Pavement markings must be removed; covering existing markings with paper or other materials is not an acceptable alternative to removal.

If the pavement markings are removed using a dry mechanical abrasion process, a positive means to control airborne dust is required with use of a dust collector attached to the removal equipment. Accumulation of heavier debris, accumulated piles of any debris on the surface or from the right-of-way as a result from the removal operation shall be collected and disposed of in accordance with applicable Federal, State, and Local regulations, at no additional cost. If pavement markings are removed using water blasting, the truck mounted water blaster shall be capable of simultaneously vacuuming the spent water and debris as it progresses, leaving the pavement clean.

Temporary markings may need to be installed per Section 14 as determined by the Inspector/Engineer. ***Pavement markings shall not be removed more than 7 days in advance of the slurry seals. Slurry work will be shut down if the pavement markings have not been removed.*** Payment for removal of pavement markings is considered incidental.

15.3. General:

The surface shall be wetted by fogging ahead of the slurry box, if required by local conditions. Apply water used in wetting the surface at such a rate that the entire surface is damp with no apparent flowing water in front of the slurry box. The slurry mixture shall be of the desired consistency upon leaving the mixer. Do not add additional elements. Carry a sufficient amount of slurry in all parts of the spreader at

all times so that complete coverage is obtained. Do not allow rippling, lumping, balling, or unmixed aggregate in the spreader box. Do not allow segregation of the emulsion and aggregate fines from the coarse aggregates. If the coarse aggregate settles to the bottom of the mix, remove the slurry from the pavement. Do not allow excessive breaking of the emulsion in the spreader box. Do not leave streaks, such as caused by oversized aggregate, in the finished pavement. Maximum mixing time in the pugmill shall be four minutes.

15.4. Application Rate:

The slurry seal mixture shall be of proper consistency at all times so as to provide the application rate required by the surface condition. The average application rate shall be 10 to 12 lb/yd^2 for Type I slurry and 12 to 18 lb/yd^2 for Type II slurry. Application rates are affected by the unit weight of the aggregate, the gradation of the aggregate and the demand of the surface to which the slurry seal is being applied. ISSA TB112 gives a method to determine expected application rates.

15.5. Joints:

Construct a uniform line along the edge and a good seal at curb lines. Construct the flow line at curbs to allow storm drainage flow to catch basins without bonding along the curb line. In the case of a concrete gutter, cover the gutter line joint with the slurry seal, but do not overlap onto the gutter. Remove any overlap, as determined by the Engineer, at no additional cost. Streets that have been recently slurry sealed that cross this Project shall not be slurry sealed again. The slurry joints and panels shall be straight, neat and uniform and follow the contour of the existing curb or concrete gutter. Unless otherwise approved, the overlap of joints will not exceed 2 inches and shall be feathered. Floating (adding additional water other than what is required for the approved mix design) of the emulsion or slurry mixture in the pugmill and/or spreader box to cover or overlap missed areas will be prohibited. At street intersections at the beginning and ending of work segments, the slurry shall be neatly spread or trimmed to a straight line defined by the near curb lines of the street adjacent to the work.

15.6. Handwork:

Use approved squeegees to spread slurry in areas not accessible to the slurry mixer. Limit handwork at the beginning and end of the panels to prevent segregation of the rock from the emulsion and to minimize cosmetic drag mop marks and/or defects in the finished product. The same type finish as applied by the spreader box shall be required. Complete handwork prior to setting of the slurry.

15.7. Curing:

The rate of curing of the slurry seal shall be such that a street may be opened to traffic within 4 hours after application without tracking or damage to the surface. Protect the area for the full curing period with suitable barricades or markers. The street will be opened to traffic only when approved by the project inspector. The Contractor will be responsible for any damage to the slurry seal due to traffic or other, prior to specific notice to open a particular street. Repair all damage to the slurry, to the satisfaction of the Engineer, at no additional cost to the Agency.

15.8. Dust Control:

The contractor shall assume all responsibility for dust control and shall furnish labor and materials to prevent the creation of dust damage and nuisance to persons and property. Any claim resulting from dust damage or nuisance shall be the responsibility of the contractor. Dust control shall be considered incidental to the unit prices for slurry seal.

15.9. Patching and Correction of Defects:

Defects such as raveling, lack of uniformity, or other imperfections caused by faulty workmanship shall be corrected and new work shall not be started until such defects have been remedied.

All improper workmanship and defective materials resulting from overheating, improper handling or application, shall be removed from the roadway by the contractor and be replaced with approved materials and workmanship at no expense to the contracting agency. The area of the repair shall be approved by the Engineer.

15.10. Cleanup:

The contractor shall be fully responsible for maintenance and cleanup of excess aggregate materials and emulsion from streets, driveways, sidewalks, curbs, gutters, manholes, water valves, etc. within 48 hours after application of slurry seal. Payment for cleanup will be included under the lump sum item "Move in, Bond, Insurance, and Clean-Up."

16. Measurement

The accepted quantities of slurry seal will be paid for at the Contract unit price per square yard for the item "Street Preparation and Application of Type II Asphalt Emulsion Slurry Seal". Payment will be payment in full for furnishing and placing all materials and furnishing all equipment, labor, and incidentals necessary to complete the work as specified.

17. Striping, Marking, and Reflectorization

All stop bars, crosswalks and special markings shall be replaced at original locations. ***The contractor is responsible for pre-marking replacement locations.***

All long lines shall be spray or ribbon liquid thermoplastic at 90 mils thick and all legends and transverse markings shall be high skid pre-formed fused thermoplastic at 90 mils thick unless otherwise indicated on the bid sheet.

The contractor shall provide and maintain temporary pavement markings in accordance with the MUTCD Part VI for the duration of the project. Temporary pavement markings, most often reflective tabs or reflective foil back tape, will be placed every one hundred (100) feet on the fog line, every forty (40) feet on the center line, and every twenty (20) feet on centerline and lane lines at intersections and in some cases double striping may be required. The reflective foil back tape shall be used to mark out stop bars, crosswalks, and directional arrows where needed. The temporary markings shall match the existing markings and are installed to help guide motorist and pedestrians until the permanent markings can be installed. All temporary striping/markings shall be removed at the time that the permanent striping is being installed. ***If temporary tabs are used, the contractor shall cut the tabs to remove. Pulling of the tabs is prohibited as it causes damage to the freshly laid material.*** Temporary pavement markings with placing and maintaining shall be considered incidental to the project.

The roadway shall be swept clean prior to placement of permanent pavement markings. The sweeping shall be considered incidental and included in the appropriate bid item. The contractor shall replace or install all crosswalks, stop bars, turn arrows, bicycle symbols, yellow centerline, white fog line/bike lane, storage lines, parking lines, two-way and one-way-reflective raised pavement markers. ***Permanent pavement markings shall be reinstalled no sooner than 7 days and no later than 14 days after slurry placement.***

The comments on the spreadsheets list the stop bars and crosswalks, but the quantity is under the 12" white line item.

SECTION III B
PUBLIC IMPROVEMENT STANDARD CONDITIONS

This Standard Condition Agreement shall be applicable to all public improvement contracts obtained through a formal bid procedure.

1. Definitions. In this Standard Conditions Agreement, the following terms shall be as defined below:

(a) **Agent** means a person who is authorized to act on behalf of the Contractor or the Owner.

(b) **Applicable Laws** means all federal, state and local laws, codes, rules, regulations and ordinances, as amended applicable to the Work to the Contract or to the Parties individually.

(c) **Amendment** means a written alteration which, when fully executed by the Parties of the Contract, constitutes a change to the to the contract price, contract time or contract scope. An Amendment shall not be effective until executed by both parties.

(d) **Contract Documents** means the full and complete contract for goods or services including the Goods or Personal Service Agreement, Scope of Work and these Standard Conditions.

(e) **Contractor** means the Person awarded the Contract for the Work contemplated.

(f) **Design-Build** means an alternative form of procurement for public improvements in which the Contractor provides or obtains specified design services, participates on the project team with the Owner, and manages both design and construction.

(g) **Public Improvement** means contracts for construction, reconstruction or major renovation of real property by or for the Owner.

(h) **Owner** means the City of Oregon City or any component unit thereof including the City of Oregon City Urban Renewal Agency. Owner may elect, by written notice to Contractor, to delegate certain duties to more than one agent.

(i) **Parties** means the any individual, group or organization who execute a written agreement to complete Work to be done.

(j) **Person** means a natural person or entity doing business as a sole proprietorship, a partnership, a joint venture, a corporation, a limited liability company or partnership, a nonprofit, a trust, or any other entity possessing the legal capacity to contract.

(k) **Project** means the total undertaking to be accomplished for Owner by Contractors, and others, including planning, study, design, construction, testing, commissioning, start-up, of which the Work to be performed under the Contract Documents is a part.

(l) **Subcontractor** means a Person having a direct contract with the Contractor, or another Subcontractor of any tier, to perform one or more items of Work.

(m) **Work** means the furnishing of all materials, equipment, labor, transportation, services, incidentals, those permits and regulatory approvals not provided by the Owner necessary to successfully comply any individual items or the entire Contract and the carrying out of duties and obligations imposed by the Contract Documents for the Project.

2.

2. Time of Completion. The Owner and the Contractor recognize that time is of the essence in this agreement, and the Owner may sustain damages if work is not completed within the contract time limit as stated or as adjusted during the life of the contract. It is agreed that the Contractor shall pay the Owner, as liquidated damages, but not as a penalty, the per diem amount listed in the Schedule of Liquidated Damages, as set forth in the contract documents, for each and every day elapsed in excess of the final contract time.

Permitting the Contractor to finish the work after the contract time has expired shall not be a waiver of any of the Owner's contract rights.

3. Payments, Statement of Compliance and Subcontractor Payments.

a. Contract Sum and Owner Payments.

Owner shall pay to the Contractor, for the performance of this agreement, the amounts determined for the total supplied number of each of the specified units of work in the Schedule of Bid Items contained in the contract documents. The number of units contained in this schedule is understood to be approximate only, and that any item may be expanded, contracted, or eliminated by procedures contained in the contract documents.

b. Statement of Compliance.

Before any payment is made to the Contractor, the Contractor shall file with the Owner a statement, under oath, that it has complied with all provisions of state law governing contractors on a public contract. In addition, the Contractor shall file with the Owner a sworn statement by each of its subcontractors to the same effect.

c. Progress Payments and Retainage or Bond.

i) Partial payments may be made by the Owner on a monthly basis. Partial payments will be based on an estimate of the percentage of completion for the work. Progress payments shall not be considered an acceptance or approval of any of the work or a waiver of any defects therein.

ii) The Owner may reserve, as retainage from progress payments, an amount not to exceed five percent of the payment. In lieu of retainage, the Contractor may elect to submit a Oregon-authorized surety issued general obligation bond or an irrevocable, bank-issued letter of credit as specified in ORS 279C.560. Contractor shall reimburse Owner for any additional costs for exercising this option by reducing the final payment and any additional costs that the Contractor incurs are not reimbursable.

iii) Cash retainage held in an interest bearing account or interest on a bond or other securities shall accrue to the Contractor. Interest on the retainage amount accrues from the date the payment request is approved until the date the retainage is paid to the Contractor to which it is due.

iv) When Owner accepts a surety bond in lieu of retainage from Contractor, Contractor shall accept surety bonds from subcontractors or for supplies from which Contractor would otherwise withhold retainage subject to the conditions set forth in ORS 279C.560(8).

v) Within 30 days after receiving a surety bond that otherwise complies with ORS 279C.560 requirements, Owner shall release any held retainage equivalent to the amount of the surety bond.

d. Certified Payroll Statements.

The Contractor shall file certified payroll statements with the Owner at a minimum of once per month. Failure to do so shall result in the Owner withholding 25% of amounts due the Contractor, in addition to any other required retainage.

e. Final Payment.

The final payment shall be made for the actual number of units that are incorporated in or made necessary by the work covered by this agreement. Not more than 30 days after final completion of the Work and the Owner's final acceptance of the work, which shall include the taking of final measurements of quantities, the Owner shall make its final payment to the Contractor. Retainage held by the Owner shall be included in, and paid to the Contractor, as part of the final payment. If the final payment is made more than 30 days after final completion and final acceptance, the Owner shall pay the Contractor interest at the rate of one and one half (1 - 1/2%) per month on the final payment, commencing 30 days after completion of the work by the Contractor and final acceptance of the Work by the Owner. To facilitate the Owner's inspection, the Contractor shall notify the Owner in writing when the Contractor considers the work complete.

f. Subcontractor Payments.

i) The Contractor shall pay the subcontractor for satisfactory performance under the subcontract, out of amounts that are paid by the Owner to the

Contractor, within 10 days of the Contractor's receipt of such payments from the Owner.

ii) If the Contractor, or a first tier subcontractor, fails to make timely payment to the subcontractor then the Contractor or first tier subcontractor shall owe the person the amount due plus an interest penalty beginning on the day after the required payment date and ending on the date on which payment is made, unless payment is subject to a good faith dispute as defined in ORS 279C.580. The rate of interest charged to the Contractor or first tier subcontractor on the amount due shall equal three times the discount rate on 90 day commercial paper in effect at the Federal Reserve Bank in the Federal Reserve District that includes Oregon on the date that is 30 days after the date when the payment was received from the Contractor, a first tier subcontractor or Owner, but the rate of interest shall not exceed thirty percent (30%). The amount of interest may not be waived.

The subcontractor must provide in all contracts with lower tier subcontractors or suppliers a clause requiring that the subcontractor shall pay the lower tier subcontractors and suppliers in accordance with the provisions of the immediately preceding two paragraphs above.

Pursuant to ORS 279C.515(C), if the Contractor or a subcontractor fails, neglects or refuses to make payment to a person furnishing labor or materials in connection with this Contract, the person may file a complaint with the Construction Contractors Board, unless payment is subject to a good faith dispute as defined in ORS 279C.580.

If the Contractor fails, neglects or refuses to make prompt payment of any claim for labor or services furnished to the Contractor or a subcontractor by any person in connection with the public contract as the claim becomes due, the proper officer or officers representing the Owner, may pay such claim to the person furnishing the labor or services and charge the amount of the payment against funds due or to become due the Contractor by reason of the contract.

First tier subcontractors shall file certified payroll statements with the Contractor. Failure to do so shall result in the Contractor withholding 25% of amounts due the first tier subcontractor.

3. Insurance, Indemnity, Termination.

a. Insurance.

The Contractor shall maintain in force for the duration of this contract the insurance coverages specified below. Each policy required by these provisions shall be written as a primary policy, not contributing with or in excess of any coverage, which the Owner may carry. A copy of each policy or a certificate satisfactory to the Owner shall be delivered to the Owner prior to commencement of work.

Unless otherwise specified, each policy shall be written on an "occurrence" form with an admitted insurance carrier licensed to do business in the State of Oregon. Each policy shall contain an endorsement entitling the Owner to not less than 30 days prior written notice of any material change, nonrenewal or cancellation.

In the event statutory limits of liability of a public body for claims arising out of a single accident or occurrence is increased above the combined single limit coverage requirements specified below, the Owner shall have the right to require the Contractor to increase the Contractor's coverages to the statutory limit for such claims, and to increase the aggregate coverage to twice the amount of the statutory limit.

The adequacy of all insurance required by these provisions shall be subject to approval by the Owner. Failure to maintain any insurance coverage required by this contract shall be cause for immediate termination by the Owner.

i) <u>Comprehensive General Liability</u>.

The Contractor shall maintain a broad form general liability insurance policy with coverage of not less than $2,000,000 combined single limit per occurrence, with aggregate of $4,000,000. Coverage shall be for bodily injury, personal injury or property damage and occurring as a result of, or in any way related to, Contractor's operation. Such policy shall contain

a contractual liability endorsement to cover the Contractor's indemnification obligations under this contract. The policy shall also contain an endorsement naming the Owner, its officers, agents and employees as additional insureds, in a form satisfactory to the Owner, and expressly providing that the interest of the Owner shall not be affected by the Contractor's breach of policy provisions.

ii) Comprehensive Automobile Liability.
The Contractor shall maintain a comprehensive automobile liability insurance policy with coverage of not less than $2,000,000 combined single limit per occurrence, with aggregate of $4,000,000 for bodily injury, personal injury or property damage. The coverage shall include both hired and non-owned auto liability. The policy shall also contain an endorsement naming the Owner, its officers, agents and employees as additional insureds, in a form satisfactory to the Owner, and expressly providing that the interest of the Owner shall not be affected by the Contractor's breach of policy provisions.

iii) Workers' Compensation Insurance.
The Contractor shall comply with the Oregon Workers' Compensation law by qualifying as a carrier insured employer or as a self-insured employer and shall strictly comply with all other applicable provisions of such law. The Contractor shall provide the Owner with such further assurances as the Owner may require from time to time that the Contractor is in compliance with these Workers' Compensation coverage requirements and the Workers' Compensation law.

b. Indemnification.
The Contractor shall indemnify and hold the Owner, and its officers, agents and employees, harmless from and against all claims, actions, liabilities, costs (including attorney fees) and other costs of defense, arising out of or in any way related to the Work, the Contractor's failure to comply strictly with any provision of this contract, or any other actions or failure to act by the Contractor and the Contractor's employees, agents, officers, representatives and subcontractors.

In the event any such action or claim is brought against the Owner, the Contractor shall, if the Owner so elects and upon tender by the Owner, defend the same at the Contractor's sole cost and expense, promptly satisfy any judgment adverse to the Owner or to the Owner and the Contractor jointly, and reimburse the Owner for any loss, cost, damage, or expense, including attorney fees, suffered or incurred by the Owner.

c. Termination and Suspension.
The Owner may terminate this contract or suspend the work at any time for any reason considered by the Owner, in the exercise of its sole discretion, to be in the public interest.

In the event the Work's suspension is not the result of a labor dispute and this contract is not terminated, the Contractor shall be entitled to a reasonable extension of the time for completion, to be determined by the Owner, and shall be compensated for all actual verified costs incurred as a result of the suspension, plus the Contractor's standard overhead with respect to such costs.

In the event of a termination of this contract under these provisions, the Contractor shall be compensated for any preparatory work and actual, verified costs and expenses incurred as a result of the termination. In addition the Contractor shall be compensated for the Work performed on the basis of the Contract Sum in the case of any fully completed separate item or portion of the Work for which there is a separate or unit price, and with respect to any other portion of the Work shall be paid a percentage of the Contract Sum allocated to such other Work equal to the percentage of Work completed to the date of termination.

None of the foregoing provisions concerning compensation in the event of a suspension of Work or termination of this contract shall apply if such suspension or termination occurs as a result of the Contractor's violation of any Federal, State, or Local statutes, ordinances, rules or regulations, or as a result of any violation by the Contractor of the terms of this contract, including a determination by the Owner that the Contractor has not progressed satisfactorily with the Work in accordance with specifications.

4. Liquidated Damages.
Unless provided elsewhere in the Contract documents, liquidated damages in the amount of $250.00 per calendar day shall apply for every day after the completion time limit that the project is not Substantially Complete.

Permitting the Contractor to continue and finish the work after the contract time or adjusted contract time has expired shall not be a waiver of any of the Owner's contract rights.

Payment of liquidated damages shall not release the Contractor from any obligations to complete the work nor constitute a waiver of the Owner's right to collect any additional damages that the Owner may sustain by failure of the Contractor to fulfill the contract. Liquidated damages shall be full and complete payment only for failure of the Contractor to complete the work on time. The amount of liquidated damages accrued may be deducted from payments due or to become due to the Contractor.

A contractor who has been assessed liquidated damages in a contract with the Owner shall be ineligible to bid on contracts from the Owner for a period of five (5) years from the date that the liquidated damages have been assessed.

5. Work Schedule.
The Contractor shall notify the City Engineer a minimum of 48 hours prior to commencing work. The Contractor shall perform all work in an expeditious manner, minimizing delays and inconvenience to local businesses and/or residents.

6. Existing Utilities.
The Contractor shall be responsible for checking actual utility locations in the field and checking with appropriate agencies that may have underground facilities within the project limits. The Contractor shall notify utility companies at least 2 business days, but not more than 10 business days before commencing any excavations. The excavator shall notify a utilities notifications system of the date, location, and depth of the proposed excavation and the type of work to be performed. Notifying a utilities notification system constitutes notice only to the participating members of that service. If no utilities notification system is available, or if the owner of the underground facilities is not a member of a utilities notification system, the excavator shall give the same notice to each owner of underground facilities who is known to the excavator or who can be identified and contacted by the excavator.

7. Materials.
All materials shall be as specified in the Technical Specifications, plans, noted or other technical descriptions included herewith, unless otherwise noted. Owner reserves the right to sample and test all material according to specification requirements cited in this contract.

8. Traffic Control.
Maintenance of traffic and traffic control through the work area shall be the responsibility of Contractor. If Contractor fails at any time during the project to provide adequate access for local traffic, the Owner may, at the discretion of the City Engineer, and giving the Contractor four (4) hours' notice, perform the necessary work to restore traffic and deduct the cost of such work from the contract price. The provisions for traffic control shall perform the necessary work to restore traffic and deduct the costs of such work from the contract price. The following provisions shall be made for traffic control:

a. All work done under this contract in the City's right of way shall conform to the Manual on Uniform Traffic Control Devices for Streets and Highways, as currently modified by the Oregon Department of Transportation.

b. The Contractor shall insure that during non-work hours, that on-call staff is available to maintain all traffic control devices for the project. Both the City Engineer and the Chief of Police will be provided up to date contact information on these people. Failure to comply with this provision will cause the Contractor to be billed for any services required to be provided by Owner forces to provide adequate protection to the traveling public during non-work hours.

c. Traffic control and temporary protective and directional devices may be used outside the

limits of the project when they have direct bearing on the work under contract.

d. The Contractor shall consider at least the following factors in restricting traffic flow (consistent with notes above):

   i) Emergency vehicle access.

   ii) Sufficiency of traffic control personnel and devices.

   iii) Prior warning to the public and residents.

   iv) Notification to TriMet, School District, Post Office, garbage company, and City/County emergency dispatch agencies.

e. At the pre-construction conference, the Contractor shall provide the name, address and telephone number of the individual responsible for project and construction traffic controls during non-working hours.

f. The Contractor shall not interrupt access to any private driveway for more than three consecutive hours unless written permission has been given to the Contractor by the owner of the property affected. Advance notice of forty-eight hours shall be given by the Contractor to the affected landowners and residents.

9. Contractor's Use of Premises.
The Contractor shall exercise care to protect adjacent existing structures and property from damage. All debris and excess materials shall be removed and disposed at the direction of the City Engineer.

10. Control of Work.
All work done under this contract shall not be deemed complete until accepted by the City Engineer. The City Engineer shall decide any and all questions that may arise as to the quality and/or acceptability of the materials used and/or work performed. Final approval and acceptance of any and all work performed under this contract shall be the responsibility of the City Engineer.

11. Contractor's Responsibility.
It is understood that the plans, specifications and other contract documents do not purport to control the method of preparing the work, but only the requirements as to the nature of the completed work. The Contractor assumes the entire responsibility for the method of performing and installing the work. Suggestions as to the method of performing and installing the work included in the contract documents shall be deemed advisory only and the feasibility of such methods, or the lack thereof, shall not affect the Contractor's liability or status as an independent Contractor under this contract.

12. Plans and Specifications.
If there is a conflict between contract documents, the document highest in precedence shall control. The precedence shall be:

First:	Permits as may be required by law
Second:	Contract Agreement
Third:	Bidder's Proposal
Fourth:	Technical Provisions (Technical Specifications and Drawings)
Fifth:	General Requirements, General Conditions, and Supplementary Conditions

Change orders, supplemental agreements, and approved revisions to plans and specifications will take precedence over documents listed above. Detailed plans shall have precedence over general plans as modified by the General Requirements and Technical Provisions applicable to this Project.

13. Control of Contractor Work.
It will be the direct responsibility of the Contractor to furnish every subcontractor a complete set of project plans and ensure that these plans are on the project site and in use when the subcontractor is performing that portion of the project.

The Contractor shall be responsible for any process control sampling, testing, measurement, and inspection needed to insure that the finished work complies with specifications. When density testing is required for assurance and/or acceptance testing, the Contractor shall furnish and operate the nuclear gauge or shall retain an independent testing firm to perform the compaction testing. The testing shall be

conducted under the observation of the engineer and performed on all surfaces regardless of density requirements unless otherwise directed by the City Engineer or Owner's engineering consultant. All test results shall be provided in written report form to the City Engineer.

The Contractor shall give the attention necessary to keep the work progressing at a rate satisfactory to the City Engineer or Owner's engineering consultant. The Contractor shall provide, at all times, a competent superintendent for all work on the project. The superintendent shall be readily accessible on a daily basis, have a set of plans, specifications, special provisions, and addenda, and be experienced in the type of work being performed. The superintendent shall have the authority to receive and carry out, without delay, the City Engineer or Owner's engineering consultant's instructions and orders and to make arrangements for necessary materials, equipment, and labor.

The Contractor shall allow the City Engineer access at all times, during normal office hours, to books and records of the Contractor and the Contractor's subcontractors that pertain to the contract, and furnish the engineer facts necessary to determine actual cost of any part of all of the work. The City Engineer will consider a request for confidentiality to protect trade secrets.

If the City Engineer is not provided proper facilities for reviewing Contractor's strict accounting of cost, then the Contractor agrees to waive any claim for extra compensation.

Contractor shall schedule work Monday through Friday only. Contractor shall establish a standard daily work schedule for hours to begin and end work that is acceptable to the Owner.

Contractor shall not trespass on private property nor shall they use business or residential garden hoses or water faucets without the written approval of the property owner(s).

14. Protection of Owner Property.
It is the Contractor's responsibility to protect sidewalks, asphalt paving, concrete, trees, shrubs, and any lawn areas at all times from work related damage of any type. Costs for cleaning, restoration or repair shall be borne by the Contractor, as the Owner may deem appropriate.

Should, during the course of Contractor's work, Contractor observe or suspect the presence of asbestos fiber, Contractor shall immediately stop work and notify the Owner of its findings. Should the project's schedule be delayed because of such findings, the Contractor will remove itself from the project and wait the Owner's order to return to work, at no penalty to the Owner.

Debris shall not be permitted to remain on site and shall be disposed daily and/or as directed by Owner.

It is the Contractor's responsibility to manage a safe work environment and Contractor shall take any means necessary to secure a safe work site for both the safety or all personnel and the public.

15. Contractor Identification.
Contractor shall furnish to Owner its taxpayer identification number as designated by the IRS.

16. Assignment.
Contractor shall not assign any rights acquired hereunder, without obtaining prior written approval from Owner.

17. Access to Records.
Owner 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.

18. Ownership of Work Product; License.
All work products of Contractor that result from this Agreement (the "Work Products") are the exclusive property of Owner. 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 Owner 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 Owner 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 Owner, and that any and all such works shall be works made for hire in which all rights and copyrights belong exclusively to the Owner. Contractor shall not publish, republish, display or otherwise use Work Products resulting from this Agreement without the prior written agreement of Owner. No reports, information and/or data given to or prepared or assembled by the Contractor under this contract shall be made available to any individual or organization by the Contractor without the prior written approval of the Owner.

19. Legal Expenses.
In the event legal action is brought by Owner 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. Notices.
Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by email and by either 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.

25. Nonwaiver.
The failure of Owner 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.

26. Information and Reports.
Contractor shall, at such time and in such form as Owner 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 Owner. Contractor shall furnish Owner, 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 Owner, but may remain with Contractor. Copies as requested shall be provided free of cost to Owner.

27. 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.

SECTION III C
STATUTORY CONDITIONS TO CONTRACT AGREEMENT

ORS 279C.505(1)(a) CONTRACTOR shall make payment promptly, as due, to all persons supplying to such CONTRACTOR labor or material for the performance of the work provided for in such contract.

ORS 279C.505(1)(b) CONTRACTOR shall pay all contributions or amounts due the Industrial Accident Fund from such CONTRACTOR or subcontractor incurred in the performance of the contract.

ORS 279C.505(1)(c) CONTRACTOR shall not permit any lien or claim to be filed or prosecuted against the state, county, school district, municipality, municipal corporation or subdivision thereof, on account of any labor or material furnished.

ORS 279C.505(1)(d) CONTRACTOR shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

ORS 279C.505(2) CONTRACTOR shall demonstrate that an employee drug testing program is in place.

ORS 279C.510 CONTRACTOR shall salvage or recycle construction and demolition debris, if feasible and cost-effective. In a public improvement contract for lawn and landscape maintenance, CONTRACTOR shall compost or mulch yard waste material at an approved site, if feasible and cost-effective.

ORS 279C.515(1) If the CONTRACTOR fails, neglects or refuses to pay promptly a person's claim for labor or services that the person provides to the CONTRACTOR or a subcontractor in connection with the public contract as the claim becomes due, the proper officer that represents the state or a county, school district, municipality, or municipal corporation or a subdivision, of the state, county, school district, municipality or municipal corporation, may pay the amount of the claim to the person that provides the labor or services and charge the amount of the payment against funds due or to become due the CONTRACTOR by reason of the contract.

ORS 279C.515(2) If the CONTRACTOR or a first-tier subcontractor fails, neglects, or refuses to pay a person that provides labor or materials in connection with the public improvement contract within 30 days after receiving payment from the contracting agency or a contractor, the CONTRACTOR or first-tier subcontractor owes the person the amount due plus interest charges that begins at the end of the 10-day period within which payment is due under ORS 279C.580 (4) and that end upon final payment, unless payment is subject to a good faith dispute as defined in ORS 279C.580. The rate of interest on the amount due is nine percent per annum. The amount of interest may not be waived.

ORS 279C.515(3) If the CONTRACTOR or a subcontractor fails, neglects, or refuses to pay a person that provides labor or materials in connection with the public improvement contract, the person may file a complaint with the Construction Contractors Board, unless payment is subject to a good faith dispute as defined in ORS 279C.580.

ORS 279C.515(4) Paying a claim by the contracting agency as specified above does not relieve the contractor or the contractor's surety from obligation with respect to an unpaid claim.

ORS 279C.520 (see also ORS 279.540)
(1) A CONTRACTOR may not employ an employee for more than 10 hours in any one day, or 40 hours in any one week, except in cases of necessity, emergency, or when the public policy absolutely requires otherwise, and in such cases, the contractor shall pay the employee at least time and a half pay for:

(a)(i) All overtime in excess of eight hours in any one day or 40 hours in any one week if the work week is five consecutive days, Monday through Friday; or

(ii) For all overtime in excess of 10 hours in any one day or 40 hours in any one week if the work week is four consecutive days, Monday through Friday; and

(b) All work the employee performs on Saturday and on any legal holiday specified in ORS 279C.540.

(2) The CONTRACTOR shall comply with the prohibition set forth in ORS 652.220, that compliance is a material element of the contract and that a failure to comply is a breach that entitles the contracting agency to terminate the contract for cause.
(c) The CONTRACTOR may not prohibit any of the contractor's employees from discussing the employee's rate of wage, salary, benefits or other compensation with another employee or another person and may not retaliate against an employee who discusses the employee's rate of wage, salary, benefits or other compensation with another employee or another person.

(2) CONTRACTOR shall give notice in writing to employees who work on a public contract, either at the time of hire or before work begins on the contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the contractor may require the employees to work.

ORS 279C.525 In addition to any other laws, rules, and regulations dealing with the prevention of environmental pollution and the preservation of natural resources, the following environmental and natural resources, laws, rules and regulations affect the performance of the contract:

- City of Oregon City Erosion Control Ordinance (Ref. Oregon City Municipal Code Chapter 17.47 Erosion and Sediment Control).

ORS 279C.530 The CONTRACTOR shall promptly, as due, make payment to any person, copartnership, association, or corporation furnishing medical, surgical and hospital care, or other needed care and attention, incident to sickness or injury, to the employees of the CONTRACTOR, of all sums which the CONTRACTOR agrees to pay for such services and all moneys and sums which the CONTRACTOR collected or deducted from the wages of employees pursuant to any law, contract, or agreement for the purpose of providing or paying for such service.

ORS 279C.530(2) All employers, including CONTRACTOR, that employ subject workers who work under this Contract in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage, unless such employers are exempt under ORS 656.126. CONTRACTOR shall ensure that each of its subcontractors comply with these requirements.

ORS 279C.537 Where a project is valued at $20 million or more, at least 80 percent of the total fleet of motor vehicles that are motor vehicles powered by diesel engines and equipment powered by nonroad diesel engines used on site and in the course of performing the contract to be:
(a) Motor vehicles powered by model year 2010 or newer diesel engines; and
(b) Equipment powered by nonroad diesel engines, whether or not capable of being powered by alternative fuel, that meet or exceed United States Environmental Protection Agency Tier 4 exhaust emission standards for nonroad compression ignition engines.

ORS 279C.545 Any worker employed by the CONTRACTOR shall be foreclosed from the right to collect for any overtime provided in ORS 279C.540 unless a claim for payment is filed with the CONTRACTOR within 90 days from the completion of the contract, providing the CONTRACTOR has caused a circular clearly printed in boldfaced 12-point type and containing a copy of this section to be posted in a prominent place alongside the door of the timekeeper's office or in a similar place that is readily available and freely visible to workers employed on the work and maintained the circular continuously posted from the inception to the completion of the contract on which workers are or have been employed.

ORS 279C.550 - 570 Retainage, bond or surety and payment under the terms of this Agreement shall be governed by the terms of ORS 279C.550 - 570.

ORS 279C.570 The OWNER shall make progress payments on the contract monthly as work progresses on the contract. Payments shall be based upon estimates of work completed that are approved by the OWNER. A progress

payment is not considered acceptance or approval of any work or waiver of any defects therein. The OWNER shall pay to the CONTRACTOR interest if any payment becomes overdue.

ORS 279C.580
(1) CONTRACTOR shall pay first-tier subcontractors for satisfactory performance under subcontract out of amounts that are paid by the OWNER to the CONTRACTOR within 10 days of CONTRACTOR's receipt of such payments from the OWNER.

(2) CONTRACTOR shall provide first-tier subcontractors with a standard form that the first-tier subcontractor may use as an application for payment or as another method by which the subcontractor may claim a payment due from CONTRACTOR.

(3) CONTRACTOR, except as otherwise provided in this paragraph, shall use the same form and regular administrative procedures for processing payments during the entire term of the subcontract. CONTRACTOR may change the form or the regular administrative procedures used for processing payments if CONTRACTOR:
(A) Notifies the subcontractor in writing at least 45 days before the date on which the change is made; and
(B) Includes with the written notice a copy of the new or changed form or a description of the new or changed procedure.

(4) If CONTRACTOR does not pay the first-tier subcontractor within 30 days after receiving payment from the contracting agency, the CONTRACTOR shall pay the first-tier subcontractor an interest penalty as provided in ORS 279C.580(3)(d).

(5) The CONTRACTOR shall include this requirement as further detailed in the Special Provisions in all subcontracts worded appropriately to require prompt payment of said subcontractors to lower tier subcontractors. In addition, CONTRACTOR shall require a first-tier subcontractor to include a payment clause and an interest penalty clause that conforms to the standards of ORS 279C.580(3) in each of its subcontracts and CONTRACTOR shall require each of the first-tier subcontractor's subcontractors to include such clauses in the first-tier subcontractors' subcontracts with each lower-tier subcontractor or supplier.

ORS 279C.605 A notice of claim required by ORS 279C.600 must be sent by registered or certified mail or hand delivered no later than 120 days after the day the person last provided labor or furnished materials or 120 days after the worker listed in the notice of claim by the Commissioner of the Bureau of Labor and Industries last provided labor. The notice may be sent or delivered to the CONTRACTOR at any place the CONTRACTOR maintains an office or conducts business or at the residence of the CONTRACTOR. Notwithstanding the preceding, if the claim is for a required contribution to a fund of an employee benefit plan, the notice required by ORS 279C.600 must be sent or delivered within 200 days after the employee last provided labor or materials.

ORS 279C.830(1) (1) The existing prevailing rate of wage and, if applicable, the federal prevailing rate of wage required under the Davis-Bacon Act (40 U.S.C. 3141 et seq.) that may be paid to workers in each trade or occupation required for the public works employed in the performance of the contract either by the CONTRACTOR or subcontractor or other person doing or contracting to do the whole or any part of the work contemplated by the contract is included in Section IX of these contract documents. The workers shall be paid not less than the specified minimum hourly rate of wage and CONTRACTOR shall pay the higher of the applicable state or federal prevailing rate of wage to all workers on the public works and include this requirement in all subcontracts.

(2) CONTRACTOR shall pay all workers not less than the specified minimum hourly rate of wage in accordance with ORS 279C.838 and 279C.840, and CONTRACTOR shall require this provision be included in all subcontracts.

ORS 279C.830(2) The CONTRACTOR and every subcontractor must have a public works bond filed with the Construction Contractors Board before starting work on the project, unless exempt. CONTRACTOR shall:

(a) Have a public works bond filed with the Construction Contractors Board before starting work on the project, unless exempt.
(b) Include in every subcontract a provision requiring the subcontractor to have a public works bond filed with the Construction Contractors Board before starting work on the project, unless exempt.

ORS 279C.845(7) If CONTRACTOR is required to file certified statements, the public agency **shall** retain 25 percent of any amount earned by the CONTRACTOR on the public works until the CONTRACTOR has filed with the public agency certified statements as required by ORS 279C.845. The public agency shall pay the CONTRACTOR the amount retained under this subsection within 14 days after the CONTRACTOR files the certified statements as required by ORS 279C.845, regardless of whether a subcontractor has failed to file certified statements as required by this section.

ORS 279C.845(8) CONTRACTOR shall retain 25 percent of any amount earned by a first-tier subcontractor on a public works until the subcontractor has filed with the public agency certified statements as required by ORS 279C.845. CONTRACTOR shall verify that the first-tier subcontractor has filed the certified statements before the CONTRACTOR may pay the subcontractor any amount retained under ORS 279C.845(7). C ONTRACTOR shall pay the first-tier subcontractor the amount retained under this subsection within 14 days after the subcontractor files the certified statements as required by ORS 279C.845.

ORS 305.385(6) CONTRACTOR shall certify in writing, under penalty of perjury, that CONTRACTOR is, to the best of the person's knowledge, not in violation of any tax laws described in ORS 305.380 (4).

ORS Chapter 701 CONTRACTOR shall certify that all subcontractors performing work described in ORS 701.005(2), i.e., construction work, will be registered with the Construction Contractors Board or licensed by the State Landscape Contractors Board in accordance with ORS 701.035 to 701.055 before the subcontractors commence work under this contract.

OAR 137-049-0200(2). CONTRACTOR shall not assign, sell, dispose of, or transfer rights, or delegate duties under the Contract, either in whole or in part, without the OWNER's prior Written consent. Unless otherwise agreed by the OWNER in Writing, such consent shall not relieve CONTRACTOR of any obligations under the Contract. Any assignee or transferee shall be considered the agent of CONTRACTOR and be bound to abide by all provisions of the Contract. If the OWNER consents in Writing to an assignment, sale, disposal, or transfer of CONTRACTOR's rights or delegation of CONTRACTOR's duties, CONTRACTOR and its surety, if any, shall remain liable to the OWNER for complete performance of the Contract as if no such assignment, sale, disposal, transfer or delegation had occurred unless the OWNER otherwise agrees in Writing.

2026 PAVEMENT MANAGEMENT PROGRAM ITB #202602-10014 SCHEDULE "A": SLURRY SEALS				ENGINEER'S ESTIMATE		APPARENT LOW BIDDER Blackline, Inc.		VSS International, Inc.	
ITEM #	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Move-in, Bond, Insurance, Clean-up								
	A. City of Beaverton	L.S.	All	$ 20,000.00	$ 20,000.00	$ 13,000.00	$ 13,000.00	$ 7,500.00	$ 7,500.00
	B. City of Gladstone	L.S.	All	$ 20,000.00	$ 20,000.00	$ 8,000.00	$ 8,000.00	$ 7,500.00	$ 7,500.00
	C. City of Hillsboro	L.S.	All	$ 20,000.00	$ 20,000.00	$ 10,000.00	$ 10,000.00	$ 7,500.00	$ 7,500.00
	D. City of Oregon City	L.S.	All	$ 20,000.00	$ 20,000.00	$ 10,000.00	$ 10,000.00	$ 7,500.00	$ 7,500.00
	E. City of West Linn	L.S.	All	$ 20,000.00	$ 20,000.00	$ 10,000.00	$ 10,000.00	$ 7,500.00	$ 7,500.00
2	Traffic Control and Public Notification								
	A. City of Beaverton	L.S.	All	$ 20,000.00	$ 20,000.00	$ 13,000.00	$ 13,000.00	$ 47,165.56	$ 47,165.56
	B. City of Gladstone	L.S.	All	$ 20,000.00	$ 20,000.00	$ 8,000.00	$ 8,000.00	$ 74,270.00	$ 74,270.00
	C. City of Hillsboro	L.S.	All	$ 20,000.00	$ 20,000.00	$ 10,000.00	$ 10,000.00	$ 26,800.00	$ 26,800.00
	D. City of Oregon City	L.S.	All	$ 20,000.00	$ 20,000.00	$ 10,000.00	$ 10,000.00	$ 34,062.00	$ 34,062.00
	E. City of West Linn	L.S.	All	$ 20,000.00	$ 20,000.00	$ 10,000.00	$ 10,000.00	$ 74,450.00	$ 74,450.00
3	Street Preparation and Application of Type II Asphalt	SQ. YD.	432,992	$ 2.05	$ 887,633.60	$ 2.47	$ 1,069,490.24	$ 2.25	$ 974,232.00
	Emulsion Slurry Seal								
4	Install/Replace Pavement Markings per Manual								
	of Uniform Traffic Control Devices								
	A. Arrows, Left Turn, Thermoplastic	EA.	4	$ 400.00	$ 1,600.00	$ 425.00	$ 1,700.00	$ 405.00	$ 1,620.00
	B. Arrows, Combo Right Turn, Thermoplastic	EA.	2	$ 400.00	$ 800.00	$ 1,000.00	$ 2,000.00	$ 810.00	$ 1,620.00
	C. Reflective Raised Pavement Markers, Bidirectional, Blue	EA.	98	$ 16.20	$ 1,587.60	$ 50.00	$ 4,900.00	$ 43.20	$ 4,233.60
	D. Reflective Raised Pavement Markers, Bidirectional, White	EA.	14	$ 16.20	$ 226.80	$ 15.00	$ 210.00	$ 12.96	$ 181.44
	E. Reflective Raised Pavement Markers, Bidirectional, Yellow	EA.	49	$ 12.96	$ 635.04	$ 15.00	$ 735.00	$ 12.96	$ 635.04
	H. Striping, White, 8", Thermoplastic	L.F.	202	$ 2.00	$ 404.00	$ 6.00	$ 1,212.00	$ 5.40	$ 1,090.80
	I. Striping, White, 12", Thermoplastic	L.F.	873	$ 2.43	$ 2,121.39	$ 19.00	$ 16,587.00	$ 17.82	$ 15,556.86
	J. Striping, Yellow, 4", Thermoplastic	L.F.	8646	$ 4.00	$ 34,584.00	$ 2.25	$ 19,453.50	$ 2.00	$ 17,292.00
	K. Crosswalk, White, 24" x 10', Thermoplastic	EA.	2	$ 17.28	$ 34.56	$ 2.50	$ 5.00	$ 270.00	$ 540.00
	L. Crosswalk, High Vis White, Thermoplastic	EA.	2	$ 2.00	$ 4.00	$ 2.50	$ 5.00	$ 2,376.00	$ 4,752.00
	N. Stop Bar, Thermoplastic	L.F.	15	$ 270.00	$ 4,050.00	$ 21.00	$ 315.00	$ 19.98	$ 299.70
	O. Stop Bar, Thermoplastic	EA.	5	$ 2,376.00	$ 11,880.00	$ 425.00	$ 2,125.00	$ 405.00	$ 2,025.00
				TOTAL	**$ 1,145,560.99**	***TOTAL:***	$ 1,220,737.74	***TOTAL:***	$ 1,318,326.00
						BID TOTAL:	$ 1,220,737.74	***BID TOTAL:***	$ 1,318,325.00
						DIFFERENCE:	$ -	***DIFFERENCE:***	$ 1.00

2026 PAVEMENT MANAGEMENT PROGRAM (ITB #202602-10014) SCHEDULE "B": ASPHALT CRACK SEALS				ENGINEER'S ESTIMATE		APPARENT LOW BIDDER KNL Industries, Inc.	
ITEM #	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Move-in, Bond, Insurance, Clean Up, All Streets	L.S.	All	$ 4,500.00	$ 4,500.00	$ 5,000.00	$ 5,000.00
2	Traffic Control (including permits) and	L.S.	All	$ 7,500.00	$ 7,500.00	$ 9,000.00	$ 9,000.00
	Public Notification, All Streets						
3	Crack Preparation and Application of Polymer	L.F.	33,457	$ 1.00	$ 33,457.00	$ 1.13	$ 37,806.41
	Modified Asphalt Rubber Sealant, All Streets						
				TOTAL:	$ 45,457.00	*TOTAL:*	$ 51,806.41
						BID TOTAL:	$ 51,806.41
						DIFFERENCE:	$ -

2026 PAVEMENT MANAGEMENT PROGRAM (ITB# 202602-10014) SCHEDULE "C": ASPHALT CONCRETE REPLACEMENT			ENGINEER'S ESTIMATE		Brix Paving Nortwest		APPARENT LOW BIDDER S-2 Contractors		Hoss Paving		KNL Industries	
ITEM # DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1 Move-in, Bond, Insurance, Clean Up, All Streets	L.S.	All	$ 10,000.00	$ 10,000.00	$ 7,800.00	$ 7,800.00	$ 9,700.00	$ 9,700.00	$ 10,800.00	$ 10,800.00	$ 20,000.00	$ 20,000.00
2 Traffic Control (including temporary lane marking) and Public Notification, All Streets	L.S.	All	$ 20,000.00	$ 20,000.00	$ 20,000.00	$ 20,000.00	$ 25,000.00	$ 25,000.00	$ 57,000.00	$ 57,000.00	$ 40,000.00	$ 40,000.00
3 Utility Adjustments			$ -	$ -								
E. Manholes - Standard	EA.	6	$ 200.00	$ 1,200.00	$ 300.00	$ 1,800.00	$ 600.00	$ 3,600.00	$ 200.00	$ 1,200.00	$ 1,000.00	$ 6,000.00
4 Survey Monument Boxes			$ -	$ -								
A. Adjust Survey Monument Box	EA.	4	$ 150.00	$ 600.00	$ 600.00	$ 2,400.00	$ 100.00	$ 400.00	$ 200.00	$ 800.00	$ 250.00	$ 1,000.00
5 Asphalt Concrete Removal and Preparation	S.Y.	1162.6	$ 45.00	$ 52,317.00	$ 40.00	$ 46,504.00	$ 50.00	$ 58,130.00	$ 32.70	$ 38,017.02	$ 80.00	$ 93,008.00
6 Asphalt Concrete Replacement	TON	359.7	$ 190.00	$ 68,343.00	$ 280.00	$ 100,716.00	$ 197.00	$ 70,860.90	$ 178.10	$ 64,062.57	$ 275.00	$ 98,917.50
7 Install/Replace Pavement Markings per Manual of Uniform Traffic Control Devices												
K. Striping, White, 12", Thermoplastic	L.F.	6	$ 100.00	$ 600.00	$ 150.00	$ 900.00	$ 50.00	$ 300.00	$ 170.00	$ 1,020.00	$ 100.00	$ 600.00
			TOTAL:	$ 153,060.00	*TOTAL:*	$ 180,120.00	*TOTAL:*	$ 167,990.90	*TOTAL:*	$ 172,899.59	*TOTAL:*	$ 259,525.50
					BID TOTAL:	$ 180,120.00	*BID TOTAL:*	$ 167,990.90	*BID TOTAL:*	$ 172,899.59	*BID TOTAL:*	$ 259,525.50
					DIFFERENCE:	$ -	*DIFFERENCE:*	$ -	*DIFFERENCE:*	$ -	*DIFFERENCE:*	$ -

City of Oregon City

GEOGRAPHIC INFORMATION SYSTEM

2026 Oregon City Preventative Pavement Maintenance

Slurry Seal Projects

Printed November 20, 2025

Slurry Seal
(Length = 26,925 ft Area = 87,470 sq yds)

City Limits

Urban Growth Boundary

Sheet S1

Sheet S2

Sheet S3

Sheet S4

Sheet S5

Sheet S6

Sheet S7

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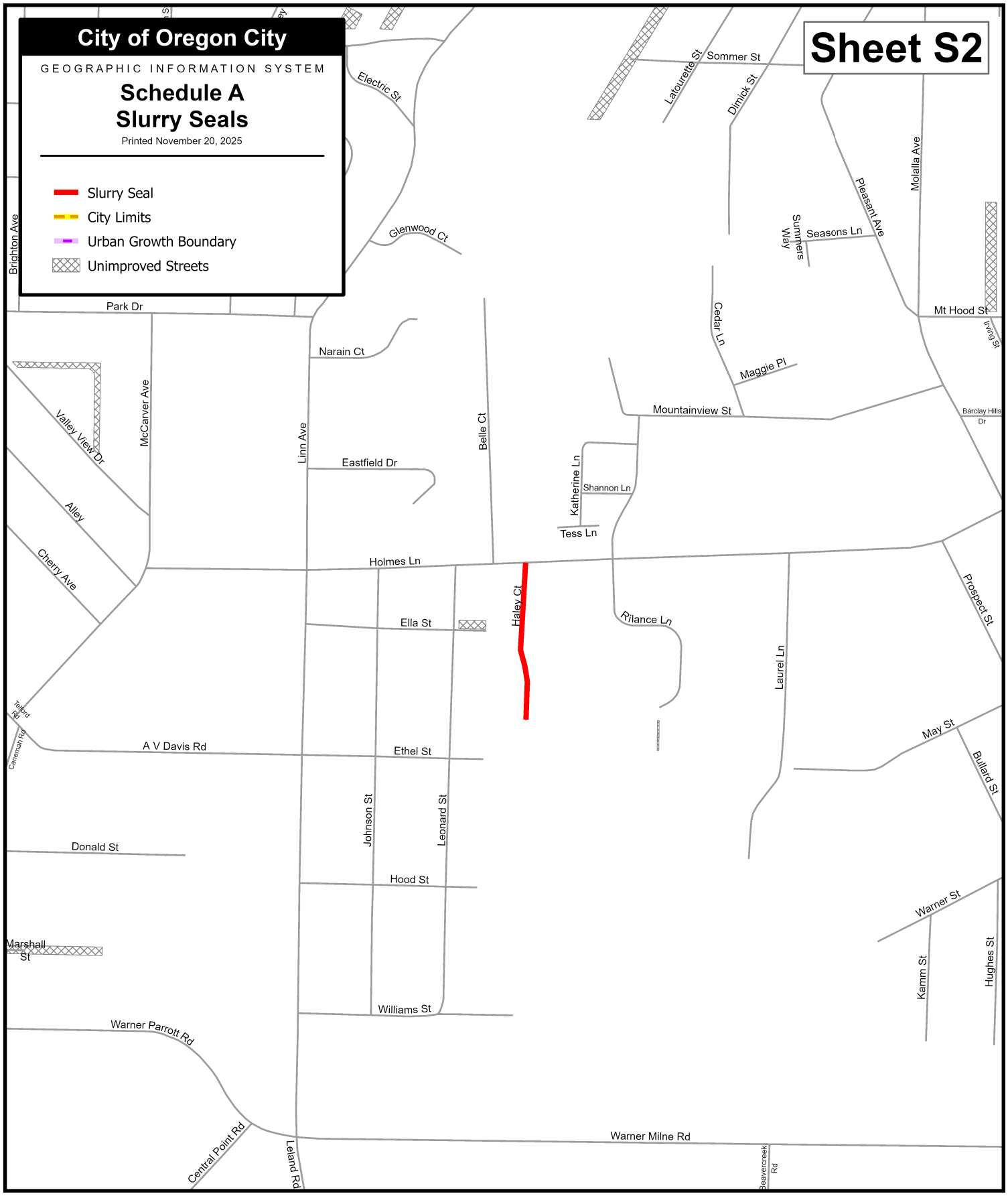
N W E S

0 0.25 0.5 1 Miles

0 1,000 2,000 4,000 6,000 Feet

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

Plot date: November 20, 2025
Plot name: PMUF - 2026 Preventive Maintenance Projects Map - Sheet S1 - 20251120 - 11x17P.pdf
Map name: PRO - PMUF 2026.aprx|PMUF - 2026 Preventive Maintenance Projects - Sheet S1 - 20251120 - 11x17P



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Plot date: November 20, 2025; Plot name: PMUF - 2026 Preventive Maintenance Projects Map - Sheet S2 - 20251120 - 8.5x11P.pdf; Map name: PRO - PMUF 2026.aprx|PMUF - 2026 Preventive Maintenance Projects - Sheet S2 - 20251120 - 8.5x11P

City of Oregon City

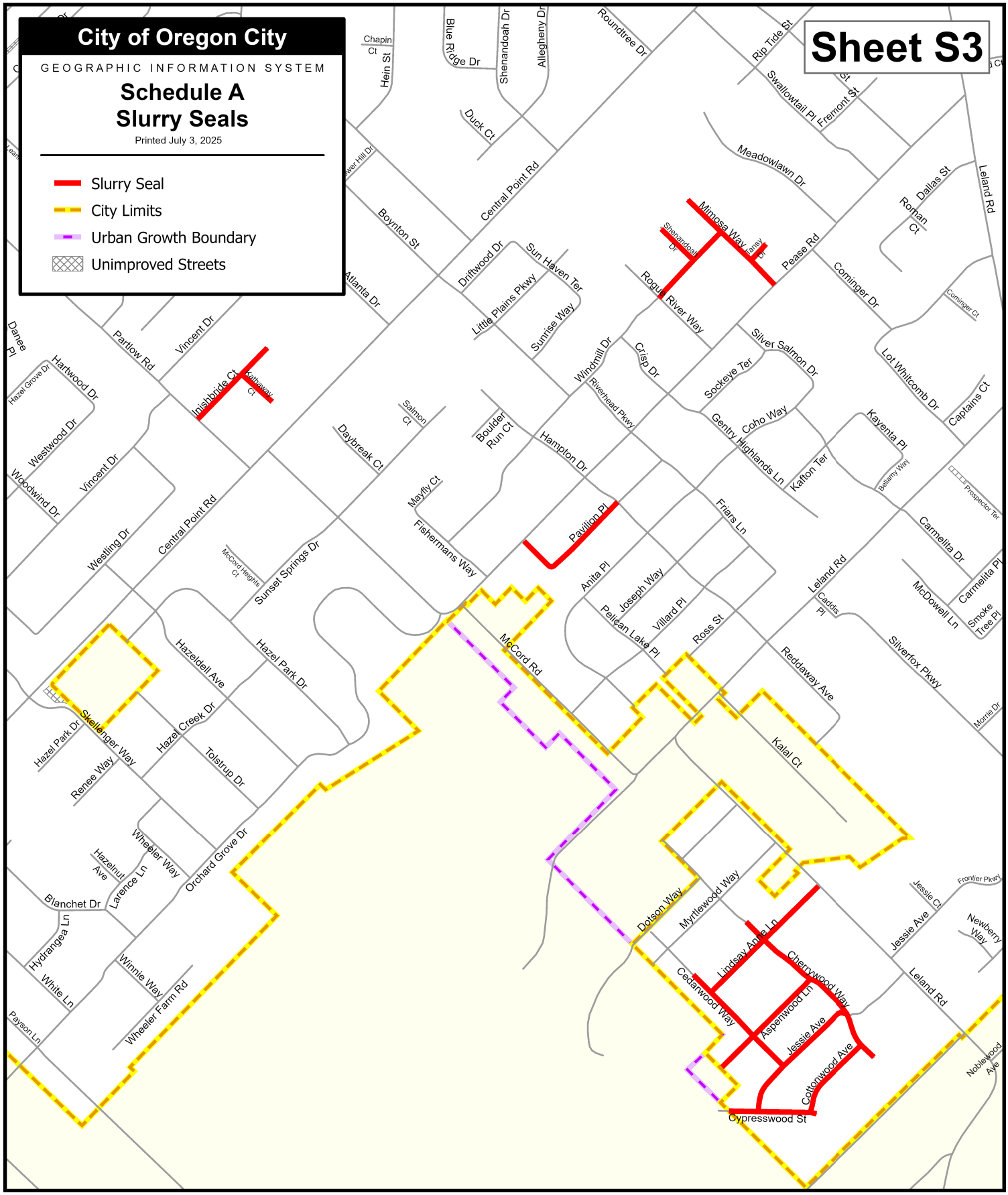
GEOGRAPHIC INFORMATION SYSTEM

Schedule A
Slurry Seals

Printed July 3, 2025

- Slurry Seal
- City Limits
- Urban Growth Boundary
- Unimproved Streets

Sheet S3



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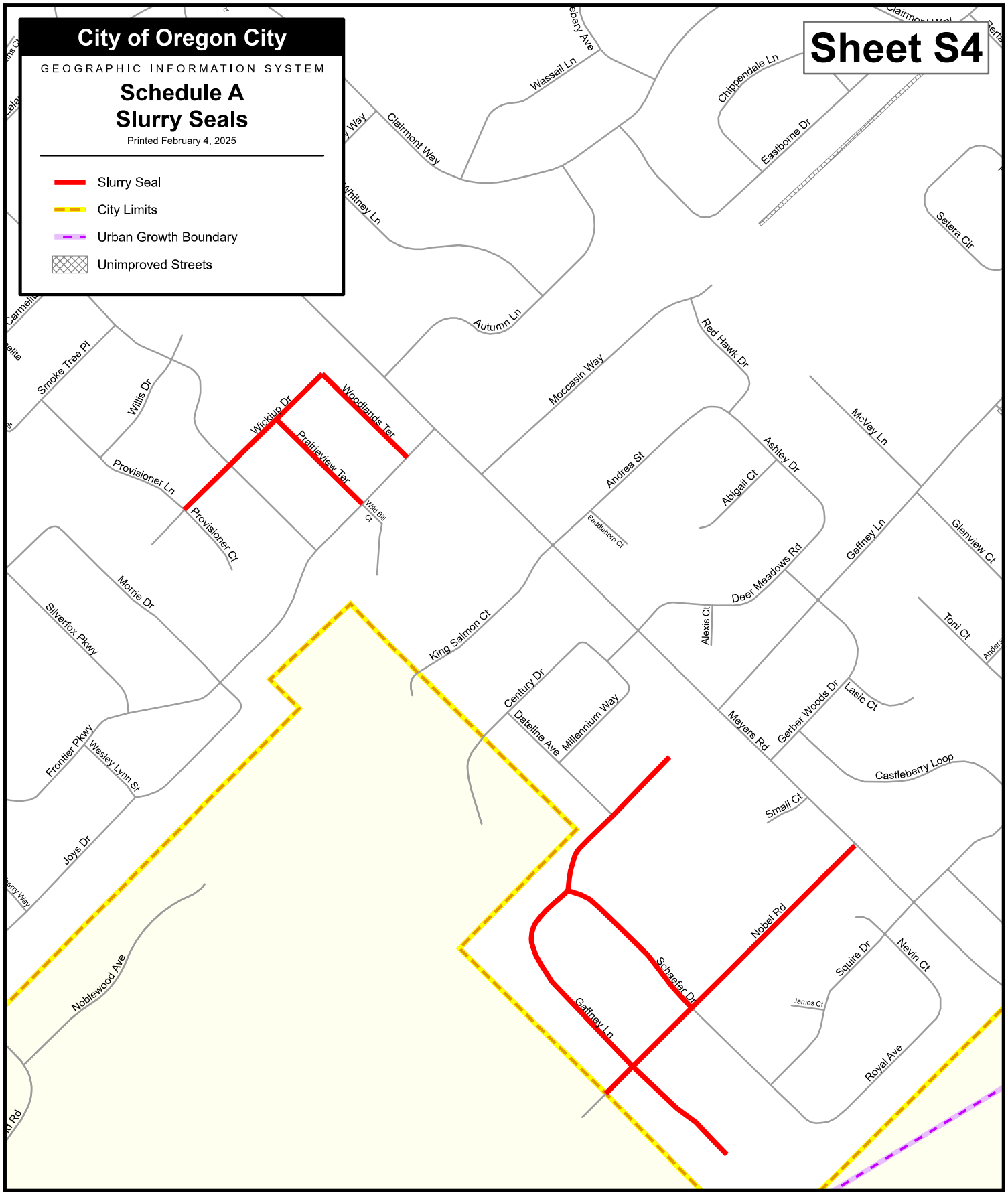
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N W E S

0 250 500 1,000 Feet

City of Oregon City
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Plot date: July 3, 2025; Plot name: PMUF - 2026 Preventive Maintenance Projects Map - Sheet S3 - 20250703 - 8.5x11P.pdf; Map name: PRO - PMUF 2026.aprx|PMUF - 2026 Preventive Maintenance Projects - Sheet S3 - 20250703 - 8.5x11P



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N W E S

0 250 500 1,000 Feet

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Plot date: February 4, 2025; Plot name: PMUF - 2026 Preventive Maintenance Projects Map - Sheet S4 - 20250204 - 8.5x11P.pdf; Map name: PRO - PMUF 2026.aprx|PMUF - 2026 Preventive Maintenance Projects - Sheet S4 - 20250204 - 8.5x11P

City of Oregon City

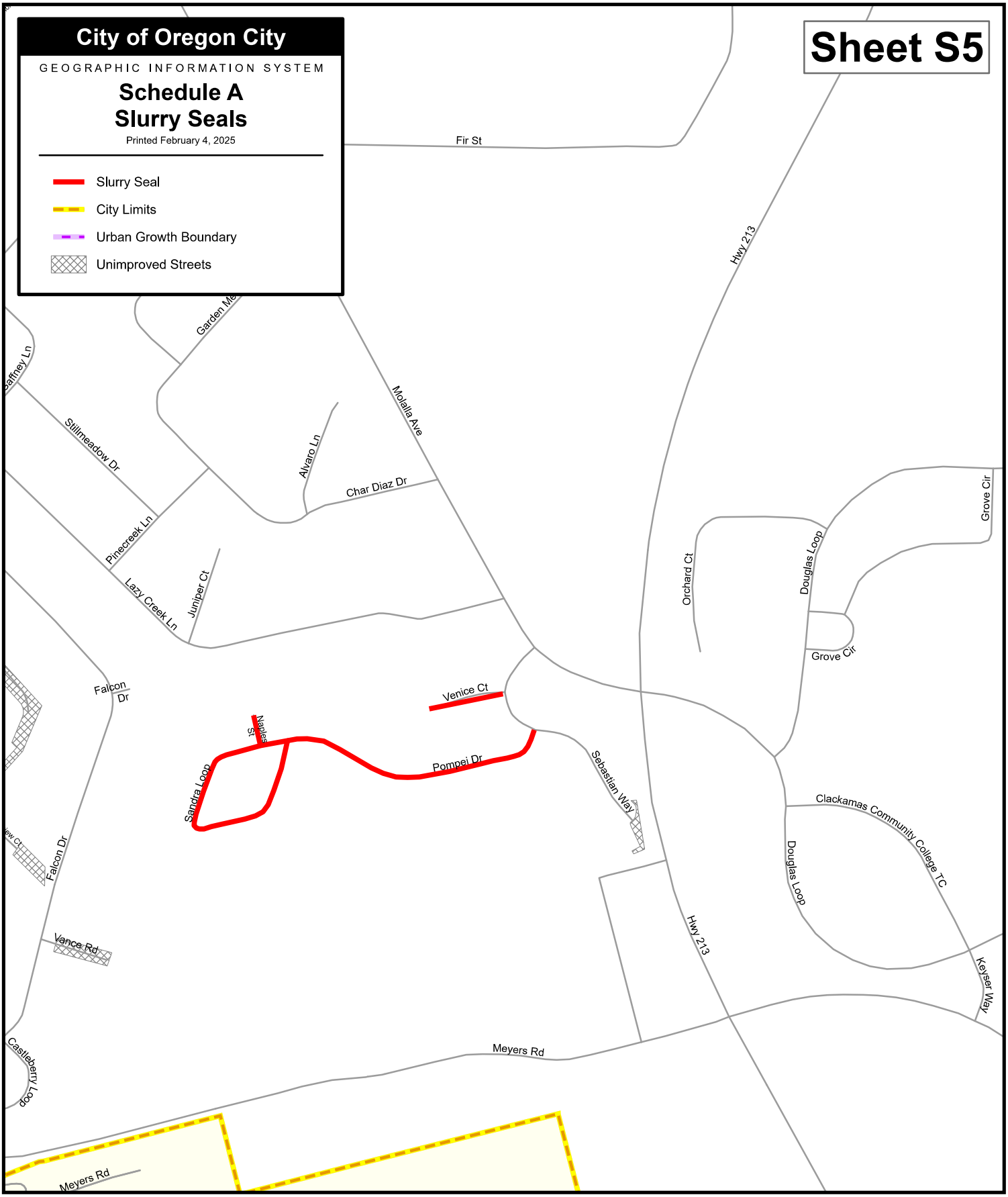
GEOGRAPHIC INFORMATION SYSTEM

Schedule A
Slurry Seals

Printed February 4, 2025

- Slurry Seal
- City Limits
- Urban Growth Boundary
- Unimproved Streets

Sheet S5



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N W E S

0 250 500 1,000 Feet

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Plot date: February 4, 2025; Plot name: PMUF - 2026 Preventive Maintenance Projects Map - Sheet S5 - 20250204 - 8.5x11P.pdf; Map name: PRO - PMUF 2026.aprx|PMUF - 2026 Preventive Maintenance Projects - Sheet S5 - 20250204 - 8.5x11P

City of Oregon City

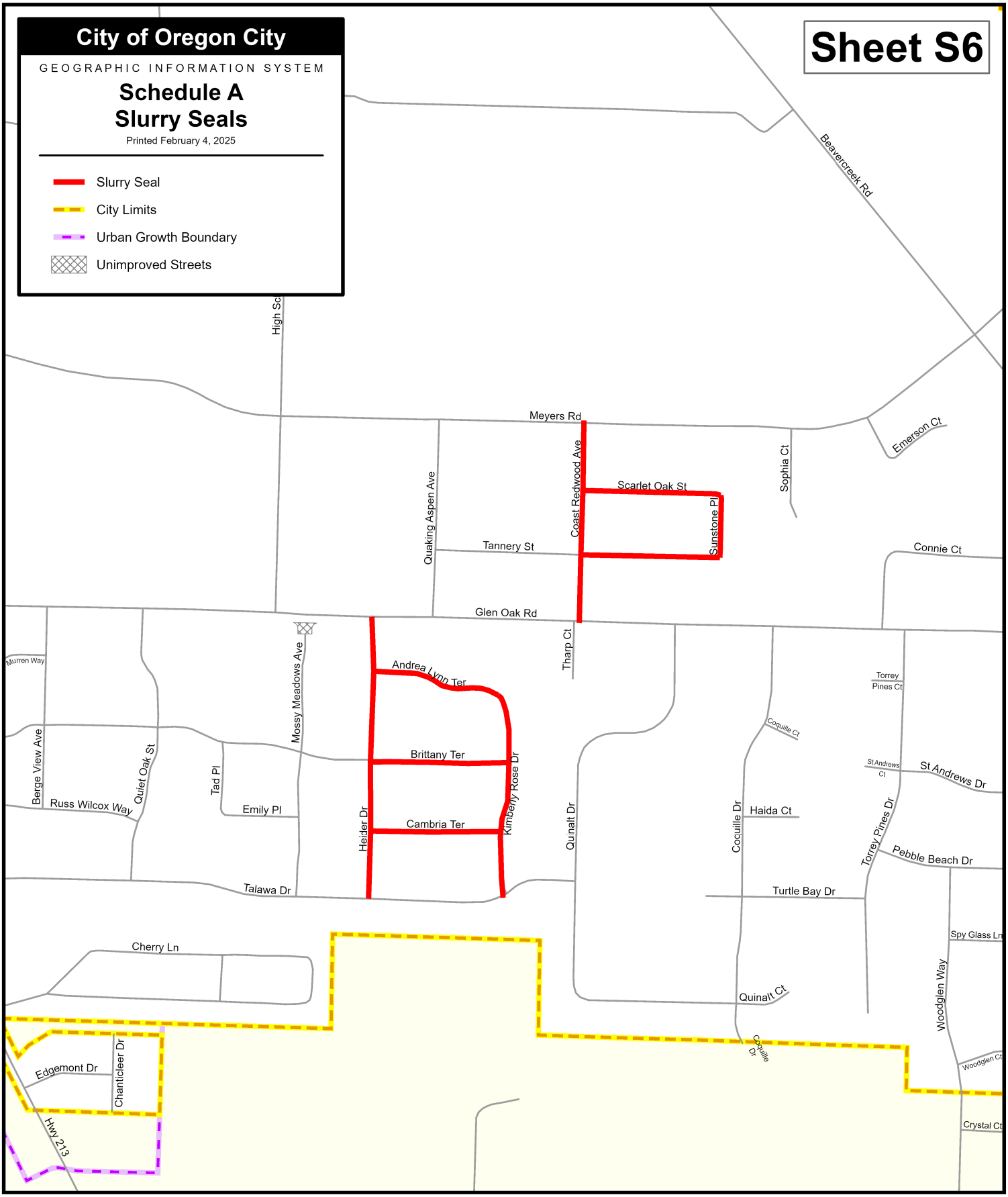
GEOGRAPHIC INFORMATION SYSTEM

Schedule A
Slurry Seals

Printed February 4, 2025

- Slurry Seal
- City Limits
- Urban Growth Boundary
- Unimproved Streets

Sheet S6



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N W E S

0 250 500 1,000 Feet

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City of Oregon City

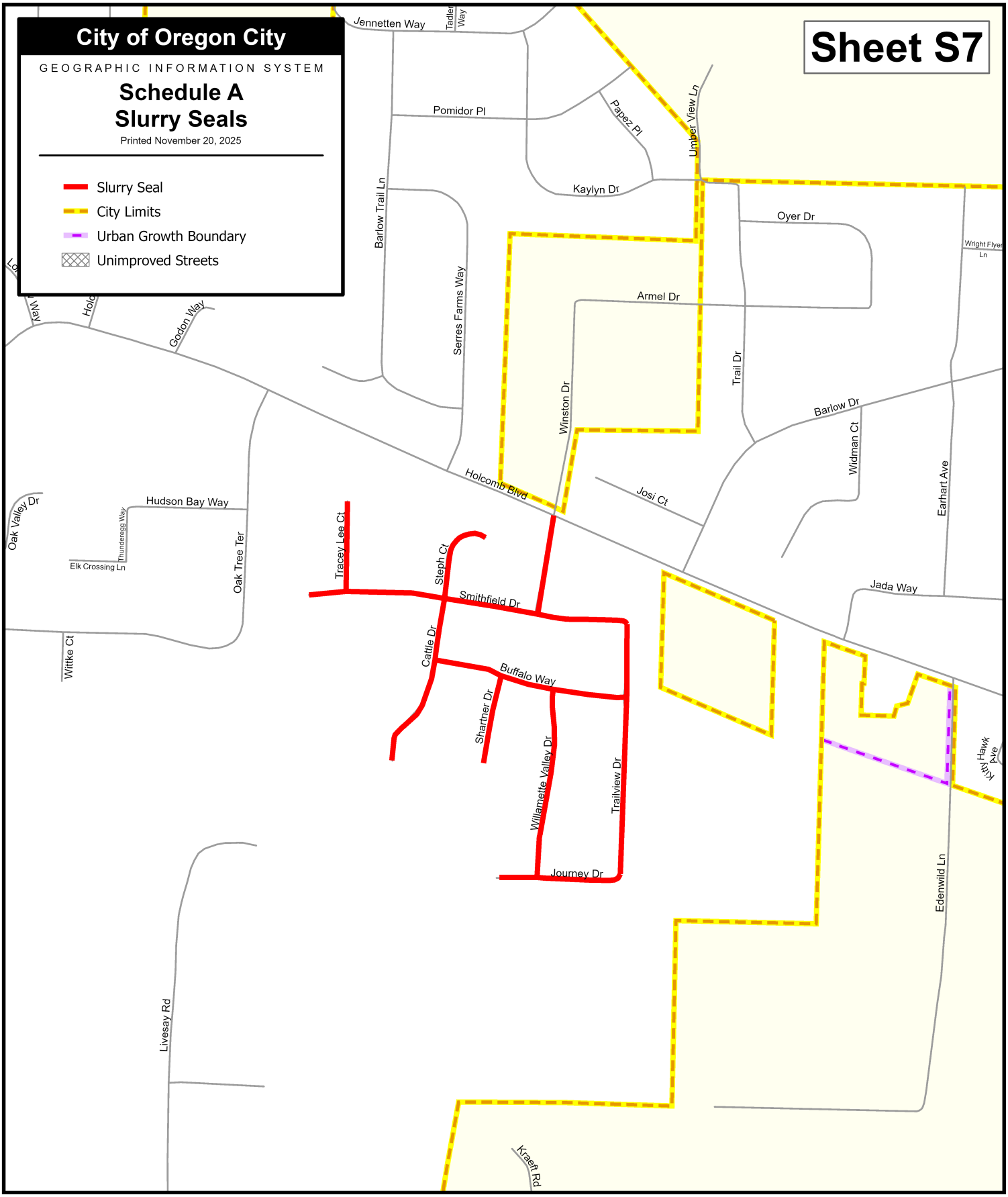
GEOGRAPHIC INFORMATION SYSTEM

Schedule A
Slurry Seals

Printed November 20, 2025

- Slurry Seal
- City Limits
- Urban Growth Boundary
- Unimproved Streets

Sheet S7



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N W E S

0 250 500 1,000 Feet

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www.orcity.org

Plot date: November 20, 2025; Plot name: PMUF - 2026 Preventive Maintenance Projects Map - Sheet S7 - 20251120 - 8.5x11P.pdf; Map name: PRO - PMUF 2026.aprx|PMUF - 2026 Preventive Maintenance Projects - Sheet S7 - 20251120 - 8.5x11P

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

CITY OF OREGON CITY

Staff Report

To:	City Commission	**Agenda Date:**	June 3, 2026
From:	Dayna Webb, Public Works Director		

SUBJECT:
Item 7.d. - Public Improvement Contract with Doolittle Construction, LLC for the 2026 Preventative Pavement Maintenance Micro Seal (CI 26-004)

STAFF RECOMMENDATION:
Approve and authorize the City Manager to execute the Public Improvement Contract with Doolittle Construction, LLC in the amount of $121,000.00 for the 2026 Preventative Pavement Maintenance Micro Seal (CI 26-004) Project.

EXECUTIVE SUMMARY:
The Preventative Pavement Maintenance Micro Seal Project is a part of the Pavement Maintenance Program and is funded through the City's Pavement Maintenance Utility Fee (PMUF). Micro seal treatment will be applied along Clairmont Way from Molalla Avenue to Leland Road.

Micro seal is a surface treatment applied to collector and arterial streets. It is a more robust treatment than slurry seal and will withstand the increased traffic and speeds of collector and arterial streets. Micro seal also has a chemical break, rather than a natural break, allowing normal traffic patterns to resume within approximately thirty minutes of the treatment being applied.

Clairmont Way has been identified as in fair and good condition. The application of a micro seal treatment should prolong the lifespan of the street, in fair and good condition, for approximately seven to ten years.

BACKGROUND:
The Preventative Pavement Maintenance Micro Seal Project is a part of the Pavement Maintenance Program and is funded through the City's Pavement Maintenance Utility Fee (PMUF).

Micro seal is a surface treatment applied to collector and arterial streets. It is a more robust treatment than slurry seal and will withstand the increased traffic and speeds of collector and arterial streets. Micro seal also has a chemical break, rather than a natural break, allowing normal traffic patterns to resume within approximately thirty minutes of the treatment being applied.

This project is a crucial component of the City's annual street maintenance commitment to protect and preserve the City's existing roadway network by sealing minor cracks, correcting

surface irregularities such as wheelpath depressions or rutting and providing a new wearing surface that resists deformation and supports safe, reliable traffic operations.

Micro seal treatment will be applied along Clairmont Way from Molalla Avenue to Leland Road. Clairmont Way has been identified as in fair and good condition. The application of a micro seal treatment should prolong the lifespan of the street, in fair and good condition, for approximately seven to ten years. This project includes street preparation, neighborhood notification, traffic control, material delivery, material application, and final project cleanup.

On March 27, 2026, this project was advertised in the Daily Journal of Commerce and DemandStar, the City's procurement platform, in accordance with City and State contracting procedures. The bid opening was held on April 16, 2026, and two (2) bids were received. Staff reviewed the bids and determined that Doolittle Construction, LLC was the low responsive bidder. The contract award value is one hundred, twenty-one thousand dollars and 00/100 cents ($121,000.00).

The list below includes the bidders and bid amounts received for this project:

Project Budget	$200,000.00
Doolittle Construction, LLC	$121,000.00
VSS International, Inc	$194,325.00

The project shall be substantially complete by or before September 18, 2026, and shall be completed no later than September 30, 2026, as identified in 00180.50(b) of the Special Provisions. The earliest starting date for this work is July 6, 2026.

This Public Improvement Contract is in alignment with the project's budget, and adequate funds are available.

OPTIONS:

1. Approve Public Improvement Contract with Doolittle Construction, LLC for the 2026 Preventative Pavement Maintenance Micro Seal (CI 26-004).
2. Approve Public Improvement Contract with Doolittle Construction, LLC for the 2026 Preventative Pavement Maintenance Micro Seal (CI 26-004) with Amendments.
3. Deny Public Improvement Contract with Doolittle Construction, LLC for the 2026 Preventative Pavement Maintenance Micro Seal (CI 26-004) and provide further direction.

BUDGET IMPACT:

Amount:	$121,000.00
Fiscal Year(s):	2026-27
Funding Source(s):	Pavement Maintenance Utiliity Fee Fund
Included in Approved Budget:	Yes

SECTION III A
CONTRACT AGREEMENT

This Agreement, made and entered into this 4th day of June, 2026, between the CITY OF OREGON CITY ("CITY"), acting by and through the City Commission and **DOOLITTLE CONSTRUCTION, LLC** ("CONTRACTOR").

Witnesseth, that the CONTRACTOR and the CITY, for the considerations stated herein, agree as follows:

ARTICLE I - Scope of Work

The CONTRACTOR hereby agrees to furnish all of the materials, equipment and labor necessary, and to perform all of the work for the project entitled: **2026 PREVENTATIVE PAVEMENT MAINTENANCE MICRO SEAL (CI 26-004)** in accordance with the contract documents which are hereby made a part of this agreement.

The contract documents consist of:

Invitation to Bid	Statutory Conditions to Contract Agreement
Scope of Work	Performance Bond
Instructions to Bidders	Payment Bond
Bid Proposal and Bid Schedule	State of Oregon Statutory Public Works Bond
Compliance with ORS 279C.840	General Conditions Prevailing Wage Rates for Public Works Contracts in Oregon, dated July 5, 2024
Resident Bidder Status	Amendments to the Prevailing Wage Rates for Public Works Contracts in Oregon dated October 5, 2024
Certification of Drug Testing Program	Prevailing Wage Apprenticeship Rates dated July 2024
Non-Collusion Statement	Definitions of Covered Occupations for Public Works Contracts in Oregon dated October 5, 2024
Asbestos Certification	Special Provisions
Registrations	Contract Drawings
Certification of Non-Disclosure	City of Oregon City Standard Details
Certification of Compliance with Tax Law	Technical Specifications
Bidder Responsibility Form	2021 Oregon Standard Specifications for Construction (ODOT and APWA) as referenced by these documents
Bid Bond	All items included within these Contract Documents.
First Tier Subcontractor Disclosure Form	
Customer Service Acknowledgement Form	
Contract Agreement	
Oregon City Public Improvement Standard Conditions	

The order of items cited above does not constitute an order of precedence different than that established in the special or standard specifications. Equivalent titles, which may be substituted for the above listed items, are included as if specifically named.

ARTICLE II - Time of Completion

The project shall be substantially complete by or before **September 18, 2026**, and shall be completed no later than **September 30, 2026**, as identified in 00180.50(b) of the Special Provisions. The earliest starting date for this work is **July 6, 2026.**

ARTICLE III – Contract Amount

The Contract Amount for the work covered by this Agreement is estimated to be **one hundred twenty-one thousand dollars and 00/100 cents ($121,000.00)**.

ARTICLE IV - Warranty and Quality of Work

In addition to all other warranties, express or implied, that are part of this Agreement, the Contractor expressly warrants to the City for a period of one year from acceptance of the work by the City that all materials and equipment furnished under this contract will be new, unless otherwise specified, and that the work will be of good quality, free from faults and defects and in conformance with the City's specifications. Work that does not conform to these standards shall be considered defective.

Contractor shall, at its own expense, make good and repair any and all defects arising from faulty workmanship or materials, if the defective work is discovered within the one-year warranty period and notice thereof is given to the Contractor within 60 days after the expiration of the warranty period. If required by the City, the Contractor shall furnish satisfactory evidence as to the kind and quality of materials and equipment used to repair the defect**.**

In witness whereof, the parties hereto have executed this agreement, the day and year first above written.

CITY OF OREGON CITY

By: _____
Anthony J. Konkol III
City Manager

By: _____
Dayna Webb, P.E.
Public Works Director

Approved as to Legal Sufficiency

By: _____
City Attorney

City Commission Award Date:

_____

DOOLITTLE CONSTRUCTION, LLC

_____
Printed Name

By: _____
Authorized Signature

_____
Title

_____
Date

Address:

_____

_____

_____

_____
Federal Taxpayer ID Number

Bid Tabulation

Client: City of Oregon City

Project Name and CI #: 2026 Preventive Pavement Micro Seal (CI 26-004)

Date of Bid Opening: 4/16/2026

Apparent Low

Other Bidders

Item	Description	Units	Quantity	Engineers Estimate		Doolittle Construction, LLC		VSS International, Inc	
				Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
1	Mobilization	LS	1	$ 25,000.00	$ 25,000.00	$ 10,000.00	$ 10,000.00	$ 14,500.00	$ 14,500.00
2	Temporary Work Zone Traffic Control Complete	LS	1	$ 35,000.00	$ 35,000.00	$ 15,795.25	$ 15,795.25	$ 52,867.55	$ 52,867.55
3	Street Preparation and Application of Type II Micro-surfacing	SQ YD	14125	$ 5.50	$ 77,687.50	$ 3.00	$ 42,375.00	$ 5.85	$ 82,631.25
4	Provide and Introduce Reinforce Fibers to Micro-surfacing	SQ YD	14125	$ 0.50	$ 7,062.50	$ 0.35	$ 4,943.75	$ 0.20	$ 2,825.00
5	Thermopastic, Extruded, Surface, Non-profiled	LF	31924	$ 1.20	$ 38,308.80	$ 1.50	$ 47,886.00	$ 1.30	$ 41,501.20
					$ 183,058.80	-33.9%	$ 121,000.00	6.2%	$ 194,325.00

City of Oregon City

GEOGRAPHIC INFORMATION SYSTEM

2026 Oregon City Preventative Pavement Maintenance

Micro Seal Projects

Printed December 16, 2025

Micro-Chip Seal

City Limits

Urban Growth Boundary

Sheet M1

Sheet M2

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N W E S

0 0.25 0.5 1 Miles

0 1,000 2,000 4,000 6,000 Feet

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

Plot date: December 16, 2025
Plot name: PMUF - 2026 Preventive Maintenance Projects Map - Sheet M1 - 20251216 - 11x17P.pdf
Map name: PRO - PMUF 2026.aprx|PMUF - 2026 Preventive Maintenance Projects - Sheet M1 - 20251216 - 11x17P

City of Oregon City

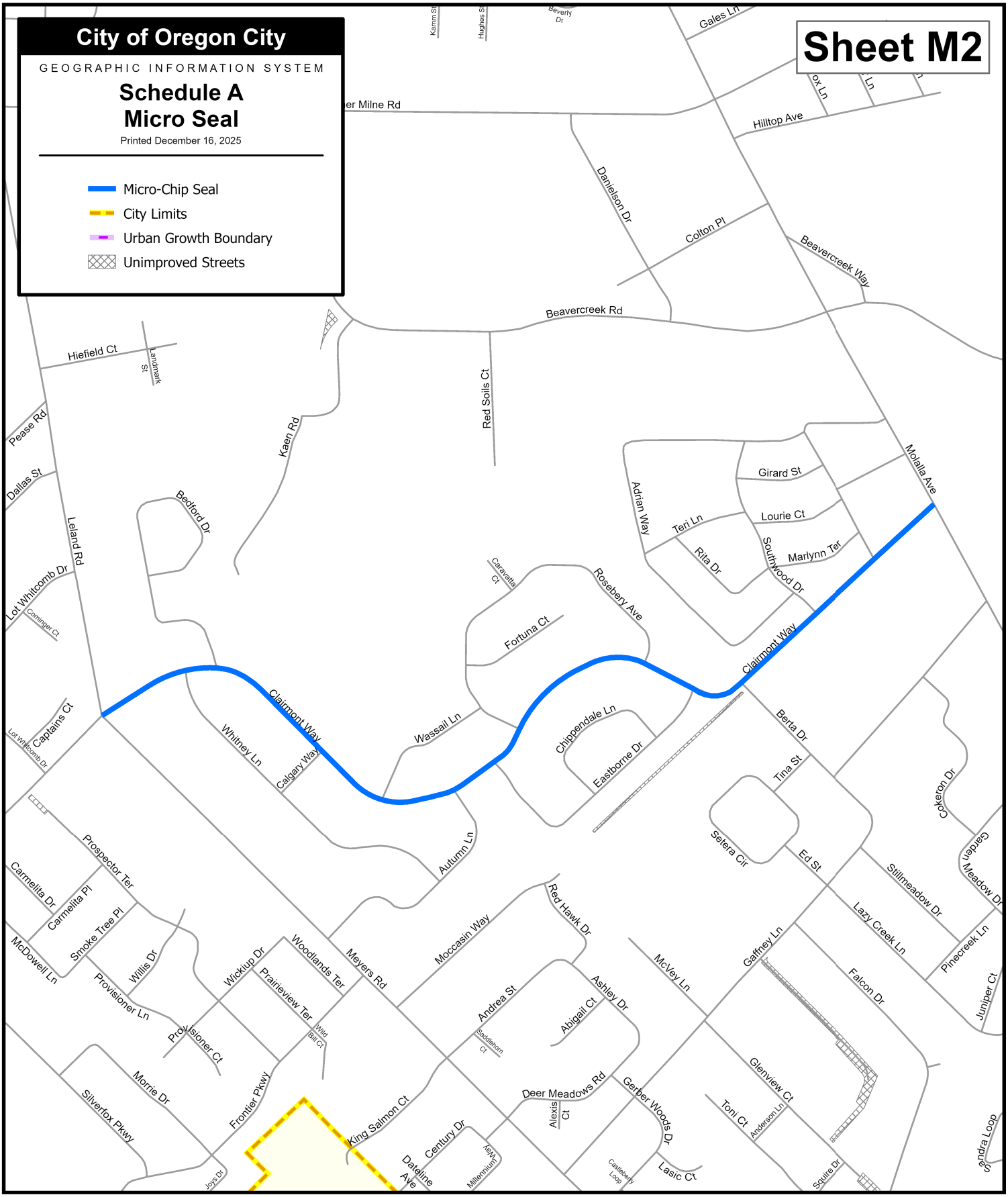
GEOGRAPHIC INFORMATION SYSTEM

Schedule A
Micro Seal

Printed December 16, 2025

- Micro-Chip Seal
- City Limits
- Urban Growth Boundary
- Unimproved Streets

Sheet M2



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.

Please recycle with colored office grade paper.

N W E S

0 250 500 1,000 Feet

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

Plot date: December 16, 2025; Plot name: PMUF - 2026 Preventive Maintenance Projects Map - Sheet M2 - 20251216 - 8.5x11P.pdf; Map name: PRO - PMUF 2026.aprx|PMUF - 2026 Preventive Maintenance Projects - Sheet M2 - 20251216 - 8.5x11P

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

CITY OF OREGON CITY

Staff Report

To:	City Commission	**Agenda Date:**	June 3, 2026
From:	Matt Zook, Finance Director		

SUBJECT:
Item 7.e. - Professional Services Agreement with Kelly Fitzpatrick for Caring Court Defense Attorney Services

STAFF RECOMMENDATION:
Approval of Professional Services Agreement (PSA) with Kelly Fitzpatrick for Caring Court Defense Attorney Services

EXECUTIVE SUMMARY:
The City requires dedicated defense counsel to represent Caring Court participants, protect participant rights, support treatment-oriented outcomes, and perform all functions normally associated with defense representation in a municipal court setting. The Caring Court has dedicated funding through June 30, 2028, and this PSA would cover these services for the remainder of the Caring Court IGA with Clackamas County. Compensation for Caring Court defense services will be $2,140.00 per month effective July 1, 2026, with an increase to $2,205.00 per month effective July 1, 2027.

BACKGROUND:
Kelly Fitzpatrick has served as the Caring Court Defense Attorney since Fall 2025 with a contract expiration date of June 30, 2026. The Caring Court defense attorney position was posted on the Clackamas County Bar Newsletter on March 24, 2026, with applications due on April 10th, 2026. Kelly applied for the posted position for the FY26-28 and was selected pending commission approval. Kelly was the only applicant to respond to the public posting. Kelly has done a great job in this capacity, and staff is pleased to continue this relationship.

OPTIONS:
1. Approve Professional Services Agreement with Kelly Fitzpatrick for Caring Court Defense Attorney Services.
2. Approve Professional Services Agreement with Kelly Fitzpatrick for Caring Court Defense Attorney Services with Amendments.
3. Deny Professional Services Agreement with Kelly Fitzpatrick for Caring Court Defense Attorney Services and provide further direction.

BUDGET IMPACT:

Amount	$52,140
Fiscal Year(s):	2025-26 and 2026-27
Funding Source(s):	Grant proceeds from the Intergovernmental Agreement

	between Clackamas County and the City of Oregon City
Included in Approved Budget:	Yes

Point of Contact: Caring Court Manager
Term of Contract: 07/01/2026-
06/30/2028

CITY OF OREGON CITY

PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement is entered into between Kelly Fitzpatrick (hereinafter, "Attorney") and the City of Oregon City ("the City") for the limited purpose of retaining Attorney to provide legal assistance to indigent defendants charged with criminal misdemeanors in The Oregon City Caring Court.

AGREEMENT:

In consideration of the mutual promises contained below, the parties agree as follows:

1. **Independent Contractor**

Attorney has been engaged by the City to provide certain limited services to the City which shall be referred to in this Agreement as the "Services." The parties recognize and agree that Attorney is acting as an independent contractor, and not as an agent or employee of the City. As an independent contractor, Attorney is not eligible for, and shall not participate in, workers' compensation, retirement, insurance or other benefits afforded to employees of the City. Attorney waives any and all rights that Attorney might have under the City's welfare, pension, profit sharing or other benefit plans.

The City shall not withhold or pay any federal, state or local income or payroll tax of any kind on behalf of Attorney. Attorney acknowledges and agrees that they are solely responsible for the payment of any income or other taxes related to the Agreement and indemnifies and holds the City harmless for its failure to withhold or pay such income or payroll taxes.

Nothing in this Agreement shall create any partnership, joint venture, employment relationship or similar relationship between Attorney and the City. Attorney will not represent that they are the City's employee or agent nor enter into any agreement on the City's behalf. Neither party can be bound by the other to any contract, arrangement or understanding except with that party's prior written consent.

In the event that Attorney is found by a court of law or any administrative agency to be an employee of City for any purpose, City shall be entitled to offset compensation due, or to demand repayment of any amounts paid to Attorney under the terms of this Agreement, to the full extent of any benefits or other remuneration Attorney receives (from City or third party) as a result of said finding and to the full extent of any payments that City is required to make (to Attorney or to a third party) as a result of said finding.

2. **Services**

Attorney will perform legal defense services for indigent defendants appointed to Attorney by the Oregon City Municipal Judge. Attorney will provide all equipment and supplies that are reasonably necessary to perform services. Attorney will perform the Services in a professional manner, and Attorney is responsible for any deficiencies in their work product or Services. Subject to the conditions of this Agreement, Attorney will retain control over the manner in which they perform the Services. Attorney will not subcontract any Services and will personally perform all Services.

Attorney shall provide the following services:

- Make prompt contact with the client after being appointed (within 72 hours).
- Explain Caring Court procedures, options, and potential outcomes in plain language.
- Ensure the client understands their rights and obligations.
- Maintain regular communication to monitor progress and address concerns.
- Represent the client in court, advocating for the client's best interest while balancing compliance with Caring Court requirements.
- Collaborate with case managers, social workers, and community service providers to link the client with appropriate services (e.g., housing, mental health, substance use treatment, employment support).
- Ensure that any agreements or program plans are feasible and realistic for the client.
- Address barriers to compliance (transportation, scheduling, health issues) and advocate for modifications when appropriate.
- Report back to the court on the client's progress and any challenges encountered.
- Negotiate modifications to program requirements if necessary to prevent sanction.
- Advocate for dismissal or reduction of charges upon successful program completion.
- Ensure the client is treated fairly and with dignity, consistent with the goals of restorative and community justice.
- Maintain accurate records of client interactions, progress, and compliance.
- Provide the court with written updates or reports as needed.
- Document challenges or systemic issues that affect client success for potential program improvements.

3. **Compensation**

Payment for the services rendered by Attorney will be at the rate of $2,140 per month, starting July 1, 2026 through June 30, 2027, increasing to $2205.00 per month on July 1, 2027 through June 30, 2028, paid out of the City's budget for indigent defense with approval of the City's Accounts Payable Department.

4. **Term**

The term of this Agreement, unless otherwise terminated pursuant to the terms of this Agreement, shall commence from July 1, 2026 to June 30, 2028, after which they may re- apply.

5. **Termination**

Either party may terminate this Agreement without cause by providing the other party with 30 days' prior written notice at the address listed below the party's signature line at the end of this Agreement. Upon receipt of notice from the City, Attorney may, at their option, decline to accept any additional new cases and so notify the City immediately in writing.

6. **No Fringe Benefits**

As an independent contractor, Attorney is not eligible for, and shall not participate in, workers' compensation, retirement, insurance or other benefits afforded to employees of the City. Attorney waives any and all rights that Attorney might have under the City's welfare, pension, profit sharing or other benefit plans.

7. **Expenses**

The City shall not be responsible for any expenses paid or incurred by Attorney unless otherwise agreed in advance in writing.

8. **Federal, State and Local Taxes**

The City shall not withhold or pay any federal, state or local income or payroll tax of any kind on behalf of Attorney. Attorney acknowledges and agrees that Attorney is solely responsible for the payment of any income or other taxes related to the Agreement and indemnifies and holds the City harmless for its failure to withhold or pay such income or payroll taxes.

9. **Compliance with Laws**

Attorney will (a) comply with all federal, state and local laws, ordinances, regulations and orders with respect to performance of the Services, (b) file all reports relating to the Services (including, without limitation, tax returns), (c) pay all filing fees and federal, state and local taxes applicable to Attorney's business as the same shall become due, and (d) pay all amounts when due required under local, state and federal law related to Attorney's business, including, but not limited to, workers' compensation coverage, unemployment insurance and any other required employee benefits.

10. **Disclaimer**

The City disclaims any responsibility for the safety of Attorney's workplace, and Attorney agrees to solely assume the risk of, and indemnify the City for, any injury or damage to persons or property arising out of or related to the Services contemplated under this Agreement.

11. **Insurance; Risk of Loss**

Attorney will maintain insurance policies (including, without limitation, professional liability insurance and statutory workers' compensation insurance) that are sufficient to protect Attorney's business against all applicable risks. Attorney will be liable for all loss or damage,

other than ordinary wear and tear, to the City's property in Attorney's possession or control. In the event of any such loss or damage, Attorney will pay the City the full current replacement cost of such equipment or property within 30 days after its loss or damage.

12. **No Conflicting Obligations**

Attorney warrants and represents that (a) Attorney will not, in performing the Services, make use of information which is the property of and/or confidential to any employer or other person or entity for whom Attorney has performed services, and (b) Attorney is not currently subject to any restriction which would prevent or limit Attorney from carrying out the Services for the City.

13. **Business Opportunities**

Attorney agrees not to take advantage of or divert any actual or potential business opportunity of the City of which they become aware during the course of their engagement for the gain, profit or benefit of themselves or any other person.

14. **Protection of City Property**

All records, files, manuals, client lists, forms, materials, supplies, computer programs, and other information or materials furnished to Attorney by the City, used on its behalf, or generated or obtained during the course of providing the Services are the property of the City (collectively "City Property"). Attorney will use City Property for the sole use and benefit of the City and will take all reasonable precautions to safely secure and preserve such property. Attorney, except as necessary for the benefit of the City and to provide the Services, agrees not to make or cause to be made any copies, duplicates or other reproductions, or abstracts or summaries, of any of the City's Property. Upon termination of this Agreement, and at any other time upon the City's request, Attorney will immediately deliver to the City or its authorized representative, all of the City Property. Attorney shall retain no copies of any of the City Property.

15. **Indemnification**

Attorney will indemnify, defend and hold the City (and the City's agents and contractors) harmless from all claims, damages, losses, and expenses (including attorneys' fees) arising out of or resulting from any claim, action or other proceeding (including any proceeding by any of Attorney's employees, agents or other contractors) that is based upon (a) Attorney's breach of this Agreement, (b) a claim that Attorney is not an independent contractor or (c) any negligent act or omission of Attorney.

16. **Assignment**

The contractual obligations of Attorney are personal and neither the rights nor obligations under this Agreement may be assigned or transferred by Attorney to any other person without the City's prior written consent.

17. **Waiver**

Failure to insist upon strict compliance with any term or condition of this Agreement shall not constitute a waiver of such term or condition, nor shall any waiver or relinquishment of any right or power under this Agreement at any one or more times be deemed a waiver or relinquishment of such right or power at any other time.

18. **Amendment**

No waiver, amendment or modification of this Agreement or any portion thereof, including any future representations that are inconsistent with the terms set forth herein, shall be valid unless made in writing and duly executed by each party hereto.

19. **Applicable Law/Venue/Jurisdiction**

This Agreement shall be governed by, and construed and enforced in accordance with, the substantive and procedural laws of the State of Oregon without regard to rules governing conflicts of law applicable to contracts made and to be carried out in Oregon.

20. **Compliance with ORS 670.600**

Attorney warrants that they understand and agrees that:

(1) The City will not control the means or manner of how Attorney will provide the labor or services, other than specifying the desired results;

(2) Attorney is responsible for obtaining all assumed business registrations or professional occupation licenses required by state law or local government ordinances for Attorney to conduct the business;

(3) If licensure is required under ORS chapter 671 or 701, Attorney will ensure that they are licensed;

(4) Attorney is customarily engaged in an independently established business (that is, Attorney meets 3 out of the 5 requirements below):

(a) Maintains a business location that is separate from the business or work location of the City, or that is in a portion of the Attorney's residence that is used primarily for business.

(b) Bears the risk of loss related to the business or the provision of services as shown by factors such as:

(A) The person enters into fixed-price contracts;

(B) The person is required to correct defective work;

(C) The person warrants the services provided; or

(D) The person negotiates indemnification agreements or purchases liability insurance, performance bonds or errors and omissions insurance.

(c) Provides contracted services for two or more different persons within a 12-month period, or routinely engages in business advertising, solicitation or other marketing efforts reasonably calculated to obtain new contracts to provide similar services.

(d) Makes a significant investment in Attorney's business through means such as purchasing tools or equipment necessary to provide the services; paying for the premises or facilities where the services are provided; or paying for licenses, certificates or specialized training required to provide the services.

(e) Has the authority to hire and fire other persons to provide or to assist in providing the services and has the authority to fire those persons.

21. **Severability**

If any clause or provision in this Agreement is determined to be invalid or unenforceable by a court of competent jurisdiction, that clause or provision shall be void and the remainder of this Agreement shall remain in full force and effect.

22. **Entire Agreement**

This Agreement contains the entire agreement of the parties. This Agreement shall terminate and supersede any prior written or oral agreements or understandings between the parties regarding the subject matter of this Agreement.

23. **Acknowledgment**

Attorney acknowledges that Attorney has read this Agreement, has had an opportunity to consult with an attorney regarding its terms, fully understands the meaning and significance of such terms, and accepts and signs this Agreement as their own free act and in full and complete understanding of its present and future legal effect.

By signing below, each of the parties enters into this Agreement as of the date below.

CITY OF OREGON CITY

By: _____

Printed Name: Aubrey Sorensen
Title: Caring Court Manager

Date: _____

By:_____
Matt Zook, Finance Director

Date:_____

ATTORNEY

By: _____

Printed Name: Kelly Fitzpatrick
Federal Taxpayer ID#:

Date: _____

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

CITY OF OREGON CITY

Staff Report

To:	City Commission	**Agenda Date:**	June 3, 2026
From:	Matt Zook, Finance Director		

SUBJECT:
Item 7.f. - Third Amendment to Professional Services Agreement with Christine Landers Law LLC for Court Prosecution Services

STAFF RECOMMENDATION:
Approval of Third Amendment to Professional Services Agreement with Christine Landers Law LLC for Court Prosecution Services

EXECUTIVE SUMMARY:
Staff recommend approval of the third amendment to the Personal Services Agreement with City Prosecutor Christine Landers. The amendment specifies the compensation for the additional two years of the contract under the optional renewal as stated in the original contract and the second amendment to that contract. The renewal salary for municipal court will increase from $72,000 to $75,000 and take effect July, 01 2026 and $78,000, effective July 01, 2027. The renewal rate for Caring Court is $12,600 annually, effective July 01, 2026 and will increase to $13,230 on July 1, 2027.

BACKGROUND:

The City Commission previously approved a Professional Services Agreement and Amendments #1 and #2 with Ms. Landers for prosecutorial services through June 30, 2026. The existing contract permits a one-time renewal of two years, which will be executed under the authority of the City Manager. This third amendment simply states the compensation terms for the renewal. All other term of the PSA, Amendment #1 and Amendment #2 remain in effect.

OPTIONS:
1. Approve Third Amendment to Professional Services Agreement with Christine Landers Law LLC for Court Prosecution Services.
2. Approve Third Amendment to Professional Services Agreement with Christine Landers Law LLC for Court Prosecution Services with Amendments.
3. Deny Third Amendment to Professional Services Agreement with Christine Landers Law LLC for Court Prosecution Services and provide further direction.

BUDGET IMPACT:

Amount	$153,000 (Municipal Court) and $25,830 (Caring Court)

Fiscal Year(s):	2026-27 and 2027-28
Funding Source(s):	General Fund Revenue (Municipal Court) and Intergovernmental Agreement Between Clackamas County and City of Oregon City #11918 (Caring Court)
Included in Approved Budget:	Yes

7-5-23 to 6-30-25

CITY OF OREGON
PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement is entered into between Christine Landers Law, LLC (hereinafter, "Prosecutor") and the City of Oregon City ("the City") for the limited purpose of retaining Prosecutor to provide legal assistance in Oregon City Municipal Court.

In consideration of the mutual promises contained below, the parties agree as follows:

RECITALS:

A. City maintains a Municipal Court for the prosecution of criminal misdemeanors, traffic violations and municipal code violations.

B. City requires the services of a prosecutor for the purposes of screening cases, filing cases and performing all other functions normally associated with a prosecutor in a municipal court.

C. Prosecutor is capable and prepared to provide such services as City requires, under the terms and conditions set forth below.

AGREEMENT:

In consideration of the mutual promises contained below, the parties agree as follows:

1. **Independent Contractor:** Prosecutor has been engaged by the City to provide certain limited services to the City which shall be referred to in this Agreement as the "Services." The parties recognize and agree that Prosecutor is acting as an independent contractor, and not as an agent or employee of the City. As an independent contractor, Prosecutor is not eligible for, and shall not participate in, workers' compensation, retirement, insurance or other benefits afforded to employees of the City. Prosecutor waives any and all rights that Prosecutor might have under the City's welfare, pension, profitsharing or other benefit plans.

The City shall not withhold or pay any federal, state or local income or payroll tax of any kind on behalf of Prosecutor. Prosecutor acknowledges and agrees that she is solely responsible for the payment of any income or other taxes related to the Agreement and indemnifies and holds the City harmless for its failure to withhold or pay such income or payroll taxes.

Nothing in this Agreement shall create any partnership, joint venture, employment relationship or similar relationship between Prosecutor and the City. Prosecutor will not represent that she is the City's employee or agent nor enter into any agreement on the City's behalf. Neither party can be bound by the other to any contract, arrangement or understanding except with that party's prior written consent.

In the event that Prosecutor is found by a court of law or any administrative agency to be an employee of City for any purpose, City shall be entitled to offset compensation due, or to

Christine Landers

demand repayment of any amounts paid to Prosecutor under the terms of this Agreement, to the full extent of any benefits or other remuneration Prosecutor receives (from City or third party) as a result of said finding and to the full extent of any payments that City is required to make (to Prosecutor or to a third party) as a result of said finding.

2. **Scope of Services:** The Services shall consist of those listed in Attachment "A," which by reference are incorporated herein. These Services are to include Community Enforcement issues including prosecution. Prosecutor will provide all equipment and supplies reasonably necessary to perform services. Prosecutor will perform the Services in a professional manner, and Prosecutor is responsible for any deficiencies in his work product or Services. Subject to the conditions of this Agreement, Prosecutor will retain control over the manner in which she performs the Services. Prosecutor will not subcontract any Services and will personally perform all Services except as provided herein.

3. **Compensation:**

a. City agrees to pay Prosecutor a flat rate of $66,000 in the first year to be paid in even monthly payments of $5,500 per month. The city agrees to an annual increase to the compensation effective July 1 of each year noted in the schedule below. The stated compensation includes the cost of providing discovery materials to defense attorneys and/or defendants and set-aside orders.

1st month pro-rated $ 4766.68

Effective date	Annual	
7/5/2023	$66,000.00	$5,500 monthly
7/1/2024	$69,000.00	5,750 monthly
7/1/2025	$72,000.00	6,000 monthly

b. For the purposes of this agreement, the calendar year begins July 1 of one year and runs through June 30 of the following year. The first month compensation shall be pro-rated based on the start date of July 5, 2023 and shall be $4,766.68.

c. City agrees to pay Prosecutor within 30 days after receipt of Prosecutor's itemized statement. Any amounts disputed by City may be withheld pending settlement of the dispute. In the event of disputed amounts, all undisputed amounts will be paid within 30 days of the receipt of Prosecutor's itemized statement.

d. City certifies that sufficient funds are available and authorized for expenditure to finance costs of this Agreement.

4. **Term:** The Term of this Agreement shall be from the July 5, 2023, through June 30, 2025, unless sooner terminated or modified pursuant to provisions set forth below. This term may be extended by mutual written agreement of the parties. Unless otherwise specified, any renewal of this Agreement shall be for one two (2) year duration. If any changes in scope, conditions or compensation are proposed, notice of such changes shall be in writing and shall be provided at least sixty (60) days prior to the expiration of this agreement.

5. **Termination:**

a. This agreement may be terminated without cause prior to the expiration of the agreed upon term by:

(1) Mutual written consent of parties; or

(2) Either party upon 60 days' written notice to the other, delivered by certified mail or in person.

b. Upon written notice of early termination, City shall immediately provide to Prosecutor a written statement regarding cessation of services to be performed under this Agreement.

c. An 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 City or Prosecutor provided in this Agreement relating to defaults by either party shall not be exclusive and are in addition to any rights and remedies provided by law or contained within this agreement.

6. **Cancellation for Cause:** City may immediately cancel all or any part of this Agreement, effective upon delivery of written notice to Prosecutor by certified mail or in person, if Prosecutor fails to provide services called for by this Agreement within the time specified or any extension thereof; if Prosecutor fails to perform the work of this Agreement in accordance with its terms after receipt of 10 days' written notice from the City; or in the event of any of the following: insolvency of Prosecutor; voluntary or involuntary petition in bankruptcy by or against Prosecutor; appointment of a receiver or trustee for Prosecutor; or an assignment for benefit of creditors of Prosecutor. Damages for breach shall be those allowed by Oregon law, reasonable and necessary attorney fees, and other costs of litigation at trial and upon appeal.

7. **Assignment:** In the event that the Prosecutor shall be unavailable to perform her duties due to illness, personal leave, unanticipated personal needs or other valid reasons, Prosecutor shall, at her own expense, make arrangements for a *pro tem* prosecutor. A *pro tem* prosecutor shall be selected from a list of qualified individuals provided by Prosecutor and approved by the City Manager.

8. **Conflicts of Interest:** In the event prosecutor cannot handle a particular case because of a conflict of interest, as defined in Oregon Rules of Professional Conduct 1.7-1.10, the prosecutor will make arrangements for a *pro tem* prosecutor to handle the case at the City's expense within the City's budgeted capacity.

9. **Screening of Cases and Prosecution:** City agrees that all potential filed criminal cases shall be screened by Prosecutor prior to filing. City also agrees that all decisions regarding filing a case, not filing a case, plea negotiations, trial procedures and all other policies for prosecution of criminal cases shall be within the sole discretion of Prosecutor. City agrees to file no criminal case without prescreening by Prosecutor.

10. **No Fringe Benefits**: As an independent contractor, Prosecutor is not eligible for, and shall not participate in, workers' compensation, retirement, insurance or other benefits afforded to employees of the City. Prosecutor waives any and all rights that Prosecutor might have under the City's welfare, pension, profitsharing or other benefit plans.

11. **Expenses:** The City shall not be responsible for any expenses paid or incurred by Prosecutor unless otherwise agreed in advance in writing.

12. **Federal, State and Local Taxes**: The City shall not withhold or pay any federal, state or local income or payroll tax of any kind on behalf of Prosecutor. Prosecutor acknowledges and agrees that she is solely responsible for the payment of any income or other taxes related to the Agreement and indemnifies and holds the City harmless for its failure to withhold or pay such income or payroll taxes.

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

14. **Compliance With Laws:** Prosecutor will (a) comply with all federal, state and local laws, ordinances, regulations and orders with respect to its performance of the Services, (b) file all reports relating to the Services (including, without limitation, tax returns), (c) pay all filing fees and federal, state and local taxes applicable to Prosecutor's business as the same shall become due, and (d) pay all amounts when due required under local, state and federal law related to Prosecutor's business, including, but not limited to, workers' compensation coverage, unemployment insurance and any other required employee benefits.

15. **Disclaimer:** The City disclaims any responsibility for the safety of Prosecutor's workplace, and Prosecutor agrees to solely assume the risk of, and indemnify the City for, any injury or damage to persons or property arising out of or related to the Services contemplated under this Agreement.

16. **Insurance; Risk of Loss:** Prosecutor will maintain insurance policies (including, without limitation, professional liability insurance and statutory workers' compensation insurance) that are sufficient to protect Prosecutor's business against all applicable risks. Prosecutor will be liable for all loss or damage, other than ordinary wear and tear, to the City's property in Prosecutor's possession or control. In the event of any such loss or damage, Prosecutor will pay the City the full current replacement cost of such equipment or property within 30 days after its loss or damage.

17. **Protection of City Property:** All work performed by Prosecutor under this Agreement shall be the property of City. All records, files, manuals, client lists, forms, materials, supplies, computer programs, and other information or materials furnished to Prosecutor by the City, used on its behalf, or generated or obtained during the course of providing the Services are the property of the City (collectively "City Property"). Prosecutor will use City Property for the sole use and benefit of the City and will take all reasonable precautions to safely secure and preserve such property. Prosecutor, except as necessary for the

benefit of the City and to provide the Services, agrees not to make or cause to be made any copies, duplicates or other reproductions, or abstracts or summaries, of any City Property. Upon termination of this Agreement, and at any other time upon the City's request, or when Prosecutor is unable to continue in the required duties, Prosecutor will immediately deliver to the City or its authorized representative, all of the City Property. The parties agree to comply with all confidentiality provisions required of any applicable LEDS agreement. Prosecutor shall retain no copies of any City Property. The parties agree that Prosecutor's laptop computer, hardware, and software programs are Prosecutor's property and are not City Property.

18. **Right to Inspect/Reports:** City shall be afforded the right to inspect Prosecutor's work and have access to all case files, books, records, correspondence, instructions, receipts, vouchers and documents of every description pertaining in and manner to Services. Prosecutor shall, at such time and in such form as City may require, furnish such periodic reports concerning the status of the prosecution of any case, such statements, certificates, approvals and copies of proposed and executed plans and claims and other information relative to the prosecution of a case as may be requested by City. Prosecutor shall furnish City, upon request, with copies of all documents and other materials prepared or developed in relation with or as part of the prosecution of a case. Such documents or reports shall become City Property.

19. **City's Responsibility:** City shall furnish Prosecutor with all available information, date and materials pertinent to the execution of this Agreement. City shall cooperate with Prosecutor in carrying out the work herein and shall provide adequate staff for liaison with Prosecutor. City's duties shall include, but not limited to, providing Prosecutor with one copy of all discoverable materials and a single copy of the proposed defendant's criminal history in whatever forms available. City also agrees to be responsible for serving any subpoenas necessary for the prosecution of filed cases.

20. **Indemnification:**

a. Tort Indemnity: In the event of any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission of Prosecutor occurring in the performance of duty, the provision of the Oregon Revised Statues 30.285 and 30.287 shall govern.

b. Other Indemnity: Prosecutor will indemnify, defend and hold the City (and the City's agents and contractors) harmless from all claims, damages, losses, and expenses (including attorneys' fees) arising out of or resulting from any claim, action or other proceeding (including any proceeding by any of Prosecutor's employees, agents or other contractors) that is based upon (a) Prosecutor's breach of this Agreement, (b) a claim that Prosecutor is not an independent contractor, or (c) any negligent act or omission of Prosecutor that is not covered by the provisions of the Oregon Revised Statute 30.285.

c. General Liability Insurance: Prosecutor hereby certifies and warrants that she maintains general office liability insurance. Said insurance shall be maintained throughout the duration of this Agreement. Within ten (10) days after the execution of the Agreement, Prosecutor shall furnish City a certificate evidencing the dates, amounts and types of insurance that has been procured pursuant to this Agreement. Prosecutor will provide for not less than 30

days' written notice to City before the insurance policies may be revised, cancelled or allowed to expire. Prosecutor shall not alter the terms of any policy without prior written authorization from City. The provisions of this subsection apply fully to Prosecutor, her consultants and agents.

d. Professional Liability Insurance: Prosecutor hereby certifies and warrants that she maintains full professional liability coverage as directed by the Oregon State Bar and that said coverage is in effect at all times during the term of this Agreement.

21. **Waiver:** Failure to insist upon strict compliance with any term or condition of this Agreement shall not constitute a waiver of such term or condition, nor shall any waiver or relinquishment of any right or power under this Agreement at any one or more times be deemed a waiver or relinquishment of such right or power at any other time.

22. **Amendment:** No waiver, amendment or modification of this Agreement or any portion thereof, including any future representations that are inconsistent with the terms set forth herein, shall be valid unless made in writing and duly executed by each party hereto.

23. **Applicable Law/Venue/Jurisdiction:** This Agreement shall be governed by, and construed and enforced in accordance with, the substantive and procedural laws of the State of Oregon without regard to rules governing conflicts of law applicable to contracts made and to be carried out in Oregon.

24. **Attorney Fees:** In the event legal action is brought by City or Prosecutor 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 the court. "Legal action" shall include matters subject to arbitration and appeals.

25. **Compliance with ORS 670.600:** Prosecutor acknowledges that for all purposes related to this Agreement, Prosecutor is and shall be deemed to be an independent contractor as defined by ORS 670.600 and not an agent or employee of City. Prosecutor warrants that she understands and agrees that:

(1) The City will not control the means or manner of how Prosecutor will provide the labor or services, other than specifying the desired results;

(2) Prosecutor is responsible for obtaining all assumed business registrations or professional occupation licenses required by state law or local government ordinances for Prosecutor to conduct the business;

(3) If licensure is required under ORS chapter 671 or 701, Prosecutor will ensure that she is licensed;

(4) Prosecutor is customarily engaged in an independently established business (that is, Prosecutor meets 3 out of the 5 requirements below):

(a) Maintains a business location that is separate from the business or work location of the City, or that is in a portion of the Prosecutor's residence that is used primarily for business.

(b) Bears the risk of loss related to the business or the provision of services as shown by factors such as:

(A) The person enters into fixed-price contracts;

(B) The person is required to correct defective work;

(C) The person warrants the services provided; or

(D) The person negotiates indemnification agreements or purchases liability insurance, performance bonds or errors and omissions insurance.

(c) Provides contracted services for two or more different persons within a 12month period, or routinely engages in business advertising, solicitation or other marketing efforts reasonably calculated to obtain new contracts to provide similar services.

(d) Makes a significant investment in Prosecutor's business through means such as purchasing tools or equipment necessary to provide the services; paying for the premises or facilities where the services are provided; or paying for licenses, certificates or specialized training required to provide the services.

(e) Has the authority to hire and fire other persons to provide or to assist in providing the services and has the authority to fire those persons.

26. **Severability:** If any clause or provision in this Agreement is determined to be invalid or unenforceable by a court of competent jurisdiction, that clause or provision shall be void and the remainder of this Agreement shall remain in full force and effect.

27. **Entire Agreement:** This Agreement contains the entire agreement of the parties. This Agreement shall terminate and supersede any prior written or oral agreements or understandings between the parties regarding the subject matter of this Agreement.

28. **Acknowledgment:** Prosecutor acknowledges that she has read this Agreement, has had an opportunity to consult with an attorney regarding its terms, fully understands the meaning and significance of such terms, and accepts and signs this Agreement as her own free act and in full and complete understanding of its present and future legal effect.

By signing below, each of the parties enters into this Agreement as of the date below.

CITY OF OREGON CITY

By: Anthony J. Konkol III
Printed Name: Anthony J Konkol III
City Manager

Date: June 21, 2023

Address: 625 Center Street
Oregon City, OR 97045

By: Matt Zook 6/22/2023
Matt Zook, Finance Director

Approved as to Legal Sufficiency:

By: _____
City Attorney

PROSECUTOR (Christine Landers Law, LLC.)

By: _____
Printed Name: Christine Landers
Federal Taxpayer ID [redacted]

Date: 6/13/2023

Address: [redacted]

ATTACHMENT A
SCOPE OF SERVICES

GENERAL STATEMENT OF DUTIES: Provides professional legal services and advice to Municipal Court staff and Community Code Enforcement staff.

DUTIES: Prosecutor's duties may include any or all of the following (these examples are not exhaustive and do not necessarily include all of the services Prosecutor may be expected to provide):

1. Drafts and reviews complaints, orders, agreements, and other legal documents. Provides oral and written opinions on these matters as required.
2. Conducts legal research, prepares memoranda and provides advice to Municipal Court staff and Community Code Enforcement staff on a wide range of topics, issues and concerns.
3. Represents City of Oregon City in Municipal and State Courts upon appeal and wide variety of administrative proceedings.
4. Provides all discovery materials to defense attorneys and/or defendants.
5. Assists in the development of legislative and administrative policies.

Point of Contract: Municipal Court Manager
Term of Contract: 7/5/23- 6/30/26

FIRST AMENDMENT TO PERSONAL SERVICES AGREEMENT

THIS AMENDMENT TO THE PERSONAL SERVICES AGREEMENT is entered into between Christine Landers (hereinafter, "Prosecutor") and the CITY OF OREGON CITY ("the City").

In consideration of the mutual promises contained below, the parties agree as follows:

RECITALS

1. Prosecutor and City entered into a Professional Services Agreement (the "Agreement") on July 05, 2023, to provide legal assistance in Oregon City Municipal Court.

2. Section 3 (Compensation) of the Agreement reflects a three (3) year schedule in accordance with the intent of both parties.

3. Section 4 (Term) of the Agreement states that the term of this agreement shall be from July 5, 2023, through June 30, 2025, unless sooner terminated or modified pursuant to provisions set forth below.

4. Section 22 (Amendment) of the Agreement states no waiver, amendment or modification of this Agreement or any portion thereof, including any future representations that are inconsistent with the terms set forth herein, shall be valid unless made in writing and duly executed by each party hereto.

AGREEMENT

NOW THEREFORE, the parties mutually agree as follows:

1. **Term**. The term of this Agreement, unless sooner terminated pursuant to provisions set forth in the Agreement, shall be from July 5, 2023, to June 30, 2026. The Agreement shall be for one three (3) year duration. Section 4 will reflect this change. Renewal of this Agreement shall remain as state in the Agreement as one two (2) year duration.

2. **Full Force and Effect**; Except as provided herein, all other terms and conditions of the Agreement shall remain in Full Force and Effect.

By signing below, each of the parties enters into this Agreement as of the date below.

CITY OF OREGON CITY

By: Anthony J Konkol III

Printed Name: Anthony J Konkol III
City Manager

Date: 7-8-25

Address: 625 Center Street
Oregon City, OR 97045

PROSECUTOR (Christine Landers)

By:

Printed Name: Christine Landers
Federal Taxpayer ID #: [redacted]

Date: 7/22/25

Address:

By: Matt Zook

Printed Name: Matt Zook
Finance Director

Date: July 7, 2025

Point of Contract: Municipal Court Manager
Term of Contract: 7/5/23- 6/30/26

SECOND AMENDMENT TO PERSONAL SERVICES AGREEMENT

THIS AMENDMENT TO THE PERSONAL SERVICES AGREEMENT is entered into between Christine Landers (hereinafter, "Prosecutor") and the CITY OF OREGON CITY ("the City").

In consideration of the mutual promises contained below, the parties agree as follows:

RECITALS

1. Prosecutor and City entered into a Professional Services Agreement (the "Agreement") on July 05, 2023, to provide legal assistance in Oregon City Municipal Court.

2. The Agreement includes First Amendment effective July 22, 2025, correcting the term of the agreement.

3. The Agreement remains in effect through June 30, 2026, unless sooner terminated or modified in accordance with its terms.

4. The City desires to amend the Agreement to provide additional compensation to the Prosecutor for the added responsibilities of Caring Court.

5. Section 22 (Amendment) of the Agreement states no waiver, amendment or modification of this Agreement or any portion thereof, including any future representations that are inconsistent with the terms set forth herein, shall be valid unless made in writing and duly executed by each party hereto.

AGREEMENT

NOW THEREFORE, the parties mutually agree as follows:

1. **Additional Compensation;** In recognition of the additional duties associated with Caring Court, the Prosecutor shall receive an additional $1,000 per month in compensation, effective **September 1, 2025**, through the duration of the Agreement. This amount shall be in addition to the compensation already provided for in the Agreement.

2. **Full Force and Effect**; Except as provided herein, all other terms and conditions of the Agreement shall remain in Full Force and Effect.

By signing below, each of the parties enters into this Agreement as of the date below.

CITY OF OREGON CITY

By: Anthony J. Konkol, III
Anthony J. Konkol, III (Oct 7, 2025 12:33:02 PDT)

Printed Name: Anthony J Konkol III
City Manager

Date: Oct 7, 2025

Address: 625 Center Street
Oregon City, OR 97045

By:
Matt Zook
Matt Zook (Oct 7, 2025 11:49:10 PDT)

Printed Name: Matt Zook
Finance Director

Date: Oct 7, 2025

PROSECUTOR (Christine Landers)

By: Christine Landers
Christine Landers (Oct 10, 2025 08:49:56 PDT)

Printed Name: Christine Landers
Federal Taxpayer ID #: [redacted]

Date: Oct 10, 2025

Address: 20361 S. Athens

Oregon City, OR 97045

FIRST AMENDMENT TO PERSONAL SERVICES AGREEMENT

Final Audit Report 2025-10-10

Created:	2025-10-07
By:	Jakob Wiley (recorderteam@orcity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAC9jtkflos4otpu5mvaCyXJDJNQv3pwyK

"FIRST AMENDMENT TO PERSONAL SERVICES AGREEMENT" History

Document created by Jakob Wiley (recorderteam@orcity.org)
2025-10-07 - 6:46:37 PM GMT

Document emailed to Anthony J. Konkol, III (tkonkol@orcity.org) for signature
2025-10-07 - 6:46:41 PM GMT

Document emailed to Matt Zook (mzook@orcity.org) for signature
2025-10-07 - 6:46:41 PM GMT

Document emailed to Christine Landers (clanders@orcity.org) for signature
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Email viewed by Matt Zook (mzook@orcity.org)
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Document e-signed by Matt Zook (mzook@orcity.org)
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Email viewed by Anthony J. Konkol, III (tkonkol@orcity.org)
2025-10-07 - 7:32:43 PM GMT

Document e-signed by Anthony J. Konkol, III (tkonkol@orcity.org)
Signature Date: 2025-10-07 - 7:33:02 PM GMT - Time Source: server

Email viewed by Christine Landers (clanders@orcity.org)
2025-10-10 - 3:49:04 PM GMT

Document e-signed by Christine Landers (clanders@orcity.org)
Signature Date: 2025-10-10 - 3:49:56 PM GMT - Time Source: server

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Agreement completed.

2025-10-10 - 3:49:56 PM GMT

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Adobe
Acrobat Sign

Point of Contract: Municipal Court Manager
Term of Contract: 7/1/26- 6/30/28

THIRD AMENDMENT TO PERSONAL SERVICES AGREEMENT

THIS AMENDMENT TO THE PERSONAL SERVICES AGREEMENT is entered into between Christine Landers (hereinafter, "Prosecutor") and the CITY OF OREGON CITY ("the City").

In consideration of the mutual promises contained below, the parties agree as follows:

RECITALS

1. Prosecutor and City entered into a Professional Services Agreement (the "Agreement") on July 05, 2023, to provide legal assistance in Oregon City Municipal Court.

2. The Agreement was modified via Amendment #1 on July 22, 2025 and Amendment #2 on October 10, 2025.

3. The City desires execute the renew the Agreement for one 2-year term as stated in Section 4 of the agreement. Before renewing the agreement, the City desires to amend the Agreement to provide additional compensation to the Prosecutor.

4. Section 22 (Amendment) of the Agreement states no waiver, amendment or modification of this Agreement or any portion thereof, including any future representations that are inconsistent with the terms set forth herein, shall be valid unless made in writing and duly executed by each party hereto.

AGREEMENT

NOW THEREFORE, the parties mutually agree as follows:

1. **Compensation Provisions;** The city agrees to an annual compensation of $75,000 effective July 1, 2026 and $78,000 effective July 1, 2027 through June 30, 2028 for Municipal Court, and 12,600 annually effective July 1, 2026 and $13,230 annually on July 1, 2027 for Caring Court.

2. **Full Force and Effect**; Except as provided herein, all other terms and conditions of the Agreement shall remain in Full Force and Effect.

By signing below, each of the parties enters into this Agreement as of the date below.

CITY OF OREGON CITY	PROSECUTOR (Christine Landers)
By:	By:
Printed Name: Anthony J Konkol III City Manager	Printed Name: Christine Landers Federal Taxpayer ID #: _____
Date:	Date:
Address: 625 Center Street Oregon City, OR 97045	Address:
By: Printed Name: Matt Zook Finance Director	
Date:	

CITY OF OREGON CITY
CITY COMMISSION REGULAR MEETING
REVISED
DRAFT MEETING MINUTES

Hanlon Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, October 1, 2025 at 7:00 PM

EXECUTIVE SESSION

The Executive Session will begin at 6:00 PM pursuant to ORS 192.660(2)(d): To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

REGULAR MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Mayor McGriff convened the meeting at 7:01 P.M.

PRESENT: 3 -	Commissioner Rocky Smith, Commissioner Mike Mitchell, Mayor Denyse McGriff
EXCUSED: 2 -	Commissioner Adam Marl, Commissioner Scott Wilson
STAFFERS: 9 -	City Manager Tony Konkol, Assistant City Manager Alex Rains, City Recorder Jakob Wiley, Police Chief Shaun Davis, Finance Director Matt Zook, Assistant City Engineer Josh Wheeler

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

a. Domestic Violence Awareness Month Proclamation

Mayor McGriff read the proclamation declaring October 2025 as Domestic Violence Awareness Month.

April Everist, Program Services Coordinator for A Safe Place Family Justice Center, said the proclamation reflected the community's shared commitment to creating safe, inclusive spaces and to standing together to break the silence that surrounded domestic violence. She discussed the theme for the year, "With Survivors Always," and the activities planned for the month.

b. Indigenous Peoples' Day Proclamation

Mayor McGriff read the proclamation declaring October 13, 2025, as Indigenous Peoples' Day.

4. PUBLIC COMMENTS

Seth Henderson, Level Development NW, gave an update on the County Courthouse. An executed disposition and development agreement had been recorded. He offered to return for more discussions with the Commission as the project progressed.

The Commission asked that he coordinate with staff to give a presentation of a roadmap for the project and come back periodically as milestones were reached or if the roadmap changed.

5. PRESENTATIONS

6. ADOPTION OF THE AGENDA

The agenda was adopted as presented.

7. CONSENT AGENDA

Motion by Commissioner Smith, seconded by Commissioner Mitchell, to approve the consent agenda. The motion carried by the following vote:

YES: Mayor McGriff, Commissioner Mitchell, and Commissioner Smith
NO: None

a. Professional services agreement Amendment No. 2 with Christine Landers Law LLC to recognize additional compensation for additional court prosecution services in the newly established Caring Court.

b. Approval of Pro Tem Judges

c. Amendment No. 1 to Judge Lindgren Employment Contract

d. Minutes of the December 18, 2024 City Commission Regular Meeting

8. PUBLIC HEARINGS

a. Public Hearing and First Reading of Ordinance No. 25-1012, Vacating Unimproved Right-of-Way Located Between 19530 South Central Point Road (Lot 1, *Filbert Orchard,* Recorded Plat No. 1744) and "Tract B," (*Ed's Orchard*, Recorded Plat No. 4503)

Josh Wheeler, Assistant City Engineer, said that the vacated land would all go to the property located at 19530 South Central Point Road. The property's septic system was in disrepair, and this vacation would allow them access to the sewer line.

Mayor McGriff opened the public hearing.

There was no public comment.

Mayor McGriff closed the public hearing.

Motion by Commissioner Smith, seconded by Mayor McGriff, to approve the first reading of Ordinance No. 25-1012, vacating unimproved right-of-way located between 19530 South Central Point Road (Lot 1, Filbert Orchard, Recorded Plat No. 1744) and "Tract B," (Ed's Orchard, Recorded Plat No. 4503). The motion carried by the following vote:

YES: Mayor McGriff, Commissioner Mitchell, and Commissioner Smith
NO: None

9. GENERAL BUSINESS

a. Monthly Stormwater Fee Exemption Request for The Blue at Abernethy Creek

Tony Konkol, City Manager, said the Commission had requested more information regarding a site whose stormwater was being drained into Abernethy Creek. The City had already approved a reimbursement of the stormwater fee back to the date the exemption request was filed. The owners had asked the reimbursement go back to the date of purchase of the property.

The Commission had asked about the current process for utility billing to correct billing errors. Mr. Konkol said that utility billing would only look back six months maximum. The Commission had also asked for more information about the lookback given to Living Hope Church for their stormwater fees in 2022. Mr. Konkol said the Public Works Director had initially looked back to the first instance of the church requesting a review of their stormwater fees, which was 30 months prior. In that case, the Commission voted to refund the church back to 2008.

The Commission had also requested more history of the Abernethy Road property in question. Mr. Konkol said the property had been owned by the county dating back to at least the 1970s.

There was discussion about whether or not a billing dispute with a water bill could be directly compared to stormwater, where the onus is on the property owner to demonstrate to the City that their stormwater does not enter the City's system, and how to be consistent with the decision made in the church case.

There was further discussion regarding the options and how this decision would not bind the Commission when discussing future code amendments.

Motion by Commissioner Mitchell, seconded by Commissioner Smith, to approve the monthly stormwater fee exemption request for The Blue at Abernethy Creek back to the date of purchase. The motion carried by the following vote:

YES: Commissioner Mitchell and Commissioner Smith
NO: Mayor McGriff

b. Sidewalk Repair/Replacement Permit Reimbursement Discussion

Mr. Konkol said the Commission had requested additional information on reimbursing those who had already paid the permit fee before the Commission waived the sidewalk right-of-way permits for six months and how far back they should go for reimbursement. Staff went back to the beginning of the sidewalk code enforcement complaints in the McLoughlin neighborhood, which was October of 2023. There were also contractors who paid the fee or those who came under a group permit. He asked for direction on a look back period for reimbursement.

There was discussion regarding only going back to the recent situation from May 23, 2025.

Motion by Commissioner Smith, seconded by Mayor McGriff, to approve the sidewalk repair/replacement permit reimbursement back to May 23, 2025. The motion carried by the following vote:

YES: Mayor McGriff, Commissioner Mitchell, and Commissioner Smith
NO: None

10. COMMUNICATIONS

City Manager

a. Street Tree Replacement

Mr. Konkol said they had been doing sidewalk repair at the Ermatinger House and the trees were assessed. It was determined that the trees did not need to be removed. They also did some sidewalk repair and an assessment of the trees by the Fire Station on 7th. Those trees would need to be removed to be able to fix the sidewalk.

The Mayor asked for the largest replacements possible.

Mr. Konkol said the November Work Session was scheduled for November 11, which is Veterans Day. He asked if the Commission would prefer to cancel the meeting or hold it on Wednesday, November 12. The Commission preferred to hold the meeting on November 12.

Commissioners

None.

Mayor

Mayor McGriff read a statement from mayors of the Portland metro area on immigration laws.

11. ADJOURNMENT

Mayor McGriff adjourned the meeting at 7:59 P.M.

Respectfully submitted,

_____

Jakob S. Wiley, City Recorder
Date Approved: _____

CITY OF OREGON CITY
CITY COMMISSION REGULAR MEETING
DRAFT MEETING MINUTES

Hanlon Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, October 15, 2025 at 7:00 PM

REGULAR MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Mayor McGriff convened the meeting at 7:28 P.M.

PRESENT: 5 - Commissioner Rocky Smith, Commissioner Mike Mitchell, Commissioner Adam Marl, Commissioner Scott Wilson, Mayor Denyse McGriff

STAFFERS: 8 - City Manager Tony Konkol, Assistant City Manager Alex Rains, Assistant City Recorder Evan Lee, Police Chief Shaun Davis, Public Works Director Dayna Webb, Community Development Director Kelly Hart, Parks and Recreation Director Scott Archer, Admin Support Specialist Patty Stewart

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

a. Oregon City - West Linn Rivalry Day 2025

Mayor McGriff read the proclamation declaring October 31, 2025, as Oregon City – West Linn Rivalry Day.

4. PUBLIC COMMENTS

Betty Mumm, resident of Oregon City, asked if the City could provide a report on the hours spent on cases or responding to issues at the Father's Heart and give it to the Caring Place to show how much money had been spent.

Tony Konkol, City Manager, said it would be difficult to tie calls directly to Father's Heart.

There was consensus that the Commission did not want to pursue such an assessment.

5. PRESENTATIONS

a. Northwest Accreditation Alliance Re-accreditation Award Presentation to the Police Department

Shaun Davis, Police Chief, gave a background on the accreditation program. He recognized key staff who made sure the Department met these standards.

Scott Hays, Executive Director for the Northwest Accreditation Alliance, said this was the Police Department's seventh award of accreditation. He spoke about the purpose of the Alliance and the steps the Department had to take to receive the award. He acknowledged the efforts of staff and congratulated the City on the award.

6. ADOPTION OF THE AGENDA

The agenda was adopted as presented.

7. CONSENT AGENDA

Motion by Commissioner Smith, seconded by Commissioner Wilson, to approve the consent agenda. The motion carried by the following vote:

YES: Mayor McGriff, Commissioner Mitchell, Commissioner Wilson, Commissioner Marl, and Commissioner Smith
NO: None

a. Resolution No. 25-31, A Resolution to Allow a Detached Garage as a Revocable Permanent Right-of-way Obstruction Adjacent to 123 High St

b. Heritage Tree Nomination for 1216 Jackson St

c. Public Improvement Contract with Moore Excavation, Inc. for the Linn Basin Sanitary Sewer I&I Rehab Project 2 (CI 23-002)

d. Minutes of the January 07, 2025 Special Meeting of the City Commission

e. Minutes of the January 15, 2025 City Commission Regular Meeting

f. Minutes of the February 05, 2025 City Commission Regular Meeting

8. PUBLIC HEARINGS

9. GENERAL BUSINESS

a. Resolution No. 25-32, Authorizing a Revocable Permanent Right-Of-Way Obstruction (Fence) Located Adjacent to 19534 Sebastian Way

Dayna Webb, Public Works Director, discussed the request for a permanent right-of-way obstruction of a fence located on Sebastian Way. She reviewed the history of the fence, proposed fence location due to a new water line, existing utilities, street view, permanent obstructions, and staff's recommendation for denial.

Stephen Scott Camerhill, resident of Oregon City, asked for approval of the resolution that would restore a six-foot cedar privacy fence next to his property. He had removed the fence for the Molalla Avenue Streetscape project, with assurances from staff that he could rebuild the fence afterwards. When he started to rebuild the fence, he was told it would require City Commission approval. The fence had operated safely for 17 years before it was taken down, and he would adjust the design and height to meet code standards. He would sign a hold harmless agreement and provide full access and install removable panels for better access to the utility lines. However, all the utilities would be outside of the fence. The fence would restore privacy without obstructing sidewalks and traffic. Without the fence, there would be light and noise intrusion into his home from the traffic on Molalla.

There was discussion regarding the history of the property lines, fence variance process, and utility project timeline.

The Commission could not support fencing off public right-of-way.

Motion by Commissioner Wilson, seconded by Mayor McGriff, to deny Resolution No. 25-32, authorizing a revocable permanent right-of-way obstruction (fence) located adjacent to 19534 Sebastian Way. The motion carried by the following vote:

YES: Mayor McGriff, Commissioner Mitchell, Commissioner Wilson, Commissioner Marl, and Commissioner Smith
NO: None

b. Consider Temporarily Removing the Off-Leash Dog Area Designation at Barclay Park

Scott Archer, Parks and Recreation Director, said the Parks and Recreation Advisory Committee (PRAC) had recommended this action. In 2015, PRAC had recommended the City create what was supposed to be a temporary pilot project for one year. The City created this program in three parks, one of which was Barclay Park. The City never took any action to end the program, so it continued to the present.

PRAC had been told that there were concerns about off-leash dogs not being controlled by owners. PRAC voted to recommend that the City Commission temporarily pause the off-leash dog program at Barclay Park. PRAC intentionally left the definition of temporary up to the Commission.

There was discussion regarding park rules signage throughout the city. There was also discussion about the Mayor's role in the PRAC meeting where PRAC voted to bring forward this recommendation.

Commissioner Wilson asked about the number of complaints the City had received at Barclay Park relative to the other off-leash dog parks. Mr. Archer said there were no recent complaints at the other off-leash dog parks, minimal complaints at Barclay Park, and there had been no complaints to Code Enforcement at Barclay Park.

There was consensus for PRAC to look at how this program could be updated, not just for the one park but City-wide, and for staff to look into the park rules signage for off-leash areas.

c. Second Reading of Ordinance No. 25-1012, Vacating Unimproved Right-of-Way Located Between 19530 South Central Point Road (Lot 1, *Filbert Orchard,* Recorded Plat No. 1744) and "Tract B," (*Ed's Orchard*, Recorded Plat No. 4503)

Motion by Commissioner Marl, seconded by Commissioner Mitchell, to approve the second reading and final adoption of Ordinance No. 25-1012, vacating unimproved right-of-way Located Between 19530 South Central Point Road (Lot 1, Filbert Orchard, Recorded Plat No. 1744) and "Tract B," (Ed's Orchard, Recorded Plat No. 4503). The motion carried by the following vote:

YES: Mayor McGriff, Commissioner Mitchell, Commissioner Wilson, Commissioner Marl, and Commissioner Smith
NO: None

10. COMMUNICATIONS

City Manager

None

Commissioners

Commissioner Mitchell spoke about a PR campaign to let people know the voting was open for Metro's Community Choice Park Grant. Oregon City had more than 10 projects up for a vote.

Commissioner Marl spoke about the League of Oregon Cities Conference.

Mayor

Mayor McGriff also discussed information shared at the League of Oregon Cities Conference.

11. ADJOURNMENT

Mayor McGriff adjourned the meeting at 8:38 P.M.

Respectfully submitted,

_____
Jakob S. Wiley, City Recorder
Date Approved: _____

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

CITY OF OREGON CITY

Staff Report

To:	City Commission	**Agenda Date:**	June 3, 2026
From:	Dayna Webb, Public Works Director		

SUBJECT:
Item 9.a. - Resolution No. 26-12, Adjusting Solid Waste Collection and Disposal Rates Effective July 1, 2026

STAFF RECOMMENDATION:
Approve Resolution No. 26-12, authorizing establishment of solid waste collection and disposal rates as set forth in Exhibit A, effective July 1, 2026.

EXECUTIVE SUMMARY:
Ordinance No. 06-1001 was adopted February 1, 2006, establishing an agreement between the City of Oregon City and the Oregon City Garbage Company, Inc. (dba B&B Leasing) to provide solid waste hauling services. The City proceeded to develop Oregon City Municipal Code 8.20 Solid Waste Collection and Disposal, granting Oregon City Garbage Co. the exclusive right, privilege, and franchise to provide solid waste collection and disposal services within Oregon City.

BACKGROUND:
Oregon City Municipal Code Chapter 8.20.130 provides that rates shall be approved by the City Commission. The City Commission shall establish, and as considered necessary from time to time, change rates by resolution. The franchisee is currently requesting a rate increase due to the increased cost of Metro transfer station fees and providing garbage collection services. In determining the appropriate rate to be charged by the franchisee, the City Commission shall consider all appropriate factors, including the following:

A. The cost of performing the service provided by the franchisee;
B. The anticipated increase in the cost of providing this service;
C. The need for equipment replacement and the need for additional equipment to meet service needs; compliance with federal, state, local law, ordinances and regulations; or technological change;
D. The investment of the franchisee and the value of the business, and the necessity that the franchisee has a reasonable rate of return;
E. The rates charged in other cities of similar size within other relevant jurisdictions for similar service in comparable service areas;
F. The public interest in assuring reasonable rates to enable the franchisee to provide efficient and beneficial service to the residents and other users of the service;
G. The local wage scales, cost of management facilities, and disposal fees or charges;
H. Any profit or cost savings resulting from recycling, and any additional costs resulting

from recycling.

Oregon City's last solid waste collection and disposal rate change was adopted in 2025 by Resolution No. 25-27 establishing the current rates. The current request (Exhibit A) presents a 6.95% increase on the typical Residential Carts and Commercial Containers, with no changes to the Miscellaneous Service Fees, Recycle + Program and the Bulky Item Fees. The rate request is due to labor cost, regional disposal fee increases, new equipment cost, and consumer price index increases. Metro increased the disposal fees for haulers 9.0%. After the rate adjustment, Oregon City disposal fees are very comparable within the Metro area, and will likely remain the lowest after all areas see 2026 rate increases.

The proposed rate adjustment is projected to increase the franchise fee revenue by approximately $31,000 over a one-year period.

OPTIONS:

1. Approve Resolution No. 26-12, Adjusting Solid Waste Collection and Disposal Rates Effective July 1, 2026.
2. Approve Resolution No. 26-12, Adjusting Solid Waste Collection and Disposal Rates Effective July 1, 2026 with Amendments.
3. Deny Resolution No. 26-12, Adjusting Solid Waste Collection and Disposal Rates Effective July 1, 2026 and provide further direction.

BUDGET IMPACT:

Amount	$31,000 (Revenue)
Fiscal Year(s):	Annually
Funding Source(s):	Franchise Fee — Solid Waste
Included in Approved Budget:	No

Post Office Box 1840
Oregon City, OR 97045
503-656-8403
Fax: 503-656-0320
www.oregoncitygarbageco.com

OREGON CITY GARBAGE Company, Inc.

May 1st, 2026

Dayna Webb, Public Works Director
City of Oregon City
13895 Fir Street
Oregon City, OR 97045

RE: City of Oregon City Rate Adjustment Request

Dear Ms. Webb,

Oregon City Garbage Company proudly serves Oregon City with solid waste services. Since our founding, we have partnered with the community to offer trash, recycling, and yard debris collection for residential customers, along with commercial trash and recycling services, including Drop Box services. We strive to deliver the highest quality service and value our partnership with Oregon City.

City Commissioners have the exclusive authority to adjust service rates under our franchise agreement (Oregon City Municipal Code 8.20). Rate changes take into account service provision costs, anticipated increases, comparisons with rates in other cities, and other relevant criteria.

Cost of Providing Service

Each year, we assess Oregon City's revenue return alongside Clackamas County's annual cost review. Our recent assessment shows a 3.3% return from 2025 activities. The County evaluates franchise results with an external solid waste finance consulting firm to ensure data accuracy and exclude non-collection fee costs. While Oregon City is aggregated with other cities, specific data is available for review as needed.

Anticipated Increases in Costs

This is the primary reason for requesting the rate adjustment. When projecting revenue for the year, we only factor in known cost increases to avoid speculation about "what ifs." Our known increases usually stem from disposal and labor, and this year is no exception. For disposal, Oregon City Garbage Company transports all tons to Metro or a Metro-approved facility according to Metro's waste shed boundaries. Since June 2019, including this year's proposed 8.9% increase for Metro staff, Metro's rates have risen from $97.45 to $176.70 per ton. In our 2025 financial results for Oregon City, Metro accounts for 32.9% of our cost structure; thus, any potential increases in Metro rates, while perhaps justified, will significantly impact our overall expenses.

Comparison of Rates

Most residents of Oregon City use 35-gallon carts. The proposed increase raises their monthly rate by $2.60, from $37.44 to $40.05. We aim to keep rates low and defer adjustments whenever possible. The chart below (a larger view is also included as an attachment) shows that the proposed rates remain favorable compared to those in nearby cities. Some jurisdictions are also evaluating their rates due to similar cost increases, so their rates may change soon.

	Oregon City 08/01/25	Oregon City Proposed Opt. #1*	Gladstone 07/01/26*	CC Urban 7/1/2026*	Milwaukie 07/01/25	West Linn 07/01/25	Gresham 07/01/25
20 Gallon	29.82	31.89	33.41	37.15	36.23	31.64	37.15
35 Gallon	37.44	40.05	41.21	42.35	42.18	37.70	43.17
65 Gallon	52.48	56.12	56.02	56.60	54.84	60.38	56.51
95 Gallon	56.74	60.68	60.60	67.50	65.20	66.40	64.32

** Proposed rates*

Without any change to rates and before considering any change to disposal costs, our projected return on revenues for 2026 was estimated at 3.8%. With the new disposal rates, our forecast for returns on revenue in 2026 decreases to 2.5%, and in 2027 to 1.4%. Therefore, we request Staff and City Commissioners' approval for a 6.95% rate increase, effective July 1st, to cover the increasing disposal costs, adjusting our forecasted return on revenues (including the disposal increase) to 3.8% and 4.6% in 2026 and 2027, respectively, based on the requested rate adjustment.

We appreciate your consideration of this rate adjustment.

Respectfully,

Oregon City Garbage Company

Attachments:

(1) Proposed Rate Schedules
(2) Rate Comparisons
(3) Metro Tip Fee Increase History

	Oregon City 08/01/25	Oregon City Proposed*	Gladstone 07/01/26*	CC Urban 7/1/2026*	Milwaukie 07/01/25	West Linn 07/01/25	Portland 07/01/25
20 Gallon	29.82	31.89	33.41	37.15	36.23	31.64	38.40
35 Gallon	37.44	40.05	41.21	42.35	42.18	37.70	43.80
65 Gallon	52.48	56.12	56.02	56.60	54.84	60.38	48.95
95 Gallon	56.74	60.68	60.60	67.50	65.20	66.40	55.90

** Proposed rates*

Metro Annual Rate Changes

Year	Tip Fee	$ Δ	% Δ
2019-2020	$98.35	$0.90	0.9%
2020-2021	$115.15	$16.80	17.1%
2021-2022	$123.45	$8.30	7.2%
2022-2023	$137.30	$13.85	11.2%
2023-2024	$153.67	$16.37	11.9%
2024-2025	$162.14	$8.47	5.5%
2025-2026	$176.70	$14.56	9.0%

RESOLUTION NO. 26-12

A RESOLUTION ADJUSTING SOLID WASTE COLLECTION AND DISPOSAL RATES EFFECTIVE JULY 1, 2026

WHEREAS, Ordinance No. 06-1001 was adopted February 1, 2006. Under said Ordinance, an agreement was entered into between the City of Oregon City and Oregon City Garbage Company, Inc. (dba B&B Leasing) for a Solid Waste Collection and Disposal Franchise; and

WHEREAS, Chapter 8.20.130 of the Oregon City Municipal Code, provides that rates shall be approved by the City Commission and established by resolution; and

WHEREAS, the Franchisee is currently requesting a rate increase due to increased costs of metro disposal fees and labor cost.

NOW, THEREFORE, OREGON CITY RESOLVES that the Rate for Solid Waste Services provided by Oregon City Garbage Company, Inc. (dba B&B Leasing), an Oregon Corporation, shall be set forth in the attached Exhibit A and said rates shall be the maximum rates chargeable by the Franchisee.

BE IT FURTHER RESOLVED that the new Rate Schedule set forth in **Exhibit A** shall be effective July 1, 2026.

Approved and adopted at a regular meeting of the City Commission held on the 3rd day of June 2026.

DENYSE C. MCGRIFF
Mayor

Attested to this 3rd day of June, 2026:

Jakob Wiley, City Recorder

Approved as to legal sufficiency:

City Attorney

Rate Proposal

Service	Current Rates	Proposed Adjustment	Proposed Rates	Proposed Increase
Residential Cart				
20 Gal Weekly	$ 29.82	$ 2.07	$ 31.89	6.95%
35 Gal Weekly	$ 37.44	$ 2.60	$ 40.05	6.95%
65 Gal Weekly	$ 52.48	$ 3.65	$ 56.12	6.95%
95 Gal Weekly	$ 56.74	$ 3.94	$ 60.68	6.95%
35 Gal Monthly	$ 18.25	$ 1.27	$ 19.52	6.95%
35 Gal Will Call	$ 15.75	$ 1.09	$ 16.84	6.95%
Extra - 35 Gal Equivalent	$ 9.40	$ 0.60	$ 10.00	6.38%
Extra - Yard Debris	$ 4.10	$ 0.15	$ 4.25	3.66%
Yard Debris - Yearly	$ 85.00	$ 5.00	$ 90.00	5.88%
Recycle Only	$ 5.70	$ 0.30	$ 6.00	5.26%
Residential Central Billing				
20 Gal Weekly	$ 28.49	$ 1.98	$ 30.47	6.95%
35 Gal Weekly	$ 36.16	$ 2.51	$ 38.67	6.95%
65 Gal Weekly	$ 51.28	$ 3.56	$ 54.84	6.95%
95 Gal Weekly	$ 55.57	$ 3.86	$ 59.43	6.95%
Commercial Cart				
35 Gal Weekly	$ 37.66	$ 2.62	$ 40.28	6.95%
65 Gal Weekly	$ 52.78	$ 3.67	$ 56.45	6.95%
95 Gal Weekly	$ 57.07	$ 3.97	$ 61.04	6.95%
Commercial Container				
1-1/3 Yard Weekly	$ 200.83	$ 13.96	$ 214.79	6.95%
1-1/2 Yard Weekly	$ 221.00	$ 15.36	$ 236.36	6.95%
2 Yard Weekly	$ 293.81	$ 20.42	$ 314.23	6.95%
3 Yard Weekly	$ 404.86	$ 28.14	$ 433.00	6.95%
4 Yard Weekly	$ 538.11	$ 37.40	$ 575.51	6.95%
5 Yard Weekly	$ 672.63	$ 46.75	$ 719.38	6.95%
6 Yard Weekly	$ 807.17	$ 56.10	$ 863.27	6.95%
8 Yard Weekly	$ 1,018.63	$ 70.79	$ 1,089.42	6.95%

Miscellaneous Service Fees	Current Rates	Proposed Adjustment	Proposed Rates	Proposed Increase
Reinstatement Fee	$ 11.00	$ -	$ 11.00	0.00%
Cart Redelivery Fee	$ 27.50	$ -	$ 27.50	0.00%
1st Extra Bag (Small, < 20 Gallon)	$ 3.85	$ -	$ 3.85	0.00%
Add'l Extra Bag (Small, < 20 Gallon)	$ 2.20	$ -	$ 2.20	0.00%
1st Extra Bag (Large, > 20 Gallon)	$ 5.17	$ -	$ 5.17	0.00%
Add'l Extra Bag (Large, > 20 Gallon)	$ 3.52	$ -	$ 3.52	0.00%
Extra Cart (20 Gal.)	$ 3.85	$ -	$ 3.85	0.00%
Extra Cart (35 Gal.)	$ 8.53	$ -	$ 8.53	0.00%
Trash in Yard Debris Cart	$ 10.89	$ -	$ 10.89	0.00%
Trash in Recycle Cart	$ 12.27	$ -	$ 12.27	0.00%
Temp Container Rent (Per Yard, Per Day)	$ 1.21	$ -	$ 1.21	0.00%
Incidental Service Fee (Per 5 Min Increment)	$ 8.80	$ -	$ 8.80	0.00%
Gate Fee	$ 4.40	$ -	$ 4.40	0.00%
1 Truck / 1 Man (Per Hour)	$ 73.00	$ -	$ 73.00	0.00%
1 Truck / 2 Man (Per Hour)	$ 105.00	$ -	$ 105.00	0.00%
Recycle+ Opt-In base Charge (Billed Monthly)	$ 2.50	$ -	$ 2.50	0.00%
Recycle+ Curbside Collection (Each Pick-Up Event)	$ 9.25	$ -	$ 9.25	0.00%
Recycle+ Non-Curbside Collection 5-150 feet (each)	$ 11.70	$ -	$ 11.70	0.00%
Recycle+ Non-Curbside Collection over 150 feet (each)	$ 13.00	$ -	$ 13.00	0.00%

Bulky Item Fees	Current Rates	Proposed Adjustment	Proposed Rates	Proposed Increase
Appliances	$ 22.00	$ -	$ 22.00	0.00%
Fridge, Freezer, AC	$ 44.00	$ -	$ 44.00	0.00%
Dense Foam Mattress (King or Queen)	$ 19.25	$ -	$ 19.25	0.00%
Interspring or Light Foam (King or Queen)	$ 11.00	$ -	$ 11.00	0.00%
Box Springs	$ 8.25	$ -	$ 8.25	0.00%
Couch	$ 16.50	$ -	$ 16.50	0.00%
Chair	$ 15.00	$ -	$ 15.00	0.00%
Tire Off Rim	$ 5.50	$ -	$ 5.50	0.00%
Tire On Rim	$ 11.00	$ -	$ 11.00	0.00%
Truck Tire Off Rim	$ 11.00	$ -	$ 11.00	0.00%
Truck Tire On Rim	$ 16.50	$ -	$ 16.50	0.00%
File Cabinet	$ 8.25	$ -	$ 8.25	0.00%
Treadmill	$ 22.00	$ -	$ 22.00	0.00%
Toilet	$ 5.50	$ -	$ 5.50	0.00%
Car Battery	$ 11.00	$ -	$ 11.00	0.00%
Sharps (1 Gallon)	$ 19.25	$ -	$ 19.25	0.00%
Sharps (5 Gallon)	$ 25.00	$ -	$ 25.00	0.00%
Inside Pick-Up	$ 5.50	$ -	$ 5.50	0.00%
Inside Pick-Up (Per Flight of Stairs)	$ 9.90	$ -	$ 9.90	0.00%
Yard Debris Bags	$ 3.30	$ -	$ 3.30	0.00%

Commercial Rate Schedule - Proposed Rates

Pickups Per Week	1	2	3	4	5	6
1-1/3 Yard Weekly	$ 214.79	$ 402.20	$ 589.62	$ 777.03	$ 964.45	
Each Additional	$ 176.47	$ 352.93	$ 529.40	$ 705.86	$ 882.33	
Will Call	$ 92.78					
Extra Pick Up	$ 67.38					
1-1/2 Yard Weekly	$ 236.36	$ 445.34	$ 654.33	$ 863.32	$ 1,072.30	
Each Additional	$ 198.04	$ 396.07	$ 594.11	$ 792.14	$ 990.18	
Will Call	$ 99.90					
Extra Pick Up	$ 72.77					
2 Yard Weekly	$ 314.22	$ 601.07	$ 887.92	$ 1,174.77	$ 1,461.63	
Each Additional	$ 275.90	$ 551.80	$ 827.70	$ 1,103.60	$ 1,379.50	
Will Call	$ 131.07					
Extra Pick Up	$ 92.25					
3 Yard Weekly	$ 433.00	$ 838.62	$ 1,244.25	$ 1,649.87	$ 2,055.50	
Each Additional	$ 394.68	$ 789.35	$ 1,184.03	$ 1,578.70	$ 1,973.38	
Will Call	$ 170.27					
Extra Pick Up	$ 121.94					
4 Yard Weekly	$ 575.51	$ 1,123.64	$ 1,671.77	$ 2,219.91	$ 2,768.04	$ 3,316.17
Each Additional	$ 537.18	$ 1,074.37	$ 1,611.55	$ 2,148.74	$ 2,685.92	
Will Call	$ 217.29					
Extra Pick Up	$ 157.56					
5 Yard Weekly	$ 719.38	$ 1,411.39	$ 2,103.40	$ 2,795.41	$ 3,487.42	
Each Additional	$ 681.06	$ 1,362.12	$ 2,043.18	$ 2,724.24	$ 3,405.30	
Will Call	$ 264.77					
Extra Pick Up	$ 193.53					
6 Yard Weekly	$ 863.26	$ 1,699.15	$ 2,535.03	$ 3,370.92	$ 4,206.81	
Each Additional	$ 824.94	$ 1,649.87	$ 2,474.81	$ 3,299.75	$ 4,124.69	
Will Call	$ 312.25					
Extra Pick Up	$ 229.50					
8 Yard Weekly	$ 1,089.42	$ 2,151.47	$ 3,213.52	$ 4,275.57	$ 5,337.62	
Each Additional	$ 1,051.10	$ 2,102.20	$ 3,153.30	$ 4,204.40	$ 5,255.50	
Will Call	$ 386.89					
Extra Pick Up	$ 286.04					

Service	Current Rates	Proposed Adjustment	Proposed Rates	Proposed Increase
Drop Box				
10 Yard Scheduled Service	$ 159.50	$ 10.50	$ 170.00	6.58%
20 Yard Scheduled Service	$ 169.50	$ 10.50	$ 180.00	6.19%
30 Yard Scheduled Service	$ 197.00	$ 13.00	$ 210.00	6.60%
40 Yard Scheduled Service	$ 234.00	$ 16.00	$ 250.00	6.84%
10 Yard Drop Box	$ 198.00	$ 12.00	$ 210.00	6.06%
20 Yard Drop Box	$ 208.00	$ 12.00	$ 220.00	5.77%
30 Yard Drop Box	$ 235.50	$ 14.50	$ 250.00	6.16%
40 Yard Drop Box	$ 272.50	$ 17.50	$ 290.00	6.42%
< = 20 Yard Compactor	$ 188.00	$ 12.00	$ 200.00	6.38%
< = 29 Yard Compactor	$ 193.00	$ 12.00	$ 205.00	6.22%
30 Yard Compactor	$ 215.50	$ 14.50	$ 230.00	6.73%
40 Yard Compactor	$ 247.50	$ 17.50	$ 265.00	7.07%
30 Yard LEED Box (LEED to Portland Sites)	$ 625.00	$ 25.00	$ 650.00	4.00%
** 15% Surcharge on all Drop Box Disposal Fees (effective 1/1/19)*				

Drop Box Fees	Current Rates	Proposed Adjustment	Proposed Rates	Proposed Increase
Rejected Load	$ 55.00	$ -	$ 55.00	0.00%
Compactor Turn Around	$ 40.00	$ -	$ 40.00	0.00%
Dry Run	$ 36.00	$ -	$ 36.00	0.00%
Deadhead Round Trip	$ 35.00	$ -	$ 35.00	0.00%
Occasional Demurrage (Per Day)	$ 7.70	$ -	$ 7.70	0.00%
Occasional Demurrage (Per Month)	$ 77.00	$ -	$ 77.00	0.00%
Ind/Com/MF Demurrage (Per Month)	$ 60.50	$ -	$ 60.50	0.00%
Lid Fee (Perm Box / Month)	$ 30.00	$ -	$ 30.00	0.00%
Lid Fee (Temp Box / Week)	$ 7.50	$ -	$ 7.50	0.00%
Delivery Fee	$ 38.50	$ -	$ 38.50	0.00%
Incidental Service Fee (Per 5 Min Increment)	$ 8.80	$ -	$ 8.80	0.00%

Alternate Rate Option B

Rate Proposal

Service	Current Rates	Proposed Adjustment	Proposed Rates	Proposed Increase
Residential Cart				
20 Gal Weekly	$ 29.82	$ 0.00	$ 29.82	0.00%
35 Gal Weekly	$ 37.44	$ 2.60	$ 40.05	6.95%
65 Gal Weekly	$ 52.48	$ 4.17	$ 56.65	7.95%
95 Gal Weekly	$ 56.74	$ 4.16	$ 60.90	7.33%
35 Gal Monthly	$ 18.25	$ 1.27	$ 19.52	6.95%
35 Gal Will Call	$ 15.75	$ 1.09	$ 16.84	6.95%
Extra - 35 Gal Equivalent	$ 9.40	$ 0.60	$ 10.00	6.38%
Extra - Yard Debris	$ 4.10	$ 0.15	$ 4.25	3.66%
Yard Debris - Yearly	$ 85.00	$ 5.00	$ 90.00	5.88%
Recycle Only	$ 5.70	$ 0.30	$ 6.00	5.26%
Residential Central Billing				
20 Gal Weekly	$ 28.49	$ 1.98	$ 30.47	6.95%
35 Gal Weekly	$ 36.16	$ 2.51	$ 38.67	6.95%
65 Gal Weekly	$ 51.28	$ 3.56	$ 54.84	6.95%
95 Gal Weekly	$ 55.57	$ 3.86	$ 59.43	6.95%
Commercial Cart				
35 Gal Weekly	$ 37.66	$ 2.62	$ 40.28	6.95%
65 Gal Weekly	$ 52.78	$ 3.67	$ 56.45	6.95%
95 Gal Weekly	$ 57.07	$ 3.97	$ 61.04	6.95%
Commercial Container				
1-1/3 Yard Weekly	$ 200.83	$ 13.96	$ 214.79	6.95%
1-1/2 Yard Weekly	$ 221.00	$ 15.36	$ 236.36	6.95%
2 Yard Weekly	$ 293.81	$ 20.42	$ 314.23	6.95%
3 Yard Weekly	$ 404.86	$ 28.14	$ 433.00	6.95%
4 Yard Weekly	$ 538.11	$ 37.40	$ 575.51	6.95%
5 Yard Weekly	$ 672.63	$ 46.75	$ 719.38	6.95%
6 Yard Weekly	$ 807.17	$ 56.10	$ 863.27 1,	6.95%
8 Yard Weekly	$ 1,018.63	$ 70.79	$ 089.42	6.95%

Miscellaneous Service Fees	Current Rates	Proposed Adjustment	Proposed Rates	Proposed Increase
Reinstatement Fee	$ 11.00	$ -	$ 11.00	0.00%
Cart Redelivery Fee	$ 27.50	$ -	$ 27.50	0.00%
1st Extra Bag (Small, < 20 Gallon)	$ 3.85	$ -	$ 3.85	0.00%
Add'l Extra Bag (Small, < 20 Gallon)	$ 2.20	$ -	$ 2.20	0.00%
1st Extra Bag (Large, > 20 Gallon)	$ 5.17	$ -	$ 5.17	0.00%
Add'l Extra Bag (Large, > 20 Gallon)	$ 3.52	$ -	$ 3.52	0.00%
Extra Cart (20 Gal.)	$ 3.85	$ -	$ 3.85	0.00%
Extra Cart (35 Gal.)	$ 8.53	$ -	$ 8.53	0.00%
Trash in Yard Debris Cart	$ 10.89	$ -	$ 10.89	0.00%
Trash in Recycle Cart	$ 12.27	$ -	$ 12.27	0.00%
Temp Container Rent (Per Yard, Per Day)	$ 1.21	$ -	$ 1.21	0.00%
Incidental Service Fee (Per 5 Min Increment)	$ 8.80	$ -	$ 8.80	0.00%
Gate Fee	$ 4.40	$ -	$ 4.40	0.00%
1 Truck / 1 Man (Per Hour)	$ 73.00	$ -	$ 73.00	0.00%
1 Truck / 2 Man (Per Hour)	$ 105.00	$ -	$ 105.00	0.00%
Recycle+ Opt-In base Charge (Billed Monthly)	$ 2.50	$ -	$ 2.50	0.00%
Recycle+ Curbside Collection (Each Pick-Up Event)	$ 9.25	$ -	$ 9.25	0.00%
Recycle+ Non-Curbside Collection 5-150 feet (each)	$ 11.70	$ -	$ 11.70	0.00%
Recycle+ Non-Curbside Collection over 150 feet (each)	$ 13.00	$ -	$ 13.00	0.00%

Bulky Item Fees	Current Rates	Proposed Adjustment	Proposed Rates	Proposed Increase
Appliances	$ 22.00	$ -	$ 22.00	0.00%
Fridge, Freezer, AC	$ 44.00	$ -	$ 44.00	0.00%
Dense Foam Mattress (King or Queen)	$ 19.25	$ -	$ 19.25	0.00%
Interspring or Light Foam (King or Queen)	$ 11.00	$ -	$ 11.00	0.00%
Box Springs	$ 8.25	$ -	$ 8.25	0.00%
Couch	$ 16.50	$ -	$ 16.50	0.00%
Chair	$ 15.00	$ -	$ 15.00	0.00%
Tire Off Rim	$ 5.50	$ -	$ 5.50	0.00%
Tire On Rim	$ 11.00	$ -	$ 11.00	0.00%
Truck Tire Off Rim	$ 11.00	$ -	$ 11.00	0.00%
Truck Tire On Rim	$ 16.50	$ -	$ 16.50	0.00%
File Cabinet	$ 8.25	$ -	$ 8.25	0.00%
Treadmill	$ 22.00	$ -	$ 22.00	0.00%
Toilet	$ 5.50	$ -	$ 5.50	0.00%
Car Battery	$ 11.00	$ -	$ 11.00	0.00%
Sharps (1 Gallon)	$ 19.25	$ -	$ 19.25	0.00%
Sharps (5 Gallon)	$ 25.00	$ -	$ 25.00	0.00%
Inside Pick-Up	$ 5.50	$ -	$ 5.50	0.00%
Inside Pick-Up (Per Flight of Stairs)	$ 9.90	$ -	$ 9.90	0.00%
Yard Debris Bags	$ 3.30	$ -	$ 3.30	0.00%

Commercial Rate Schedule - Proposed Rates

Pickups Per Week	1	2	3	4	5	6
1-1/3 Yard Weekly	$ 214.79	$ 402.20	$ 589.62	$ 777.03	$ 964.45	
Each Additional	$ 176.47	$ 352.93	$ 529.40	$ 705.86	$ 882.33	
Will Call	$ 92.78					
Extra Pick Up	$ 67.38					
1-1/2 Yard Weekly	$ 236.36	$ 445.34	$ 654.33	$ 863.32	$ 1,072.30	
Each Additional	$ 198.04	$ 396.07	$ 594.11	$ 792.14	$ 990.18	
Will Call	$ 99.90					
Extra Pick Up	$ 72.77					
2 Yard Weekly	$ 314.22	$ 601.07	$ 887.92	$ 1,174.77	$ 1,461.63	
Each Additional	$ 275.90	$ 551.80	$ 827.70	$ 1,103.60	$ 1,379.50	
Will Call	$ 131.07					
Extra Pick Up	$ 92.25					
3 Yard Weekly	$ 433.00	$ 838.62	$ 1,244.25	$ 1,649.87	$ 2,055.50	
Each Additional	$ 394.68	$ 789.35	$ 1,184.03	$ 1,578.70	$ 1,973.38	
Will Call	$ 170.27					
Extra Pick Up	$ 121.94					
4 Yard Weekly	$ 575.51	$ 1,123.64	$ 1,671.77	$ 2,219.91	$ 2,768.04	$ 3,316.17
Each Additional	$ 537.18	$ 1,074.37	$ 1,611.55	$ 2,148.74	$ 2,685.92	
Will Call	$ 217.29					
Extra Pick Up	$ 157.56					
5 Yard Weekly	$ 719.38	$ 1,411.39	$ 2,103.40	$ 2,795.41	$ 3,487.42	
Each Additional	$ 681.06	$ 1,362.12	$ 2,043.18	$ 2,724.24	$ 3,405.30	
Will Call	$ 264.77					
Extra Pick Up	$ 193.53					
6 Yard Weekly	$ 863.26	$ 1,699.15	$ 2,535.03	$ 3,370.92	$ 4,206.81	
Each Additional	$ 824.94	$ 1,649.87	$ 2,474.81	$ 3,299.75	$ 4,124.69	
Will Call	$ 312.25					
Extra Pick Up	$ 229.50					
8 Yard Weekly	$ 1,089.42	$ 2,151.47	$ 3,213.52	$ 4,275.57	$ 5,337.62	
Each Additional	$ 1,051.10	$ 2,102.20	$ 3,153.30	$ 4,204.40	$ 5,255.50	
Will Call	$ 386.89					
Extra Pick Up	$ 286.04					

Service	Current Rates	Proposed Adjustment	Proposed Rates	Proposed Increase
Drop Box				
10 Yard Scheduled Service	$ 159.50	$ 10.50	$ 170.00	6.58%
20 Yard Scheduled Service	$ 169.50	$ 10.50	$ 180.00	6.19%
30 Yard Scheduled Service	$ 197.00	$ 13.00	$ 210.00	6.60%
40 Yard Scheduled Service	$ 234.00	$ 16.00	$ 250.00	6.84%
10 Yard Drop Box	$ 198.00	$ 12.00	$ 210.00	6.06%
20 Yard Drop Box	$ 208.00	$ 12.00	$ 220.00	5.77%
30 Yard Drop Box	$ 235.50	$ 14.50	$ 250.00	6.16%
40 Yard Drop Box	$ 272.50	$ 17.50	$ 290.00	6.42%
< = 20 Yard Compactor	$ 188.00	$ 12.00	$ 200.00	6.38%
< = 29 Yard Compactor	$ 193.00	$ 12.00	$ 205.00	6.22%
30 Yard Compactor	$ 215.50	$ 14.50	$ 230.00	6.73%
40 Yard Compactor	$ 247.50	$ 17.50	$ 265.00	7.07%
30 Yard LEED Box (LEED to Portland Sites)	$ 625.00	$ 25.00	$ 650.00	4.00%
** 15% Surcharge on all Drop Box Disposal Fees (effective 1/1/19)*				

Drop Box Fees	Current Rates	Proposed Adjustment	Proposed Rates	Proposed Increase
Rejected Load	$ 55.00	$ -	$ 55.00	0.00%
Compactor Turn Around	$ 40.00	$ -	$ 40.00	0.00%
Dry Run	$ 36.00	$ -	$ 36.00	0.00%
Deadhead Round Trip	$ 35.00	$ -	$ 35.00	0.00%
Occasional Demurrage (Per Day)	$ 7.70	$ -	$ 7.70	0.00%
Occasional Demurrage (Per Month)	$ 77.00	$ -	$ 77.00	0.00%
Ind/Com/MF Demurrage (Per Month)	$ 60.50	$ -	$ 60.50	0.00%
Lid Fee (Perm Box / Month)	$ 30.00	$ -	$ 30.00	0.00%
Lid Fee (Temp Box / Week)	$ 7.50	$ -	$ 7.50	0.00%
Delivery Fee	$ 38.50	$ -	$ 38.50	0.00%
Incidental Service Fee (Per 5 Min Increment)	$ 8.80	$ -	$ 8.80	0.00%

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

CITY OF OREGON CITY

Staff Report

To:	City Commission	**Agenda Date:**	June 3, 2026
From:	Kelly Hart, Community Development Director		

SUBJECT:
Item 9.b. - Adoption of Revised Findings and Conditions: Appeal of Planning Commission Decision Regarding 1367 Molalla Ave Masterplan General Development Plan Approval, Conditional Use Approval for Drive-Through Uses, Maximum Parking Adjustment, Detailed Development Review (DDP) for the Construction of a New Public Road (AP-26-01; GLUA-25-00025; CU-25-00001; MAS-25-00001; PARK-25-00001-1367; MAS-25-00002; GEO-25-00007; NROD-25-00012)

STAFF RECOMMENDATION:
Adopt the revised findings and conditions for the General Development Plan and Detailed Development Plan applications for a proposed development located at 1367 Molalla Ave.

At the May 6, 2026 City Commission Meeting, the Commission voted 4-1 to approve AP 26-0001, an appeal of the Planning Commission's approval of GLUA-25-00025: CU-25-00001; MAS-25-00001; PARK-25-00001-1367; MAS-25-00002; GEO-25-00007; NROD-25-00012.

Attached are the revised staff reports with the relevant findings and conditions amended to implement the appeal and address the appellant's desire to utilize OCMC17.44.060 (L) in the development review process to show that development can be safely constructed within the Geological Hazards Overview District.

The record for this application is closed — no public comment or additional information will be accepted for this application.

EXECUTIVE SUMMARY:
Please refer to the revised staff reports and additional findings for background information.

BACKGROUND:

OPTIONS:
1. Approve the revised findings and conditions for AP 26-00001

BUDGET IMPACT:

CITY COMMISSION FINDINGS
JUNE 3, 2026

MASTER PLAN (GDP) FRAMEWORK PLAN, PARKING ADJUSTMENT, AND CONDITIONAL USE FOR DRIVE THRU LOCATIONS

FILE NUMBER: **GLUA-25-00025**: **CU-25-00001, MAS-25-00001, PARK-25-00001**

Application Submitted:06/27/2025
Application Incomplete: 7/26/2025
Application Complete:12/18/2025
120-Day Decision Deadline:04/17/2026
120-Day Deadline Extension 05/17/2026
120-Day Deadline Extension 06/19/2026

APPLICANT: Cypress Acquisitions, LLC
8144 Walnut Hill Lane, Suite 1200
Dallas, TX 75231

OWNER:

TL 3200, 3201, 3300, & 3400:	Walmart Inc. 2608 SE J St. Bentonville, AR 72716-5510
TL 500, 501	Rocky Younger PO Box 1337 Oregon City, OR 97045
TL 602	Les Schwab 20900 Cooley Rd Bend, OR 97701

REQUEST: Masterplan General Development Plan Approval
Conditional Use Approval for Drive-Through Use
Maximum Parking Adjustment

LOCATION: 1367 Molalla Ave
Oregon City, OR 97045
3-2E-05DB TL 3200, 3201, 3300, &
3400, 500, 501, 602

REVIEWER: Christina Robertson-Gardiner, Senior Planner AICP
Erik Nichols, Project Engineer

ZONING: Mixed Use Corridor (MUC-2)

DECISION: Approval with Conditions

The City Commission adopted the Planning Commission's decision except as modified by the City Commission.

PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits. The process for these land use decisions is controlled by ORS 197.797. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. The decision is final unless appealed and description of the requirements for perfecting an appeal. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.

The Planning Commission approved with conditions the Masterplan General Development Plan, the Conditional Use Application for a drive-through, and the Parking Maximum Adjustment for Parcel D. The Planning Commission denied the Parking Maximum Adjustment for Parcel A.

The Applicant appealed the Planning Commission's decision to the City Commission, challenging the parts of the decision that had the effect of limiting the proposed development located within the Geologic Hazards Overlay Zone buffer area on Parcels B and C to the development described in OCMC 17.44.060(I)(1) and (2). The City Commission held an on the record hearing and at the hearing, the Commission interpreted OCMC 17.44.060(L) to allow the applicant for a Detailed Development Plan for Parcels B and C to either develop within the limitations of OCMC 17.44.060(I) or to choose to rely on the discretionary criteria in OCMC 17.44.060(L) to disturb more area than allowed by OCMC 17.44.060(I)(2) (and/or develop at a density greater than that in OCMC 17.44.060(I)(1) with respect to Parcel B) if the future applicant can satisfy those discretionary standards in OCMC 17.44.060(L). The city commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

CHAPTERS

CHAPTER 17.29 MUC MIXED USE CORRIDOR DISTRICT
CHAPTER 17.50 ADMINISTRATION AND PROCEDURES
CHAPTER 17.56 CONDITIONAL USES

CHAPTER 17.52 OFF-STREET PARKING AND LOADING
CHAPTER 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENTS

Staff Summary
The following is an executive summary of the major elements of the Master Plan. Additional findings and background are found throughout the document.

The Applicant is proposing a Master Plan to create future development parcels for a site zoned Mixed Use Corridor 2. Once approved, each parcel will be submitted for a separate Type II Administrative Detailed Development Plan (DDP) Review when market conditions are ready for each development. The buildings and their locations on the three development parcels are subject to change unless otherwise specified by condition in this application.

While the applicant could have created the development parcels and built the public road through an Administrative Type II Site Plan design review, the Master Plan process will provide the applicant with the needed clarity for phasing and site-wide impact analysis, and ensure that the same code is used for review at the time of each Detailed Development (DDP) application. Staff has found that, as conditioned, the application meets all relevant Master Plan transportation and utility impact review criteria.

A Detailed Development Plan for the construction of a new public road and utilities has been submitted (MAS-25-002_GEO-25-007_NROD-25-012) concurrently with the Master Plan. The staff report will be part of the Planning Commission hearing and can be approved at the same time as the Master Plan.

Summary of Master Plan Elements

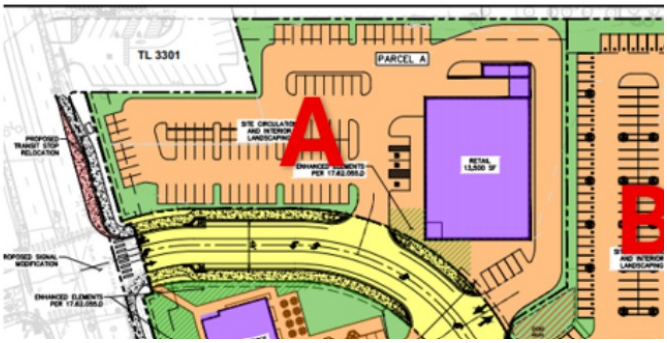
- Creation of 4 development parcels
    - Parcel A: Retail,
    - Parcel B: Multi-Family,
    - Parcel C: New Public Road (including frontage improvements on Molalla Avenue)
    - Parcel D: Quick Serve Restaurant
- Review of Transportation Impact Analysis for the full site
- Review of public road and utility location, site grading.
- Conditional Use Review for two drive-thru facilities (Parcels A and D)
- Parking Maximum Adjustment (Parcels A and D)
- Clarifying Future DDP process for parcel building out
    - 20-year Master Plan (TLs 3330,3400,3200,3201)
    - Can use the code effective at the time of Master Plan submittal, or the current code at the time of DD submittal, for each parcel.

- Specific uses are not tied to the Master Plan Approval, but any revision must be reviewed to see if it affects any Master Plan conditions of approval.
- No Master Plan adjustments are being requested. Each DDP must meet the Type II development process or return to the Planning Commission for a Master Plan adjustment request.

Parcel A Redesign

The applicant initially proposed a small specialty grocer for Parcel A. However, as they were submitting the full application, the tenant of Parcel A withdrew, forcing the applicant to quickly reformat the approach to Parcel A.

Luckily, the existing building's size and location allowed for a conversion into a multi-tenant commercial space without a major redesign. The planned loading and unloading area for the grocery store could easily be adapted into a drive-thru queue space for a restaurant tenant at the back of the building. The submitted application features this redesign and requests a drive-thru facility on Parcel A.

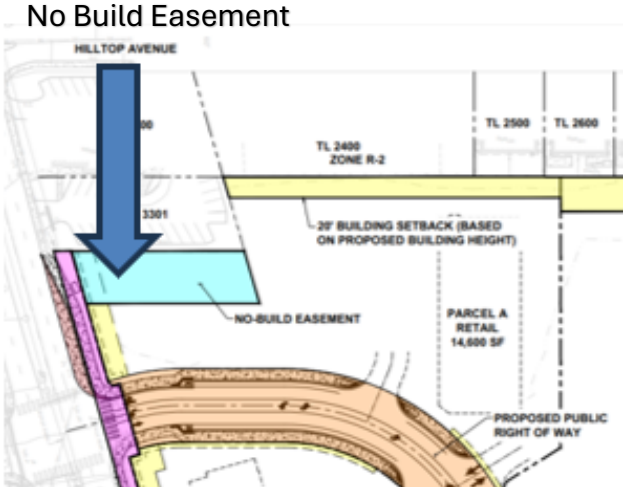


Previous Design- Specialty Grocer



Revised Design- Multi-Tenant Commercial

No Build Easement



At first, the applicant explored placing the revised building at the corner of Molalla Avenue and the new road, but discovered that a no-build easement heavily restricted this area and limited space for drive-thru queues and direct access to parking. Staff believes that the design is a reasonable approach for the lot, and since no tenants have been identified for this parcel, a parking maximum for **use** is not warranted. Instead, staff views the approach as allowing additional parking in the no-build/constrained area of the parcel, subject to enhanced landscaping (Condition of Approval; #14) along Molalla Avenue, which will require removing 7-8 parking spaces along the Molalla Avenue frontage. The new building on Parcel A fronts directly onto the new road and will feature a direct pedestrian connection. The transportation analyses reviewed both the impact of the specialty grocery and the multi-tenant commercial, and both met the city's operational standards as conditioned. If, after the Master Plan is approved, a specialty grocery returns to Parcel A, it can still be implemented through the Type II DDP process and does not require a Type III Amendment to the Master Plan.

Parcel C – Public Road

A new public road is being proposed to connect the site to both Molalla Avenue and Beavercreek Road with signalized intersections. This road has been included in the city's Transportation System Plan (TSP). The properties adjacent to Beavercreek Road are part of the initial Master Plan (Fig. 6) to allow for road construction, but are not included in the 20-year extension. The owners of these lots (tax lots 500, 501, and 602) have a private easement indicating that the lots involved in the full master plan will develop the road for them. Once constructed, tax lots 500, 501, and 602, which front Beavercreek Road, will no longer be subject to the Master Plan and may be developed through the standard Site Plan and Design Review Process when market conditions are ready. The Detailed Development Plan review for this road is documented in the separate staff report MAS-25-002_GEO-25-007_NROD-25-012.

Transportation Analysis

Staff finds that the applicant has demonstrated that the proposal provides a safe buildout scenario, that the transportation impacts have been assessed in accordance with the city-adopted transportation impact guidelines, and that adequate conditions can be met to ensure compliance. Transportation System Development Fees (SDC), which support the construction of projects identified in the city's Transportation System Plan (TSP), will be paid at the time of each detailed development plan, including a proportional share of the planned improvements at OR-213/Beavercreek Road for a new dedicated right turn lane from Beavercreek. The shared use path project, S28, may be built with the DDP for Parcel C in total or in part as part of Parcel C boundary only and a future DDP in Parcel B. Frontage improvements to Molalla Avenue may be built with each DDP or Parcel C only.

Conditional Use Review for Two Drive-Thru Facilities (Parcels A and D)
Compared to the neighboring General Commercial District, the Mixed-use Corridor zone requires Planning Commission review for drive-through facilities. The Planning Commission can consider each development separately, conduct a context-sensitive review, and place reasonable conditions on the proposal. Staff notes that the two drive-through facility locations have been thoughtfully designed to ensure safety and prevent queues from blocking public roads. The associated uses are permitted in the zone; the drive-throughs are located on the side and rear; and the buildings are not exclusively dedicated to drive-through traffic. The applicant has also proposed additional landscaping along Molalla Avenue to enhance the pedestrian experience for Parcel D, and staff has conditioned additional landscaping on Parcel A and D, which staff believes will improve the area and mitigate any potential visual impacts from the drive-through proposal. An opening-day pedestrian and vehicle circulation safety plan for Parcel D has been added as a condition, given that the early months of operation will be busy.

Parking Maximum Adjustment (Parcels A and D)
Parking Adjustments are identified as a Type III Planning Commission review, as the city's urban form varies greatly from the urban downtown core to the more suburban Hilltop areas. A public hearing allows the Planning Commission to consider a proposal in context with abutting neighbors and the vision for development in the surrounding area. Because the new public road separates Parcels A and D, a shared parking approach is unlikely and impractical. If both parcels were on the same side of the street, staff would be more open to pursuing shared parking and opposing the maximum parking adjustment of parking. Allowing an increase in the maximum parking for Parcel D ensures sufficient customer parking for higher-traffic restaurants that lack a larger street connection to the neighborhood, which do not have abundant on-street parking, nor do they have access rights for customers to use nearby commercial development for parking.

When Parcel A was initially proposed as a small specialty grocery, it made sense to ensure that the maximum number of spaces was allowed on-site. With Parcel A being redesigned as a mix of tenants to be determined, the request for a maximum of 102 spaces on Parcel A does not seem as critical. Parcel A is constrained by a non-build easement on a portion of the Molalla Avenue easement, which makes placing the building at the corner of the new public street at Molalla Avenue problematic. As explained further below, the Parcel A parking maximum adjustment application is denied.

The proposed building location on Parcel A fronts the new public road and offers direct access, but it is more than 25 feet away from the intersection at Molla Avenue. A condition of approval has been added allowing the building on Parcel A to be positioned as proposed, contingent on adding an enhanced landscaping strip along Molalla Avenue. This will remove the Molalla Avenue frontage from Parcel A, no longer making it a corner lot, either through the creation of a tract or recording a specific easement. The improved landscaping on Parcel A will match the upgraded landscaping planned for Parcel D, ensuring a smoother transition along Molalla Avenue and serving as a gateway to the development, which helps reduce potential negative effects on pedestrians. Fully denying the parking maximum request will leave part of the lot unbuilt and available for future development; however, it remains unclear whether a large private, landscaped area near Molalla Avenue would offer any clear community benefits beyond the already conditioned enhanced landscaping strip.

If the applicant provides additional findings demonstrating that the full 102 parking spaces are needed for Parcel A, the Planning Commission can choose to remove the enhanced landscaping condition and direct staff to provide additional findings and conditions showing that there is adequate mitigation for the proposed parking adjustment.

Conditions of Approval
Planning File GLUA-25-00025: CU-25-00001, MAS-25-00001, PARK-25-00001

(P) = Verify that condition of approval has been met with the Planning Division.
(DS) = Verify that condition of approval has been met with the Development Services Division.
(B) = Verify that condition of approval has been met with the Building Division.
(F) = Verify that condition of approval has been met with Clackamas Fire Department.

These Conditions of Approval run with the land and are binding on the Applicant and its successors and assigns.

1. Per OCMC 17.65.020.A, unless further amended and extended by the Planning Commission, this Master Plan, which includes Tax Lots 3330, 3400, 3200, and 3201, shall control development on the site until March 23, 2046. Tax Lots 500, 501, and 602 are not part of the 20-year Master Plan but are included initially to allow for the DDP construction of the Public Road, which will connect with Beavercreek Road. Future DDP applications are to be processed as Type I or II review as directed by the Oregon City Municipal Code, and the applicant may choose to use either the 2025 code adopted at the time of the Master Plan Amendment submittal (June 27, 2025) or the current code. (P)
2. The applicant's proposed building layouts and sizes are subject to change during the DDP process and should not be viewed as amendments to the Master Plan unless the final size or scope of the buildings surpasses what was initially proposed or is limited by additional conditions specified in the Master Plan. The final design will be assessed during the Type II Detailed Development Plan review. This means the applicant can build a smaller development or a proposal with fewer trips, as long as the design fulfills the approval criteria of the Detailed Development Plan and the relevant Master Plan conditions. (P)
3. The project's overall floor area ratio (FAR) is 0.73, exceeding the minimum requirement for this zone. For each DDP application, the applicant shall indicate how the proposal will meet or exceed the zone's minimum FAR of 0.25 for the whole site (parcels A, B & D). (P)
4. The applicant shall ensure that the following Master Plan residential standards found in OCMC 17.65.050C (8) & (9) are met at the time of Detailed Development Review of Parcel B.(P)
5. The findings of the City's review of the TIA show that the proposed development does not fail the City's transportation systems and that the overall concept of the proposed development can meet the City's standards. Additional reviews and conditions will be required for each DDP, tailored to each parcel (e.g., driveway locations, spacing, sizing, queuing).

a. The proposed public street between Molalla Avenue and Beavercreek Road shall be constructed prior to occupancy of the first developed parcel and follow standards within OCMC 17.44. (DS)
b. The construction of the shared-use path S28 within TL 3200/3400 may be completed with either the DDP for the new roadway in total or in part with Parcel C and completing within the DDP of Parcel B prior to occupancy of Parcel B and follow standards of OCMC 17.44. (DS)
c. Since the TIA assumes a reduction in vehicle trips due to internal trip capture that would occur as walking and/or biking trips, the TIA shall be revised to discuss the project's internal pedestrian and bicycle circulation needs and how the site plan adequately accommodates active modes. (DS)
d. Minimum AASHTO sight distance requirements shall be met at all site intersections and driveways. Sight distances on the internal local street system shall be approved by the City Engineer prior to final site plan approval (at DDP). (DS)
e. A proportionate share fee contribution of $404 per p.m. peak hour trip shall be collected for planned improvements at OR-213/Beavercreek Road. The fee amount will be determined as part of future detailed development plan applications. (DS)
f. The opening months of the quick service restaurant on Parcel D will be busier than the proposed and reviewed long-term operational impact. At the time of the DDP review, the applicant will be required to implement an on-site and off-site opening-day pedestrian and vehicular circulation and safety plan.to address additional traffic congestion and concerns regarding vehicle queuing.

6. The proposed 12" water main, connecting Molalla Avenue to Beavercreek Road, shall be constructed with the new public road street improvements. (DS)
7. The City's identified sanitary extension within Parcel B shall be completed prior to Parcel B's occupancy. The proposed sewer line within the new public road shall be constructed with the new public road improvements. (DS)
8. Public stormwater facilities shall only treat stormwater from publicly maintained rights-of-way (i.e. public streets). The applicant shall either separate the public stormwater runoff from the private runoff with separate publicly maintained facilities (e.g. streetside planters or other separate facilities) and privately maintain facilities for private stormwater runoff; or the development can enter into an agreement with the City to privately maintain a combined pond. Stormwater associated with the new public road shall be constructed with the new public road improvements. All stormwater improvements shall comply with OCMC 17.44 for each DDP. (DS)
9. Grading and erosion control permitting will be required for all construction activities meeting the thresholds and standards noted in the City's Stormwater and Grading Design Standards, OCMC 15.48, and OCMC 17.47. Grading within the City's Geological Hazards Overlay Zone shall comply with OCMC 17.44 for each DDP. If the applicant wishes to grade or prepare Parcel's A, B, and D prior to the future development's DDPs, a grading and erosion control permit is required. If the applicant chooses to complete mass grading prior to permit of final engineering plans of the new public road, a separate grading permit and mass grading plan will be required. (DS)
10. The applicant will be required to meet the conditions of approval for OCMC 17.44 within the Geological Hazards Overlay Zone as part of each DDP within the mapped Geological Hazards Overlay Zone. (DS)

11. The developer/Parcel B DDP applicant shall be required to satisfy the clear and objective development limitations in OCMC 17.44.060(I)(1) and (2) or in the alternative, the developer may choose to seek approval under the discretionary standards in OCMC 17.44.060(L) by complying with the submittal and review requirements in that section and demonstrating that the proposed methods, including proposed geotechnical remediation methods, of rendering a known or potential hazard site safe for construction are feasible and adequate to prevent landslides or damage to property and safety, and that the design of the proposed development will prevent landslides or damage.. (DS)
12. The proposed public improvements identified with this GDP are generally consistent with the City's water, sewer, stormwater, and transportation standards. Further refinement to these facilities will be conditioned and reviewed as part of each parcel's DDP to ensure that they meet City standards and design policies. (DS)
13. The proposed drive-thru facility Conditional Use Permits on Parcels A and D are approved. As the applicant has provided enhanced landscaping, extensive on-site queue storage, and demonstrated that car stacking will not impact the operation of any public roads, no time limit for periodic review has been established. Additionally, the drive-thru facility on Parcel A may be used by one or more tenants if, through the Detailed Development Review Process, it can be demonstrated that there is adequate queue storage for an additional tenant. All drive–through queuing lanes and exits authorized by the conditional use permit shall be designed in a manner to provide an unobstructed pedestrian path of travel, or a raised pedestrian path of travel when crossing vehicular queueing lanes. However, if the city finds that one or more conditions attached to the grant of the conditional use permit have not been fulfilled, and the unfulfilled condition is substantially related to the issuance of the permit, the city may pursue the revocation of the conditional use permit through 17.56.060 - Revocation of conditional use permits. (P)

14. The Parking Maximum Adjustment is approved for Parcel D, subject to enhanced landscaping along Molalla Avenue, as further defined in Condition of Approval #15. The Parking Maximum adjustment for Parcel A is denied with this Master Plan Application, as the applicant has not provided sufficient detail to demonstrate a need for the proposed use on Parcel A. The applicant is encouraged to provide additional detail and apply for a future parking adjustment with or prior to the DDP when appropriate detail can be presented. (P)

15. Enhanced landscaping locations are required to be installed. Required trees shall be placed as determined feasible, and species with a smaller final height may be used through a sight distance and vision clearance study for all required turning movements at the local road intersection with Molalla Ave and a powerline utility encroachment analysis to ensure safety before receiving a Certificate of Occupancy for parcel D. The enhanced landscaping on Parcels A and D is shown in Figures 8 and 9 of the staff report. The following enhanced landscaping areas (both proposed and conditioned) shall meet the landscaping standards of OCMCM 17.62.050, can be included in the minimum landscaping requirements of the parcel, and include the following elements:

    a. Native trees and shrubs are required to be planted at a rate of two trees and thirty shrubs per 1,000 square feet of enhanced landscape area. Fractions thereof of trees/plants shall be rounded down. The trees do not need to be evenly spaced, and 1/2 of them must meet a minimum of 45 feet at full height. Oregon White Oaks are

encouraged where applicable and represent at least five of the required trees in the combined parcel areas A and D areas.

b. Plant Diversity. Shrubs shall consist of at least four different species on each parcel. If fifteen trees or more are planted on each parcel's enhancement landscaping area, no more than one-third of the trees may be of the same genus. Up to twenty-five percent of the shrub plantings do not need to be native shrubs. (P)

16. The Master Plan parcels may be separated and or sold as part of the Master Plan implementation, which does not remove those parcels from the 20-year Master Plan unless an amendment to the boundary is requested. (P)

17. The proposed location of the shared use path (S28) is located below the development on Parcel B in a narrow bench of the hillside that is not visible to the general public which will, as designed and built, create an attractive nuisance and public safety concerns and conflicts with the community's comprehensive plan policies to support design that is to strengthen wellbeing, quality of life, and livability across all Oregon City neighborhoods by creating places that are safe and comfortable with convenient access to community services. The applicant shall resubmit a revised design at the time of DDP development for either Parcel C or Parcel B. The revised design of S28 requires a minimum paved 7-foot-wide path that is ADA accessible, lit to the standards of 16.12.032.D, at a similar grade and visible from the development on Parcel B, and designed to connect to the northern property line, which will be extended at a future time to Hilltop Avenue. (DS)

I. BACKGROUND:

1. Existing Conditions

The subject property is comprised of an assemblage of properties in the main development area, which includes TL 3200, 3201, 3300, & 3400, Map 3 2E 05DB (On-Site) and a proposed public road through TL 500 & 501, Map 3 2E 05D (Off-site) that connects the on-site properties to Beavercreek Rd. The on-site properties are currently vacant and include a mixture of grasslands, scrub brush, and scattered groves of trees, with more concentrated tree canopy along the north and south edges and in the southeast corner. The east side of the on-site properties extends into Newell Creek Canyon, is heavily forested, and lies within a geologic hazard area.

Past uses on TL 3200, 3201, and 3300 include a former wrecking yard whose operations started in 1953 and continued until late 2001, when the wrecking yard operations ceased. Environmental studies on these properties indicated low concentrations of petroleum hydrocarbons and/or metals in near-surface and shallow soils, and that groundwater underlying the former wrecking yard was not impacted with contaminants of concern. TL 3400 previously included a gas station and tavern in the vicinity of its southwest corner, which has been removed. Environmental remediation occurred at the former gas station site, and ODEQ issued a "No Further Action" letter indicating that ODEQ should be notified prior to installation of any groundwater supply wells and any construction or excavation in or around the former gas station pocket of contamination.

The on-site properties generally slope to the south, with a portion of the west end of the site sloping to the southwest. The east end of the property includes a steep slope extending into Newell Creek Canyon and is heavily forested.

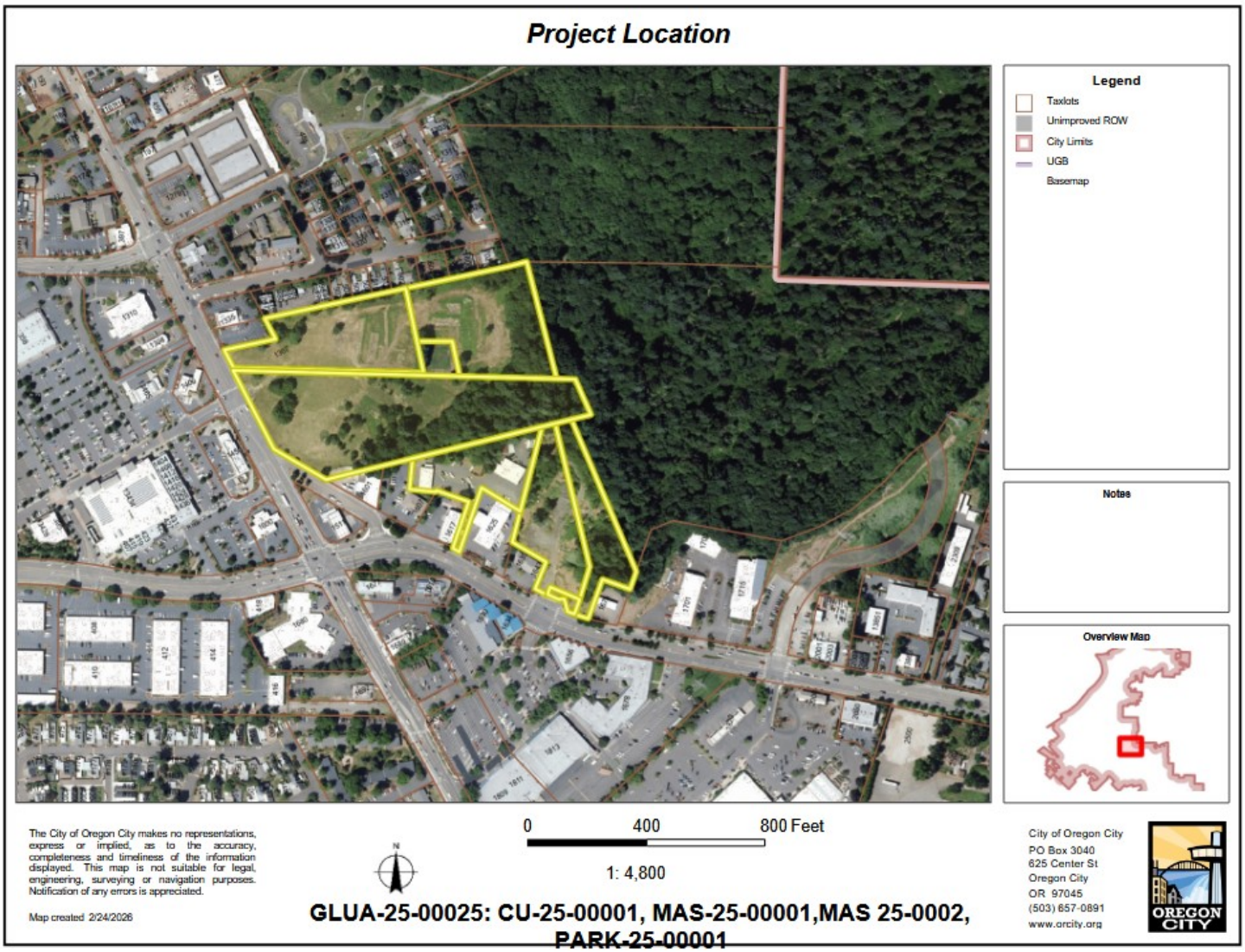


Figure 1. Vicinity Map & Existing Conditions – Aerial Image



Figure 2: Street View from Molalla Avenue

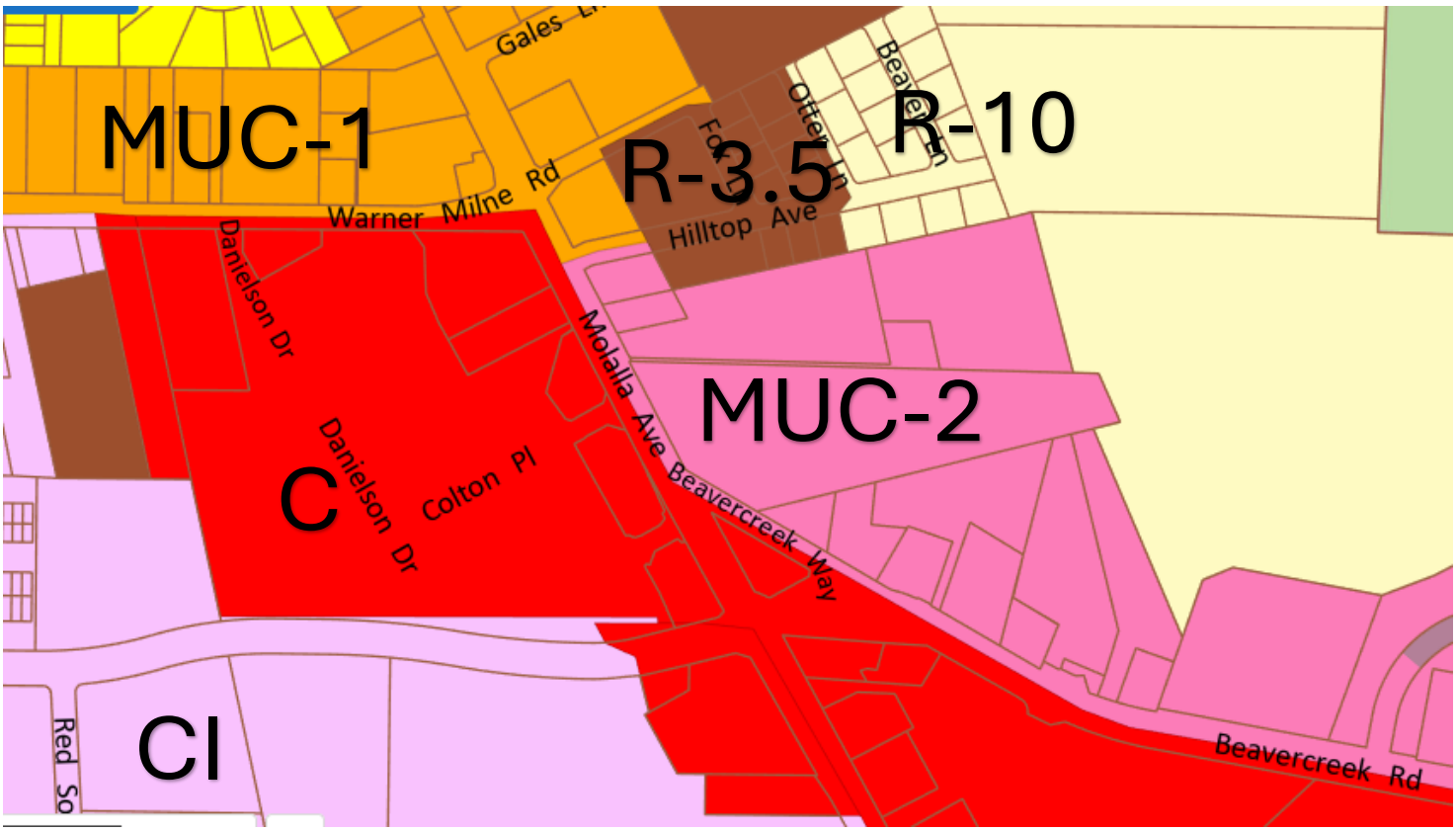


Figure 3. Adjacent Zoning. Mixed Use Corridor (MUC-1) and (MUC-2), Low Density Residential R-10, Medium Density Residential R3.5, Campus Industrial CI, General Commercial-C.

2. Project Description

The project proposes to develop the on-site properties into a mixed-use development via the Oregon City Masterplan process. Three parcels are proposed in addition to a public street extending from the existing signal at Molalla Ave through the on-site properties and through TL 500/501 to the existing signal at Beavercreek Rd. Uses on the parcels include an approximately 13,500 sf retail building on Parcel A, an approximately 208-unit multi-family residential component on Parcel B, and a Quick Service Restaurant on Parcel D. Parcel C is proposed as a public road through the site. The Quick Service Restaurant and retail building in Parcel A include a drive-through facility, which requires Conditional Use Approval.

Parcels A and D will also seek an adjustment to the maximum parking ratio. The project seeks Type III Masterplan General Development Plan approval and Type II Detailed Development Plan approval for the proposed public roadway and utility improvements in both on- and off-site areas, and for rough grading of the entire on-site area.

Overall phasing on the Masterplan includes the proposed public roadway and utility improvements, as phasing approach to grading.

The remaining parcels are proposed as separate phases, though their development will be market-driven and could be developed separately or simultaneously with each other

Summary of Master Plan Elements (GDP)

- Creation of 4 development parcels
  - Parcel A: Retail,
  - Parcel B: Multi-Family,
  - Parcel C: New Public Road,
  - Parcel D: Quick Serve Restaurant
- Review of Transportation Impact Analysis for the full site
- Review of public road and utility location, site grading.
- Conditional Use Review for two drive-thru facilities (Parcels A and D)
- Parking Maximum Adjustment (Parcels A and D)
- Clarifying Future DDP process for parcel building out
  - 20-year Master Plan (TLs 3330,3400,3200,3201)
  - Can use the code effective at the time of Master Plan submittal, or the current code at the time of DD submittal, for each parcel
  - Specific uses are not tied to the Master Plan Approval, but any revision must be reviewed to see if it affects any Master Plan conditions of approval.
  - No Master Plan adjustments are being requested. Each DDP must meet the Type II development process or return to the Planning Commission for a Master Plan adjustment request.

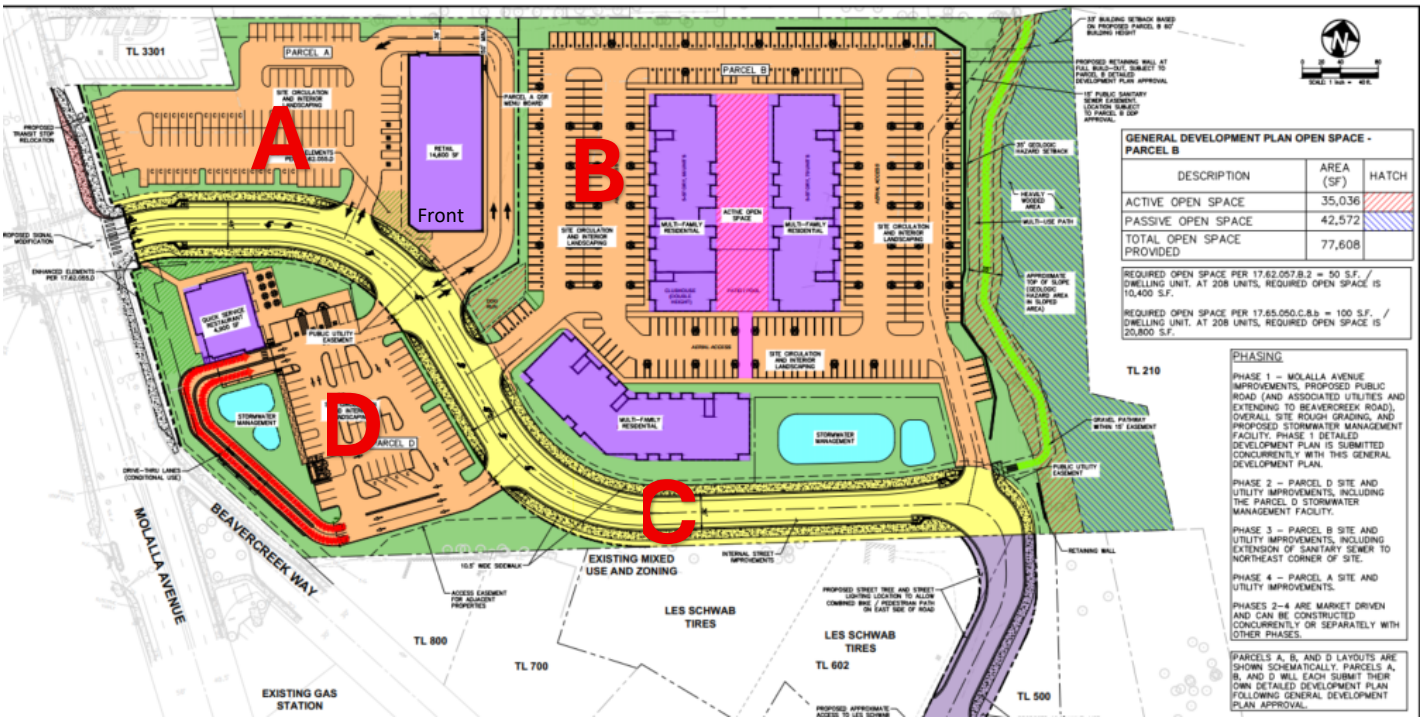


Figure 4: Proposed Master Plan **Parcel A**: Retail**, Parcel B**: Multi-Family, **Parcel C**: New Public Road, **Parcel D:** Quick Serve Restaurant

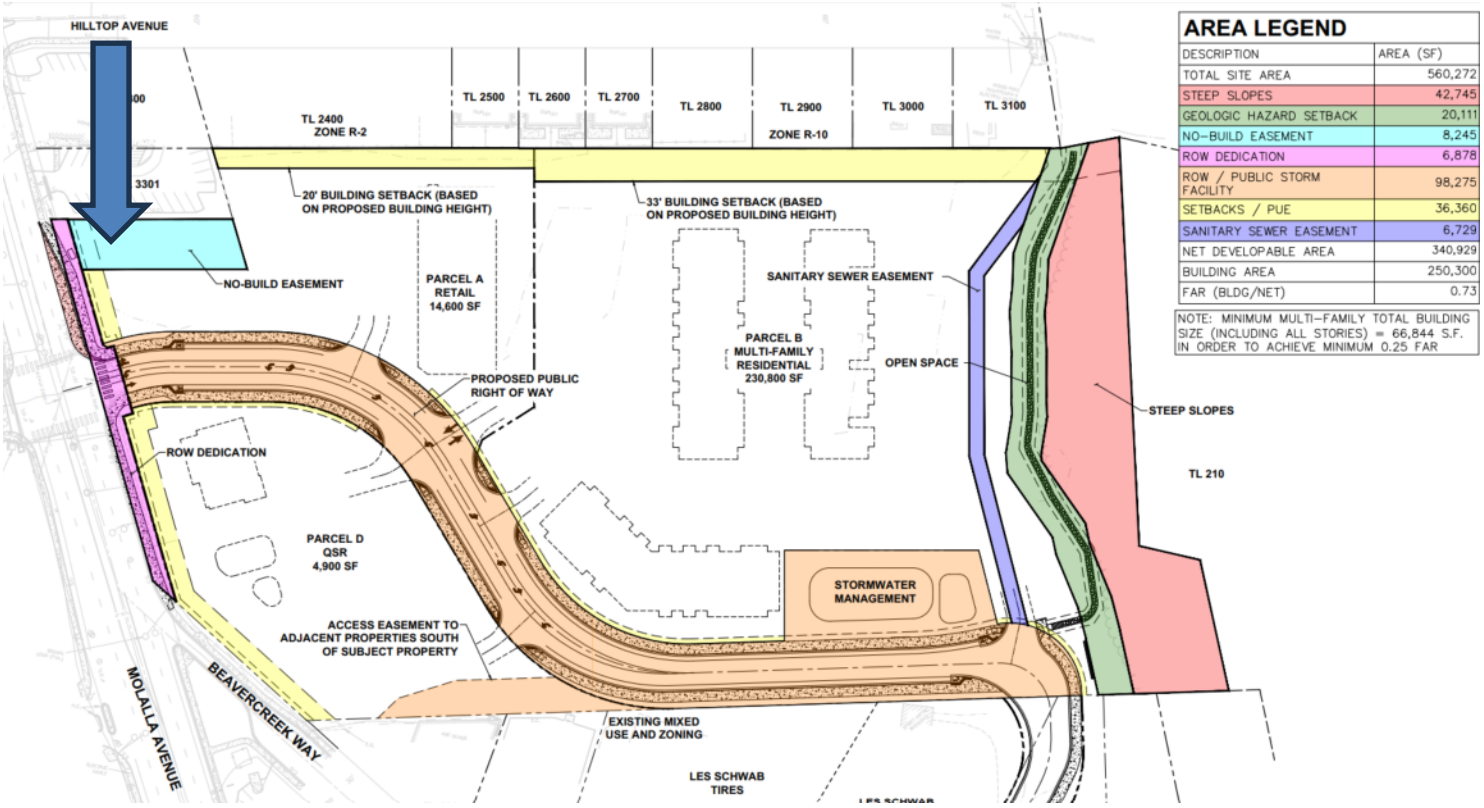


Figure 5: Site Setbacks and Constraints (note the no-build easement in blue on Parcel A)

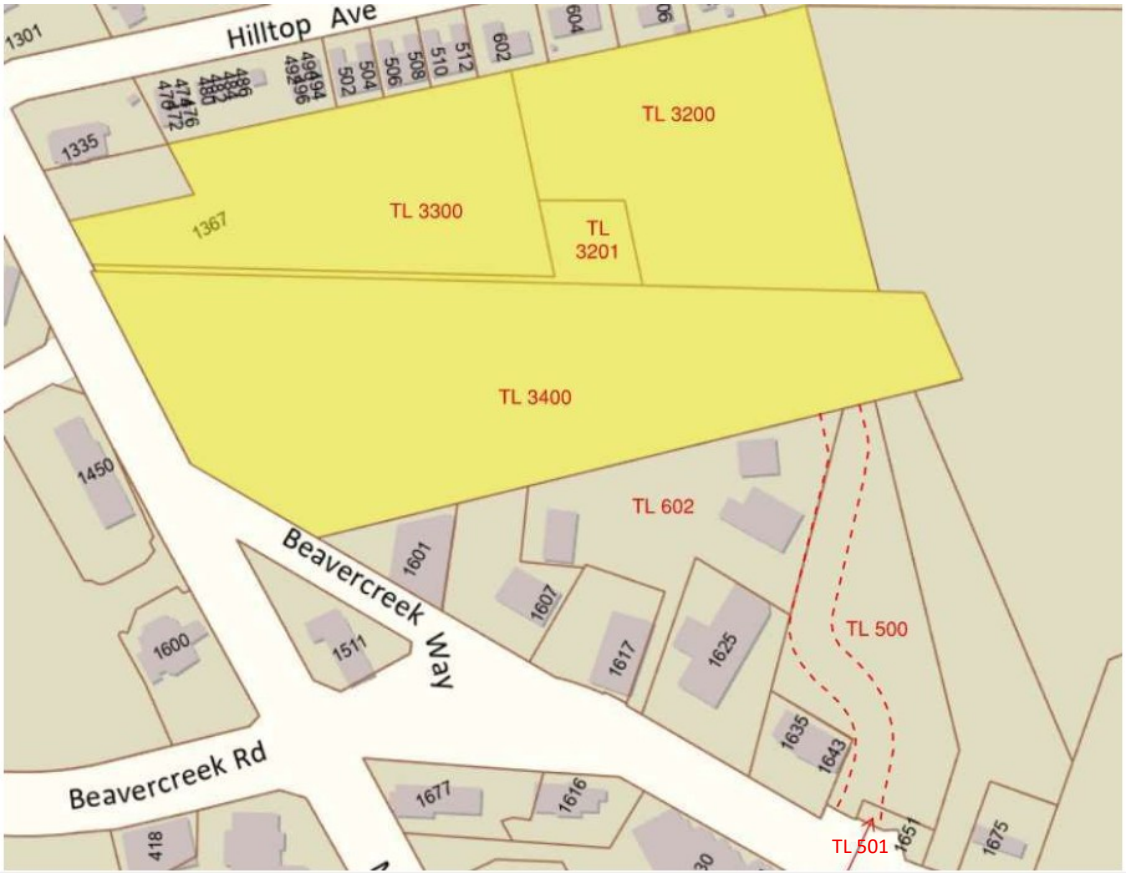


Figure 6: Associated Tax Lots-Tax Lots 500, 501and 602 are not part of the 20-year Master Plan but are included initially to allow for the DDP construction of the Public Road, which will connect with Beavercreek Road.

3. **Permits and Approvals:** The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department in Oregon City, including but not limited to the Engineering and Building Divisions.

4. **Public Comment**
   Public comments submitted include (Exhibit 3):

   Rocky Younger - Mr. Younger owns tax lots 500 and 501, which are part of the application for the purpose of building the Parcel C Road to the intersection of Beavercreek Road. Once completed, it will not be part of the 20-year Master Plan. A private easement was recorded, which requires the owner of the Master Plan lots to build out the full road for tax lots 500 and 501. The city is not a party to the easement, and it is not part of any city review criteria. Mr. Younger is tracking the land use review to ensure that the easement language is being fulfilled by the city's staff report and conditions. He has submitted the private easement to the record with this comment.

Metro - On March 20 and March 23, the City received testimony from Metro expressing concerns about how this development would impact Metro's Newell Creek Canyon Nature Park and Natural Area located on Tax Lot 210, east of the subject development.

Metro's Easement

Metro has expressed concerns that the proposed development adversely impacts Metro's access to its TL 210 which it claims is guaranteed by a private easement. The City's role here is not to interpret or protect easement rights between private property owners. Rather, its sole role is to review applications for compliance with the applicable approval criteria. No law or other criterion demands that the City guarantee this privately negotiated access.

That said, nothing in this approval shall preclude Metro from obtaining access to its TL 210, Metro Newell Creek Canyon Nature Park. This access may occur upon the public road proposed on TL 500 or include the provision of any stubbed improvements at the northeast corning of TL 500 as necessary to accommodate gated access. The owner of TL 500 is encouraged to seek and obtain a driveway access permit allowing for gated access to TL 210 as may be required to fulfill any easement obligations it may have.

Location of Shared Use Path

Approval of a general development plan requires a finding that the application is in compliance with the Oregon City Comprehensive Plan. OCMC 17.65.050.C.6. The City's Transportation System Plan is an ancillary component part of the Comprehensive Plan. The City's TSP project S28 identifies a shared use path running north and south along the east side of this property. The purpose of this path is to connect development on this property and throughout the Hilltop Area to the Newell Creek Nature Park, whose access is located one block north of the subject property. This multimodal path will provide direct access to the 208-unit multi-family residential component on Parcel B as well as serve as a resource for employees and customers of the adjacent businesses.

Goal 1 of Chapter 3 of the Comprehensive Plan provides:

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

The proposed location of the shared use path as proposed is below the development Parcel B below the top of the hillside and will not be visible to the general public. This is a problem because its lack of visibility will compromise its accessibility but more importantly, could create nuisance concerns. For this reason, the City finds that the proposed path location will not result in a pedestrian connection that is safe and comfortable for public use. In order to satisfy the TSP as well as the Comprehensive Plan, revised conditions of approval are proposed which require that a revised design for the multiuse path be submitted as part of the DDP for Parcel B. The revised design shall include a minimum paved 7-foot width that is ADA accessible and lighted to satisfy OCMC 16.12.032.D standards and most importantly, it is at a similar grade such that it is visible from the development at Parcel B. Added benefits of this approach move the path further away from mapped geologic hazards, avoid providing ADA access for complicated grade changes, can take advantage of

parking lot lighting from the Parcel B development and will reduce maintenance concerns. With these conditions, the development will provide a safe and comfortable pedestrian / bicycle connection in compliance with the TSP that is will strengthen the wellbeing of future residents and users of this development.

Revisions to and proposed new conditions include New Condition 17.

Storm Water Drainage

With respect to Metro's comment on Storm water discharge, the applicant must follow the Oregon City Stormwater and Grading Design Standards. These standards require volume control and water quality. Condition #2 of the DDP decision for Parcel C requires the applicant to follow the Stormwater and Grading Design Standards prior to receiving a permit. Furthermore, the applicant is connecting to a 48" outfall pipe which conveys water onto Metro's property. Oregon Drainage Law states that stormwater discharges should be conveyed in the direction of the existing topography in the undisturbed state of the land. The existing land drains towards Metro's property. The Stormwater and Grading Design Standards and Oregon Drainage Law ensure stormwater is not conveyed at any higher volume or velocity that in the existing condition. This will be addressed during detailed design permit review as Conditioned.

None of the comments provided indicates that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

II. ANALYSIS AND FINDINGS:

CHAPTER 17.29 MUC MIXED USE CORRIDOR DISTRICT

17.29.010 Designated.

The mixed-use corridor (MUC) district is designed to apply along selected sections of transportation corridors such as Molalla Avenue, 7th Street, Beavercreek Road, and along Warner-Milne Road. Land uses are characterized by high-volume establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities, or a similar use as defined by the Community Development Director. A mix of high-density residential, office, and small-scale retail uses are encouraged in this district. Moderate density (MUC-1) and high density (MUC-2) options are available within the MUC zoning district. The area along 7th Street is an example of MUC-1, and the area along Warner-Milne Road is an example of MUC-2.

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 standalone 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.
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.

Finding: Permitted. The proposed development uses include multi-family residential (17.29.020.M), retail less than 60,000 sf in building area (17.29.020.Q), and restaurant uses (17.29.020.O). Drive-through facilities are s a conditional use. The conditional use is further described in subsequent responses. Seasonal sales are also a permitted use in this zone, which may arise from time to time on the retail pad.
17.29.030 - Conditional uses—MUC-1 and MUC-2 zones.
The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56:

A. Drive-through facilities;
B. Emergency service facilities (police and fire), excluding correctional facilities;
C. Gas stations;
D. Outdoor markets that do not meet the criteria of OCMC 17.29.020.I;
E. Public utilities and services including sub-stations (such as buildings, plants and other structures);
F. Public and/or private educational or training facilities;
G. Religious institutions;
H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a standalone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;
I. Hospitals;
J. Parking not in conjunction with a primary use on private property, excluding after-hours public parking;
K. Passenger terminals, excluding bus stops;
L. Shelters.

Finding: Conditionally approved. The proposed standalone restaurant (parcel D) and retail parcel tenant (parcel A) propose drive-through facilities. A drive-through is a conditional use in the MUC-2 zone and will be reviewed by the Planning Commission as a part of this project's General Development Plan process. Further analysis can be found in the 17.56 Conditional Use section of the staff report.

17.29.040 - Prohibited uses in the MUC-1 and MUC-2 zones.
The following uses are prohibited in the MUC district:
A. Distributing, wholesaling and warehousing;
B. Outdoor storage;
C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;
D. Correctional facilities;
E. Heavy equipment service, repair, sales, storage or rentals (including but not limited to construction equipment and machinery and farming equipment);
F. Kennels;
G. Motor vehicle and recreational vehicle sales and incidental service;
H. Motor vehicle and recreational vehicle repair/service;
I. Self-service storage facilities;
J. Marijuana production, processing, wholesaling, research, testing, and laboratories;
K. Mobile food units, except with a special event permit.

Finding: Not Applicable. The proposed uses for this project are either approved outright or will be reviewed as a conditional use and do not fall within the prohibited uses identified in this section.
17.29.060 - Dimensional standards—MUC-2.
A. Minimum lot area: None.
B. Minimum floor area ratio: 0.25.

Finding: Complies with Condition. The project's overall floor area ratio (FAR) is 0.73, exceeding the minimum requirement for this zone. For each DDP application, the applicant shall indicate how the proposal will meet or exceed the 0.25 minimum floor area requirement of the zone.

C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
D. Maximum building height: Sixty feet.
E. Minimum required setbacks if not abutting a residential zone: None.
F. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
G. Maximum Allowed Setbacks.
1. Front yard: Five feet.
2. Interior side yard: None.
3. Corner side yard abutting street: Twenty feet.
4. Rear yard: None.
Finding: Reviewed at Detailed Development Plan. Each parcel will seek Detailed Development Plan approval following this General Development Plan decision and will elaborate on their respective building heights in those applications; however, each building shall be in compliance with this section, as no dimensional standard adjustments are being requested in the GDP Master plan application. Nothing in the submittal indicates that the applicant will not be able to meet the standards during the DDP review.

H. Maximum site coverage of building and parking lot: Ninety percent.

Finding: Reviewed at Detailed Development Plan: Proposed Total Site Coverage for each of the parcels is shown below, subject to Detailed Development Plan approval for each parcel:

Parcel	Tot Parcel Area (sf)	Building & Parking Lot Area (sf)	Site Coverage (%)
A	85,346	74,500	87+/-
B	288,563	185,000	64+/-
D	87,773	55,000	63+/-

These values are approximate and show broad compliance with the criterion; however, each parcel will provide detailed information with their own Detailed Development Plan applications

I. Minimum landscaping requirement (including parking lot): Ten percent.

Finding: Reviewed at Detailed Development Plan: Proposed landscaping for each of the parcels is shown below, subject to Detailed Development Plan approval for each parcel:

Parcel	Tot Parcel Area (sf)	Proposed Landscape Area (sf)	Landscape Coverage (%)
A	85,346	11,000	13+/-
B	288,563	108,000	37+/-
D	87,773	34,000	39+/-

These values are approximate and show broad compliance with the criterion; however, each parcel will provide detailed information with its own Detailed Development Plan applications

J. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings.

Finding: Reviewed at Detailed Development Plan: Parcel B includes multi-family residential use with 208 total units. The total area of Parcel B is 288,617 sf. Of that total area, the area east of the geologic hazard area 35-ft setback line, building setback line along the north property line, the area covered by a PUE, and that area included within the proposed public sanitary sewer easement are excluded. The net developable area then becomes 199,641 sf or 4.58 acres, resulting in a net residential density of 45.3 units per acre, which exceeds the minimum density identified in this criterion

17.29.070 - Floor area ratio (FAR).

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

A. The minimum floor area ratios contained in OCMC 17.29.050 and 17.29.060 apply to all nonresidential and mixed-use building development, except stand-alone commercial buildings less than ten thousand square feet in floor area.

B. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.

C. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

Finding: Complies with Condition. The project's overall floor area ratio (FAR) is 0.73, exceeding the minimum requirement for this zone. For each DDP application, the applicant shall indicate how the proposal will meet or exceed the 0.25 minimum floor area requirement of the zone.

CHAPTER 17.44 – GEOLOGIC HAZARDS

17.44.010 – Intent and Purpose.

The intent and purpose of the provisions of this chapter are:

A. To ensure that activities in geologic hazard areas are designed based on detailed knowledge of site conditions in order to reduce the risk of private and public losses;

B. To establish standards and requirements for the use of lands within geologic hazard areas;

C. To provide safeguards to prevent undue hazards to property, the environment, and public health, welfare, and safety in connection with use of lands within geologic hazard areas;

D. To mitigate risk associated with geologic hazard areas, not to act as a guarantee that the hazard risk will be eliminated, nor as a guarantee that there is a higher hazard risk at any location. Unless

otherwise provided, the geologic hazards regulations are in addition to generally applicable standards provided elsewhere in the Oregon City Municipal Code.

Finding: Complies with Condition. The applicant's proposed development contains a geologic hazards overlay zone on the eastern portion of the property in the form of steep slopes and landslide materials. The figures below identify the darker geological hazard with their lighter buffer areas:



Figure 7: Steep Slope Area with 50 ft. buffer



Figure 8: Mapped Landslide Area with 200 ft. buffer.

Development within the shaded areas is limited per the code standards within Chapter 17.44.060(I). Most of the property is not impeded by the geological hazards overlay zone and would develop under typical standards noted within this report. The City Commission finds that development can occurwithin the portion of the site containing the mapped geological hazard areas within the geologic hazard overlay zone either by satisfying the clear and objective standards in OCMC 17.44.060(I) or the applicant can choose to satisfy the discretionary standards in OCMC 17.44.060(L). as part of each DDP within the mapped Geological Hazard Overlay Zone.

The City has provided more in-depth findings and conditions regarding the impacts within the geologic hazards overlay zone to the future phases of this development under OCMC 17.65.050.C within this staff report.

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

17.50.010 Purpose.
This chapter provides the procedures by which Oregon City reviews and decides upon applications for all
permits relating to the use of land authorized by ORS 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City Comprehensive Plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City of Oregon City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

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.

Finding: Complies as Proposed. The applicant held a pre-application conference (PA 25-16) for this proposal on April 22, 2025

17.50.055 - Neighborhood association meeting.
Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.
A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year

prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.
B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the citizen involvement committee.
C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, citizen involvement committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a city facility.
D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the citizen involvement committee.
E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.

Finding: Complies as Proposed. The applicant met with the Hillendale Neighborhood Association on October 7, 2025

17.50.070 Completeness review and one hundred twenty-day rule.
A. Upon submission, the Community Development Director shall date stamp the application form and verify that all of the appropriate application review fee(s) have been submitted. Upon receipt of all review fees and an application form, the Community Development Director will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application and all applicable review fees, the Community Development Director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information shall be submitted to make the application complete.
B. The applicant has one hundred eighty days from the date the application was made to submit the missing information or the application shall be rejected and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the one hundred eighty-day period, the Community Development Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A of this section.
The application will be deemed complete for the purpose of this section upon receipt by the Community Development Director of:
1. All the missing information;
2. Some of the missing information and written notice from the applicant that no other information will be provided; or
3. Written notice from the applicant that none of the missing information will be provided.

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 timeline 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 fifty percent of the residential units will be sold or rented to households with incomes equal to or less than sixty percent 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 sixty years from the date of the certificate of occupancy.
E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.
F. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.

Finding: Complies. The application was deemed complete on December 18, 2025. The 120-day decision date for this application is April 7, 2025, and was extended by the applicant to May 17, 2026 and again to June 19, 2026.

17.50.080 Complete application—Required information.
Unless stated elsewhere in OCMC 16 or 17, a complete application includes all the materials listed in this
subsection. The Community Development Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the Community Development Director may require additional information, beyond that listed in this subsection or elsewhere in Titles 12, 14, 15, 16, or

17, such as a traffic study or other report prepared by an appropriate expert. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the City will not deem the application complete until all information required by the Community Development Director is submitted. At a minimum, the applicant shall submit the following:
A. One copy of a completed application form that includes the following information:
1. An accurate address and tax map and location of all properties that are the subject of the application;
2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);
B. A complete list of the permit approvals sought by the applicant;
C. A complete and detailed narrative description of the proposed development;
D. A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by staff at the pre-application conference as being required;
E. One copy of all architectural drawings and site plans shall be submitted for Type II—IV applications.
One paper copy of all application materials shall be submitted for Type I applications;
F. For all Type II—IV applications, the following is required:
1. An electronic copy of all materials.
2. Mailing labels or associated fee for notice to all parties entitled under OCMC 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls.
3. Documentation indicating there are no liens favoring the City on the subject site.
4. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.
5. A current preliminary title report or trio for the subject property(ies);
G. All required application fees;
H. Annexation agreements, traffic or technical studies (if applicable);
I. Additional documentation, as needed and identified by the Community Development Director.

Finding: Complies The application was deemed complete on December 18, 2025.

17.50.090 - Public notices.
All public notices issued by the City announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.
A. Notice of Type II Applications. Once the Community Development Director has deemed a Type II application complete, the City shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The applicant shall provide or the City shall prepare for a fee an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. The City's Type II notice shall include the following information:
1. Street address or other easily understood location of the subject property and city-assigned planning file number;

2. A description of the applicant's proposal, along with citations of the approval criteria that the City will use to evaluate the proposal;
3. A statement that any interested party may submit to the City written comments on the application during a fourteen-day comment period prior to the City's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;
4. A statement that any issue which is intended to provide a basis for an appeal shall be raised in writing during the fourteen-day comment period with sufficient specificity to enable the City to respond to the issue;
5. A statement that the application and all supporting materials may be inspected, and copied at cost, at City Hall during normal business hours;
6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application;
7. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.

Finding: Complies. A public notice was sent to all properties within 300 feet of the site and signs were placed on the property within 20 days of the scheduled hearing. Copies of the public notice and affidavit of sign posting are in the record.

B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the City shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The City shall also publish the notice on the City website within the City at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080.H, the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:
1. The time, date and location of the public hearing;
2. Street address or other easily understood location of the subject property and city-assigned planning file number;
3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the City will use to evaluate the proposal;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;
5. A statement that any issue which is intended to provide a basis for an appeal to the City Commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue;
6. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal;

7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the planning division offices during normal business hours; and
8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.

17.50.100 - Notice posting requirements.
Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.
A. City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.
B. Number and Location. The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.
Finding: Complies. A public notice was sent to all properties within 300 feet of the site, and signs were placed on the property within 20 days of the scheduled hearing. Copies of the public notice and affidavit of sign posting are in the record.

CHAPTER 17.52 OFF-STREET PARKING AND LOADING
This application was submitted on June 27, 2025, prior to the adoption of the recent Climate-Friendly & Equitable Communities (CFEC) Code changes. The following chapter and analysis do not include those revisions. Additionally, as part of the master plan, future DDPs may choose to use the code effective at the time of GDP master plan adoption, or the code in place at the time of Detailed Development Plan submission.

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 single-family detached residential dwellings, duplexes, townhouses, and cottage clusters.

Finding: Applies. The proposal includes a new or expansion to an existing parking lot.

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.

Finding: Complies with Condition. While each parcel will seek its own individual Detailed Development Plan (DDP) approval, this Masterplan application seeks adjustment to the required parking criteria as shown below, so that the individual parcel DDP applications will already have received a decision on anticipated parking counts.

Parcel	Proposed Use	Required Parking	Required Criteria	Proposed Parking	Parking Adj Needed?
A	**Retail**	**55 (min); 68 (max)**	**4.10/1ksf (min); 5.00/1ksf (max)**	**102 (7.0/1ksf)**	**Yes**
B	**Multi-Family Residential**	**208 (min); 520 (max)**	**1.00/unit (min); 2.5/unit (max)**	**320**	**No**
D	**Restaurant**	**20 (min); 25 (max)**	**4.10/1ksf (min); 5.00/1ksf (max)**	**58 (11.8/1ksf)**	**Yes**

The figure below will be referenced in the approval criteria findings in this section; it is added at the beginning for reference and is referenced in the conditions of approval.

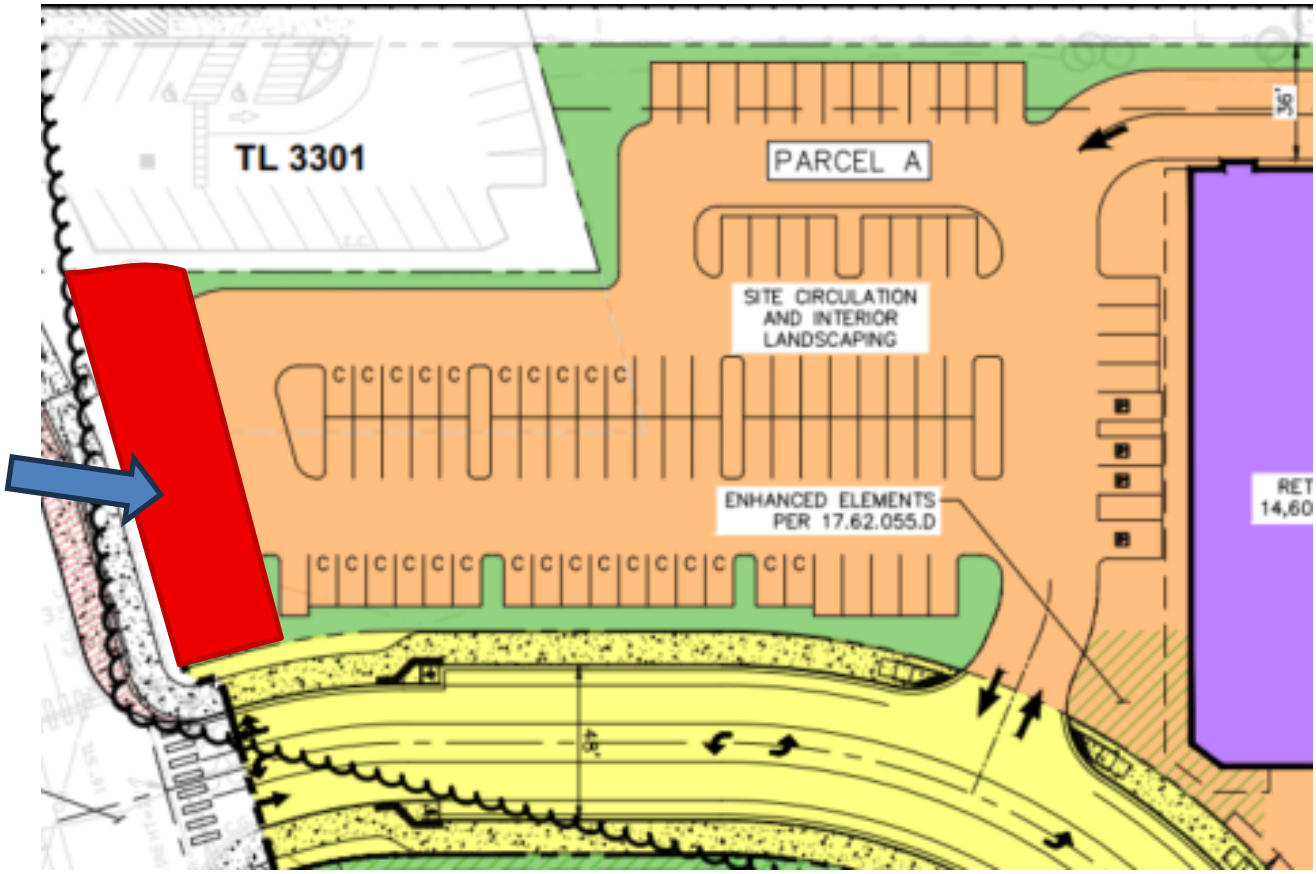


Figure 9 illustrates in red the location of additional enhanced landscaping and the removal of parking to comply with the mitigation requirements for the parking adjustment of Parcel A. This change will eliminate 7-9 parking spaces from the proposed total of 102 spaces.

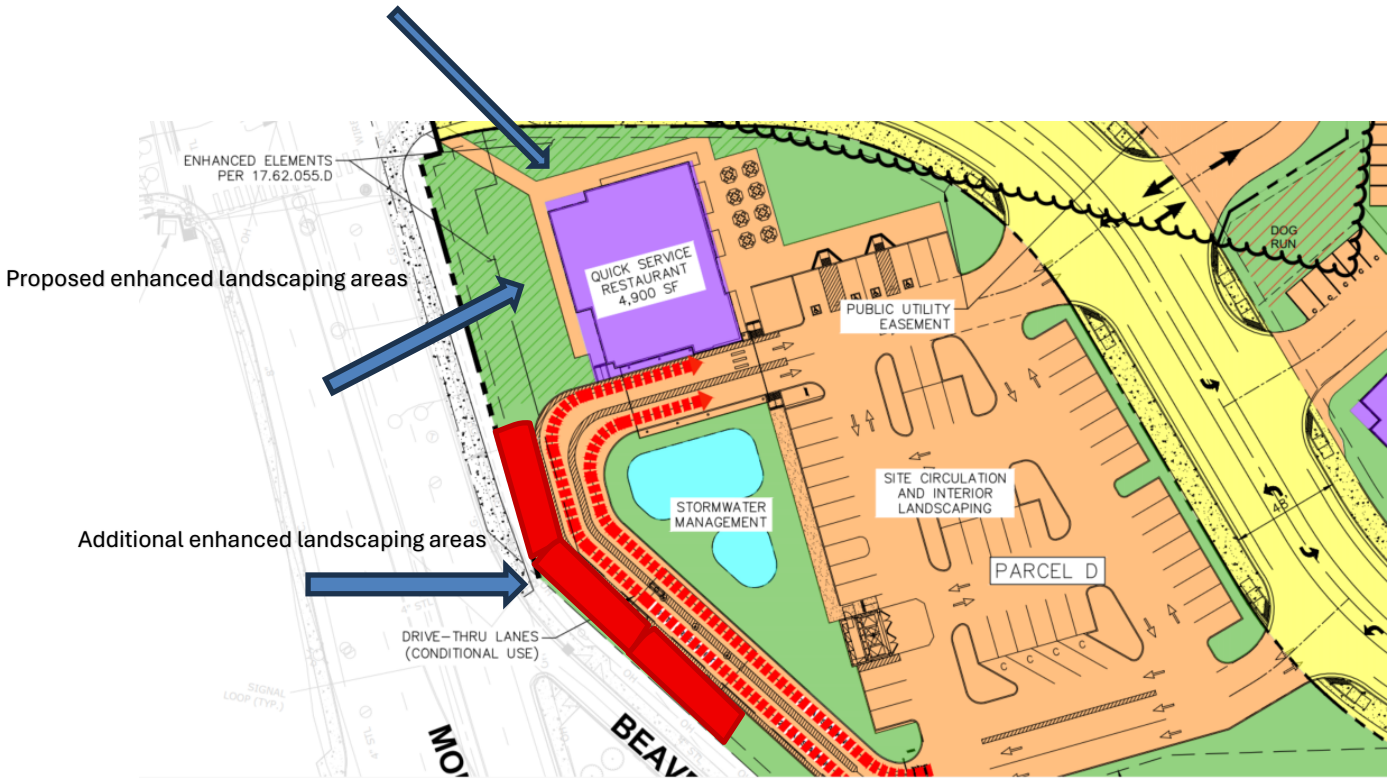


Figure 10 illustrates the locations of the proposed and conditioned (in red) enhanced landscaping to comply with the mitigation requirements for the parking adjustment and the drive-through facility on Parcel D.

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 onsite parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in onsite parking shall be calculated as follows:
i. Vacant on-street parking spaces within three hundred feet of the site will reduce onsite 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 onsite parking requirements by 0.2 parking spaces.

Finding: Complies with Condition. The above analysis requirement implies a request for a reduction in parking by evaluating surrounding parking availability, including on-street parking. This project's proposed parking adjustments exceed the maximum required parking, rather than seeking a reduction in parking requirements due to on-street parking or shared parking from another use. Oregon City Municipal Code (OCMC) Table 17.52.020 identifies parking requirements

and groups retail stores, shopping centers, and restaurants in the same category, limiting the maximum parking ratio to 5.0 per thousand square feet. It does not differentiate between use sizes or types within the three applicable uses described (for example: retail store vs grocery store or specialty retail; sit-down restaurants vs quick-service restaurants that generate higher traffic/parking impacts; or larger regional shopping centers vs neighborhood shopping centers). As such, variations in use can have a significant impact on the number of required parking spaces for a given user, which may not fit within the limits of Table 17.52.020.

A Type III parking adjustment review is site-specific and can be context-based. The applicant has provided the following information for the two parcels requesting an adjustment to the parking maximum. Staff generally agrees with the approach contingent on the adoption of an enhanced landscaping condition to provide additional buffering, ensuring that the pedestrian experience is not reduced along Molalla Avenue and that the transit corridor remains a prominent pedestrian connection.

Parcel A Discussion

This project's proposed public street does not include on-street parking. Existing uses north of this parcel preclude shared parking by virtue of adjacent limited parking capacity of the existing QSR, and street connectivity to Hilltop Ave. Additionally, counting on-street parking from Hilltop Ave would preclude parking in front of these existing Hilltop uses by those same uses. There is no on-street parking on Molalla Ave. The shopping center on the west side of Molalla Ave is not likely to be utilized by Parcel A customers given the distance from the Parcel A building entrance and the need to cross Molalla Ave.

A maximum parking ratio of 5.0 may work for larger retail or shopping centers, but the proposed retail use is relatively small at 14,600 sf

The applicant seeks an increase in maximum parking as proposed in the above table. Parking ratios have varied between approximately 5.0 – 7.0 in similar combined retail shops/QSR uses. In locations where their parking ratios have been lower, parking has spilled over to adjacent shopping center parking to make up for demand at this retailer. With this project, the retail shops and QSR combination is a stand-alone location without the ability to share parking with another use or shopping center. If the parking ratio is limited to 5.0, customers would attempt to utilize adjacent parking from Parcel B, thereby reducing available parking for adjacent residential use. Customers may also attempt to utilize parking from Parcel D across the street, reducing available parking for Parcel D and creating an unsafe street crossing situation.

Staff believes that the design is a reasonable approach for the lot, and since no tenants have been identified for this parcel, a parking maximum for use is not warranted. Instead, staff views the approach as allowing additional parking in the no-build/constrained area of the parcel, subject to enhanced landscaping (Condition of Approval; #14) along Molalla Avenue, which will require removing 7-8 parking spaces along the Molalla Avenue frontage. The new building on Parcel A fronts directly onto the new road and will feature a direct pedestrian connection. The transportation analyses reviewed both the impact of the specialty grocery and the multi-tenant commercial, and both met the city's operational standards as conditioned. If, after the Master Plan

is approved, a specialty grocery returns to Parcel A, it can still be implemented through the Type II DDP process and does not require a Type III Amendment to the Master Plan.

Parcel D Discussion:
Required parking for this proposed use is grouped with retail store and shopping center uses and does not recognize the parking demands of a quick service restaurant. Existing development north of the site is comprised of another Quick Service Restaurant (QSR) at the northeast corner of the subject property and single- and multi-family residential, with no connected access to these properties. The adjacent QSR is situated 4'-5' higher in elevation than the subject property and already has limited parking. The adjacent QSR parking ratio is approximately 12.5/1ksf, consistent with the project's requested parking ratio. The adjacent QSR, as with the proposed QSR, is a stand-alone restaurant and not part of a shopping center development where shared parking can occur. Our proposed QSR cannot share parking with other uses without crossing either a major arterial street (Molalla Ave) or our proposed Collector street, thus limiting practical shared parking opportunities. If the parking ratio is limited to 5.0, customers may attempt to utilize parking from Parcels A or B across the street, reducing available parking for these parcels and creating an unsafe street crossing situation. The applicant seeks an increase in maximum parking as proposed in the above table. Based on other locations for this QSR, parking ratios have varied between approximately 12.6 – 20.0. In locations where their parking ratios have been the highest, parking was shared with adjacent development so identifying the exact parking count is difficult to do. This project does not seek an extreme parking ratio. Instead, it seeks a parking ratio consistent with adjacent uses in similar conditions. If the parking ratio is limited to 5.0, customers would attempt to utilize adjacent parking from Parcel B, thereby reducing available parking for adjacent residential use. Customers may also attempt to utilize parking from Parcel D across the street, reducing available parking for Parcel D and creating an unsafe street crossing situation.

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.

Finding: Complies as Conditioned. Because the new public road separates Parcels A and D, it is unlikely and not very feasible to approach the development with a shared parking approach. If the two parcels were on the same side of the street, staff would be more inclined to pursue a shared parking lot approach. Allowing an increase in the maximum parking for Parcels A and D ensures enough customer parking without relying on shared parking with adjacent uses. Both parcels have standalone lots, so sharing with other on-site uses isn't feasible. Sharing would take parking from Parcel B's residential use or require customers to cross a collector road, adding nearly 600 feet of travel. Increasing maximum parking supports the development's function by preventing parking conflicts among Parcels A, D, and B.

The City Commission concludes that the applicant has not provided sufficient evidence to satisfy Criterion 17.52.015(C)(3), which requires the applicant to demonstrate that modifying the amount of parking spaces will not significantly impact the use or function of the site and adjacent sites. No evidence regarding the identity and mix of tenants on Parcel A is included in the record and

therefore, it is not possible to know whether the required 68 maximum parking spaces is sufficient or should be increased to allow 102 spaces on Parcel A. For example, if a tenant is a bike retail store, fewer car trips and parking requirements can be assumed. Moreover, the purpose of allowing a planning commission adjustment to increase parking maximums is to "provide flexibility to those uses which may be extraordinary, unique or provide greater flexibility to 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." 17.52.010(A (emphasis added). Because the applicant has not demonstrated any uses that are extraordinary or unique that require additional parking beyond the maximum 68 spaces, an adjustment is not warranted in the GDP at this time. The Applicant may seek an adjustment to the parking maximum either concurrently with or prior to submitting a DDP for Parcel A when additional details can be presented.

4. Compatibility: The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.

Finding: Complies as Proposed. Per 17.29.010 **,**The mixed-use corridor (MUC) district is designed to apply along selected sections of transportation corridors such as Molalla Avenue, 7th Street, Beavercreek Road, and along Warner-Milne Road. Land uses are characterized by high-volume establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities, or a similar use as defined by the community development director. A mix of high-density residential, office, and small-scale retail uses are encouraged in this district. Moderate density (MUC-1) and high density (MUC-2) options are available within the MUC zoning district.

The subject property is an infill development within the hilltop commercial area. The proposed increase in maximum parking aligns well with the surrounding uses, including adjacent quick-service restaurant (QSR) locations and shopping center parking.

5. Safety: The proposal does not significantly impact the safety of adjacent properties and rights-of-way.

Finding: Complies as Proposed. The proposed maximum parking adjustment results in a safer development proposal than one in which inadequate parking exists. As noted above, given the stand-alone nature of the subject parcels, any shared parking that may be necessary to satisfy the parking needs of Parcels A & D would result in taking parking away from adjacent residential use or require customers to cross a Collector street or Major Arterial to patron the subject uses.

Enhanced landscaping will provide additional buffering to ensure that the pedestrian experience is not reduced along Molalla Avenue and that the transit corridor remains a prominent pedestrian connection.

6. Services: The proposal will not create a significant impact to public services, including fire and emergency services.

Finding: Complies as Proposed. The proposed increase to the maximum allowable parking will have no negative impact on public services, including fire or emergency services. Additional space created by the added parking allows more room for emergency services, access, and circulation within Parcels A and D. Public and private utility demands are unaffected by the requested parking increase.

CHAPTER 17.56 CONDITIONAL USES

17.56.010 - Permit—Authorization—Standards—Conditions.
A conditional use listed in this title may be permitted, enlarged or altered upon authorization of the Planning Commission in accordance with the standards and procedures of this title. A conditional use permit listed in this section may be permitted, enlarged or altered upon authorization of the Planning Commission or City Commission in accordance with the standards and procedures of this section. Any expansion to, alteration of, or accessory use to a conditional use shall require Planning Commission or City Commission approval of a modification to the original conditional use permit unless authorized in this chapter.

A. Conditional uses, because of their public convenience and necessity and their effect upon the neighborhood shall be permitted only upon the approval of the Planning Commission or City Commission after due notice and public hearing, according to procedure as provided in OCMC 17.50. The applicant shall provide evidence substantiating that all the requirements of this title relative to the proposed use are satisfied, and demonstrate that the proposed use also satisfies the following criteria:
1. The use is listed as a conditional use in the underlying district;
Finding: Applicable. The proposed Masterplan includes two drive-throughs which are identified as a Conditional Use in the MUC-2 zone (OCMC 17.29.030)

2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;

Finding: Complies as proposed.
The applicant has provided the following findings:
Parcel A & D
The characteristics of the site are suitable for the proposed drive-through facility as the proposed configuration of the drive-through facility is designed in such a way that other site design code elements can still be maintained, drive-through facilities exist immediately north and west of the site, the proposed parcel size can easily accommodate the drive-through facility and allow adequate queuing without impacting site circulation on public roads, and the site topography is gentle enough to accommodate the proposed drive-through while still allowing space for the access easement required for the properties south of the subject property as identified in the Beavercreek Access Management Plan

The property appears to be suitable for the proposed uses. The applicant has proposed several public improvements that are generally consistent with the City's standards (see below for GDP

and DDP requirements for public improvements under OCMC 16.12.). The proposed development does not contain severe slopes or other unique features that would require atypical roadway patterns reducing the safety of pedestrian, bicycle, vehicles (i.e. freight or emergency) from accessing the area. The property has an area identified as a geological hazard but impacts to the mapped area appear to be minimal and will be further reviewed with each DDP that impacts it. A small portion of the site near Beavercreek Road contains is part of the City's NROD area and the Applicant has noted that they will mitigate per the City's OCMC 17.49 requirements for any impacts there.

Overall, City Staff do not consider that the proposed development is unsuitable to the site based on the site's existing features. Specific conditions on how the site can meet City standards are noted within this report or will be further reviewed/conditioned with each parcel's DDP.

3. Development shall demonstrate compliance with OCMC 16.12;

Finding: Complies with Condition. The applicant has proposed to construct multiple public facilities to serve this development and the surrounding area. The following are the City's findings and conditions for the public improvements associated with this development:

Transportation

A new roadway connecting Molalla Avenue to Beavercreek Road is identified. Both Molalla Avenue and Beavercreek Road are Major Arterial Roads with the new road connecting them proposed as a collector road. The applicant has requested modifications to the City's standard cross-section for a collector road using the City's modification process under OCMC 16.12 in their DDP. The reduced collector road cross-section generally removes the standard on-street parking, standard third lane east of the proposed commercial development driveways, and a sidewalk through TL 500/501 connecting to Beavercreek Road. Both Molalla Avenue and Beavercreek Road do not contain parking lanes and the applicant's modification request with the DDP explains how sufficient parking with each parcel will be provided. The Applicant's TIA and City staff support these modifications. The portion of the new roadway the runs through TL 500/501 is consistent with the City's Beavercreek Road Access Plan (i.e. Short Term Access Plan) and the City's TSP project S28 by providing an expanded sidewalk on one side of the road to facilitate pedestrian and bicycle connections away from major roadways. When future properties develop to the west, the sidewalk on the west will be provided which is a typical process for half-street like roadways. The public roadway is a necessary facility for public transportation, site access, and emergency services. The proposed public street between Molalla Avenue and Beavercreek Road shall be constructed prior to occupancy of the first developed parcel.

TSP Project S28 is a shared-use path that is intended to connect the Hilltop Avenue neighborhood with the commercial facilities on Beavercreek Road and onward. As noted above, the applicant has proposed that they will construct an expanded sidewalk as a shared-use path along the new road within TL500/501. They propose to continue the shared-use path north towards Hilltop Avenue by leaving the new street alignment and provide a natural path on the eastern edge of the property (TL3200/3400). The Applicant's proposed nature trail and stairway to access the trail from the new road, is not consistent with the City's accessway standards for offsite pedestrian and bicycle access. Furthermore, the Applicant's proposed alignment does not provide a usable safe shared

use path as required by Chapter 1 Goal 3 parts 3.5 and 3.6, Chapter 3 Goal 1, and Chapter 4, Goal 1 part 1.3 of the Comprehensive Plan to address community safety of residents and provisions of multi-modal opportunities. As previously mentioned, the purpose of project S28 is to connect the development and Hilltop neighborhood to pedestrian and bicycle facilities within Beavercreek Road and provide a safe alternative to using vehicular transportation to access Beavercreek Road. Shared use paths which are used as transportation systems are constructed of paved materials, most commonly asphalt. Trails that are fully enveloped within a park are typically paved or unpaved depending on the plan for the park. Since this is a transportation connection from one roadway to another (Hilltop Avenue to Beavercreek Road), the shared use path must be fully paved. Additionally, the path must be located in a safe useable area. The Applicant proposed the path to be located approximately 10 feet below Parcel B's proposed parking lot in elevation with no connection to Parcel B. The path is also proposed to be located within a geologic hazards overlay zone within two proposed steep slopes. No evidence has been provided that the path will be safe from a security perspective or a landslide perspective or useable by Parcel B. Therefore, the path shall be relocated to be along the edge of Parcel B's parking lot for accessibility and security reasons to meet the safety standard. The applicant has proposed design and construction of the shared-use path with the new road's DDP. The City takes no exception to the shared-use path timeline and final design will be addressed with the Applicant's DDP for the new road. However, the City has provided a Condition which allows the path to be built in pieces within the public road DDP and the parcel B DDP if the applicant chooses. Conditions of approval and findings for the S28 shared-use path are identified with the applicant's DDP for the new road. The construction of the shared-use path S28 within TL 3200/3400 may be completed with either the DDP for the new roadway or prior to occupancy of Parcel B.

As part of OCMC 16.12, applicants must address the City's Mobility Standards and provide a traffic impacts analysis (TIA). The analysis evaluates impacts to existing Street Systems and details how the new development can meet City Standards. The City and it's transportation consultant have reviewed the provided TIA and note the following:

- Based on the most recent five years of available crash data (2019 to 2023), critical crash rate calculations, and ODOT SPIS lists, the OR-213/Beavercreek Road intersection was flagged for safety concerns. The TIA notes that since 2023, safety improvements such as signal modifications and improved signage have been completed at this location. As such, no safety mitigations are recommended at this time.
- The development is expected to generate 339 (157 in, 182 out) a.m. peak hour trips, 190 (107 in, 83 out) p.m. peak hour trips, and 2,788 weekday trips. This includes a conservative internal trip capture reduction of 5% in the a.m. peak hour and 25% in the p.m. peak hour, a pass-by rate of 40% for both the a.m. and p.m. peak hours for the Strip Retail (822) land use, and a pass-by rate of 55% for both the a.m. and p.m. peak hours for the Restaurant (934) and Coffee Shop with Drive Through Window (937) land uses.
- Different trip distributions were applied for the commercial and residential land uses.
    - *Commercial Trips (Retail and Fast Food):* Approximately 35% of site trips are expected to travel to/from destinations to the south along Molalla Avenue and

Beavercreek Road, and approximately 65% are expected to travel to/from destinations to the north along Molalla Avenue.

- *Residential Trips:* Approximately 55% of site trips are expected to travel to/from destinations to the south along Molalla Avenue and Beavercreek Road, and approximately 45% are expected to travel to/from destinations to the north along Molalla Avenue.

- Left turn lane warrants were evaluated at future site access intersections. No left turn lane warrants were met.
- All study intersections are expected to meet performance standards under all analysis scenarios.
- A queuing analysis showed queue lengths at the Molalla Avenue/Shared Business Driveway (Safeway) intersection are expected to exceed the available storage for the northbound left turning movement under both background and build conditions in the p.m. peak hour. The 95th percentile queue is expected to exceed the available storage by only one vehicle in the p.m. peak hour only. No mitigation is recommended at this time as it is a background condition.

The findings of the City's review of the TIA show that the proposed development does not fail the City's transportation systems and that the overall concept of the proposed development can meet the City's standards. Additional reviews/conditions will be required with each DDP that are more specific with each parcel (e.g. driveway locations, spacing, sizing, queuing). The City notes the following Conditions of Approval with this GDP:

- Since the TIA assumes a reduction in vehicle trips due to internal trip capture that would occur as walking and/or biking trips, the TIA shall be revised to discuss the project's internal pedestrian and bicycle circulation needs and how the site plan adequately accommodates active modes.
- Minimum AASHTO sight distance requirements shall be met at all site intersections and driveways. Sight distances on the internal local street system shall be approved by the City Engineer prior to final site plan approval (at DDP).
- A proportionate share fee contribution of $404 per p.m. peak hour trip shall be collected for planned improvements at OR-213/Beavercreek Road. The fee amount will be determined as part of future detailed development plan applications.
- Upon development opening, short-term traffic operations will likely exceed the study's reported operations, which may result in traffic congestion and concerns regarding vehicle queuing. Future detailed development plan applications shall address this with their applications.
- Roadway striping improvements on Molalla Avenue and the new public road will be required as part of the DDP which builds the new public road.

- Traffic Signal improvements on Molalla Avenue and the new public road will be required as part of the DDP which builds the new public road.

It should be noted that both the October 2025 and March 2026 versions of the study find that the existing transportation system will adequately accommodate the proposed master plan uses. The October 2025 analysis included a high-volume grocery store with a higher trip count than the currently proposed development in Parcel A. The October 2025 trip count represents a reasonable worst-case development for that parcel from a transportation impact standpoint. If the development for Parcel A changes and is consistent with either the trip count from October 2025 or March 2026 TIA, a new GDP TIA will not be required.

Water

The Applicant has also proposed to provide an expanded water system with this development. The City's Water Master Plan identifies a new 12" water main connecting Molalla Avenue with Beavercreek Road to provide additional system looping. The City will review technical design and specific connection points with the applicant's DDP and technical design review. The proposed 12" water main, connecting Molalla Avenue to Beavercreek Road, shall be constructed prior to the occupancy of the first developed parcel.

Sanitary Sewer

The applicant has proposed a new sanitary sewer main to be installed within the new road. This sewer is needed to serve the developments on Parcels A, B, and D. The proposed layout appears to meet City standards but further technical review and conditions will be considered as part of the DDP and technical permitting. The City's Sewer Master Plan identifies a new sanitary sewer to connect the City's existing system on HIlltop Avenue to the sewer system on Beavercreek Road by gravity. The Applicant has noted that the portion within TL 3200/3400 will be constructed with Parcel B. The City takes no exception to that proposal. The City's identified sanitary extension within Parcel B shall be completed prior to Parcel B's occupancy. The proposed sewer line within the new roadway shall be constructed prior to the occupancy of the first developed parcel.

Stormwater

The applicant has proposed a private and public stormwater design for this development. The proposed application notes a stormwater pond as part of Parcel D for the Quick Service Restaurant (QSR) development. That pond will take in only stormwater runoff from that parcel. The City takes the exception to that approach and will review that design in more detail with Parcel D's DDP. That pond will be constructed as part of Parcel D's development.

The applicant also proposes to construct a second stormwater pond that will treat the runoff from Parcel A, B, and the proposed public roadway. The applicant has proposed to dedicate this pond to the City for public ownership and maintenance. The applicant's stormwater report notes that the combined stormwater collection area to be treated for Parcels A and B is approximately 4 times the size of the proposed public roadway. The proposed Pond is primarily designed to treat the private properties within this development. Typically, with commercial properties (shopping centers, apartment complexes, industrial complexes, etc.) the stormwater facilities are privately owned and maintained, and the burden is not placed on the City to maintain. With only a fifth of stormwater

flows to this pond originating from the public right-of-way, and with commercial developments (like this one) privately maintaining their own stormwater facilities, the proposed pond should not be a public facility maintained by the City. Public stormwater facilities shall only treat stormwater from publicly maintained rights-of-way (i.e. public streets). The applicant shall either separate the public stormwater runoff from the private runoff with separate publicly maintained facilities (e.g. streetside planters or other separate facilities) and privately maintain facilities for private stormwater runoff; or the development can enter into an agreement with the City to privately maintain a combined pond.

The proposed public improvements identified with this GDP are generally consistent with the City's water, sewer, stormwater, and transportation standards. Further refinement to these facilities will be conditioned and reviewed as part of each parcel's DDP to ensure that they meet City standards and design policies.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;

Finding: Complies with Condition
The applicant has provided the following findings:

Parcel A
The proposed drive-through is situated approximately 36' away from the north property line and approximately 60' – 90' away from the nearest residential use north of the subject property. The drive-through menu board and ordering speaker will be situated on the back (east) side of the building at least 50' south of the north edge of the Parcel A building. The Parcel A drive-through facility will not substantially limit, impair or preclude the continuing use of these residential properties. The proposed Parcel A drive-through facility is comparable in nature to the existing drive-through facility at the adjacent QSR at the northwest corner of the site, which is situated approximately 60' from the adjacent residential use, and will not substantially limit, impair or preclude the continuing operation of the existing QSR use.

Parcel D
The proposed drive-through is situated 350'-530' away from the nearest residential use north of the subject property and is separated by a proposed public street that has no direct connection to the abutting residential properties. The drive-through facility will not substantially limit, impair or preclude the continuing use of these residential properties. The proposed drive-through facility is comparable in nature to the existing drive-through facility at the adjacent QSR at the northwest corner of the site and will not substantially limit, impair or preclude the continuing operation of the existing QSR use. The proposed drive-through facility does not limit, impair or preclude uses in the existing shopping center west of the site. The proposed drive-through facility is comparable in nature to several of the tenants in this shopping center who also have drive-through facilities. Similarly, the commercial uses south of the subject property are not impacted by the proposed

drive-through use. Their uses can continue to operate regardless of the proposed drive-through use. In fact, the proposed drive through lane is configured in a manner that allows future access to properties south of Parcel D in compliance with the Beavercreek Access Management Plan

Staff generally agrees with the approach contingent on the adoption of an enhanced landscaping condition to provide additional buffering, ensuring that the pedestrian experience is not reduced along Molalla Avenue and that the transit corridor remains a prominent pedestrian connection.

5. The proposal satisfies the goals and policies of the City comprehensive plan which apply to the proposed use.

Finding: Complies with Conditions.
The applicant has provided the following findings:

HEALTHY AND WELCOMING COMMUNITIES
Goal 1 – Community Engagement
By virtue of the Conditional Use process before Planning Commission, Comprehensive Plan Goal 1 and its associated policies are satisfied. The proposed drive-through facilities are located in an area of the site with prior development activity (former gas station was located in this portion of the subject property).

Goal 2 – Historic, Artistic, and Cultural Resources Based on coordination with the State Historic Preservation office (SHPO), SHPO has no record of identified archeological objects or sites and no Native American cairn, burial, human remains, sacred objects or objects of cultural patrimony in or adjacent to the project area and does not have any concerns with the project proceeding as planned. The Confederated Tribes of Grand Ronde requested an archeological survey of the site be performed. This survey will be performed prior to detailed construction plan preparation and the results of the survey incorporated into the design in the event they impact the proposed drive-through facility. Comprehensive Plan Goal 2 and its associated applicable policies are met.

Goal 3 – Livability and Access to Community Services
This goal is focused on community-based organizations, access to health care, civic engagement, community safety, and unhoused residents. Policy 3.4 describes the need to support and promote the availability of affordable, healthy food for neighborhoods and describes a strategy of allowing and encouraging the development of small retail centers in residential neighborhoods that provide goods and services for local residents and workers. The Comprehensive Plan identifies the subject property as a Mixed Use Corridor (MUC). The proposed drive-through facilities do not impact access to community services. Restaurants are an allowed use in the Mixed Use Corridor (MUC) Plan District. The proposed drive-through supports the underlying Plan designation.

DIVERSE ECONOMY
Goal 1 – Varied Goods and Services and Employment Options
The proposed drive-through facilities do not negatively impact any of the stated Comprehensive Plan Policies. The proposed drive-through facilities allow an outright permitted use in this zone to operate in a manner that will bring them to the community and provide another food option.

Goal 2 – Housing Options
The proposed drive-through facility does not impact this goal as it does not impact housing options.
Goal 3 – Implementation of 2040 Vision and Urban Growth Boundary
The proposed drive-through facilities are part of a development that lies within the Urban Growth Boundary and lies within a Comprehensive Plan designation that allows restaurants.
Goal 4 – Supportive Community Features and Sustainable Site/Building Design
The proposed drive-through facility is part of a larger development that incorporates sustainable stormwater design and complies with applicable site and building code elements that have been adopted by the city and therefore have been deemed to satisfy this goal.
Goal 5 – Periodically Amend the Urban Growth Boundary
The proposed drive-through facility does not impact this goal as it lies within the existing Urban Growth Boundary

CONNECTED INFRASTRUCTURE
Goal 1 – Transportation Network Serving Multiple Modes of Travel
The proposed drive-through facilities do not negatively impact the goal of providing multiple modes of travel within the city. It focuses on the specific transportation impacts of the proposed masterplan development and will help support a safe and effective transportation network by being long enough to house drive-through traffic within the site and avoid spilling onto the proposed public street.

Goal 2 – Adequate Public Facilities
The proposed drive-through facilities do not negatively impact the goal of providing public utilities and transportation facilities within the city.

Goal 3 – Comprehensive Public Facilities
The proposed drive-through facilities do not negatively impact the goal of providing comprehensive public utilities facilities within the city. The proposed drive-through facility does not increase the demand for these services.
Goal 4 – Energy Conservation, Sustainability, and Resiliency
The proposed drive-through facilities will follow the same sustainable site improvements, including stormwater quality treatment and detention as the rest of the site improvements.
PROTECTED ENVIRONMENT
Goal 1 – Accessible Recreation
The proposed drive-through facility will have no negative impact on the recreation opportunities within the city.
Goal 2 – Protection of Natural Resources
The proposed drive-through facilities will follow the same sustainable site improvements, including stormwater quality treatment and detention as the rest of the site improvements. Parcel A or D do not include protected natural resources or ecosystems.

Goal 3 – Minimize Impacts of Natural Hazards

The proposed drive-through facility will have no impact on natural hazard events or the city's ability to respond to same.

Goal 4 – Willamette River Greenway The proposed drive-through facility has no impact to the Willamette River Greenway.

Staff generally agrees with the approach for the drive-thrus contingent on the adoption of an enhanced landscaping condition to provide additional buffering, ensuring that the pedestrian experience is not reduced along Molalla Avenue and that the transit corridor remains a prominent pedestrian connection.

The proposed shared use path provides for access and livability; however, its proposed location does not provide the security needs to sustain livability as the current location will be very difficult to police and ensure safety. Furthermore, the path is not connect to Parcel B limiting access to that transportation service which is intended to be provided by the TSP.

The proposed shared use path provides a multimodal need to the region, but its location prevents the path from providing this alternative transportation to the development.

The shared use path is proposed to be located in an area of geologic hazards overlay zone. The location does not protect the resource causing the need to see the shared use path relocated at time of DDP.

The shared use path is proposed to be located in an area of geologic hazards overlay zone. The location does not minimize impacts to the resource causing the need to see the shared use path relocated at time of DDP.

B. Permits for conditional uses shall stipulate restrictions or conditions which may include, but are not limited to, a definite time limit to meet such conditions, provisions for a front, side or rear yard greater than the minimum dimensional standards of the zoning ordinance, suitable landscaping, off-street parking, and any other reasonable restriction, condition or safeguard that would uphold the spirit and intent of the zoning ordinance, and mitigate adverse effect upon the neighborhood properties by reason of the use, extension, construction or alteration allowed as set forth in the findings of the Planning Commission.

Finding: Complete with Condition. The applicant requests no time limit be set on approval of the drive-through facilities as considerable investment in drive-through infrastructure will be made and drive-through facilities are integral to the QSR operations for both Parcels A and D. As proposed, the drive-through facilities already exceed minimum setback requirements for such improvements, and adverse impacts to neighborhood properties are not expected, given location and orientation of the Parcel A menu board and speaker, and the adjacent commercial uses south of the proposed Parcel D drive-through and the large distance separating the Parcel D drive-through facility from residential properties to the north of the proposed conditional use. Staff have not added a time

limit to the approval. The only conditions related to the conditional use approval pertain to the enhanced landscaping, which must be retained unless revised through a future Type III Conditional Use review.

C. Any conditional use shall meet the dimensional standards of the zone in which it is to be located pursuant to subsection B. of this section unless otherwise indicated, as well as the minimum conditions listed below.

Finding: Complies. The applicant has indicated that the proposed developments on parcels A and D can meet the requirements of the Detailed Development Plan unless further specified in the Master Plan conditions of approval. Final review of the proposal will occur at the Type II Detailed Development Review.

D. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use, any change of use expansion of lot area or expansion of structure shall conform with the requirements for conditional use.

Finding: Not Applicable. The proposed drive-through facilities are not a pre-existing use. Accordingly, this criterion is not applicable.

E. The Planning Commission may specifically permit, upon approval of a conditional use, further expansion to a specified maximum designated by the Planning Commission without the need to return for additional review.

Finding: Complies with Condition. Neither the applicant nor staff expects the need to expand the conditional drive-through for Parcel A or D. However, to ensure clarity in the future, staff has provided a condition that identifies what constitutes an expansion of the drive-through, which requires a Type III Planning Commission review.

17.56.020 - Permit—Application.

A. A property owner or authorized agent shall initiate a request for a conditional use by filing an application with the City Recorder. The applicant shall submit a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The application shall be accompanied by the filing fee listed in OCMC 17.50.080 to defray the costs of publication, investigation and processing.

Finding: Complies. An application for Conditional Use Approval, together with the applicable review fee, was included in the overall Masterplan land-use application submitted June 27, 2025 (Ref CU-25-00001).

B. Before the Planning Commission or City Commission may act on a conditional use application, it shall hold a public hearing thereon, following procedure as established in OCMC 17.50.

Finding: Complies. The drive-through proposal is being reviewed through a Type III Planning Commission Hearing.

17.56.025 - Minor modifications to legal conditional uses.
Minor modifications to an approved conditional use permit may be permitted. If permitted, the modification shall be reviewed as a minor site plan and design review. A minor modification to an approved conditional use permit is considered one of the following:
A. Modification to a structure for the purpose of enhancing the aesthetics of the building and there is no increase in the interior usable space;
B. Except for shelters, 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; or
C. Revisions to parking alignment and/or related vehicle circulation patterns.

Finding: Complies. The applicant acknowledges the requirements to modify a conditional use. The proposed drive-through facilities included in this masterplan application is the initial request. If subsequent modifications are desired, the applicant will seek the applicable procedure for such modification.

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.

Finding: Complies
The applicant has provided the following response:
Parcel A Drive-Through
The proposed drive-through is situated approximately 36' away from the north property line and approximately 60' – 90' away from the nearest residential use north of the subject property. The drive-through menu board and ordering speaker will be situated on the back (east) side of the building at least 50' south of the north edge of the Parcel A building. The Parcel A drive-through facility will not substantially limit, impair or preclude the continuing use of these residential properties. The proposed Parcel A drive-through facility is comparable in nature to the existing drive-through facility at the adjacent QSR at the northwest corner of the site, which is situated approximately 60' from the adjacent residential use.

Parcel D Drive-Through
The proposed drive-through facility includes a drive-through window on the southerly side of the proposed building. The drive-through window is located more than 225 ft away from the existing MUC-2 property south of the site. No additional building openings are proposed with this drive-through facility. The proposed drive-through facility is expected to include a secondary canopy near the approximate mid-point of the dual drive-through lanes. This canopy is located more than 80 ft away from the existing MUC-2 property to the south of the site. This canopy – as with the rest

of the Parcel D improvements - will be further presented/described in the Parcel D Detailed Development Plan.

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.

Finding: Complies with Condition. The applicant has noted that right-of-way dedication will be provided along Molalla Avenue and for the new street connecting Molalla Avenue with Beavercreek Road. The proposed sizing and alignment appear to be acceptable to the City and would work with this GDP. Specific details and dimensions of the new roadway and public improvements (including modification requests) will be reviewed as part of the development's DDPs. See conditions above regarding right-of way dedications and public improvements under OCMC 16.12.

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.

Finding: Not Applicable. No public utility or communication facilities such as substations, storage tanks, radio or television or other noted above is proposed.

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.
Finding: Not Applicable. The conditional use proposal is for two drive-through facilities**.**

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.
Finding: Not Applicable. The conditional use proposal is for two drive-through facilities**.**

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 parking facilities in appearance and circulation of traffic with the surrounding area. Parking facilities 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.
Finding: Not Applicable. The conditional use proposal is for two drive-through facilities**.**

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. 24 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 300 feet, the neighborhood association, and the City. The meeting shall be open to the public.
Finding: Not Applicable. The conditional use proposal is for two drive-through facilities**.**

17.56.060 - Revocation of conditional use permits.
The Planning Commission or the City Commission may initiate administrative action under Chapter 17.50 to revoke any conditional use permit previously issued by the City or, with regard to lands annexed by the City, those such permits issued by the county. The Planning Commission or the City Commission, may revoke such permit upon determining:
A. One or more conditions attached to the grant of the conditional use permit have not been fulfilled; and
B. The unfulfilled condition is substantially related to the issuance of the conditional use permit.

Finding: Complies. The applicant acknowledges the City Commission's authority to revoke conditional use approvals. Staff has not identified any conditions related to this standard.

17.56.070 - Periodic review of conditional use permits.
A. The City Commission may provide for the periodic review of some or all of the conditional use permits previously issued by the City, or, with regard to lands annexed by the City, those such permits issued by the county. In providing for such review, the City Commission may designate classes of such previously issued permits for which periodic review shall be undertaken.
B. Such review shall be accomplished as an administrative action under Chapter 17.50 and shall be limited to the question of whether additional conditions should be imposed on a conditional use in the light of changing circumstances and more efficient implementation of the City's comprehensive plan.
C. Notwithstanding the provisions of Chapter 17.58, any additional conditions shall be met as a requirement for continued operation of the conditional use.

Finding: Complies. The applicant acknowledges the City Commission's periodic review authority for conditional use approvals. Staff has not identified any conditions related to this standard.

CHAPTER 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENT
17.65.010 Purpose and intent.
It is the intent of this chapter to foster the growth of major institutions, phased residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The City recognizes the valuable housing options, services and/or employment opportunities that these developments bring to Oregon City residents. The master plan or planned unit development process is intended to facilitate an efficient and flexible review process for major developments, support innovative and creative land development, and to provide long-term assurance to plan for and execute developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs. The master plan or planned unit development process is further intended to promote efficiency in land development, maintenance,

street systems and utility networks while providing site layouts that integrate usable and attractive open spaces, site circulation, and the general wellbeing of site users. For the purposes of this chapter, planned unit developments are considered the same as master plans.

17.65.020 What is included in a master plan or planned unit development.
A. A master plan or planned unit development is a two-step process that includes a general development plan and a detailed development plan. A general development plan incorporates the entire area where development is planned for up to the next twenty years from the date of final approval, including the identification of one or more development phases. The general development plan may encompass land that is not currently under the applicant's control, but which eventually may be controlled by the applicant during the duration of the master plan. The plan shall have no effect for lands not currently controlled by the applicant. "Controlled" shall be defined as leased or owned by the applicant. A detailed development plan is the phase or phases of the general development plan that are proposed for development within two years.
B. A master plan or planned unit development identifies the current and proposed uses of the development, proposed project boundaries, and proposed public and private infrastructure needed to serve the development. If approved, the general development plan may be used to allow existing legal non-conforming uses. If conditions of approval from a previous land use decision have not been completed, they shall be modified through the general development plan or completed with new development.
C. A master plan or planned unit development identifies future development impacts, thresholds for mitigation and mitigation improvements and implementation schedules. A threshold for mitigation is the point that determines when or where a mitigation improvement will be required. Examples of "thresholds" include vehicle trips, square feet of impervious surface area, water usage measured in gallons per minute, construction of a building within a general development plan and construction of a building within a certain distance of a residential lot.
Mitigation improvements are necessary when a threshold for mitigation is reached. Examples include road dedication, intersection improvement, road widening, construction of a stormwater or water quality facility, installation of vegetative buffering and wetland restoration or enhancement.
Finding: Complies. The applicant acknowledges the purpose and intent of the masterplan process and chooses to request General Development Plan approval for the overall property and Detailed Development Plan approval for the proposed street improvements and rough grading of the site. Detailed Development Plan approval for Parcels A, B & D will be sought separately from this application.

17.65.030 - Applicability of the Master Plan or Planned Unit Development Regulations.
A. Required for Large Institutional Uses. If the boundaries of an institutional development exceed ten acres in size, the proposed development shall be master planned using the regulations of this chapter. No land use review other than a Type I or II Minor Site Plan and Design Review shall be issued for any institutional development in excess of ten acres in total acreage unless it is accompanied by or preceded by a master plan approval under this chapter. This requirement does not apply to modifications to existing institutional developments unless the modification results in a cumulative square footage increase of over ten thousand total building square feet in an existing institutional development over ten acres.

B. When Required as Part of Previous Land Use Review. The master plan or planned unit development regulations may be used to fulfill a condition of approval from a previous land use decision-requiring master planning for a development.
C. When identified in the Oregon City Comprehensive Plan. The master plan regulations are required for all properties identified for master planning in the land use section of the Oregon City Comprehensive Plan.
D. Voluntarily. An applicant may voluntarily submit a master plan or planned unit development as part of a land use review, including for residential projects.

Finding: Complies. The applicant voluntarily requests General Development Plan approval for the overall property and Detailed Development Plan approval for the proposed street and utility main improvements and rough grading of the site. Detailed Development Plan approval for Parcels A, B & D will be sought separately from this application.

17.65.040 - Procedure.
A. Preapplication Review. Prior to filing for either general development plan or detailed development plan approval, the applicant shall file a pre-application conference pursuant to OCMC 17.50.030.

Finding: Complies. A pre-application conference was held April 22, 2025.

B. General Development Plan. An application for a general development plan describing the long-term buildout of the site shall be reviewed through a Type III procedure. An applicant shall have an approved general development plan before any detailed development plan may be approved unless both are approved or amended concurrently. Amendments to an approved general development plan shall be reviewed under a Type III procedure pursuant to OCMC 17.65.080.

Finding: Complies. An application for A Type III Master Plan -General Development Plan, Conditional Use, and Parking Adjustment was submitted. A detailed development plan was also submitted and is attached as a separate staff report, which can be approved along with the Master Plan at the Planning Commission meeting. Future detailed development plans will be reviewed through a Type II review unless a modification is requested that requires a Type III Master Plan Amendment.

C. Detailed Development Plan. An application for a detailed development plan, is processed through a Type II procedure, as long as it is in conformance with the approved general development plan. Amendments to an approved detailed development plan shall be processed pursuant to OCMC 17.65.080. Once a development has an approved detailed development plan, OCMC 17.62 Site Plan and Design Review is not required.

Finding: Complies. The applicant seeks Detailed Development Plan approval for the proposed street improvements and rough grading of the site (MAS-25-002_GEO-25-007_NROD-25-012), which will be concurrently reviewed with the Master Plan. Detailed Development Plan approval for Parcels A, B & D will be sought separately from this application.

D. Concurrent Review. An applicant may concurrently apply for a general development plan and a detailed development plan. Such a concurrent application is reviewed through the highest procedure that applies to any element of the combined application.

Finding: Complies. The applicant seeks Detailed Development Plan approval for the proposed street improvements and rough grading of the site (MAS-25-002_GEO-25-007_NROD-25-012), which will be concurrently reviewed with the Master Plan. Detailed Development Plan approval for Parcels A, B & D will be sought separately from this application.

E. Relationship to Other Reviews. It is the express policy of the City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

Finding: Complies. The applicant presents the enclosed application packages for a comprehensive review of the entire development and its cumulative impacts.

F. Duration of General Development Plan. A general development plan shall involve a planning period of up to twenty years. An approved general development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superseded, or the plan expires under its stated expiration date either as stated in the approved master plan or planned unit development application or decision of approval.

Finding: Complies with Condition. Per OCMC 17.65.020.A, unless further amended and extended by the Planning Commission, this Master Plan, which includes Tax Lots 3330, 3400, 3200, and 3201, shall control development on the site until March 23, 2046. Tax Lots 500, 501 and 602 are not part of the 20-year Master Plan but are included initially to allow for the DDP construction of the Public Road, which will connect with Beavercreek Road. Future DDP applications are to be processed as Type I or II review as directed by the Oregon City Municipal Code, and the applicant may choose to use either the 2025 code adopted at the time of the Master Plan Amendment submittal (June 27, 2025) or the current code.

17.65.050 - General Development Plan.
A. Existing Conditions Submittal Requirements.
1. Narrative Statement. An applicant shall submit a narrative statement that describes the following:
a. Current uses of and development on the site;
b. For institutions, history or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the general development plan, and information about current programs or services;
c. A vicinity map showing the location of the general development plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities. At least one copy of the vicinity map shall be eight and one-half inches by eleven inches in size, and black and white reproducible;

d. Land uses that surround the development site. This may also reference submitted maps, diagrams or photographs;
e. Previous land use approvals within the general development plan boundary and related conditions of approval, if applicable;
f. Existing utilization of the site;
g. Site description, including the following items. May also reference submitted maps, diagrams or photographs:
i. Physical characteristics;
ii. Ownership patterns;
iii. Building inventory;
iv. Vehicle/bicycle parking;
v. Landscaping/usable open space;
vi. FAR/lot coverage;
vii. Natural resources that appear on the City's adopted Goal 5 inventory;
viii. Cultural/historic resources that appear on the City's adopted Goal 5 inventory;
ix. Location of existing trees six inches in diameter or greater when measured four feet above the ground. The location of single trees shall be shown. Trees within groves may be clustered together rather than shown individually; and
x. Geologic hazards pursuant to OCMC 17.44.
h. Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.
i. Existing transportation facilities, including highways, local streets and street classifications, and pedestrian and bicycle access points and ways;
ii. Transit routes, facilities and availability;
iii. Alternative modes utilization, including shuttle buses and carpool programs; and
iv. Baseline parking demand and supply study (may be appended to application or waived if not applicable).
i. Infrastructure facilities and capacity, including the following items:
i. Water;
ii. Sanitary sewer;
iii. Stormwater management; and
iv. Easements.

Finding: Complies. The applicant has provided all needed information in their submission. Many of the plans are shared with the Concurrent DDP application. While all items have been provided, they are not necessarily fully meeting code and standards. Conditions of Approval will be provided to ensure the development meets all requirements during DDP development and permitting. Specific items of adjustment will be needed for Geologic hazards pursuant to OCMC 17.44, existing transportation facilities, and infrastructure facilities and capacity of Water, Sanitary Sewer, Stormwater management and Easements.

2. Maps and Plans.
a. Existing conditions site plan. Drawn at a minimum scale of one-inch equals one hundred feet (one inch equals one hundred feet) that shows the following items. At least one copy shall be eight and one-half inches x eleven inches in size, and black and white reproducible.
i. Date, north point, and scale of drawing.

ii. Identification of the drawing as an existing conditions site plan.
iii. Proposed development boundary.
iv. All parking, circulation, loading and service areas, including locations of all carpool, vanpool and bicycle parking spaces as required in Chapter 52 of this title.
v. Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent.
b. A site plan or plans, to scale, for the general development plan site and surrounding properties containing the required information identified in OCMC 17.62.040.b, Vicinity map. Depicting the location of the site sufficient to define its location, including identification of nearest cross streets. At least one copy of the vicinity map shall be eight and one-half inches by eleven inches in size, and black and white reproducible.
c. Aerial photo. Depicting the subject site and property within two hundred fifty feet of the proposed development boundaries. At least one copy of the aerial photo shall be eight and one half inches by eleven in size, and black and white reproducible.

Finding: Complies. *The applicant has provided all needed information in their submission. Many of the plans are shared with the Concurrent DDP application.*

B. Proposed Development Submittal Requirements.
1. Narrative statement. An applicant shall submit a narrative statement that describes the following:
a. The proposed duration of the general development plan.
b. The proposed development boundary. May also reference submitted maps or diagrams.
c. A description, approximate location, and timing of each proposed phase of development, and a statement specifying the phase or phases for which approval is sought under the current application. May also reference submitted maps or diagrams.
d. An explanation of how the proposed development is consistent with the purposes of Section 17.65, the applicable zone district or districts, and any applicable overlay district.
e. A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources within the development boundary or within two hundred fifty feet of the proposed development boundary.
f. An analysis of the impacts of the proposed development on the surrounding community and neighborhood, including:
i. Transportation impacts as prescribed in subsection g below;
ii. Internal parking and circulation impacts and connectivity to sites adjacent to the development boundary and public right-of-ways within two hundred fifty feet of the development boundary;
iii. Public facilities impacts (sanitary sewer, water and stormwater management) both within the development boundary and on City-wide systems; including a phasing plan for all onsite and off-site public improvements, including but not limited to transportation, schools, parks, open space, trails, sewer, water and stormwater, with an analysis off the capacity and improvements required as a result of fully implementing the plan. This analysis shall reference any adopted parks and recreation, public facilities plans and concept plans and identify specific funding mechanisms to address the adequacy of public facilities.
systems; including a phasing plan for all onsite and off-site public
iv. Neighborhood livability impacts;

v. Natural, cultural and historical resource impacts within the development boundary and within two hundred fifty feet of the development boundary.
g. A summary statement describing the anticipated transportation impacts of the proposed development. This summary shall include a general description of the impact of the entire development on the local street and road network, and shall specify the maximum projected average daily trips, projected AM and PM peak hour traffic and the maximum parking demand associated with build-out each phase of the master plan or planned unit development.
h. In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by City requirements. The transportation impact study shall either:
i. Address the impacts of the development of the site consistent with all phases of the general development plan; or
ii. Address the impacts of specific phases if the City engineer determines that the traffic impacts of the full development can be adequately evaluated without specifically addressing subsequent phases.
i. If an applicant chooses to pursue option h.1., the applicant may choose among three options for implementing required transportation capacity and safety improvements:
i. The general development plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site transportation capacity and safety improvements required on the existing street system as a result of fully implementing the plan. If this option is selected, the transportation phasing plan shall be binding on the applicant.
ii. The applicant may choose to immediately implement all required transportation safety and capacity improvements associated with the fully executed general development plan. If this option is selected, no further transportation improvements will be required from the applicant. However, if a general development plan is later amended in a manner so as to cause the projected average daily trips, the projected a.m. or p.m. peak hour trips, or the peak parking demand of the development to increase over original projections, an additional transportation impact report shall be required to be submitted during the detailed development plan review process for all future phases of the development project and additional improvements may be required.
iii. The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the detailed development plan stage. If this option is selected, the applicant shall submit a table linking required transportation improvements to vehicle trip thresholds for each development phase.
j. For residential and mixed-use projects:
i. Proposed minimum lot area, width, frontage and yard requirements.
ii. Proposed project density in number of units per acre.
iii. Proposed residential types and number of each.

Finding: Complies. The applicant has provided all needed information in their submission. Many of the plans are shared with the Concurrent DDP application. While all items have been provided, they are not necessarily fully meeting code and standards. Conditions of Approval will be provided to ensure the development meets all requirements during DDP development and permitting. Specific items of adjustment relate to transportation impacts, public facility impacts, and neighborhood livability impacts.

2. Maps and Diagrams. The applicant shall submit, in the form of scaled maps or diagrams, as appropriate, the following information:
a. A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during detailed development plan review.
b. The approximate location of all proposed streets, alleys, other public ways, sidewalks, bicycle and pedestrian access ways and other bicycle and pedestrian ways, transit streets and facilities, neighborhood activity centers and easements on and within two hundred fifty feet of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.
c. The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.
d. The approximate location, footprint and building square footage of buildings within of each phase of proposed development, and/or proposed lot patterns for each phase of future development.
e. The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.

Finding: Complies. The applicant has provided all needed information in their submission. Many of the plans are shared with the Concurrent DDP application. While all items have been provided, they are not necessarily fully meeting code and standards. Conditions of Approval will be provided to ensure the development meets all requirements during DDP development and permitting. Specific items of adjustment relate to location of streets, sidewalks, bicycle and pedestrian accessways, public facilities, and the location of Parcel B buildings and parking areas.

C. Approval Criteria for a General Development Plan. The Planning Commission may approve an application for general development plan only upon finding that the following approval criteria are met.
1. The proposed General Development Plan is consistent with the purposes of OCMC 17.65.

Finding: Complies. The Applicant is proposing a Master Plan to create future development parcels for a site zoned Mixed Use Corridor 2. Once approved, each parcel will be submitted for a separate Type II Administrative Detailed Development Plan (DDP) Review when market conditions are ready for each development. The buildings and their locations on the three development parcels are subject to change unless otherwise specified by condition in this application.

While the applicant could have created the development parcels and built the public road through an Administrative Type II Site Plan design review, the Master Plan process will provide the applicant with the needed clarity for phasing and site-wide impact analysis, and ensure that the same code is used for review at the time of each Detailed Development (DDP) application.

2. Development shall demonstrate compliance with OCMC 12.04 16.12, 17.62, if applicable, and 16.08, if applicable.

Finding: Complies with Conditions. The proposed General Development Plan identifies the proposed uses and street patterns of the subject property which has been vacant for nearly twenty-five years. The proposed development will include mixed uses comprised of multi-family residential, retail, and restaurant uses with various adjustments requested born out of the site's geometry and need for a public roadway through the site. The proposed masterplan will be developed in phases, with Phase 1 being the public street and utility improvements together with rough grading of the site. Parcels A, B, and D include retail, multi-family residential, and restaurant uses and will be constructed based on market demand following their individual Detailed Development Plan approval processes. Construction of the individual parcel uses may be concurrent with each other or may be separate. The master plan process is useful for implementing such a development plan by promoting efficiency in the overall development process and infrastructure needed to support the entire development. DDPs relating to the new public road, shared use path, public utilities, and improvements within Molalla Avenue and Beavercreek Road will be required to be in compliance with OCMC 12.04 and 16.12.

3. Public services for transportation, water supply, police, fire, sanitary waste disposal, storm-water disposal, and any other needed public services and facilities including schools and parks for proposed residential uses, are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.

Finding: Complies with Condition. As noted above under the public improvements requirements for OCMC 16.12, the applicant has proposed several public facilities with this development including a new roadway connecting Molalla Avenue and Beavercreek Road, a water main consistent with the City's Water Master Plan, a new sanitary sewer consistent with the City's Sewer Master Plan, and stormwater facilities. The overall plan appears to be consistent with the City's goals and standards, however specific design details and conditions for each of these facilities will be a part of the site's DDP. A majority of which is concurrently being reviewed as part of the proposed Parcel C's DDP. Some improvements such as portions of the public road, the shared use path, and the stormwater facilities will need significant revision to meet the standards of OCMC 16.12 as well as OCMC 17.44.

The proposed public improvements identified with this GDP are generally consistent with the City's water, sewer, stormwater, and transportation standards. Further refinement to these facilities will be conditioned and reviewed as part of each parcel's DDP to ensure that they meet City standards and design policies.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

4. The proposed General Development Plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.

Finding: Complies with Condition. No historic records have been identified onsite. The proposed development is adjacent to and overlooks the Newell Creek Canyon, an inventoried Goal 5 natural resource within the city of Oregon City. The property's eastern edge is included in a geologic hazards overlay zone. The applicant's geotechnical analysis recommends a 35-ft setback from the top of bank overlooking Newell Creek Canyon to construct a future parking lot, trail, stormwater facility and roadway.

The Applicant's proposed geohazard setback identified on the plans are not consistent with the City's mapped geological hazard area. The Applicant's setback had been previously proposed with past plans for development of this site when applicable code standards allowed greater disturbances within the City's landslide buffer area with mitigation recommendations from a licensed geotechnical engineer. However, the City amended and updated its Geological Hazard code in 2021 with more restrictive measures within the landslide buffer. OCMC 17.44.060.I states that:

> *For properties with slopes of twenty-five to thirty-five percent between grade breaks or are located within any portion of a mapped landslide and buffer zone:*
>
> > *1. For those portions of the property with slopes of twenty-five to thirty-five percent or located within any portion of a mapped landslide and buffer zone, the maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;*
> >
> > *2. An individual lot or parcel with slopes between twenty-five and thirty-five percent or located within any portion of a mapped landslide and buffer zone, shall have no more than fifty percent or four thousand square feet of the surface area, whichever is smaller, graded or stripped of vegetation or covered with structures or impermeable surfaces.*

The potential future development of Parcel B including the location and grading of the shared use path, the proposed stormwater management area, and grading associated with the new public road appear to exceed the maximum allowable disturbance within the City's mapped landslide area.



Figure 11: Mapped Landslide areas with 200 ft buffer.

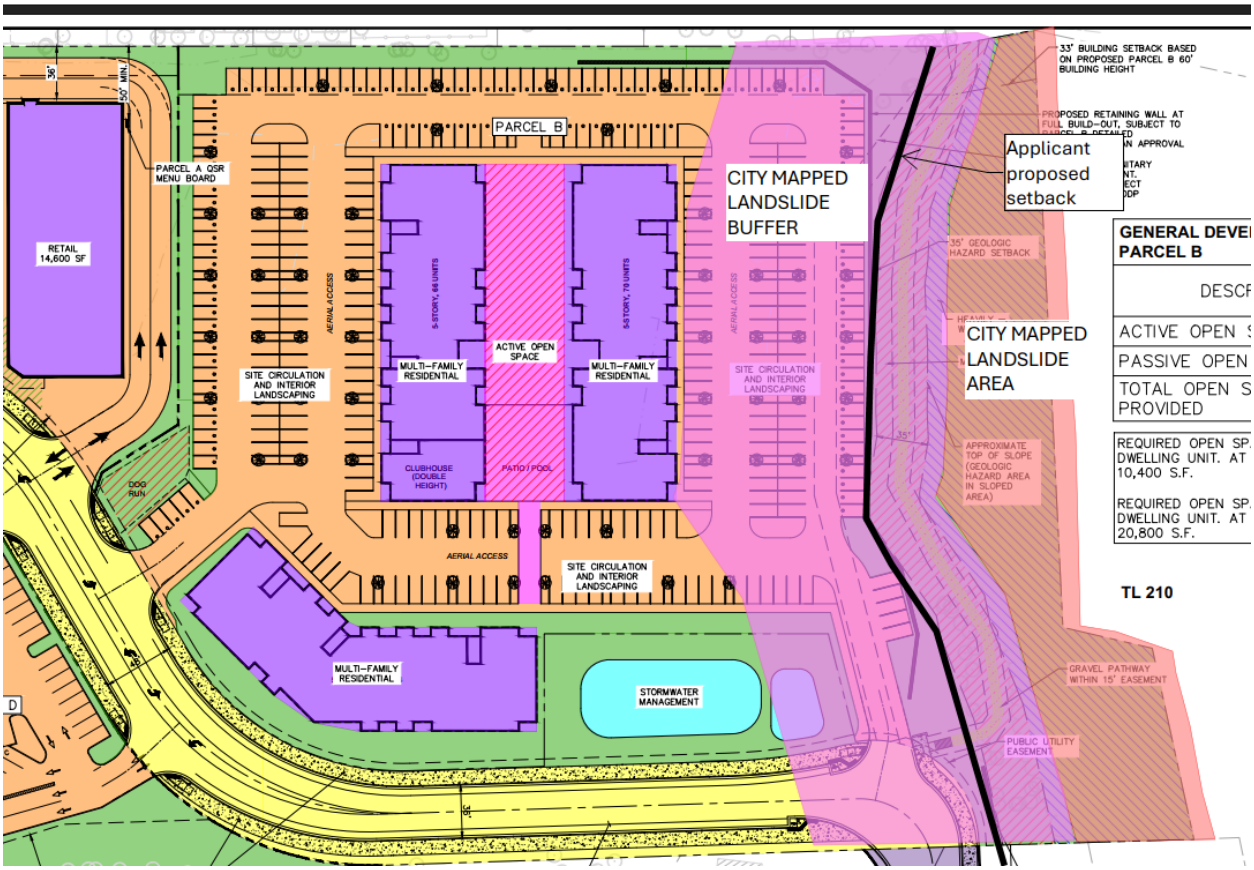


Figure 12: The above picture is an approximation of the Geologic Hazards Overlay Zone landslide and buffer area.

With the City's Geological Hazard updates in 2021, the proposed development's parking, stormwater management area, shared use path, grading, and potentially the dwelling unit density **do not** currently meet code within the buffer area. The proposed development exceeds the maximum in OCMC 17.44.060(I)(2) of 4,000 sf of surface area graded or stripped of vegetation or covered with structures or impermeable surfaces (i.e. earth disturbance) (which can be assessed

per existing parcel as of 1994) and potentially the 2 dwelling unit per acre standard in OCMC 17.44.060(I)(1) (depending on the final location of the proposed building).

The DDP for Parcel B will be required to either meet the standards in OCMC 17.44.060(I), or the applicant may choose to apply under the discretionary standards in OCMC 17.44.060(L), which the City Commission interprets to allow development beyond the limitations in OCMC 17.44.060(I) if an applicant can satisfy the requirements in (L), which provides:

> *L. The review authority shall determine whether the proposed methods of rendering a known or potential hazard site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. The review authority shall consult with the City's geotechnical engineer in making this determination. Costs for such consultation shall be paid by the applicant. The review authority may allow development in a known or potential hazard area as provided in this chapter if specific findings are made that the specific provisions in the design of the proposed development will prevent landslides or damage. The review authority may impose any conditions, including limits on type or intensity of land use, which it determines are necessary to assure that landslides or property damage will not occur.*

.

The applicant has proposed to install the TSP S28 shared use path and a potential retaining wall within parcel B within the Geologic Hazards Overlay Zone. The proposed location of the shared use path (S28) is located below the development on Parcel B in a narrow bench of the hillside that is not visible to the general public which will, as designed and built, create an attractive nuisance and public safety concerns and conflicts with the community's comprehensive plan policies to support design that is to strengthen wellbeing, quality of life, and livability across all Oregon City neighborhoods by creating places that are safe and comfortable with convenient access to community services. The applicant shall resubmit a revised design at the time of DDP development for either Parcel C or Parcel B. The revised design of S28 requires a minimum paved 7-foot-wide path that is ADA accessible, lit to the standards of 16.12.032.D, at a similar grade and visible from the development on Parcel B, and designed to connect to the northern property line, which will be extended at a future time to Hilltop Avenue.

The applicant will be required to meet the conditions of approval for OCMC 17.44 under the Geological Hazard Overlay as part of each DDP within the mapped Geological Hazard Overlay Area.

Additionally, the project's overall stormwater discharge location lies within a Natural Resource Overlay District (NROD) which also drains through the Newell Creek Canyon. The project minimizes impacts to the NROD buffer due to the required public street connection to Beavercreek Rd and mitigates the impact that it does have. The project's stormwater facilities provide both water quality and detention treatment to reduce impacts to the downstream drainage through Newell Creek Canyon. The Geohazard, Stormwater, and Natural Resources Overlay District review

can be conducted using the Type II DDP process. No Master Plan or other Type III amendments are required for implementation.

Grading and erosion control permitting will be required for all construction activities meeting the thresholds and standards noted in the City's Stormwater and Grading Design Standards, OCMC 15.48, and OCMC 17.47. Grading within the City's Geological Hazard Area shall comply with OCMC 17.44 for each DDP. If the applicant wishes to grade or prepare Parcel's A, B, and D prior to the future development's DDPs, a grading and erosion control permit is required.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

5. The proposed General Development Plan, including development standards and impact mitigation thresholds and improvements, adequately mitigates identified impacts from each phase of development. For needed housing, as defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.

Finding: Complies as conditioned . Oregon City's 2021 Housing Needs Analysis identified the need for 7,435 new dwelling units over the next 20 years. The proposed multi-family residential component of the General Development Plan helps the city achieve their goal of providing more housing. The proposed roadway and signal improvements, together with cost participation in the city's planned Beavercreek Road/Hwy 213 improvements, will mitigate the project's development impact. The roadway and utility improvements are proposed to be constructed with the initial phase of development, with the uses generating the actual impact to follow, thereby providing impact mitigation before the proposed demand.

The proposed impacts to the City's Mapped Geological Hazard Area currently do not comply with OCMC 17.44.060.I. as noted above. The DDP for Parcel B will be required to either meet the clear and objective standards in OCMC 17.44.060(I) or the applicant may choose to apply under the discretionary standards in OCMC 17.44.060(L) at the time of its DDP. The City still considers this development to be approvable with the conditions noted above under OCMC 17.65.050.C.4.

Rough Proportionality Findings

The applicant has raised concerns over conditions of approval requiring the building of a shared use path and provide public access and maintenance easement over the same claiming a violation of the Takings Clause of the Fifth Amendment of the United States Constitution and/or Article I, section 18, of the Oregon Constitution which requires the following:

1) An "essential nexus" between "legitimate state interests" and the City's requirement for improvements, as required by *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987);

2) The obligation to provide a public easement would not be "roughly proportional" to the potential impacts of the applicant's proposed development, as required by *Dolan v. City of Tigard*, 512 U.S. 374 (1994); or

3) Monetary contributions to improve the path must comply with Nollan and/or Dolan, as required by *Koontz v. St. Johns Water Management District*, 133 S. Ct. 2586 (2013).

The City must demonstrate that the requirements would comply with applicable law. However, because "the basic thrust of the fifth amendment [of the U.S. Constitution] and art. I, § 18 [of the Oregon Constitution], is generally the same . . ." in this context, *Suess Builders Co. v. City of Beaverton*, 294 Or. 254, 259 n. 5 (1982), this analysis will focus on the federal Takings Clause.

A. Essential Nexus (Nollan)

In *Nollan*, the U.S. Supreme Court held that a permit condition subject to scrutiny under the Takings Clause must have an "essential nexus" to "legitimate state interests." *Nollan*, 483 U.S. at 837. The Court did not decide "what constitutes a 'legitimate state interest' or what type of connection between the [condition] and the state interest . . ." is sufficient, but it noted that long-standing precedent had established that "a broad range of governmental purposes and regulations satisfies these requirements." Id. at 834-35. The purported state interest at issue in *Nollan*, the Court decided, "did not meet even the loosest standard." *Dolan*, 512 U.S. at 386 (citing *Nollan* at 838).

Here, the "essential nexus" is clear. All of the path provision-related requirements are based on legitimate City-approved and applicable standards. Approval of a general development plan requires a finding that the application is in compliance with the Oregon City Comprehensive Plan. OCMC 17.65.050.C.6. The City's Transportation System Plan is an ancillary component part of the Comprehensive Plan. The City's TSP project S28 identifies a shared use path running north and south along the east side of this property. The purpose of this path is to connect development on this property and throughout the Hilltop Area to Beavercreek Road, the Newell Creek Nature Park, whose access is located one block north of the subject property, and Mountainview Cemetery, without requiring travel along Molalla Avenue, a 4-lane arterial that is one of the busiest streets within the City.

Further, all master plan development must be consistent with OCMC 16.12, which sets minimum transportation improvements. The adopted purpose for these standards is to ensure improvements that benefit the public, including future users of the development of adequate public off-street pedestrian and bicycle accessways. OCMC 16.12.010. OCMC 16.12.032 requires that pedestrian / bicycle accessways provide "direct, safe and convenient connections between residential areas, retail and office areas, ...neighborhood activity centers and which minimize out of direction travel." See also Comprehensive Plan Goal 1 of Chapter 3. A safe and convenient accessway is one that is visible from and integrated with adjacent uses. These accessways are required through private property at intervals not exceeding 300 feet or where otherwise convenient. The minimum construction standards demand a "seven-foot wide paved surface," must be lighted and ADA compliant. OCMC 16.12.023(A), (D) and (E). Notably, in order for these accessways to "safe" and "convenient," they must be visible.

The path requirements will be located directly on the property subject to development and would be intended to mitigate the impacts of development at that location (see *Dolan* and *Koontz* discussions below).

These requirements would clearly satisfy the *Nollan* "essential nexus" requirement.

B. Rough Proportionality (Dolan) including Monetary Contributions (*Koontz*)

In *Dolan*, the Court held that requirements imposed on a development must be "roughly proportional" to the impacts of that development. *Dolan* at 391. That standard, the Court wrote, is an "intermediate standard" between "very generalized statements as to the necessary connection," on one hand, and, on the other, a requirement that the government "demonstrate that its exaction is directly proportional to the specifically created need." *Id*. at 389-90. "Rough proportionality" lies somewhere between those extremes of "too lax" and a level of "exacting scrutiny" that the Constitution does not require. *Id*. As the Court explained, "[n]o precise mathematical calculation is required, but the city must make some sort of individualized determination that the required [exaction] is related both in nature and extent to the impact of the proposed development." *Id*. at 391.

In addition, benefits that will accrue to a development as a result of government-imposed requirements need not be ignored. "[T]he *Dolan* analysis allows consideration and appropriate weighing of whether and to what extent a condition serves needs of the development upon which it is imposed, as distinct from serving only general public needs in response to the public impacts of the development." *Art Piculell Group v. Clackamas County*, 142 Or. App. 327, 337 n.4, 922 P.2d 1227 (1996).

Dolan thus requires that the City (1) enumerate the potential impacts of the proposed development here and (2) demonstrate that the potential requirements would be related to those impacts "in nature and extent."

In *Koontz*, the Supreme Court did not create any new balancing tests or require any new analyses specific to the imposition of monetary contributions such as those required for multimodal path improvements required here. Instead, the Court merely held "that the government's demand for property from a permit applicant must satisfy the requirements of *Nollan* and *Dolan* . . . even when its demand is for money." *Koontz*, 133 S. Ct. at 2603. As a result, if a requirement for a monetary contribution would satisfy the "essential nexus" and "rough proportionality" requirements of those cases, such a requirement would not violate the Takings Clause.

The Potential Impacts of the Development

A. Impact determination

The pedestrian / bicycle demand created by this development is not easy to determine at the GDP phase of development because the ultimate uses are not known. For example, if a bicycle shop is established in the multi-tenant building, it is likely to attract more bicyclists than if it is hardware store. What is known is the proposal includes 14,600 square feet of retail, 204 apartment units and

4,900 sf of fast foot restaurant with drive though. It is likely that these uses will have broad appeal and will attract citywide use. The one-block proximity of this development to the Newell Canyon Natural Area, a popular walking and cycling area, shows that it will attract multimodal uses to a greater degree than other areas of the City.

One way to quantify the level of pedestrian / bicycle use generation anticipated is to take some reference from the applicant's traffic study, which provides some sense of the use-created demand.

Excerpting a portion of the applicant's TIA estimating daily trip generation is as follows:

Land Use	**Size**	**Daily Trips**
Mid-Rise Apartments	210 du	710
Retail	14,600 sf	2,174
Restaurant	4,900 sf	2,096

Although these are vehicle trips and the pedestrian / bicycle generation would be far lower, this does give a sense of the number of individuals using the site. These daily trips would include trips both coming to and leaving from subject development so it might be reasonable to cut these projections in half if counting the number of individuals using the site. However, such an approach would also assume that each vehicle includes only one person, which seems unlikely, given the suburban location. According to ODOT and the Oregon Household Survey about 12% of adults in Oregon bike, walk or roll to their destinations. Although in suburban areas that amount is reduced to 5 or 10%, in areas where a car is not required, that number jumps to 52%. Although Oregon City is suburban, the subject property is within walking or cycling of many uses necessary for daily living including shopping, the community college and high school and well as medical and other office services. Assuming that only 8% of the non-residential-related uses are accessed by bicycle or on foot, this would reveal 341.6 non-vehicular trips and some percentage of these are likely to use the new multi-modal path. All of the non-residential uses will be staffed with employees who would likely use the path for recreation during a break or to access Newell Creek for lunch. The highest use of this path will be the residents of the 210 dwelling units proposed on Parcel B. Although it is not clear whether the proposal will include any multi-bedroom uses suitable for families, it is likely that each unit will accommodate at least two people who are likely to use the pedestrian path, not only to access Newell Creek but also in connecting to other shopping centers along Beavercreek Road. An average of two people from half of the units used the path daily, this would add an additional 210 daily trips relying on the path for access. Taken together this is 560 daily trips on this path.

B. Rate of increase in non-vehicular trip generation

To determine what portion of the existing pedestrian / bicycle trip generation exists that might shoulder some proportional cost of this path, the TIA was consulted. What it shows is very low

existing non-vehicular traffic within the area. At most intersections, the bicycle usage during peak hour is zero and the pedestrian generation is less than 15. The intersection experiencing the highest non-motorized traffic generation is Molalla and Beavercreek Road, with a PM daily bicycle count of 2 trips and a pedestrian count of 22. Importantly, none of the uses directly adjacent to this intersection or the other intersections evaluated include any multi-family residential. The 210 proposed units far exceed the number of single family residences within the few block radius of the proposed path.

As the next table shows, the applicant's development proposal is expected to increase the number of non-vehicular trips:

Impact Ratio - Daily Trips			
Daily Property Trips	560	=	96%
Daily Non-Development trips	24		4%

This suggests that nearly all of the non-vehicular trips using this path will come from or provide support for this development.

Rough proportionality and the potential requirements

Because this development is anticipated to substantially contribute to the non-vehicular traffic generated, the conditions of approval require the installation of the multi-use path.
This impact mitigation policy has two primary underpinnings, as explained in OCMC 16.12:

1) "Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate....at intervals not exceeding three hundred feet." The distance from Molalla Avenue, the closest non-vehicular access across this property, to the rear of this property ~ 1,000 feet. A secondary access is necessary. Further, the City recognizes that although upon initially occupancy, this connection to Newell Creek Canyon will not exist. However, this is a long-term goal. Eventually, the impacts of the applicant's proposed development on the entirety of the Impact Area will be mitigated as other properties are developed or redeveloped. It is reasonable for the applicant to install their portion of this needed connection now as it will not be required to shoulder the remainder of the burden when this connection occurs.

2) "Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between...uses." Whereas the first policy goal above is concerned with establishing a framework for piecemeal mitigation of the proposed development's impacts along the entire length of the street, here the City is focused on mitigating at least some of those impacts right away. As soon as it is constructed, this path will provide access to Beavercreek Road that is more direct, efficient and safer than access along Molalla Avenue.

In addition to mitigating the impacts of the applicant's proposed development, installation of a safe, visible and convenient path will directly benefit the applicant which will almost certainly lead to a higher property value.

A. Potential requirements for property dedications

As explained above the minimum city standards demand that the applicant provide public access and maintenance for a 7 foot wide pedestrian path which is necessary to mitigate impacts that will be created by the applicant's proposed development. Importantly, the applicant is not being required to dedicate land to accommodate sidewalks on both side of the new road connecting to Beavercreek Road on Tax Lot 500. Therefore, the public access obligation in this area is far less than would be required for a standard local street.

Nevertheless, to evaluate further the reasonableness of a condition of approval, the City also considers the size of the property dedication in light of the size of the entire property. Those calculations for this development proposal follow:

Length of path = 575 feet long

Public easement dedication width = 15 feet containing a 7-foot wide paved trail.

Property dedication area = 8,625 sq. ft.for the easement

Total Site Area = 567,473 sq. ft.

8,625 sq. ft. exaction area	= 1.5%
567,473 sq. ft. total site area	

The applicant could thus be required to dedicate approximately 1.5% of the property in order to mitigate partially the impacts the proposed development will create. By any measure, this would be a reasonable requirement. The "rough proportionality" standard of Dolan would be satisfied with regard to those potential requirements for the public access easement.

B. Potential requirements for monetary contributions

As noted above, the focus of the cost for these improvements focuses solely on that portion of the path from the proposed road on Tax Lot 500 to the northern boundary. This makes sense because the path providing access through Tax Lot 500 is offered in lieu of sidewalks on both sides. The minimum sidewalk width required on both sides of a local street is 5 feet, meaning that a 10 foot total sidewalk area would be required. The cost of building 5-foot sidewalks on both sides of a street would be commensurate, and likely more than, the cost of building a single 7-foot shared use path.

The City does have reliable private-sector construction cost estimates for those improvements. A similar shared use path was built at Serres Farm. The Serres Farm cost estimate used for bonding

was $80,000 for 18,672 sf or about $4.30 per sf. Using the same cost of $4.30 per square foot, the path should cost $17,310 (using 4,025 sq. ft for the paved path construction). Doubling this cost since it is not as big of a path, which staff believes $10 per square foot might be reasonable, the cost would be $40,000.

The City concludes that a requirement to expend up to a total of $40,000 to mitigate the impacts and associated sub-impacts of hundreds of new pedestrian and bicycle trips would be reasonable. The "rough proportionality" standard of Dolan is satisfied with regard to those potential requirements for monetary contributions.

Conclusion

The applicant's proposed development will create a number of non-vehicular impacts. The City may require the applicant to mitigate those impacts with targeted measures that could involve property dedications and monetary contributions. Those mitigation measures subject to the Takings Clause would be limited to area located within the property subject to development and will enhance the livability for future residents, customers and employees. The Supreme Court's "essential nexus" and "rough proportionality" requirements of Nollan/Dolan/Koontz are satisfied.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

6. The proposed general development plan is consistent with the Oregon City Comprehensive Plan.

Finding: Complies. As described in the Constitutional Use analysis section of the staff report, the proposed General Development Plan is consistent with the Oregon City Comprehensive Plan. Drive-through locations have been thoughtfully designed to ensure safety and prevent queues from blocking public roads. The associated uses are permitted in the zone; the drive-throughs are located on the side and rear; and the buildings are not exclusively dedicated to drive-through traffic. The applicant has also proposed additional landscaping along Molalla Avenue to enhance the pedestrian experience for Parcel D, and staff has conditioned additional landscaping on Parcel A, which staff believes will improve the area and mitigate any potential visual impacts from the drive-through proposal and continue to support Molalla Avenue to be a major pedestrian connection to transit.

7. The proposed general development plan is consistent with the underlying zoning district(s) and any applicable overlay zone or concept plans.

Finding: Complies as Conditioned. The proposed General Development Plan is consistent with the underlying MUC-2 Zone, Geologic Hazard Overlay (with satisfaction of either OCMC 17.44.060(I) or the discretionary standards of OCMC 17.44.060(L) during DDP for Parcel B), and Natural Resource Overlay. Further detailed analysis will occur at the Detailed Development Plan level for each parcel.

8. For projects with a residential use component, the proposed general development plan includes common open space for the recreational needs of the development's residents.

a. Required open space shall be located either on-site or off-site within one-quarter mile of the development.

Finding: Complies with Condition. Required open space for the Parcel B multi-family component of the General Development Plan is proposed to be located on-site. While Parcel B's Detailed Development Plan will provide detail on the proposed open space, the proposed open space area is shown on the General Development Plan Sheet GDP-C1.0.

b. Minimum required open space shall be 100 square feet per residential unit in the development.

Finding: Complies with Condition. The proposed Parcel B multi-family component of the General Development Plan includes 208 units, resulting in a required open space of 20,800 sf at 100 sf per unit. As shown on General Development Plan set GDP-C1.0, Parcel B includes over 12,000 sf of open space between the two northerly buildings (subject to Parcel B Detailed Development Plan submittal/approval) and over 20,000 sf of open space between the top of the slope and the geologic hazard setback line. A pedestrian pathway is proposed within this geologic hazard setback. Additionally, over 42,000 sf of forested open space lies on the east edge of Parcel B between the property boundary and the top of slope. Parcel B provides open space far in excess of the minimum required open space.

Note – OCMC 17.62.057.B.2 identifies a smaller open space requirement for mixed-use zones of 50 square feet per residential unit. This results in an open space requirement of 10,400 square feet. The proposed open space will exceed the criteria identified in both 17.65.050.C.8.b and 17.62.057.B.2.

c. The open space area may be in private ownership or proposed for public dedication, at the City's discretion whether to accept.

Finding: Complies with Condition Parcel B open space is currently planned for private ownership. Use of, ownership and maintenance of, and connection to the shared use path can be considered for open space.

d. The open space shall be developed with a unified design to provide for a mix of passive and active uses. Passive uses include, but are not limited to sitting benches, picnicking, reading, bird watching and natural areas. Active uses include, but are not limited to playgrounds, sports fields and courts, running and walking areas.

Finding: Complies with Condition. General Development Plan Sht GDP-C1.0 identifies active open space between the two northerly buildings, and the Geologic Hazard setback area contains a pedestrian pathway. Portions of the Geologic Hazard setback area will be planted with NROD mitigation plantings. The steep slope open space area on the east edge of Parcel B is intended to remain in its natural state**.**

e. Land area to be used for the open space area that is required in this section shall not include required setback areas, required landscaping, streets, rights-of-way, driveways, or parking spaces.

Finding: Complies with Condition. The Geologic Hazard setback area is not a setback required by the city. Instead, it is a setback recommended by the geotechnical engineer to protect against long-term slope stability concerns. Accordingly, it is not considered a building setback for the purpose of this section. However, even if the Geologic Hazard setback area is excluded from open space consideration (not likely, since the project is required to provide a pedestrian pathway), the steep slope area east of the top of slope is more than adequate to satisfy the open space requirements.

f. Unless dedicated to the public, the applicant shall also provide an irrevocable legal mechanism for the maintenance of the open space and any related landscaping and facilities. The applicant shall submit, for City review and approval, all proposed deed restrictions or other legal instruments used to reserve open space and maintenance of open space and any related landscaping and facilities.

Finding: Complies with Condition. Development of Parcel B will be described in more detail with a separate Detailed Development Plan application. Maintenance of the required open space will be addressed with Parcel B's Detailed Development Plan.

9. For projects with a residential use component, the proposed general development plan includes a mix of residential uses such that no single residential use exceeds seventy-five percent of the total proposed units. The mix of residential uses shall provide variety of dwelling types and sizes that are integrated throughout the site, rather than isolated from one another, with smooth transitions between residential types including appropriate setbacks, landscaping or screening as necessary, while maintaining street and pedestrian connectivity between all residential uses. Tenancy (i.e. ownership versus rental) shall not be a consideration in determination of the mix of residential use. For the purposes of this section, residential uses include single-family detached, duplex, triplex, quadplex, townhouse, cottage cluster, and multi-family.

Finding: Complies with Condition. Development of Parcel B will be described in more detail with a separate Detailed Development Plan application. The multi-family units for Parcel B will include a mixture of unit sizes/configurations consistent with this code section.

17.65.060 - Detailed development plan.
A. Submittal Requirements.
1. A transportation impact study documenting the on- and off-site transportation impacts, as specified in OCMC 17.65.050.B.1.h.i. If such an analysis was submitted as part of the general development plan process, the scope of the report may be limited to any changes which have occurred during the interim and any information listed below which was not a part of the initial study.
The on-site portion of the analysis shall include the location, dimensions and names of all proposed streets, alleys, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle access ways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the

boundaries of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.
2. The location within the development and in the adjoining streets of existing and proposed sewers, water mains, culverts, drain pipes, underground electric, cable television and telephone distribution lines, gas lines, and the location of existing aerial electric, telephone and television cable lines, if any, to be relocated within the development.
3. For portions of the project that would otherwise be subject to site plan and design review, a site plan or plans, to scale, containing the required information identified in OCMC 17.62.040.
4. For residential portions of the project not otherwise subject to site plan and design review, a site plan or plans, to scale, showing the proposed land uses and densities, building locations, lot patterns, circulation patterns, and open space locations and uses.
5. Any other information the Community Development Director deems necessary to show that the proposed development will comply with all of the applicable Chapter 17 requirements.
B. Approval Criteria. The Community Development Director shall approve an application for detailed development plan approval only upon findings that:
1. All development standards and impact mitigation meet the requirements of the approved general development plan, including conditions of approval.
2. Any other applicable zoning regulations that are not addressed in the general development plan are met, unless an adjustment to those regulations has been applied for and is approved. The approval standards applicable to adjustments required as part of a master plan or planned unit development are contained in OCMC 17.65.070.
3. The detailed development plan conforms with the base zone standards, applicable residential design standards, and applicable standards contained in Chapters 17.62, 17.52, 16.12, and 16.08 unless adjusted as provided in OCMC 17.65.070

Finding: Complies. A Detailed Development Plan for the construction of a new public road and utilities has been submitted (MAS-25-002_GEO-25-007_NROD-25-012) concurrently with the Master Plan. The staff report will be part of the Planning Commission hearing and can be approved at the same time as the Master Plan. DDPs will be submitted for Parcels A, B, and D when the market is ready for their development.

17.65.070 - Adjustments to development standards.
A. Purpose. In order to implement the purpose of the City's master plan or planned unit development process, which is to foster the growth of major institutions, major residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating their impacts on surrounding properties and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning or planned unit development process, and are not required to go through the variance process pursuant to OCMC Chapter 17.60.
B. Procedure. Requests for adjustments shall be processed concurrently with a general development plan. An adjustment request at the detailed development plan review shall cause the detailed development plan to be reviewed as a Type III application.

Findings: Complies. The applicant has not identified any additional requirements needed beyond the Type III Parking adjustment found in OCMCM17.52 of the staff report. Any anticipated modification by the applicant can be processed through a Type II DDP process.

C. Regulations That May be Adjusted. Adjustments may be allowed for the following items:
1. Dimensional standards of the underlying zone of up to twenty percent, except the perimeter of the development shall meet the underlying zone's setbacks when adjacent to residentially zoned property.
2. Site plan and design standards.
3. Residential design standards.
4. Increase in allowed maximum residential density of up to ten percent.
5. Standards for land division approval.
6. Additional uses allowed with residential projects, or residential component of projects:
a. Notwithstanding the use provisions of the underlying zones, neighborhood commercial uses as defined in Chapter 17.24.020, including restaurants and eating and drinking establishments without a drive-through, retail trade, and services, are permitted on up to ten percent of the net developable area. The neighborhood commercial uses shall be planned and constructed so as to support and be compatible with the entire development and shall not alter the character of the surrounding area so as to substantially preclude, impair or limit the use of surrounding properties for the primary uses listed in the underlying district.
b. Public or private parks and playgrounds, community buildings and/or outdoor recreational facilities, such as swimming pools and tennis courts.
c. Indoor recreational facilities, such as racquetball or tennis courts, fitness centers or swimming pools.
d. Common public and private open space including trails.
e. Primary or accessory uses that are not identified as a permitted or conditional use in the underlying zone but which are defined in the code.

Findings: Complies. The applicant has not identified any additional requirements needed beyond the Type III Parking adjustment found in OCMCM17.52 of the staff report. Any anticipated modification by the applicant can be processed through a Type II DDP process.

D. Regulations That May Not be Adjusted. Adjustments are prohibited for the following items:
1. To allow a primary or accessory use that is not identified as a permitted, or conditional use in the underlying zone, with the exception of the additional uses permitted under OCMC 17.65.070.C.6 above;
2. To any regulation that contains the word "prohibited";
3. As an exception to a threshold review, such as a Type III review process; and
4. Minimum density for residential sites may not be reduced.

Finding: Complies. The applicant has not identified any additional requirements needed beyond the Type III Parking adjustment found in OCMCM17.52 of the staff report. Any anticipated modification by the applicant can be processed through a Type II DDP process.

E. Approval Criteria. A request for an adjustment to one or more applicable development regulations under this section shall be approved if the review body finds that the applicant has shown the following criteria to be met.
1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;
2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone;
3. City-designated Goal 5 resources are protected to the extent otherwise required by Title 17;
4. Any impacts resulting from the adjustment are mitigated such that the development does not create significant adverse impacts on adjacent properties;
5. If an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; and
6. The proposed adjustment is consistent with the Oregon City Comprehensive Plan and a concept plan if applicable.

Finding: Complies. The applicant has applied for a separate Planning Commission parking adjustment under OCMC 17.52. Staff has analyzed the criteria and found that the applicant can meet the requirements, subject to the conditions of approval, which include enhanced landscaping at Molala Avenue and enhanced elements at the building on parcel A. Because the applicant separately applied and paid for the parking adjustment, staff have not included this as part of a Master Plan adjustment.

17.65.80 - Amendments to approved plans.
A. When Required. An amendment to an approved general development plan or detailed development plan is required for any use or development that is not in conformance with the applicable plan, as provided below. The approval criteria contained in OCMC 17.65.050 will apply to general development plan amendments, the approval criteria contained in OCMC 17.65.060 will apply to detailed development plan amendments. The thresholds and procedures for amendments are stated below.
B. Type III Procedure. Unless the approved general development plan or detailed development plan specifically provides differently, amendments to either plan that require a Type III procedure are:
1. A proposed expansion of the approved boundary;
2. A proposed reduction in the approved boundary that affects a condition of approval, or takes the site out of conformance, or further out of conformance, with a development standard;
3. Proposals that increase the amount, frequency, or scale of a use over ten percent of what was approved (examples include the number of students, patients or members; the number of helicopter flights; the number or size of special events; transportation impacts);
4. New uses not covered in the plan that will increase vehicle trips to the site greater than ten percent of the original amount approved;
5. Increases or decreases in overall floor area of development on the site or number of residential units of over ten percent;
6. A increase/decrease greater than ten percent in the amount of approved or required parking; and
7. Proposed uses or development which were reviewed, but were denied because they were found not to be in conformance with an approved plan.
C. Type II Procedure. Unless an approved plan specifically provides otherwise, amendments to a general development plan or detailed development plan not specifically stated in subsection B or D are processed through a Type II procedure.

D. Type I Procedure. Unless an approved plan specifically provides otherwise, the following amendments to a general development plan or detailed development plan shall be processed through a Type I procedure:
1. Accessory uses and structures that meet applicable development regulations;
2. Reconfiguration of approved parking or landscape designs that do not alter the points of ingress or egress, and do not change the number of parking spaces required, so long as the reconfiguration meets applicable development regulations; and
3. Structures for approved uses that do not exceed one thousand five hundred square feet in size and that meet applicable development regulations

Finding: Complies with Conditions. The applicant's proposed building layouts and sizes are subject to change during the DDP process and should not be viewed as amendments to the Master Plan unless the final size or scope of the buildings surpasses what was initially proposed or if additional conditions are specified in the Master Plan (such as minimum building size or transportation impacts). The final design will be assessed during the Type II Detailed Development Plan review. This means the applicant can build a smaller development as long as the design fulfills the approval criteria of the Detailed Development Plan. The project's overall floor area ratio (FAR) is 0.73, which exceeds the zone's minimum requirement. With each DDP application, the applicant must show how the proposal will meet or surpass the zone's minimum FAR of 0.25 for the entire site, including parcels A, B, and D.
17.65.090 - Regulations that apply.
An applicant is entitled to rely on land use regulations in effect on the date its general development plan application was initially submitted, pursuant to ORS 227.178(3), as that statute may be amended from time to time. After a general development plan is approved, and so long as that general development plan is in effect, an applicant is entitled to rely on the land use regulations in effect on the date its general development plan application was initially submitted, as provided above, when seeking approval of detailed development plans that implement an approved general development plan. At its option, an applicant may request that a detailed development plan be subject to the land use regulations in effect on the date its detailed development plan is initially submitted.

Finding: Compiles with condition. Per OCMC 17.65.020.A, unless further amended and extended by the Planning Commission, this Master Plan, which includes Tax Lots 3330, 3400, 3200, and 3201, shall control development on the site until March 23, 2046. Tax Lots 500, 501 and 602 are not part of the 20-year Master Plan but are included initially to allow for the DDP construction of the Public Road, which will connect with Beavercreek Road. Future DDP applications are to be processed as Type I or II review as directed by the Oregon City Municipal Code, and the applicant may choose to use either the 2025 code adopted at the time of the Master Plan Amendment submittal (June 27, 2025) or the current code.

RECOMMENDATION:
Based on the analysis and findings as described above, the City Commission concludes that the proposed
development located at 1367 Molalla Ave, Oregon City, Oregon 97045, identified as Clackamas

County Map 3-2E-06DB Tax 3-2E-05DB TL 3200, 3201, 3300, & 3400, 500, 501, 602, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the City Commission approves the applications with conditions, based upon the findings and exhibits listed below, except that the parking maximum adjustment for Parcel A is denied .

EXHIBITS:

1. Applicant's Submittal
    a. Master Plan Narrative
    b. Master Plan Parcel Site Plan
    c. GDP and DDP Plans
    d. Storm Drainage Analysis
    e. Transportation Impact Analysis
    f. Revised Transportation Impact Analysis – March 2026
2. March 12, 2026 Letter from Reah Flisakowski, PE, and Hallie Turk EI, RSP1, DKS Associates
3. Public Comment
    a. Rocky Younger
    b. Metro

OREGON CITY

Community Development – Planning

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

JUNE 3, 2026
CITY COMMISSION FINDINGS -DETAILED DEVELOPMENT PLAN (DDP)-
STREET IMPROVEMENTS (PARCEL C)

FILE NUMBER: **GLUA-25-00025**: **MAS-25-00002, GEO-25-00007, NROD-25-00012**

Application Submitted:06/27/2025
Application Incomplete: 7/26/2025
Application Complete:12/18/2025
120-Day Decision Deadline:04/17/2026
120-Day Deadline Extension 05/17/2026
120-Day Deadline Extension 06/19/2026

APPLICANT: Cypress Acquisitions, LLC
8144 Walnut Hill Lane, Suite 1200
Dallas, TX 75231

OWNER:

TL 3200, 3201, 3300, & 3400:	Walmart Inc. 2608 SE J St. Bentonville, AR 72716-5510
TL 500, 501	Rocky Younger PO Box 1337 Oregon City, OR 97045
TL 602	Les Schwab 20900 Cooley Rd Bend, OR 97701

REQUEST: Masterplan Detailed Development Plan Approval – Parcel C
Natural Resource Overlay District (NROD) Approval
Geologic Hazard Overlay
Modification to Certain Public Improvements and Design Standards

LOCATION: 1367 Molalla Ave
Oregon City, OR 97045
3-2E-05DB TL 3200, 3201, 3300, &
3400, 500, 501, 602

REVIEWER: Christina Robertson-Gardiner, Senior Planner AICP
Erik Nichols, Project Engineer

ZONING: Mixed Use Corridor 2

DECISION: The City Commission adopted the Planning Commission's decision except as modified by the City Commission.

PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits. The process for these land use decisions is controlled by ORS 197.797. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. The decision is final unless appealed and description of the requirements for perfecting an appeal. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.

The Planning Commission approved with conditions the Detailed Development Plan for Parcel C, Natural Resource Overlay District (NROD) Approval, and the Geologic Hazard Overlay Modification to Certain Public Improvements and Design Standards.

The Applicant appealed the Planning Commission's decision to the City Commission, challenging the parts of the Planning Commission's decision that had the effect of limiting the proposed development located within the Geologic Hazards Overlay Zone buffer area to the development described in OCMC 17.44.060(I)(1) and (2). The City Commission held an on the record hearing and at the hearing, the Commission interpreted OCMC 17.44.060(L) to allow the Applicant to either develop Parcel C within the limitations of OCMC 17.44.060(I) or to choose to apply under the discretionary criteria in OCMC 17.44.060(L) to potentially allow disturbance of more area than allowed by OCMC 17.44.060(I)(2) if the applicant can provide the required information to demonstrate that the standards in OCMC 17.44.060(L) are met. The city commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

CHAPTERS

CHAPTER 12.04 STREETS, SIDEWALKS, AND PUBLIC PLACES

CHAPTER 12.08 - PUBLIC AND STREET TREES

CHAPTER 13.12 STORMWATER MANAGEMENT

CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING

CHAPTER 16.12 MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT

CHAPTER 17.29 MUC MIXED USE CORRIDOR DISTRICT

CHAPTER 17.41 TREE PROTECTION, PRESERVATION, REMOVAL & REPLANTING STANDARDS

CHAPTER 17.44 - US—GEOLOGIC HAZARDS

CHAPTER 17.47 CONSTRUCTION SITE RUNOFF CONTROLS

CHAPTER 17.49 NATURAL RESOURCES OVERLAY DISTRICT

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

CHAPTER 17.56 CONDITIONAL USES

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

CHAPTER 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENTS

REVISED Conditions of Approval
Planning File GLUA-25-00025: MAS-25-00002, GEO-25-00007, NROD-25-00012

(P) = Verify that condition of approval has been met with the Planning Division.
(DS) = Verify that condition of approval has been met with the Development Services Division.
(B) = Verify that condition of approval has been met with the Building Division.
(F) = Verify that condition of approval has been met with Clackamas Fire Department.

<u>These conditions run with the land and are binding on the Applicant's successors and assigns.
The applicant shall fulfill the following conditions prior to issuance of a public improvement and/or Building permit associated with the proposed application.</u>

1. The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. (DS)
2. The developer shall either relocate portions of the stormwater management area outside of the Geologic Hazards Overlay Zone or satisfy the application submittal and substantive requirements of OCMC 17.44.060(L); separate public and private stormwater management or make all stormwater management private; and provide finalized engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards prior to receiving a permit and beginning construction. (DS)
3. A City issued erosion and sediment control permit shall be obtained prior to commencement of any earth disturbing activities. (DS)

4. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. (DS)
5. The developer shall obtain a 1200-C (NPDES) permit from Oregon Department of Environmental Quality (DEQ) for construction activities one acre or greater prior to receiving a permit and beginning construction. (DS)
6. The applicant shall provide a grading and erosion control plan identifying onsite environmental cleanup activities. (DS)
7. Erosion control measures shall be in conformance with OCMC Chapter 17.47. (DS)
8. If the proposed roadway encroaches on the mapped stream or wetland, the applicant will coordinate with DSL or USACOE to obtain the proper permitting. (DS)
9. If the proposed roadway encroaches on the mapped stream or wetland, the applicant shall coordinate with ODFW to obtain the proper permitting.
10. The developer shall provide an engineered grading plan prepared by a professional engineer in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards. (DS)
11. Public stormwater facilities shall only treat stormwater from publicly maintained right-of-way (i.e. public streets). The applicant shall either separate the public stormwater from the private runoff with separate publicly maintained facilities (e.g. streetside planters or other separate facilities) and privately maintain facilities for private stormwater runoff; or the development can provide stormwater management in total for public and private improvements and maintain the facility or facilities privately. (DS)
12. Compliance with the "purpose and general provisions" of chapter 16.12 can be met by adhering to the following: The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. (DS)
13. The applicant shall submit a request to the Community Development Department to receive approval for new street names. Street names shall be provided on the approved plans, and street signs shall be provided for review of the City prior to installation. All traffic control devices, such as signage, flashing lights/beacons, and traffic signals shall be designed using the MUTCD. The applicant shall provide a Traffic Signal Plan conforming to Clackamas County Standards. (DS)
14. On the development's frontage for Molalla Avenue, the applicant shall provide 16 feet of right-of-way-dedication (for a total of 51 feet from the street center to their property line), a 5-foot-wide public utility easement, a 6-foot-wide bicycle lane, and a 10.5-foot-wide sidewalk with tree wells. The frontage improvements on Molalla Avenue shall be consistent with the City's Street Design Standards for Molalla Avenue (e.g. light fixtures, sidewalk patterns, tree wells, etc.). (DS)
15. The applicant shall restripe the center turning lane on Molalla Avenue as a left turn lane into the property at the existing intersection following City, State, and Federal guidelines for left turn lane storage and taper. (DS)
16. The first segment of the new public road connecting Molalla Avenue and Beavercreek Road (~STA 1+46 - STA 8+66) shall have a cross-section with 70 feet of right-of-way with three (3) 12-foot-wide lanes, two (2) 6-foot-wide bicycle lanes, two (2) 10.5-foot-wide sidewalks with 5-foot-wide tree wells. (DS)
17. The second segment of the new public road connecting Molalla Avenue and Beavercreek Road (~STA 8+66 – STA 11+50) shall have 64 feet of right-of-way with two (2) 12-foot-wide

lanes, two (2) 6-foot-wide bicycle lanes, two (2) 10.5-foot-wide sidewalks with 5-foot-wide tree wells and shall be designed to minimize grade change within the geologic hazards overlay zone to reduce areas graded or stripped of vegetation or covered with structures or impermeable surfaces to a maximum of 4,000 sf within the parcel for which segment 2 lies or to a larger maximum only if the applicant satisfies the requirements of OCMC 17.44.060(L). (DS)

18. Segment 3 of the new public road connecting Molalla Avenue and Beavercreek Road (~STA 11+50 – STA 14+92) shall have 60-feet of right-of-way with two (2) 17 to 21-foot-wide lanes (to accommodate freight through curves), one (1) 10.5 foot-wide shared use path (striped), and landscaping located behind the shared use path or in other approved locations and shall be designed to minimize grade change within the geologic hazards overlay zone to reduce areas graded or stripped of vegetation or covered with structures or impermeable surfaces to a maximum of 4,000 sf within the parcel for which segment 3 lies or to a larger maximum only if the applicant satisfies the requirements of OCMC 17.44.060(L) .(DS)
19. Segment 4 of the new public road connecting Molalla Avenue and Beavercreek Road (~STA14+92 – STA 18+59) shall vary from 60 to approximately 76 feet of right-of-way with three (3) 12-foot-wide lanes (varied to accommodate freight movements), one (1) 10.5-foot wide shared-use-path (striped), and landscaping either behind path or in approved locations. (DS)
20. The new shared use path shall transition from the curbed path along the new public road which connects Molalla Avenue to Beavercreek Road to the existing bicycle lane along Beavercreek Road either through modification of the existing ADA ramp or by other means evaluated during technical design review. (DS)
21. TSP Project S28 shall be constructed as a public off-street pedestrian/bicycle accessway for the portion on TL 3200 and 3400 per OCMC 16.12.032 standards. The applicant shall construct their portion of TSP Project S28 within Parcel C (shared use path) and as a 7-10 foot paved off-street ADA compliant pedestrian/bicycle accessway with lighting and landscaping as regulated by the code for the portion on Parcel B per OCMC 16.12.032 standards. S28 shall be designed to minimize grade change within the geologic hazards overlay zone to reduce areas graded or stripped of vegetation or covered with structures or impermeable surfaces to a maximum of 4,000 sf or to a larger maximum only if the applicant satisfies the requirements of OCMC 17.44.060(L). The applicant may choose to delay the construction of the Parcel B portion of the path to the DDP whereby the path may be able to be constructed at grade adjacent to the proposed parking lot, potentially making it exempt from the Geologic Hazard code. (DS)
22. The construction of S28 within TL 3400 and TL 3200 shall be completed prior to occupancy of Parcel B.
23. The applicant shall provide a lighting plan on Molalla Avenue and the proposed new public road connecting Molalla Avenue and Beavercreek Road in conformance with all City standards, specifications, codes, and policies and as approved by Portland General Electric (PGE). Street Lights on Molalla Avenue shall be consistent with the City's Street Design Standards for Molalla Avenue. The applicant shall submit a photometric plan with their permitting plans. (DS)
24. Written approval from Trimet to relocate the existing bus stop on Molalla Avenue is required. (DS)

25. The applicant shall provide an updated TIA addressing compliance with access spacing standards or sight distance standards, pedestrian/bicycle routes to the nearest schools, and the project's internal vehicle, pedestrian and bicycle circulation. (DS)
26. All driveways, new and existing, shall meet the minimum driveway spacing standards identified in Table 16.12.035.A. The modified driveway locations for Parcel A and Parcel B appear to meet the intent of the spacing standards. Final driveway locations will be evaluated during the design review phase with the applicant's updated TIA. (DS)
27. All driveways (curb cuts), new and existing, shall meet the minimum driveway width standards identified in Table 16.12.035.D. Approved driveway widths will need to be included on engineering plans prior to receiving a permit and beginning construction. The applicant has proposed a modification to the driveway standard for Parcel D. The proposed modification to Parcel D complies as proposed. (DS)
28. If the NROD area is disturbed with this project, the applicant shall coordinate with the City's Planning Department on mitigations per the City's standards in OCMC 17.49 (P)
29. The proposed water main shall connect to the City's 30-inch Water Main on Molalla Avenue and the City's 20-inch main on Beavercreek Road. (DS)
30. The development shall provide an Access and Water Supply Plan to Clackamas Fire District #1 for review. An approved Access and Water Supply Plan is required prior to issuance of building permits for the development. (DS)
31. The engineering plans shall provide a local benchmark, onsite, using the NAVD88 datum prior to receiving a permit and beginning construction. (DS)
32. The applicant shall display the tree protection fencing specifications and notices per OCMC 17.41.130 on the grading and erosion control plan.
33. Per OCMC 17.41, the number of trees proposed to be removed will be replaced based on the size of the tree and the location of the removed tree according to Table 17.41.060-1 Tree Replacement Requirements. Prior to the release of the construction permits for the new road and any associated grading, the applicant shall update the existing, but out-of-date, 2012 tree inventory, making sure to include tax lots 500, 501, and 602, and confirm the number of mitigation trees required. Before the completion of the construction of the new public road, the applicant shall indicate the mitigation approach—Options 1, 2, 3, or a combination thereof—and confirm that all mitigation trees have been planted or fee-in-lieu paid. (P)

34. The applicant has proposed an NROD mitigation plan for the small section of the new Street that encroaches on the NROD buffer, which is consistent with the mitigation standards in OCMC 17.49.180 and OCMC 17.49.190. Prior to the release of construction permits, the applicant shall provide a final updated delineation with the final design of the new street at the Beavercreek Intersection, indicating the final calculation of NROD buffer impact and the location, size, and number of plantings as required by OCMC 17.49.180 and OCMC 17.49.190 for the mitigation area along the eastern edge of Parcel B or as amended if there are conflicts with the shared use path. The new public street shall be designed in compliance with 17.49.150 - Standards for vehicular or pedestrian paths and roads. (P).
35. The geotechnical report shall be updated to reflect the approved site plan and to clearly state recommendations regarding existing local drainage, any impacts on local drainage

from the proposed development, and any mitigation required to address adverse impacts. The applicant shall update the report as part of design review. (DS)

36. The geologic assessment and geotechnical report shall be updated to reflect the approved site plan and to address the effect on the site hydrology and provide the information listed in 17.44.050.A.11 as applicable to this project, considering the recommendations and design per the storm drainage analysis report. (DS)
37. The applicant shall provide final grading plans, including representative cross sections through the path and Geologic Hazards Overlay Zone, as necessary, to demonstrate final excavation and grading to be in compliance with Section 17.44. Final cut and fill volumes from excavation shall be stated as required by 17.44.050.A.10. (DS)
38. Impacts to the mapped landslide area and buffer located to the rear of the properties shall be limited to 4,000 square feet of grading, stripped vegetation, or by coverage in impermeable surfaces per parcel unless the applicant obtains approval under OCMC 17.44.060(L). The proposed stormwater pond and roadway improvements shall be redesigned or relocated outside of the geological hazard area to meet this standard unless the applicant obtains approval under OCMC 17.44.060(L). (DS)
39. Construction of retaining walls over 4 feet in height and terraced walls which create total cut or fill greater than 4 feet in height shall be certified by a licensed engineer qualified for the design of such walls. The developer shall submit engineered stamped calculations for proposed retaining walls showing compliance with applicable building codes. The developer shall provide sliding, overturning, bearing capacity, and global stability design calculation for any retaining walls over 4 feet in height in accordance with the Oregon Structural Specialty Code. (DS)
40. The applicant's geotechnical engineer shall respond to written comments provided by the City's peer reviewer prior to issuance of building permits. (DS)
41. All new service utilities, both on-site and off-site, shall be placed underground and under roadbeds where practicable. The placement of existing utilities underground within areas of geologic hazard shall be reviewed and approved by the City. (DS)
42. The geotechnical engineer of record shall review final grading, drainage, and foundation plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report. As-builts conforming to City standards shall be provided within 90 days of completion of the project. (DS)
43. The developer's geotechnical consultant shall review the drainage design for the project so that it does not negatively impact the underlying drainageway cross section and certify that the design is consistent with the conclusions and recommendations stated in their geologic assessment and geotechnical report. The project's civil or geotechnical engineer shall inspect any stormwater management feature and must certify that the stormwater management feature was constructed per plan and with the recommendations of the geotechnical engineer prior to receiving occupancy. (DS)

<u>The following conditions of approval shall be met to the satisfaction of the City during construction.</u>

44. Pavement cuts are proposed within a public street due to proposed utility service installations and required frontage improvements. Pavement cuts or other improvements made in a City street shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. (DS)
45. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City. (DS)
46. The developer's project engineer shall inspect construction of public improvements and stormwater management facilities at the cost of the applicant. The City will perform inspections in accordance with city policies and standards. See section 16.12.014 of this report regarding inspection fees. (DS)
47. New franchise utilities shall be placed underground and all existing overhead utilities adjacent to the property frontage shall be relocated underground unless deemed infeasible by the City and franchise utility provider(s) prior to occupancy of the first parcel. (DS)
48. Underground utilities, waterlines, sanitary sewers and storm drains proposed to be installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities, such as, storm, water and sanitary sewer shall be placed beyond the ten-foot wide franchise utility easement within private property. (DS)
49. The applicant shall construct their portion of the Sewer Master Plan's 8-inch sewer from Beavercreek Road to stub into Parcel B while ensuring it is designed and built to be able to be extended to Hilltop Avenue. (DS)
50. The applicant shall comply with permitted hours of construction as set forth by the City Engineer for any public improvements (in existing public right-of-way or easements or which will be dedicated in public right-of-way or easements) that will not follow OCMC 9.12.023.D. as stated and written in the pre-construction meeting notes. (DS)
51. Grading, drainage improvements or other land disturbances shall be restricted to between May 1 and October 31, unless extended by the City Engineer consistent with 17.44. The developer shall submit a work schedule which has been reviewed and approved by a licensed geotechnical engineer with regard to the viability of completing necessary project goals within the aforementioned time period. Erosion control measures and temporary protective fencing around all trees and vegetation designed for protection shall be installed prior to the commencement of grading or other soil disturbance. Erosion control measures shall be in conformance with OCMC Chapter 17.47. (DS)
52. Existing vegetative cover shall be maintained to the maximum extent practicable within the geological hazard areas. The applicant shall install appropriate barriers or protective fencing during construction to ensure existing vegetation is not disturbed. (DS)
53. The developer shall retain the services of a licensed geotechnical engineer to conduct inspections prior to and during construction activities which involve removal or addition of vegetation, building structures, retaining walls or earth. The geotechnical engineer shall provide reports to confirm that standards from Section 17.44.100 are met. The

geotechnical engineer of record shall observe all excavations and geologic conditions exposed during construction and document that the conditions are consistent with the conditions assumed in the geotechnical hazard evaluation. If the conditions are different than assumed in the preliminary report, the effect of the new observations shall be evaluated and mitigation provided as required. Additional geologic hazards review may be required at the City's discretion. (DS)

54. The developer's geotechnical engineer shall certify, during construction, that structural fill used on the site meets the provided design specifications and is placed as designed. The certification shall be in writing and shall be signed and stamped by a licensed engineer in the State of Oregon. (DS)

The following conditions of approval shall be met to the satisfaction of the City prior to recording of the plat associated with the proposed development [final occupancy] or as noted.

55. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer within 90 days of completing improvements. (DS)
56. Public improvements and all items from the city-provided punch list shall be completed and accepted by the City prior to occupancy of the first parcel. (DS)
57. The property owner(s) shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water, or street improvements in the future that benefit the property, and all fees associated with processing and recording the Non-Remonstrance Agreement shall be paid prior to occupancy of the first parcel. (DS)
58. A Performance Guarantee, which is equal to 120% of the estimated cost for construction of public improvements as shown in City-approved construction plans, shall be provided prior to receiving a permit and beginning construction. The estimated costs shall be supported by a verified engineering estimate and approved by the City engineer. The guarantee shall be in a form identified in Code 17.50.140.A section of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the City. (DS)
59. Maintenance Guarantee equal to fifteen percent of the estimated cost for construction of public improvements, as shown in City-approved construction plans, shall be provided prior to occupancy of the first parcel. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A section of the Oregon City Municipal Code. The maintenance guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. (DS)
60. The property owner(s) shall execute an agreement providing maintenance of, and giving Oregon City access to, privately-owned stormwater management facilities and pay associated recording fees. The agreement shall include a site plan identifying all privately-owned stormwater management facilities and an operation and maintenance plan for each type of stormwater facility in accordance with the Public Works Stormwater and Grading Design Standards. The agreement shall run with the land and

be applicable to subsequent property owners. The agreement shall be reviewed and accepted by the City prior to occupancy of the first parcel. (DS)

61. Responsibility for maintenance of public stormwater facilities, including all landscaping, irrigation systems, structures, and appurtenances, shall remain with the property owner/developer for two years (known as the warranty or maintenance period). The owner/developer shall provide the City with a separate two-year landscaping maintenance bond equal to one hundred ten percent of the landscaping costs or pay a fee-in-lieu and sign a contract with the City to cover the maintenance period prior to occupancy of the first parcel. (DS)
62. The applicant shall provide a public access easement for TL 800 and TL 700 to facilitate future connections to the new proposed roadway. (DS)
63. A pedestrian and bicycle accessway is proposed along the rear of the property. A public access easement shall be provided, allowing public use of the path through the property. (DS)
64. The applicant shall provide a covenant over the pedestrian and bicycle accessways and be responsible for the future maintenance and liability. (DS)
65. The development shall provide a public utility easement (PUE) along all property lines fronting existing or proposed public right-of-way. Zero setback sites may not require a PUE but may have dry utilities between the property line and curb the developer shall make all necessary arrangements with utility companies to ensure underground lines are not placed within the roadway. Approved PUE will need included on the final plat prior to recording the plat. The development shall provide a public utility easement for the City's sewer for the sewer connecting Hilltop Avenue to Beavercreek Road. The final location and sizing will be determined during DDP and Design review based on the City's sewer design standards. A 15-foot-wide public access easement will be required for the portion of the shared-use path accessway, S28, that deviates from the public right-of-way. (DS)
66. The proposal includes installation of street trees along approximately 3,535 feet of frontage (Molalla Avenue, Parcel C), requiring 101 street trees (3,535 /35=101). The location of the street trees are subject to change with the placement of street lights, utility meters, etc. Prior to issuance of construction plans of the right-of-way improvements, the applicant shall submit a street tree plan which includes 101 street trees planted, spacing shall be evenly distributed throughout the total development in accordance with OCMC 12.08 or accept a fee-in-lieu of planting pursuant to OCMC 12.08 if site or other constraints prevent meeting the required total number of tree plantings. (P)
67. A financial guarantee for the establishment of the mitigation area, in a form approved by the City, shall be submitted before development within the NROD disturbance area commences. The City will release the guarantee at the end of the five-year monitoring period, or before, upon its determination that the mitigation plan has been satisfactorily implemented. (P)
68. The developer shall submit waiver of damages, indemnity and hold harmless agreement completed by all owners of property disturbed by the development. (DS)
69. A geotechnical engineer provides consultation services to the City. The geotechnical consultant provide review of all geologic assessments and geotechnical reports for the

City. Costs associated with geologic hazard review of the land use application by the City's geotechnical engineer shall be paid by the developer. (DS)

70. Revisions and amendments to this DDP may be reviewed as a Type II administrative review, unless the reason qualifies for a Type III Planning Commission review as described in OCMC 17.65.80 - Amendments to approved plans. (P)
71. The applicant shall record a restrictive covenant or conservation easement, in a form provided by the City, requiring the owners and assigns of properties subject to this section to comply with the applicable mitigation requirements of OCMC 17.49. Said covenant shall run with the land and permit the City to complete mitigation work in the event of default by the party responsible. Costs borne by the City for such mitigation shall be borne by the owner. A financial guarantee for the establishment of the mitigation area, in a form approved by the City, shall be submitted before development within the NROD disturbance area commences. The City will release the guarantee at the end of the five-year monitoring period, or before, upon its determination that the mitigation plan has been satisfactorily implemented. (P)
72. Prior to completion of the project, a monitoring and maintenance plan shall be submitted. The mitigation plan shall provide for a five-year monitoring and maintenance plan with annual reports in a form approved by the Community Development Director. Monitoring of the mitigation site is the ongoing responsibility of the property owner, assignee, or designee, who shall submit said annual report to the planning division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicates the progress of the mitigation. A minimum of 80% survival of the trees and shrubs of those species planted is required at the end of the five-year maintenance and monitoring period. Any invasive species shall be removed, and plants that die shall be replaced in kind to meet the eighty percent survival requirement. Bare spots and areas of invasive vegetation larger than ten square feet that remain at the end of the five-year monitoring period shall be replanted or reseeded with native grasses and/or ground cover species. (P)

I. BACKGROUND:

1. Existing Conditions

The subject property is comprised of an assemblage of properties in the main development area which includes TL 3200, 3201, 3300, & 3400, Map 3 2E 05DB (On-Site) and a proposed public road through TL 500 & 501, Map 3 2E 05D (Off-site) that connects the on-site properties to Beavercreek Rd

The on-site properties are currently vacant and include a mixture of grasslands, scrub brush and scattered groves of trees, with more concentrated tree canopy along the north and south edges and in the southeast corner. The east side of the on-site properties extends into Newell Creek Canyon, is heavily forested, and lies within a geologic hazard area.

Past uses on TL 3200, 3201 and 3300 include a former wrecking yard whose operations started in 1953 and continued until late 2001 when the wrecking yard operations ceased. Environmental studies on these properties indicated low concentrations of petroleum hydrocarbons and/or metals in near surface and shallow soils, and that groundwater underlying the former wrecking yard was not impacted with contaminants of concern.

TL 3400 previously included a gas station and tavern in the vicinity of its southwest corner which has been removed. Environmental remediation occurred at the former gas station site and ODEQ issued a "No Further Action" letter indicating that ODEQ should be notified prior to installation of any groundwater supply wells and any construction or excavation in or around the former gas station pocket of contamination.

The on-site properties generally slope to the south with a portion of the west end of the site sloping to the southwest. The east end of the property includes a steep slope extending into Newell Creek Canyon and is heavily forested.

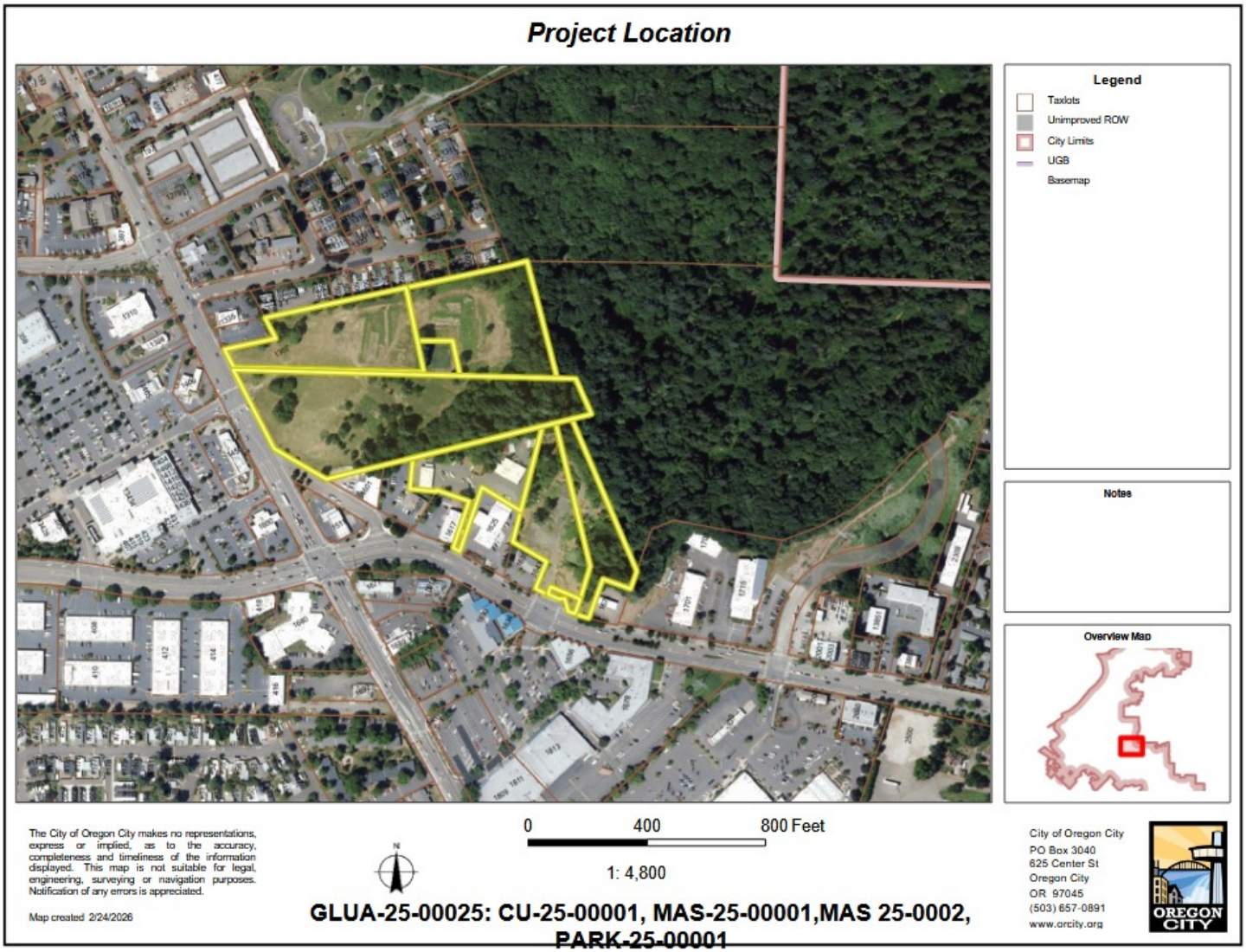


Figure 1. Vicinity Map & Existing Conditions – Aerial Image

2. Project Description

The Applicant is proposing a Master Plan (GLUA-25-00025: CU-25-00001, MAS-25-00001, PARK-25-00001) to create future development parcels for a site zoned Mixed Use Corridor 2. Once approved, each parcel will be submitted for a separate Type II Administrative Detailed Development Plan (DDP) Review when market conditions are ready for each development.

- Creation of 4 development parcels
  - Parcel A: Retail,
  - Parcel B: Multi-Family,
  - Parcel C: New Public Road,
  - Parcel D: Quick Serve Restaurant

A Detailed Development Plan for the construction of a new public road (parcel C) and utilities has been submitted (MAS-25-002_GEO-25-007_NROD-25-012) concurrently with the Master Plan. The staff report will be part of the Planning Commission hearing and can be approved at the same time as the Master Plan.



Figure 3: Proposed Site Plan (New Public Street Parcel C and shared use path)

3. **Permits and Approvals:** The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department in Oregon City, including but not limited to the Engineering and Building Divisions.

4. **Public Comment**
   Public comments submitted include (Exhibit 3):

   Rocky Younger - Mr. Younger owns tax lots 500 and 501, which are part of the application for the purpose of building the Parcel C Road to the intersection of Beavercreek Road. Once completed, it will not be part of the 20-year Master Plan. A private easement was recorded, which requires the owner of the Master Plan lots to build out the full road for tax lots 500

and 501. The city is not a party to the easement, and it is not part of any city review criteria. Mr. Younger is tracking the land use review to ensure that the easement language is being fulfilled by the city's staff report and conditions. He has submitted the private easement to the record with this comment.

None of the comments provided indicates that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC SPACES

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

Finding: Applicable. The City of Oregon City has jurisdiction over Beavercreek Road, Molalla Avenue, and the future roadway through the development that will be dedicated as public right-of-way.

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

Finding: Applicable. See 16.12.035 for more information.

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

Finding: Applicable. The applicant acknowledges their responsibility to repairing sidewalk panels in disrepair. The sidewalks appear to be in acceptable condition on the property's frontages at the time of this report. However, if conditions worsen either by age or through construction in the future, repairs will be required.

12.04.031 - Liability for sidewalk injuries.
A. The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition.
B. If the City is required to pay damages for an injury to persons or property caused by the failure of an owner or occupant to perform the duty that this chapter imposes, the owner or occupant shall compensate the City for the amount of the damages paid. The City may maintain an action in a court of competent jurisdiction to enforce this section.

Finding: Applicable. The property owner abutting the sidewalks is responsible for injuries due to sidewalk disrepair. The applicant acknowledges this standard.

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

Finding: Applicable. T The applicant acknowledges their responsibility to repairing sidewalk panels in disrepair. The sidewalks appear to be in acceptable condition on the property's frontages at the time of this report. However, if conditions worsen either by age or through construction in the future, repairs will be required.

12.04.050 - Retaining walls—Required.
Every owner of a lot within the City, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.

Finding: Complies as Proposed. The applicant acknowledges this section. Potential future retaining walls for Parcel B will be evaluated with it's DDP application. The applicant has also identified potential retaining walls associated with the new roadway.

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

Finding: Complies with Condition. Pavement cuts are proposed within a public street (Molalla Avenue and Beavercreek Road) due to proposed utility service installations and required frontage improvements. Pavement cuts or other improvements made in a City street shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.120 - Obstructions—Permit required.
A. Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B of this section, in any public street or alley in the City, without obtaining approval for a right-of-way permit from the City Commission by passage of a resolution.
1. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.
2. The applicant shall submit at least the following information in the permitting process in order to allow the City Commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:
a. Site plan showing right-of-way, utilities, driveways as directed by staff;
b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;
c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
d. Alternative routes if necessary;
e. Minimizing obstruction area; and
f. Hold harmless/maintenance agreement.

3. If the City Commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the City Engineer shall issue a right-of-way permit with any conditions deemed necessary by the City Commission.
4. Signage that acts as an obstruction is approved through OCMC 15.28.
B. Temporary Obstructions.
1. A "temporary obstruction" is defined as an object placed in a public street, sidewalk, road, or alley which is not permanently anchored to another surface such as the pavement, sidewalk, or a building. A "temporary obstruction" includes, but is not limited to, moving containers, debris dumpsters, and seating.
a. Planters and benches are exempt from permitting unless the City Engineer finds by inspection that the planter or bench is impeding use of the right-of-way. If deemed an impeding use, a planter or bench will comply with the requirements for temporary obstructions.
2. The City Engineer, or designee, is authorized to grant a permit for a temporary obstruction.
3. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.
4. The applicant shall submit, and the City Engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the City Engineer:
a. Site plan showing right-of-way, utilities, driveways as directed by staff;
b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;
c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
d. Handicap accessible route complying with Americans with Disability Act (ADA) standards;
e. Alternative routes if necessary;
f. Minimizing obstruction area; and
g. Hold harmless/maintenance agreement.
5. In determining whether to issue a right-of-way permit to allow a temporary obstruction, the City Engineer may issue such a permit only after finding that the following criteria have been satisfied:
a. The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;
b. The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;
c. No alternative locations are available that would not require use of the public right-of-way; and
d. Any other factor that the City Engineer deems relevant.
6. The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.
7. Types
a. A short-term temporary obstruction is allowed for a period of not more than sixty consecutive calendar days. It is permitted with a temporary obstruction in the right-of-way permit.
b. A long-term temporary obstruction is allowed for a period of not more than one year, and it is permitted with a renewable right-of-way permit.
8. Signage that acts as an obstruction is approved through OCMC 15.28
C. Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the City Commission.

Finding: Complies as Proposed. No obstructions are proposed within the right of way but the applicant has acknowledged this standard if design during the DDP permitting process requires an obstruction.

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

Finding: Not Applicable. No vacations are proposed as part of this application.

12.04.170 - Street design—Purpose and general provisions.
All development shall be in conformance with the City's public facility master plans, public works policies, standard drawings, and engineering specifications. All streets shall be reviewed and approved by the City Engineer prior to construction. All streets and driveway connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat or site planning and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Finding: Complies with Condition. See findings from chapter 16.12 of this report.

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

Finding: Complies with Condition. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the latest of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 12.08 – PUBLIC AND STREET TREES

12.08.015 - Street tree selection, planting and maintenance requirements.
All development shall provide street trees adjacent to all street frontages. Species and locations of trees shall be selected based upon vision clearance requirements but shall in all cases be selected from the Oregon City Street Tree List, an approved street tree list for a jurisdiction in the Metropolitan region or be approved by a certified arborist unless otherwise approved pursuant to

this section. If a setback sidewalk has already been constructed or the public works department determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip or within tree-wells. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed according to OCMC 12.08.035.C.

A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage to meet the clearance distances required in subsection B below. The Community Development Director may approve an alternative street tree plan or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.

B. The following clearance distances shall be maintained when planting trees:
1. Fifteen feet from street lights;
2. Five feet from fire hydrants;
3. Twenty feet from intersections;
4. Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.).

C. All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to City specifications. Larger caliper size trees may be approved if recommended by a certified arborist or registered landscape architect.

D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.

E. All trees planted within the right-of-way shall be planted with root barriers at least eighteen inches in depth adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

F. All trees planted beneath powerlines shall be selected based on what is appropriate for the location. In addition, the tree species shall be approved by the associated franchise powerline utility company.

G. Tree species, spacing and selection for stormwater facilities in the public right-of-way and in storm water facilities shall conform to requirements of OCMC 13.12 and the adopted stormwater and grading design standards and be approved by the City engineer.

H. Any public or street trees planted within the natural resource overlay district shall conform to the applicable requirements of OCMC 17.49, Natural Resources Overlay District (NROD).

Finding: Complies with Condition. The proposal includes installation of street trees along approximately 3,535 feet of frontage (Molla Avenue, Parcel C), requiring 101 street trees (3,535 /35=101). The location of the street trees are subject to change with the placement of street lights, utility meters, etc. Prior to issuance of construction plans of the right-of-way improvements, the applicant shall submit a street tree plan which includes 101 street trees planted, spacing shall be evenly distributed throughout the total development in accordance with OCMC 12.08 or accept a

fee-in-lieu of planting pursuant to OCMC 12.08 if site or other constraints prevent meeting the required total number of tree plantings. (P)

CHAPTER 13.12 – STORMWATER MANAGEMENT

13.12.050 - Applicability and exemptions.
This chapter establishes performance standards for stormwater conveyance, quantity and quality. Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.
A. Stormwater Conveyance. The stormwater conveyance requirements of this chapter shall apply to all stormwater systems constructed with any development activity, except as follows:
1. The conveyance facilities are located entirely on one privately owned parcel;
2. The conveyance facilities are privately maintained; and
3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits. Those facilities exempted from the stormwater conveyance requirements by the above subsection will remain subject to the requirements of the Oregon Uniform Plumbing Code. Those exempted facilities shall be reviewed by the building official.

Finding: Applicable. Connection to a public stormwater conveyance system is required to serve this development. The applicant has acknowledged this chapter.

B. Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:
1. Activities located wholly or partially within water quality resource areas pursuant to OCMC 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the NROD or will disturb more than one thousand square feet of existing impervious surface within the NROD as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given five-year period; or
2. Activities that create or replace more than five thousand square feet of impervious surface, cumulated over any given five-year period.

Finding: Applicable. The proposed development will create or replace more than 5000 square feet of impervious area and therefore OCMC 13.12 is applicable to this development.

C. Exemptions. The following exemptions to subsection B of this section apply:
1. An exemption to the flow control requirements of this chapter will be granted when the development site discharges to the Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred-year floodplain or is up to ten feet above the design flood elevation as defined in OCMC 17.42, provided that the following conditions are met:
a. The project site is drained by a conveyance system that is comprised entirely of man-made elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and
b. The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.

2. Projects in the following categories are generally exempt from the water quality and flow control requirements:
a. Stream enhancement or restoration projects approved by the city.
b. Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.
c. Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.
d. Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.
e. Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.
f. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.
g. Maintenance or repair of existing utilities.

Finding: Not Applicable. The proposed development does not meet the criteria for exemption to the flow control requirements of this chapter.

D. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the public works stormwater and grading design standards:
1. Bulk petroleum storage facilities;
2. Above ground storage of liquid materials;
3. Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;
4. Exterior storage of bulk construction materials;
5. Material transfer areas and loading docks;
6. Equipment and/or vehicle washing facilities;
7. Development on land with suspected or known contamination;
8. Covered vehicle parking for commercial or industrial uses;
9. Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and
10. Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.

Finding: Applicable. The applicant has noted that the site includes environmental contamination from previous historical uses. Remediation will be required and identified as part of the permitting for construction. The applicant acknowledges this standard. The applicant shall provide a grading and erosion control plan identifying onsite environmental cleanup activities. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.080 - Submittal requirements.

A. Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the public works stormwater and grading design standards.
B. Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid City approved plan and report before proceeding with construction.

Finding: Complies with Condition. See findings from section 13.12.090 of this report.

13.12.090 - Approval criteria for engineered drainage plans and drainage report.
An engineered drainage plan and/or drainage report shall be approved only upon making the following findings:
A. The plan and report demonstrate how the proposed development and stormwater facilities will accomplish the purpose statements of this chapter.
B. The plan and report meet the requirements of the public works stormwater and grading design standards adopted by resolution under OCMC 13.12.020.
C. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.
D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.
E. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.

Finding: Complies with Condition. The developer has provided a preliminary stormwater report as part of their application. The stormwater plans may change due to modifications that occur during the design review process. The developer shall relocate portions of the stormwater management area outside of the Geologic Hazards Overlay Zone unless the developer obtains approval under OCMC 17.44.060(L) to locate the stormwater management area in the Zone, separate public and private stormwater management or make all stormwater management private, and provide finalized engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.100 - Alternative materials, alternative design and methods of construction.
The provisions of this chapter are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this chapter or the public works stormwater and grading design standards, provided any alternate has been approved and its use authorized by the City Engineer. The City Engineer may approve any such alternate, provided that the City Engineer finds that the proposed design is satisfactory and complies with the intent of this chapter and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed by this chapter in effectiveness, suitability, strength, durability and safety. The City Engineer shall require that sufficient evidence or proof be submitted to substantiate

any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the City files.

Finding: Not Applicable. The applicant has not proposed alternative design methods requiring special approval by the City Engineer. However, should the applicant propose such methods with the public facilities construction plan submittal, the proposal will be reviewed and approved by the City Engineer as required.

13.12.110 - Transfer of engineering responsibility.
Project drainage plans shall always have a project engineer. If the project engineer is changed during the course of the work, the City shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the project engineer. The new project engineer shall provide written notice of accepting project responsibility to the City within seventy-two hours of accepting the position as project engineer.

Finding: See section 16.12.014 regarding requirement to execute a "Developer/Engineer Agreement for Public Works Improvements"

13.12.120 - Standard construction specifications.
The workmanship and materials shall be in accordance with the current edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Stormwater and Grading Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Stormwater and Grading Design Standards shall be complied with.

Finding: Complies with Condition. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.140 - Maintenance of public stormwater facilities.
A. A stormwater facility that receives stormwater runoff from a public right-of-way shall be a public facility. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those public stormwater facilities. Access for maintenance of the stormwater facilities shall be provided to the City through the granting of a stormwater easement or other means acceptable to the City.

Finding: Complies with Condition. The applicant has proposed a tract for stormwater on the preliminary plat as a public facility. The proposed stormwater design shows that the stormwater pond within the public tract will receive stormwater from the proposed public right-of-way for treatment. The stormwater pond will also treat stormwater from Parcels A and B, while Parcel D will have it's own stormwater treatment facility. The applicant's stormwater report notes that the

combined stormwater collection area to be treated for Parcels A and B is approximately 4 times the size of the proposed public roadway. The proposed Pond is primarily designed to treat the private properties within this development. Typically, with commercial properties (shopping centers, apartment complexes, industrial complexes, etc.) the stormwater facilities are privately owned and maintained. Public stormwater facilities shall only treat stormwater from publicly maintained rights-of-way (i.e. public streets). The applicant shall either separate the public stormwater runoff from the private runoff with separate publicly maintained facilities (e.g. streetside planters or other separate facilities) and privately maintain facilities for private stormwater runoff; or the development can enter into an agreement with the City to privately maintain a combined pond. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval**

B. Responsibility for maintenance of stormwater facilities including all landscaping, irrigation systems, structures and appurtenances shall remain with the property owner/developer for two years (known as the warranty period). The owner/developer shall provide the City a separate two-year landscaping maintenance surety bond for one hundred ten percent of the landscaping cost. Transfer of maintenance of stormwater conveyance systems shall occur when the City accepts the stormwater conveyance system.

Finding: Complies with Condition. The proposed combined stormwater pond receives approximately 4 times the runoff from the private parcels as it does from the proposed public street. The burden to treat stormwater runoff from private properties should not be the responsibility of the City. Typically, commercial properties, like the proposed, manage and treat their own stormwater runoff. The City does not agree with the proposed combined stormwater management facility to be owned and maintained by the public. The pond shall be privately maintained. If the applicant separates the runoff from the public street, those facilities will be publicly managed. Responsibility for maintenance of public stormwater facilities including all landscaping, irrigation systems, structures and appurtenances shall remain with the property owner/developer for two years (known as the warranty or maintenance period). The owner/developer shall provide the City a separate two-year landscaping maintenance bond equal to one hundred ten percent of the landscaping costs or pay a fee-in-lieu and sign a contract with the City to cover the maintenance period prior to occupancy of the first parcel. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.145 - Maintenance of private stormwater facilities.
A. An applicant shall submit an operation and maintenance plan for each proposed stormwater facilities, unless exempted in the Public Works Stormwater and Grading Design Standards. The information in the operation and maintenance plan shall satisfy the requirements of the Public Works Stormwater and Grading Design Standards.
B. Private owners are required to inspect and maintain stormwater facilities on their property in accordance with an approved operation and maintenance plan. A maintenance log is required to document facility inspections and specific maintenance activities. The log shall be available to City inspection staff upon request.
C. Failure to operate or maintain a stormwater facility according to the operation and maintenance plan may result in an enforcement action under Section 13.12.150.

Finding: Complies with Condition. The proposed stormwater pond is designed to collect and treat approximately 4 times the amount of stormwater from private properties as it is from the public roadway. Maintenance and treatment of private stormwater will be the responsibility of the private property owners. The public stormwater can either be separated from the proposed pond into separate treatment facilities, which will be maintained by the City per OCMC 13.14.140, or the development may keep the proposed combined design and maintain the stormwater pond as a private facility. The property owner(s) shall execute an agreement providing maintenance of, and giving Oregon City access to, privately-owned stormwater management facilities and pay associated recording fees. The agreement shall include a site plan identifying all privately-owned stormwater management facilities and an operation and maintenance plan for each type of stormwater facility in accordance with the Public Works Stormwater and Grading Design Standards. The agreement shall run with the land and be applicable to subsequent property owners. The agreement shall be reviewed and accepted by the City prior to occupancy of the first parcel. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.170 - Permits from other jurisdictions.
A. The Oregon State Department of Environmental Quality (DEQ) currently issues NPDES 1200-C permits for projects that cover areas of one acre or greater. No permit shall be issued for projects of this size (or any other size as modified by DEQ) without a copy of said DEQ permit being on file with Oregon City. DEQ is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DEQ representatives.

Finding: Complies with Condition. The development exceeds 1.0 acre in disturbed area and therefore requires DEQ permitting. The developer shall obtain a 1200-C (NPDES) permit from Oregon Department of Environmental Quality (DEQ) for construction activities one acre or greater prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Projects may require Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE) permits. If such permits are required, no permission to construct will be granted until such a time as a copy of such permit is on file with the City or notice is receved from those agencies that a permit is not required. DSL/USACE is responsible for enforcing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DSL/USACE representatives.

Finding: Complies with Condition. Portions of the new access road to Beavercreek Road crosses a culvertized stream. The construction of the new road may impact the wetland and stream that abuts this roadway based on its final design and alignment. If the proposed roadway encroaches on the mapped stream or wetland, the applicant shall coordinate with DSL and/or USACOE to obtain the proper permitting. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Projects may require Oregon State Department of Fish and Wildlife (ODFW) permits. When ODFW permits are required, no work will be authorized until the receipt of a copy of the ODFW permit. ODFW is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate ODFW representatives.

Finding: **Complies with Condition.** Portions of the new access road to Beavercreek Road crosses a culvertized stream. The construction of the new road may impact the wetland and stream that abuts this roadway based on its final design and alignment. If the proposed roadway encroaches on the mapped stream or wetland, the applicant shall coordinate with ODFW to obtain the proper permitting. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 15.48 – GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.
A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:
1. Grading activities in excess of ten cubic yards of earth;
2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;
3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;
4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or
5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.
B. Those fill and grading activities proposed to be undertaken in conjunction with a land use application, including but not limited to subdivisions, planned unit developments, partitions and site plan reviews, are subject to the standards of this chapter. However, a separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.

Finding: Applicable. The preliminary plan presents grading and paving activities that will result in the disturbance of more than one-half acre. Fill and grading activities are proposed to be undertaken in conjunction with a land use application. A separate grading permit is not required. Construction plans are required to be submitted after the land use application has been processed and associated construction permit issued shall constitute the grading permit required under this chapter.

15.48.040 - Grading permit exemptions.
The following filling and grading activities shall not require the issuance of a grading permit:
A. Excavation for utilities, or for wells or tunnels allowed under separate permit by other governmental agencies;

B. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. The placement of any fill material removed from such an excavation requires a grading permit if:
1. It exceeds fifty cubic yards,
2. More than ten cubic yards are removed from the site, or
3. The fill is placed on the site to a depth greater than one foot;
C. Farming practices as defined in ORS 30.930 and farm uses as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter;
D. Excavation for cemetery graves;
E. Sandbagging, diking, ditching, filling or similar work when done to protect life or property during an emergency;
F. Repaving of existing paved surfaces that does not alter existing drainage patterns;
G. Maintenance work on public roads performed under the direction of the city, Clackamas County or Oregon State Department of Transportation personnel.

Finding: Not Applicable. The application does not qualify for an exemption.

15.48.090 Submittal requirements.
An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.
A. Abbreviated Grading Plan. The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards if the following criteria are met:
1. No portion of the proposed site is within the flood management area overlay district pursuant to ***Chapter 17.42****, the unstable soils and hillside constraints overlay district pursuant to* ***Chapter 17.44****, or a water quality resource area pursuant to* ***Chapter 17.49****; and*
2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.
B. Engineered Grading Plan. The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.
C. Geotechnical Engineering Report. The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:
1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;
2. When an embankment for a stormwater pond is created by the placement of fill;
3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.
D. Residential Lot Grading Plan. The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer for all land divisions creating new residential

building lots or where a public improvement project is required to provide access to an existing residential lot.

Finding: Complies with Conditions. The developer shall provide an engineered grading plan prepared by a professional engineer in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards. S**taff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 16.12 – MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT

16.12.008 Definitions.
Whenever the words or terms and their derivatives are used in this chapter, they shall have the meaning
herein ascribed to them as described in OCMC 17.04 unless the context dictates application of a different meaning.

16.12.010 - Purpose and general provisions.
The purpose of this chapter is to identify the standards for development in and adjacent to spaces which
benefit the public including right-of-way, access to the right-of-way, public off-street pedestrian and bicycle accessways, and easements. All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the City's public facility master plans and city design standards and specifications. In reviewing applications for development, the City Engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development shall be reviewed and approved by the City Engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way shall be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Finding: Complies with Condition. Compliance with the "purpose and general provisions" of chapter 16.12 can be met by adhering to the following: The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Applicable. The application is development design review; therefore, the development shall follow the standards set forth in OCMC 16.12.

16.12.012 - Jurisdiction and management of the public rights-of-way.
The City has jurisdiction and exercises regulatory management over all public rights-of-way as defined and outlined within 12.04 of the Oregon City Municipal Code.

Finding: Applicable. The City has exercised its regulatory management authority by providing findings within this staff report with conditions to be met by the applicant prior to working within all public rights-of-way (e.g Molalla Avenue, Beavercreek Road, Beavercreek Way, etc.).

16.12.013 - Modifications.
The applicant may request and the review body may consider modification of the standards in this chapter resulting from constitutional limitations restricting the City's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications, except for adjustments approved by the City Engineer for tree preservation purposes pursuant to Section 16.12.013.A, shall be processed through a Type II land use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:
A. Compliance with the following criteria is required:
1. The modification meets the intent of the standard;

2. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;

3. The modification is consistent with an adopted transportation or utility plan;

4.The modification is complementary with a surrounding street design; or, in the alternative;

5.If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.

Finding: Complies with Condition. This development proposes a new street through the site connecting the two major arterial roads of Molalla Avenue and Beavercreek Road. Per discussions with City Staff prior to this application, the proposed roadway was deemed to be a collector road as it connects two major arterial roads together and the proposed street would serve mixed use commercial areas with regular large truck delivery requirements. The Applicant's TIA also notes the need for a center turn lane for the Parcels A, B and part of D which is consistent with the City's collector road standard vs. a two-lane local road for a Mixed-Use area.

The Applicant has made 3 modification requests to the City's collector road standard for a mixed-use development (see Table 16.12.016 below for the standard cross-section):

1. Eliminate the required on-street parking along the proposed collector road.
2. Allow the reduction in the number of travel lanes, from three to two, east of Parcel D to Beavercreek Road.
3. Allow a reduced-cross section street design through Tax Lot 500, 501 and 602.

City Staff agrees and supports each modification request under each catagory:

1. *The modification meets the intent of the standard;*
The proposed cross sections for Modifications 1, 2, and 3 meet the intent of the code as noted in 16.12.013.1.a. Each modification provides safe means of travel for vehicles (including large trucks and emergency vehicles), pedestrians, and bicycles. Modification 1 is consistent with a collector road with the exception of the parking lane. The applicant has noted that the developed parcels will contain more than the required parking and street parking would not be needed. The new street will also act as a connection between Beavercreek Road and Molalla Avenue with commuters not needing to use the standard parking area associated with a collector.
Modification 2 meets the intent of the code by reducing the collector street's standard 3 lanes down to two lanes. The applicant's TIA notes that the proposed roadway will function properly with adequate sizing for freight and emergency vehicles with only two lanes for the site with the exception of the driveway accesses for Parcels A, B, and D. There the standard third lane will be constructed for turning in and out of the businesses, which is consistent with a collector road.

Modification 3 meets the intent by providing a half street type roadway where the applicant has proposed providing two full travel lanes with an expanded sidewalk acting as a shared use path on the eastside of the new street. The west side would not have a bike lane or sidewalk. When the developments on the westside develop they will construct that side of the new proposed roadway. This is consistent with half street improvements and the City's Beavercreek Access Plan.

2. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;

Modification 1's request to remove the required parking lane does not affect the safety of travel for motorized vehicles, bicyclists, or pedestrians. The applicant has proposed adequate spacing for emergency vehicles and freight and separated bike lanes and sidewalks will be provided.
Modification 2's request also does not affect safety. The applicant's TIA notes that a third lane is not required for the easterly portion of the development. Separated bike lanes and sidewalks are provided. The City concurs.
Modification 3 provides proper spacing for large emergency vehicles and freight to move through the site connecting Beavercreek Road to Molalla Avenue. The share use path on the eastside will allow pedestrians and bicyclists to safely move between the 2 major arterial roads.

3. The modification is consistent with an adopted transportation or utility plan;

The proposed roadway modifications also meet the City's Transportation System Planning (TSP) goals. The new street is consistent with the City's Beavercreek Access Management Plan (2005). Specifically, the Short-Term Access Management Plan identified in Figure 7 for the portion of the new street within Lot 500. The new street provides access points to the properties abutting Beavercreek Road (Lots 600, 602, 700, 800, and 500) allowing for the future closure of driveways on Beavercreek Road and the vacation of Beavercreek Way as identified in the Access Plan. The proposed modification also provides a shared bicycle pedestrian area through TL 500/501 consistent with the TSP Project S28 which is a shared use path connecting the Hilltop Avenue neighborhood with the commercial areas on Beavercreek Road.

4.The modification is complementary with a surrounding street design; or, in the alternative;

The proposed modifications meet the surrounding street designs. Modification 1 only reduces the street section of a collector road by eliminating the parking aisle. The two major arterial roads that this new street connects to (Molalla Avenue and Beavercreek Road) do not have parking aisles as well. All three streets will provide wide sidewalks with landscaping and bicycle lanes.
Modification 2 and are also complementary as Modifcation 1 above. Wide sidewalks with tree wells and bicycle lanes will provide a continuation of of the existing streetscape as travelers commute through the site.

5.If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.

The applicant does not seek modification for constitutional reasons.

The applicant's request for reductions in the number of travel lanes, parking lanes and to provide only a "half-street" within Lot 500/501 is supported by City Staff. See OCMC 16.12.016 for specific cross-section dimensions requirements.
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

B. The following modifications shall be processed as a Type I modification by the City Engineer using the criteria in 16.12.13.A.
1. Modifications to driveway location, size, and sharing standards in 16.12.035;
2. Modifications to sidewalk and planter strips widths and location in 16.12.016 that preserve existing street trees or trees on private property to ensure compliance with ADA standards.

Finding: Complies with Condition. The applicant has made driveway modification request under 16.12.035. It appears that the sizing modification request for the driveway to Parcel D and the spacing request between the easterly driveway for Parcel A and the westerly driveway for Parcel D meet the intent of the code. Final driveway locations for will be evaluated during the design review phase with the applicant's updated TIA. See OCMC 16.12.035. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.014 - Administrative provisions.
An applicant shall submit the following items to the City and complete the following tasks prior to proceeding with construction of proposed development plans. These items include the following:
Pre-Design Meeting;
Final Engineering Plans, Stamped and Signed by an Oregon Licensed Professional Engineer;
Stormwater Report, Stamped and Signed by an Oregon Licensed Professional Engineer;
D. Geotechnical Report, Stamped and Signed by an Oregon Licensed Professional Engineer (if applicable);
E. Engineer's Preliminary and Final Cost Estimates (also may be known as engineer's opinion of probable construction cost);
F. Plan Check and Inspection Fees (as set by City resolution);
G. Certificate of Liability Insurance for City funded public projects contracted by the City (not less than one million dollars single incident and two million dollars aggregate);
H. Preconstruction Meeting;
I. Financial Guarantee(s) per OCMC 17.50.140;
J. Applicable Approvals/Permits from other agencies or entities;
K. Developer/Engineer Agreement for public works improvements.
An applicant shall submit the following additional items to the City and complete the following tasks prior to completing construction of proposed development plans. These items include the following:
L. Project Engineer's Certificate of Completion;
M. Stormwater Operation and Maintenance Easement (if applicable);

N. Deed of Dedication (Bargain and Sale Deed);
O. Recorded Plat and/or Easements (if applicable);
P. Recorded Non-Remonstrance Covenant Agreement;
Q. Land Division Compliance Agreement (if applicable);
R. Permanent Stabilization and/or Restoration of the impact from the development;
S. Fulfillment of all Conditions of Approval;
T. Payment of all Outstanding Fees;
U. Maintenance Guarantee(s). per OCMC 17.50.141;
V. Indemnity Agreement (if applicable);
W. Completed Punchlist;
X. As-Built Drawings;
Details on individual items required by this subsection can be obtained by contacting public works. Many items, such as the engineer's cost estimate and plan check and inspection fee, maybe be submitted in conjunction with documentation for other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).

Finding: Complies with Condition. The developer shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City.
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

16.12.015 - Street design—Generally.
Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Development shall provide any necessary dedications, easements or agreements as identified in the transportation system plan, trails master plan, and/or parks and recreation master plan and this chapter, subject to constitutional limitations. The location, width and grade of street shall be considered in relation to: Existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:
A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the City Engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with OCMC 16.12.017 shall be required to preserve the objectives of street extensions.

C. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the City's transportation system plan. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation.

Finding: Complies with Condition. The location, widths, and grades of the proposed street system provides for the continuation or appropriate projection of existing principal streets in the surrounding area and gives access for future development of adjoining land. The development has provided a convenient street system for the safety of all modes of travel, including pedestrian and bicycle to, from, and through the subject site.

The proposed development abuts Molalla Avenue. The current public facilities along Molalla Avenue abutting the property are not consistent with City Standards for a Major Arterial or the Molalla Avenue Streetscape Standards noted in the City's Street Design Standards. On the development's frontage for Molalla Avenue, the applicant shall provide 16 feet of right-of-way-dedication (for a total of 51 feet from the street center to their property line), a 5-foot-wide public utility easement, a 6-foot-wide bicycle lane, and a 10.5-foot-wide sidewalk with tree wells. The frontage improvements on Molalla Avenue shall be consistent with the City's Street Design Standards for Molalla Avenue (e.g. light fixtures, sidewalk patterns, tree wells, etc.) (e.g. light fixtures, sidewalk patterns, tree wells, etc.).

The development also proposes a new modified street through the properties in this application. The City supports the street modification request above in OCMC 16.12.013. The new street contains multiple cross sections as it makes it way from Molalla Avenue, through this development and then with the Beavercreek Access Road through Lots 602 and 500 for a total of four (4) distinct segments. The first segment of the new road contains three lanes and starts at Molalla Avenue and tapers to 2 lanes roughly 700 feet into the development. The first segment of the new public road connecting Molalla Avenue and Beavercreek Road (~STA 1+46 - STA 8+66) shall have a cross-section with 70 feet of right-of-way with three (3) 12-foot-wide lanes, two (2) 6-foot-wide bicycle lanes, two (2) 10.5-foot-wide sidewalks with 5-foot-wide tree wells. Segment 2 continues eastward from Segment 1 and tapers the three-lane section in Segment 1 down to two lanes. The second segment of the new public road connecting Molalla Avenue and Beavercreek Road (~STA 8+66 – STA 11+50) shall have 64 feet of right-of-way with two (2) 12-foot-wide lanes, two (2) 6-foot-wide bicycle lanes, two (2) 10.5-foot-wide sidewalks with 5-foot-wide tree wells and shall be designed to minimize grade change within the geologic hazards overlay zone to reduce areas graded or stripped of vegetation or covered with structures or impermeable surfaces to a maximum off 4,000 sf within the parcel which segment 2 lies unless the applicant obtains approval under OCMC 17.44.060(L) as explained below.

The next portion of the new street continues through Tax Lot 500 to Beavercreek Road and is consistent with Figure 7: Short-Term Access Plan of the Beavercreek Access Management Plan. This portion of the roadway does not include a sidewalks or a bicycle lane on the west side. Future

developments along the western lots TL 602 and 600 will complete the public improvements along their frontages. Segment 3 of the new public road connecting Molalla Avenue with Beavercreek Road (~STA 11+50 – STA 14+92) shall have 60-feet of right-of-way with two (2) 17 to 21-foot-wide lanes (to accommodate freight through curves), one (1) 10.5 foot-wide shared use path (striped), and landscaping located behind the shared use path or in other approved locations and shall be designed to minimize grade change within the geologic hazards overlay zone to reduce areas graded or stripped of vegetation or covered with structures or impermeable surfaces to a maximum of 4,000 sf within the parcel for which segment 3 lies unless the applicant obtains approval under OCMC 17.44.060(L).

Segment 4 of the new public road connecting Molalla Avenue with Beavercreek Road (~STA14+92 – STA 18+59) of the new roadway is the connection to Beavercreek Road. Segment 4 shall vary from 60 to approximately 76 feet of right-of-way with three (3) 12-foot-wide lanes (varied to accommodate freight movements), one (1) 10.5-foot wide shared-use-path (striped), and landscaping either behind path or in approved locations.

The proposed shared use path along the new street on TL 500/501 connects to the eastern ADA ramp on Beavercreek Road. The existing ramp layout restricts the ability for bicyclists traveling on Beavercreek Road to safely transition onto the proposed shared use path. The new shared use path shall transition from the curbed path along the new road which connects Molalla Avenue to Beavercreek Road to the existing bicycle lane along Beavercreek Road either through modification of the existing ADA ramp or by other means evaluated during technical design review.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

16.12.016 - Street design.
All development regulated by this chapter shall provide street improvements in compliance with the
standards in Table 16.12.016 depending on the street classification set forth in the transportation system plan and the comprehensive plan designation of the adjacent property, unless an alternative plan has been adopted. The table implements the adopted transportation system plan and illustrates the maximum design standards. These standards may be reduced with an alternative street design which may be approved based on the modification criteria in OCMC 16.12.013. The steps for reducing the street design are found in the transportation system plan.

Table 16.12.016 Street Design
To read the table select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation for lands on either side of the street differs, the wider right-of-way standard shall apply.

Road Classification	***Comprehensive Plan Designation***	***Right-of-Way Width***	***Pavement Width***	***Public Access***	***Sidewalk***	***Landscape Strip***	***Bike Lane***	***Street Parking***	***Travel Lanes***	***Median***
Major Arterial	*Mixed Use, Commercial or Public/ Quasi Public*	*116 ft.*	*94 ft.*	*0.5 ft.*	*10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells*		*6 ft.*	*8 ft.*	*(5) 12 ft. Lanes*	*6 ft.*
	Industrial	*120 ft.*	*88 ft.*	*0.5 ft.*	*5 ft.*	*10.5 ft.*	*6 ft.*	*N/A*	*(5) 14 ft. Lanes*	*6 ft.*
	Residential	*126 ft.*	*94 ft.*	*0.5 ft.*	*5 ft.*	*10.5 ft.*	*6 ft.*	*8 ft.*	*(5) 12 ft. Lanes*	*6 ft.*
Minor Arterial	*Mixed Use, Commercial or Public/Quasi Public*	*116 ft.*	*94 ft.*	*0.5 ft.*	*10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells*		*6 ft.*	*8 ft.*	*(5) 12 ft. Lanes*	*6 ft.*
	Industrial	*118 ft.*	*86 ft.*	*0.5 ft.*	*5 ft.*	*10.5 ft.*	*6 ft.*	*7 ft.*	*(5) 12 ft. Lanes*	*N/A*
	Residential	*100 ft.*	*68 ft.*	*0.5 ft.*	*5 ft.*	*10.5 ft.*	*6 ft.*	*7 ft.*	*(3) 12 ft. Lanes*	*6 ft.*
Collector	*Mixed Use,*	*86 ft.*	*64 ft.*	*0.5 ft.*	*10.5 ft. sidewalk including 5 ft. x 5 ft.*		*6 ft.*	*8 ft.*	*(3) 12 ft.*	*N/A*

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
	Commercial or Public/Quasi Public				*tree wells*				*Lanes*	
	Industrial	*88 ft.*	*62 ft.*	*0.5 ft.*	*5 ft.*	*7.5 ft.*	*6 ft.*	*7 ft.*	*(3) 12 ft. Lanes*	*N/A*
	Residential	*85 ft.*	*59 ft.*	*0.5 ft.*	*5 ft.*	*7.5 ft.*	*6 ft.*	*7 ft.*	*(3) 11 ft. Lanes*	*N/A*
Local	*Mixed Use, Commercial or Public/ Quasi Public*	*62 ft.*	*40 ft.*	*0.5 ft.*	*10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells*		*N/A*	*8 ft.*	*(2) 12 ft. Lanes*	*N/A*
	Industrial	*60 ft.*	*38 ft.*	*0.5 ft.*	*5 ft.*	*5.5 ft.*	*(2) 19 ft. Shared Space*			*N/A*
	Residential	*54 ft.*	*32 ft.*	*0.5 ft.*	*5 ft.*	*5.5 ft.*	*(2) 16 ft. Shared Space*			*N/A*

1. Pavement width includes bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5 foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5 foot public access provides access to adjacent public improvements.

6. Alleys shall have a minimum right-of-way width of twenty feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.
7. A raised concrete median or landscape median shall be utilized for roads identified to have access restrictions.
8. A public utility easement (PUE) shall be provided on both sides of the right-of-way or public access easement on private property as identified in 16.12.085.

Finding: Complies with Condition. See specific street cross sections above in OCMC 16.12.015. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

A. Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the development. Both sidewalks and curbs are to be constructed to city standards and at widths set forth above, and according to plans and specifications provided by the City Engineer. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a development without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the development application. Applicants for partitions may be allowed to meet this requirement by providing the City with a financial guarantee per OCMC 16.12.110.

Finding: Complies as proposed. The applicant has proposed sidewalks along all public streets fronting the development. See OCMC 16.12.015 above for specific requirements of the public sidewalks.

B. Pedestrian and Bicycle Accessways Routes. If deemed appropriate to extend pedestrian and bicycle routes, existing or planned, the decision-maker may require the installation of separate pedestrian and bicycle facilities.

Finding: Complies with Condition. The City's TSP project S28 identifies a shared use path along the eastern boundary of the proposed development. The applicant has proposed to construct an expanded sidewalk along the eastern side of the new street on TL 500/501 as a shared-use path consistent with S28. The applicant shall continue the paved shared-use path from TL 500/501 to the northern property line of TL 3200. See additional conditions under 16.12.032. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the City Engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations and standards.

Finding: Complies with Condition. The applicant shall submit a request to the Community Development Department to receive approval for new street names. Street names shall be

provided on the approved plans, and street signs shall be provided for review of the City prior to installation. All traffic control devices, such as signage, flashing lights/beacons, and traffic signals shall be designed using the MUTCD. The applicant shall provide a Traffic Signal Plan conforming to Clackamas County Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

D. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all City regulations.

Finding: Complies with Condition. The applicant shall provide a lighting plan on Molalla Avenue and the proposed new public road connecting Molalla Avenue and Beavercreek Road in conformance with all City standards, specifications, codes, and policies and as approved by Portland General Electric (PGE). Street lights on Molalla Avenue shall be consistent with the City's Street Design Standards for Molalla Avenue. The applicant shall submit a photometric plan with their permitting plans. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Any new street proposed with a pavement width of less than thirty-two feet shall be processed through OCMC 16.12.013 and meet minimum life safety requirements, which may include fire suppression devices as determined by the Fire Marshall to assure an adequate level of fire and life safety. The modified street shall have no less than a twenty-foot wide unobstructed travel lane.

Finding: Not applicable. No street is proposed to be less than 32 feet wide.

F. All development shall include vegetated planter strips that are five feet in width or larger and located between the sidewalk and curb unless otherwise approved pursuant to this chapter. All development shall utilize the vegetated planter strip for the placement of street trees or place street trees in other acceptable locations, as prescribed by OCMC 12.08. Development proposed along a collector, minor arterial, or major arterial roads may place street trees within tree wells within a wider sidewalk in lieu of a planter strip. In addition to street trees per OCMC 12.08, vegetated planter strips shall include ground cover and/or shrubs spaced four feet apart and appropriate for the location. No invasive or nuisance plant species shall be permitted.

Finding: Complies with Condition. See section 16.12.016 regarding requirements for vegetated planter strips located between the sidewalk and curb for the placement of street trees. See section 12.08 regarding placement of street trees. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

G. Vehicle and pedestrian access easements may serve in lieu of streets when approved by the decision maker and only where dedication of a street is deemed impracticable.

Finding: Complies with Condition. A pedestrian and bicycle accessway is proposed along the rear of the property. A public access easement shall be provided, allowing public use of the path through the property. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

H. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.

Finding: Complies with Condition. The access easements proposed along the southern properties (TL 800 and Tl 700) complies as proposed. The applicant shall provide a public access easement for TL 800 and TL 700 to facilitate future connections to the new proposed roadway. A shared use path is proposed along the rear of the property. A public access easement shall be provided, allowing public use of the path through the property. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.017 - Street design—Access control.
A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the City as a City controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.

Finding: Not Applicable. No new streets with access control are required. Access to the new street by adjoining properties will be regulated by code section 16.12.035.

B. The City may grant a permit for the adjoining owner to access through the access control.

Finding: Not Applicable. No new streets with an access control are required. Access to the new street by adjoining properties will be regulated by code section 16.12.035.

C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."

Finding: Not Applicable. No new streets with access control are required. Access to new street by adjoining properties will be regulated by code section 16.12.035.

D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

Finding: Not Applicable. No new streets with access control are required. Access to the new street by adjoining properties will be regulated by code section 16.12.035.

16.12.018 - Street design—Alignment.
The centerline of streets shall be:
A. Aligned with existing streets by continuation of the centerlines; or

B. Offset from the centerline by no more than five feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.
C. Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.

Finding: Complies as Proposed. The proposed street alignments meet the City requirements. This standard is met.

16.12.019 - Traffic sight obstructions.
All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

Finding: Complies as Proposed. Applicant acknowledges streets will be designed per this standard. No current site obstructions are shown, however if any are proposed during design, the standard shall apply.

16.12.020 - Street design—Intersection angles.
Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. In no case shall the acute angles be less than eighty degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of twenty-five feet for local streets. Larger radii shall be required for higher street classifications as determined by the City Engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point.

Finding: Complies as Proposed. The proposed intersection meets the City requirements. This standard is met.

16.12.021 - Street design—Grades and curves.
Grades and center line radii shall conform to standards approved by the City Engineer.

Finding: Complies as Proposed. Applicant acknowledges streets will be designed per this standard.

16.12.022 - Street design—Development abutting arterial or collector street.
Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: Access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.

Finding: Complies as proposed. The new street connecting Molalla Avenue (Major Arterial Road) and Beavercreek Road (Major Arterial Road) is considered a collector road. Landscaping along the proposed roadway is proposed as identified above in 16.12.013 and 16.12.016.

16.12.023 - Street design—Pedestrian and bicycle safety.

Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic.

The City Engineer may require that crosswalks include a large vegetated or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The City Engineer may approve an alternative design that achieves the same standard for constrained sites.

Finding: Not Applicable. The development does not require a street design that discourages use by non-local traffic. The City Engineer has not required that crosswalks include a large vegetated or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities.

16.12.024 - Street design—Half street.
Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker shall first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant shall construct a half street with at least twenty feet of pavement width and provide signage prohibiting street parking so as to make the half street safe until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control may be required to preserve the objectives of half streets.

When the remainder of an existing half-street improvement is completed it shall include the following items: Dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the City's "Pavement Cut Standards" or as approved by the City Engineer.

Finding: Complies as Proposed. The new street within TL 500/501 is a “Half-Street”. See specific cross section requirements in 16.12.015 and the modification request in 16.12.013. The applicant has proposed to construct two full travel lanes (of varying widths) within TL 500/501 to accommodate vehicle access (including freight and emergency vehicles) through the proposed

development connecting Molalla Avenue and Beavercreek Road. They have also proposed an expanded sidewalk on the east side of the proposed street to accommodate a shared use path. They do not propose a sidewalk or bike lane on the west side of the street within TL 500/501.

The applicant proposes this layout due to a previously determined access agreement between the property owner of TL 500/501 and the proposed lots of this development. The access easement was previously sized with a smaller cross-section of roadway that did not take into account large truck movements (freight or emergency). The boundaries of the access agreement were laid out to also provide TL 500/501 space for future development. Due to the constrained size of the access agreement, the applicant has proposed this "half-street" layout. The future abutting properties to the west will add public improvements along their frontages completing the standards roadway when they develop. This is consistent with the City's Beavercreek Road Access Management Plan and typical Half-street standards.

16.12.025 - Street design—Cul-de-sacs and dead-end streets.
The City discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, pre-existing dedicated open space, pre-existing development patterns, arterial access restrictions or similar situation as determined by the decision maker. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.
A. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units.

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

B. Cul-de-sacs and permanent dead-end streets shall include pedestrian/bicycle accessways to meet minimum block width standards as prescribed in OCMC 16.12.030.

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

C. Cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with fire district and City adopted street standards.

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

D. Permanent dead-end streets shall provide public street right-of-way/easements sufficient to provide a sufficient amount of turn-around space complete with appropriate no-parking signs or markings to accommodate waste disposal, sweepers, emergency and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker.

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

E. In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. A dead-end street shall include signage or barricade meeting Manual on Uniform Traffic Control Devices (MUTCD).

Finding: Not Applicable. No dead-end stub streets are proposed or required for this development.

16.12.026 - Street design—Alleys.
Alleys with public access easements on private property shall be provided in the Park Place and South End concept plan areas for the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. All alleys intended to provide access for emergency vehicles shall be a minimum width of twenty feet. The corners of alley intersections shall have a radius of not less than ten feet and shall conform to standards approved by the City Engineer. Access easements and maintenance agreements shall be recorded on affected properties.

Finding: Not Applicable. Alleys are not proposed or required for this development.

16.12.027 - Street design—Off-site street improvements.
During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the applicable design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.

Finding: Complies with Condition. The proposed development will create a new roadway connecting Molalla Avenue and Beavercreek Road. The Applicant has proposed to modify the existing signals on Molalla Avenue and Beavercreek Road. The City takes no exception to this. The applicant shall restripe the center turning lane on Molalla Avenue as a left turn lane into the property at the existing intersection following City, State, and Federal guidelines for left turn lane storage and taper.

The City has identified TSP Project D95 for the intersection of Beavercreek Road and OR-213. New developments that impact that intersection are identified to contribute to upgrade the intersection as part of D95 with pro-rata share contribution based on the projected trips generated. This DDP does not generate new trips to the D95 intersection. When Parcel's A, B, and D develop, their contributions will be required at that time based on the identified trips noted in their Traffic Impact Analyses at each DDP. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.028 - Street design—Transit.
Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts

transit streets as identified in OCMC 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

Finding: Complies with Condition. The proposed streets provide bicycle and pedestrian access between Molalla Avenue and Beavercreek Road. The applicant has also proposed to relocate the existing bus stop to the north of the Molalla Traffic signal with a pull out and shelter. Written approval from Trimet to relocate the existing bus stop on Molalla Avenue is required. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies with Condition. Pavement cuts are proposed within Molalla Avenue and Beavercreek Road due to proposed utility service installations and required frontage improvements. Pavement cuts or other improvements made in a City street shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.030 - Blocks—Width.
The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed. The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.

All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in the current adopted transportation system plan. The maximum block spacing between streets is five hundred thirty feet and the minimum block spacing between streets is one hundred fifty feet as measured between the right-of-way centerlines except in zones GI, CI, MUE, I, and WFDD where determining the appropriate street spacing will be determined by the City Engineer. If the maximum block size is exceeded, pedestrian accessways shall be provided every three hundred thirty feet. The spacing standards within this section do not apply to alleys.

Finding: Complies as Proposed. The layout of the proposed development shows block lengths which are less than 530 feet.

16.12.031 - Street design—Street names.

Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established standards in the City and shall be subject to the approval of the City.

Finding: Complies with Condition. The developer shall submit a request to the Community Development Department to receive approval for new street names; only approved street names shall be included on the final construction plans prior to occupancy of the first parcel. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval**.

16.12.032 – Public off-street pedestrian and bicycle accessways.

Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between
residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding three hundred thirty feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

Finding: Complies with Condition. The applicant has provided sidewalks and bicycle lanes along the proposed new street connecting Molalla Avenue with Beavercreek Road. The applicant has also proposed providing an expanded sidewalk along the eastern side of the new road within TL 500/501. This expanded sidewalk will act as a shared-use path that is consistent with the City's TSP project S28. The shared-use path S28 is intended to connect Hilltop Avenue to Beavercreek Road for pedestrians and bicycles as part of the City's goals of providing multi-modal forms of transportation throughout the City.

As previously noted, the Applicant has provided a portion of the Share-Use Path along the side of the new street within TL 500/501. The City takes no exception to this portion of the proposed S28 shared use path. The applicant proposes transitioning the shared use path to an unpaved nature trail on TL 3400 and 3200 as it continues north towards Hilltop Avenue. Due to the grades/elevation of the new roadway, a stairwell is shown to access the proposed path below street level from the paved shared-use path on TL 500/501.

The proposed stairwell and nature path are not consistent with the intent of the City's TSP project S28 or as a public off-street accessway which is intended to provide a safe and convenient connection for pedestrians and bicycles outside of the public street system. The proposed stairwell prohibits the continuation of ADA and bicycle access from the new road to the path on TL 3400 and 3200. The applicant has proposed that the pathway be installed below the proposed

future parking lot of Parcel B. Public comment has raised concerns that by locating the trail out of public sight, it creates a safety hazard for the general public. The applicant shall construct TSP Project S28 as a public off-street pedestrian/bicycle accessway for the portion on TL 3200 and 3400 per OCMC 16.12.032 standards. The applicant shall construct their portion of TSP Project S28 within Parcel C (shared use path) and as a 7-10 foot paved off-street ADA compliant pedestrian/bicycle accessway with lighting and landscaping as regulated by the code for the portion on Parcel B per OCMC 16.12.032 standards. S28 shall be designed to minimize grade change within the geologic hazards overlay zone to reduce areas graded or stripped of vegetation or covered with structures or impermeable surfaces to a maximum of 4,000 sf unless the applicant for a DDP obtains approval for a larger area under OCMC 17.44.060(L), as further explained below. The applicant may choose to delay the construction of the Parcel B portion of the path to the DDP whereby the path may be able to be constructed at grade adjacent to the proposed parking lot, potentially making it exempt from the Geologic Hazard code. The construction of S28 within TL 3400 and TL 3200 shall be completed prior to occupancy of Parcel D. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.

Finding: Complies as proposed. The layout of the proposed development shows entry points for accessways aligning with pedestrian crossing points along adjacent streets and with adjacent intersections.

B. Accessways shall be free of horizontal obstructions and have a nine foot six inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:
1. Accessways shall have a fifteen foot wide right-of-way with a seven foot wide paved surface with a minimum four foot planter strip on either side.
2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty- four feet wide with a sixteen foot paved surface between four foot planter strips on either side.

Finding: Complies with Condition. The applicant has proposed a 15-foot-wide public access easement on the shared-use path on TL 3400 and 3200. The City takes no exception to that. The proposed path appears to be 6-feet-wide. The Shared-use Path S28 (accessway) shall be a paved 7-foot-wide path within TL 3400 and 3200 where it deviates from the proposed street. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.

Finding: Applicable. The layout of the proposed development shows accessways that may be without proper visibility. This will be further reviewed as part of the design permitting process.

D. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.

Finding: Complies with Condition. The layout of the proposed development shall provide a lighting plan showing that the shared-use path accessway on TL 3400 and 3200 are lit to the standards of 16.12.032.D. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Accessways shall comply with Americans with Disabilities Act (ADA).

Finding: Complies with Condition. The applicant has proposed a stairwell as part of the shared-use path S28 to connect pedestrians and bicyclists from the street side portion of S28 on TL500 down to existing grade on TL 3400 and 3200. The stairwell does not meet ADA standards and prohibits bicyclists and people with ADA needs to safely traverse the shared-use path. This portion of S28 that deviates from the expanded sidewalk on TL 500/501 is an off-street pedestrian and bicycle accessway and shall comply with Americans with Disabilities Act (ADA) standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

F. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:
1. Either an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average; and
2. Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
3. A two-inch minimum caliper tree for every thirty-five feet along the accessway. Trees may be planted on either side of the accessway, provided they are spaced no more than thirty-five feet apart; and
4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.

Finding: Complies with Condition. The portion of S28 that abuts the street on TL 500/501 is proposed to have landscaping behind sidewalk. The City takes no exception to that proposal. The portion of S28 on TL 3400 and 3200 shall be landscaped per OCMC 16.12.032.F standards. Existing landscaping abutting the accessway may be taken into account for tree requirements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.

Finding: Applicable. Bollards or other mechanisms to prohibit unauthorized motorized vehicles onto the shared use path are applicable.

H. Accessway surfaces shall be paved with all-weather materials as approved by the City. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.

Finding: Complies with Condition. The shared-use path S28 shall be paved with all-weather materials (e.g. asphalt, concrete, etc.) as approved by the City Engineer. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

I. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings.

Finding: Not Applicable. The layout of the proposed development shows pedestrian and bicycle accessways with no impact to parks, greenways, or natural resource areas.

J. The decision maker may approve an alternative accessway design due to existing site constraints through the modification process set forth in OCMC 16.12.013.

Finding: Not Applicable. No modification from OCMC 16.12.032 has been proposed or requested for pedestrian and bicycle accessways.

K. Ownership, liability and maintenance of accessways. To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the City Engineer shall require one of the following:
1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or
2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.

Finding: Complies with Condition. The applicant shall provide a covenant over the pedestrian and bicycle accessways and be responsible for the future maintenance and liability. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.033 - Mobility standards.
Development shall demonstrate compliance with intersection mobility standards. When evaluating the

performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection E below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the transportation system plan (TSP) or as otherwise identified by the City Engineer.

A. For intersections within the regional center, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

3. Intersections located on the regional center boundary shall be considered within the regional center.

B. For intersections outside of the regional center but designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

C. For intersections outside the boundaries of the regional center and not designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:

1. For signalized intersections:

a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

2. For unsignalized intersections outside of the boundaries of the regional center:

a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.

D. For the intersection of OR 213 and Beavercreek Road, the following mobility standards apply:

1. During the first, second and third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.

E. Until the City adopts new performance measures that identify alternative mobility targets, the City shall exempt proposed development that is permitted, either conditionally, outright, or through

detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:
I-205/OR 99E Interchange.
State intersections located within or on the regional center boundaries.
1. In the case of conceptual development approval for a master plan that impacts the above references intersections:
a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the code in place at the time the detailed development plan is submitted; and
b. Only those trips approved by a detailed development plan review are vested.
2. Development which does not comply with the mobility standards for the intersections identified in OCMC 16.12.033 shall provide for the improvements identified in the transportation system plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the code.

Finding: Complies with Condition. The City's transportation consultant has reviewed the applicant's TIA for this development. They have provided to following findings based on the site's master plan TIA:

- Based on the most recent five years of available crash data (2019 to 2023), critical crash rate calculations, and ODOT SPIS lists, the OR-213/Beavercreek Road intersection was flagged for safety concerns. The TIA notes that since 2023, safety improvements such as signal modifications and improved signage have been completed at this location. As such, no safety mitigations are recommended at this time.
- The development is expected to generate 339 (157 in, 182 out) a.m. peak hour trips, 190 (107 in, 83 out) p.m. peak hour trips, and 2,788 weekday trips. This includes a conservative internal trip capture reduction of 5% in the a.m. peak hour and 25% in the p.m. peak hour, a pass-by rate of 40% for both the a.m. and p.m. peak hours for the Strip Retail (822) land use, and a pass-by rate of 55% for both the a.m. and p.m. peak hours for the Restaurant (934) and Coffee Shop with Drive Through Window (937) land uses.
- Different trip distributions were applied for the commercial and residential land uses.
    - *Commercial Trips (Retail and Fast Food):* Approximately 35% of site trips are expected to travel to/from destinations to the south along Molalla Avenue and Beavercreek Road, and approximately 65% are expected to travel to/from destinations to the north along Molalla Avenue.
    - *Residential Trips:* Approximately 55% of site trips are expected to travel to/from destinations to the south along Molalla Avenue and Beavercreek Road, and approximately 45% are expected to travel to/from destinations to the north along Molalla Avenue.

- Left turn lane warrants were evaluated at future site access intersections. No left turn lane warrants were met.
- All study intersections are expected to meet performance standards under all analysis scenarios.
- A queuing analysis showed queue lengths at the Molalla Avenue/Shared Business Driveway (Safeway) intersection are expected to exceed the available storage for the northbound left turning movement under both background and build conditions in the p.m. peak hour. The 95th percentile queue is expected to exceed the available storage by only one vehicle in the p.m. peak hour only. No mitigation is recommended at this time.

The City's transportation consultant also notes the following:

- The TIA does not address the proposed site plan's compliance with access spacing standards or sight distance standards.
- The TIA does not address the proposed development's pedestrian/bicycle routes to the nearest schools in consideration of safe routes to school.
- The TIA does not discuss the project's internal vehicle, pedestrian, and bicycle circulation.

The items noted above typically take into account the whole property, but they do relate to this DDP as final locations of driveways and accessways may be impacted. The applicant shall provide an updated TIA addressing compliance with access spacing standards or sight distance standards, pedestrian/bicycle routes to the nearest schools, and the project's internal vehicle, pedestrian and bicycle circulation.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

16.12.035 - Driveways.

A. All new development, redevelopment, and capital improvement projects shall meet the minimum driveway spacing standards identified in Table 16.12.035.A. Minor Site Plan and Design Review do not follow these standards unless a request is made to modify the driveway.

Table 16.12.035.A Minimum Driveway Spacing Standards

Street Functional Classification	***Minimum Driveway Spacing Standards***	***Distance***
Major Arterial Streets	*Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single-family dwellings, duplexes, triplexes, quadplexes and townhouses*	*175 ft.*
Minor Arterial Streets	*Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single-family dwellings, duplexes, triplexes, quadplexes and townhouses*	*175 ft.*

Collector Streets	*Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single-family dwellings, duplexes, triplexes, quadplexes and townhouses*	*100 ft.*
Local Streets	*Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single-family dwellings, duplexes, triplexes, quadplexes and townhouses*	*25 ft.*

1. When driveways are shared (combined), the minimum driveway spacing shall be 20 feet.
2. All driveways, except for shared driveways, shall be placed a minimum of 5 feet from the property line.
3. The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection (on the same side of the road) right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.

Finding: Complies with Condition. All driveways, new and existing, shall meet the minimum driveway spacing standards identified in Table 16.12.035.A. The modified driveway locations for Parcel A and Parcel B appear to meet the intent of the spacing standards. Approved driveway locations will need included on engineering plans prior to receiving a permit and beginning construction. Final driveway locations for will be evaluated during the design review phase with the applicant's updated TIA. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. All detached single-family dwellings, duplexes, triplexes, quadplexes and townhouses shall have driveways which meet the minimum distance from a street corner standards except when the lot size is smaller than the minimum distance required. When minimum distance cannot be met due to lot size or due to the location of an overlay district, the driveway shall be located as far away from the intersection as possible, but no more than 5 feet to the neighboring property line, as approved by the City Engineer.

Finding: Not applicable. The development does not propose detached dwelling units or townhouses.

C. Nonresidential or multi-family residential use driveways that generate high traffic volumes as determined by a traffic analysis shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.

Finding: Complies as proposed. The development has proposed nonresidential or multi-family residential use driveways that generate high traffic volumes. See conditions under 16.12.033.

D. For any detached single-family dwellings, duplexes, triplexes, quadplexes, and townhouses or property developed with an ADU with multiple frontages, only one driveway is allowed per street frontage classified as a local street and in no case shall more than two driveways (one per frontage), unless otherwise approved by the City Engineer.

Two driveways shall never be granted for any property with only one frontage on a local road for any single-family detached residential property or property that contains an ADU unless required by Clackamas Fire District No. 1.

E. Cluster housing properties may be granted more than one driveway per property and per frontage meeting the spacing standards. Driveways should be combined whenever possible to limit the number of driveways per property.

Middle housing properties with only one building may be allowed one driveway for every two units, provided that spacing standards and/or driveway width requirements are met.

Middle housing properties with more than one structure shall meet the cluster housing standards.

F. Townhouses shall have one driveway approach for every two dwelling units (round up for townhouse structures with an odd number of dwellings).

G. Driveways on collectors or arterials shall be provided in such a way that no backing of a vehicle will occur from the driveway to the collector or arterial.

H. When a property fronts multiple roads, access shall be provided from and limited to the road with the lowest classification in the transportation system plan to minimize points of access to arterials and collectors. Access shall not be provided on arterial or collector roads unless there is no other alternative. At the discretion of the City Engineer, properties fronting a collector or arterial road may be allowed a second driveway, for the creation of a circulation pattern that eliminates reverse maneuvers for vehicles exiting a property if applied for and granted through procedures in OCMC 16.12.013. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the City Engineer determines that:

1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or

2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.

I. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.

Table 16.12.035.D Driveway Approach Size Standards

Property Use	*Minimum Driveway Approach Width*		*Maximum Driveway Approach Width*
Single-Family Detached and Duplexes	*10 feet*		*24 feet*
Townhouses	*10 feet*		*24 feet*
Triplexes, Quadplex and Cottage Clusters	*10 feet*		*36 feet*
Multi-Family	*18 feet*		*30 feet*
Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential	*One-Way 12 feet*	*Two-Way 20 feet*	*40 feet*

1. Shared driveways for middle housing structures shall be minimum 18 feet and maximum 36 feet except when section J.4.a applies.

2. Driveway widths shall match the width of the driveway approach where the driveway meets sidewalk or property line but may be widened onsite (for example between the property line and the entrance to a garage). Groups of more than four parking spaces shall be so located and served by

driveways so that their use will not require backing movements or other maneuvering within a street right-of-way other than an alley.

Finding: Complies with Condition. All driveways (curb cuts), new and existing, shall meet the minimum driveway width standards identified in Table 16.12.035.D. Approved driveway widths will need to be included on engineering plans prior to receiving a permit and beginning construction. The applicant has proposed a modification to the driveway standard for Parcel D due to the curvature of the road. The proposed modification to Parcel D complies as proposed. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

J. The City Engineer reserves the right to require a reduction in the number and size of driveway approaches as far as practicable for any of the following purposes:
1. To provide adequate space for on-street parking;
2. To facilitate street tree planting requirements;
3. To assure pedestrian and vehicular safety by limiting vehicular access points; and
4. To assure that adequate sight distance requirements are met.
a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line.

Finding: Not Applicable. No restrictions are proposed by the City Engineer.

K. For all driveways, the following standards apply.
1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet back into the property as measured from the current edge of sidewalk or street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the City Engineer.
2. Any driveway approach built within public right-of-way shall be built and permitted per city requirements as approved by the City Engineer.
3. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the City Engineer.

Finding: Complies as proposed. All new driveways a shall have a concrete driveway approach or asphalted street connection with a minimum hard surface for at least ten feet back into the lot as measured from the edge of street pavement. The hard surface shall be concrete, asphalt, or other surface approved by the City Engineer.

L. Exceptions. The City Engineer reserves the right to waive these standards or not allow driveway access, if the driveway(s) would cause a significant traffic safety hazard. Narrower or wider driveway widths may be considered where field conditions preclude use of recommended widths. When larger vehicles and trucks will be the predominant users of a particular driveway, turning templates may be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic.

Finding: Not Applicable. No exemptions are proposed.

16.12.065 - Building site—Grading.
Grading of building sites shall conform to the state of Oregon Structural Specialty Code, Title 18, any
approved grading plan and any approved residential lot grading plan in accordance with the requirements of OCMC 13.12, 15.48, 16.12 and the public works stormwater and grading design standards, and the erosion control requirements of OCMC 17.47.

Finding: Applicable. Please refer to the findings within sections 13.12,15.48, 16.12 & 17.47 of this report.

16.12.085 - Easements.
The following shall govern the location, improvement and layout of easements:
A. Utilities. Utility easements shall be required where necessary as determined by the City Engineer.
Insofar as practicable, easements shall be continuous and aligned from block-to-block within the development and with adjoining subdivisions or partitions.
1. Specific public utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans conforming to the requirements found within the applicable design standards.
2. Conveyance of public utility easements for gas, electric, telecommunication, and fiberoptic shall be required where necessary as determined by the City Engineer. The City Engineer will require the easement unless it is found that the utility can be placed in a different location or can be placed in a smaller easement than what is required. The easement shall be located adjacent to all public rights-of-way or public access easements within private property. In the event that the provision of a public utility easement would create a conflict with achieving compliance with another part of the code, the location and width may be adjusted by the City Engineer.
a. The easement shall be 10 feet in the R-10, R-8, R-6, R-5, R-3.5, R-2, GI, and CI zones
b. The easement shall be a minimum of 5 feet in the NC, HC, I, C, MUC-1, MUC-2, MUE, MUD, and WFDD zones.
i. The applicant shall obtain a written determination from all utilities that the minimum 5 foot PUE coupled with use of a minimum of a five-foot area under the public sidewalk or parkway area is sufficient to serve the development. Where the minimum width is deemed inadequate, a modification shall be required.
c. An applicant may seek a modification to the public utility easement dedication requirement using 16.12.013.

Finding: Complies with Condition. The development shall provide a public utility easement (PUE) along all property lines fronting existing or proposed public right-of-way. Zero setback sites may not require a PUE but may have dry utilities between the property line and curb the developer shall make all necessary arrangements with utility companies to ensure underground lines are not placed within the roadway. Approved PUE will need to be included on the final plat prior to recording the plat. The development shall provide a public utility easement for the City's sewer for the sewer connecting Hilltop Avenue to Beavercreek Road. The final location and sizing will be

determined during DDP and Design review based on the City's sewer design standards. A 15-foot-wide public access easement will be required for the portion of the shared use path accessway, S28, that deviates from the public right-of-way. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the public works stormwater and grading design standards.

Finding: Complies as proposed. The applicant acknowledges this requirement and is coordinating with PGE on final layout.

C. Watercourses. Where a development is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.

Finding: Not Applicable. The application does not affect any watercourses.

D. Access. When easements are used to provide vehicular access to lots within a development, the construction standards, but not necessarily width standards, for the easement shall meet City specifications. The minimum width of the easement shall be 20 feet. The easements shall be improved and recorded by the applicant and inspected by the City Engineer. Access easements may also provide for utility placement.

Finding: Complies as proposed. The vehicular access easements for Lots 700 and 800 are consistent with the Beavercreek Road Access Plan. No physical connections are required at this time. When those properties develop in the future, the driveways will be required then.

E. Resource Protection. Easements or other protective measures may also be required as the Community Development Director deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.

Finding: Complies with Condition. The access road connecting through TL 3-2E-05D-00500 may encroach on the Natural Resource Overlay District (NROD). The final impacts of that roadway will be evaluated as part of the technical design review of the road. If the NROD area is disturbed with this project, the applicant shall coordinate with the City's Planning Department on mitigations per the City's standards in OCMC 17.49. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.090 - Minimum improvements—Procedures.
In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to City specifications and standards as set out in the City's facility master plan and Public Works Stormwater and Grading Design Standards. The improvements shall be installed in accordance with the following procedure:
A. Improvement work shall not commence until construction plans have been reviewed and approved by the City Engineer and to the extent that improvements are located in county or state right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.

Finding: Complies with Condition. The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Improvements shall be constructed under the inspection and approval of the City Engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the City Engineer or other City decision-maker, the applicant's project engineer also shall inspect construction.

Finding: Complies with Condition. The developer's project engineer shall inspect construction of public improvements and stormwater management facilities at the cost of the applicant. The City will perform inspections in accordance with city policies and standards. See section 16.12.014 of this report regarding inspection fees. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of OCMC 17.47, 17.49 and the Public Works Erosion and Sediment Control Standards.

Finding: See findings from section 17.47, 17.49 of this report.

D. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities, such as, storm, water and sanitary sewer shall be placed beyond the ten-foot-wide public utility easement within private property as defined in OCMC 16.12.85.A.2.

Finding: Compiles with Condition. Underground utilities, waterlines, sanitary sewers and storm drains proposed to be installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities, such as, storm, water and sanitary sewer shall be placed beyond the franchise utility easement within private property. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer upon completion of the improvements.

Finding: Complies with Condition. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer within 90 days of completing improvements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

F. The City Engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

Finding: Complies with Condition. The applicant shall comply with permitted hours of construction as set forth by the City Engineer for any public improvements (in existing public right-of-way or easements or which will be dedicated in public right-of-way or easements) that will not follow OCMC 9.12.023.D. as stated and written in the pre-construction meeting notes. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.095 - Minimum improvements—Public facilities and services.
The following minimum improvements shall be required of all applicants for a development, unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the City's public systems and facilities:
A. Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the City's planned level of service on all public streets, including alleys within the development and those portions of public streets adjacent to but only partially within development. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points or curvature and points of tangency of their center line, and at such other points as directed by the City Engineer.

Finding: Complies with Condition. The applicant has provided a transportation system that is consistent with the City's street design standards. The City agrees with the applicant's proposed modified cross-section for a collector road to be used for this development. The modified collector is smaller than the standard cross-section for a local road within a mixed-use development but provides safer spaces for both pedestrians and for bicyclists. The City agrees with the proposed three lanes, consistent with a collector road, providing a turning lane for the businesses on the westside of the development. The Applicant's TIA also notes that necking down the street section to a two-lane road is appropriate as the street moves to the east (away from the proposed commercial developments) and then runs parallel to the property's southern boundary. The City takes no exception to this.

By aligning the new street along the southern boundary on TL 3400, the applicant is providing a layout that is consistent with the City's Beavercreek Road Access Plan. The properties immediately south of this development currently are accessible by driveways along Beavercreek Road. The City's Beavercreek Access Plan's goals include eliminating several of the driveway access points from Beavercreek Road to provide a safer and more efficient commute on that major arterial road. The applicant's layout provides a new public street for those properties to connect to in the future with access easements. The City takes no exception to this proposed layout.

The last segment of the new roadway is proposed through a previously determined access easement through the neighboring properties that are not a part of this development's master plan. The applicant has proposed to provide a "half-street" that will include two full travel lanes connecting their property to Beavercreek Road through TL 500/501. They propose an expanded sidewalk section on the east side of that street to provide space for pedestrians and bicyclists. The expanded sidewalk is consistent with the City's TSP shared-use path S28. The applicant has demonstrated that the proposed alignment can handle large freight to traverse TL 500/501 and continue through the proposed development to Molalla Ave. This "half-street" is consistent with the City's Beavercreek Access Plan, specifically the Short-Term Plan identified on Figure 7 of that plan. When neighboring properties redevelop to the west, that portion of the new street will be completed with the typical street section features. The City takes no exception to the proposed "half-street" on TL 500/501.

The applicant has proposed providing sidewalks and bike lanes along both sides of the street within their master plan development area. The street system then continues through TL 500/501 with a shared use path on the east side of the proposed street. The City's TSP identifies a shared-use path through this development connecting Hilltop Avenue to Beavercreek Road. The proposed half-street on TL 500/501 is consistent with the TSP. The applicant has proposed to continue the shared-use path to the north towards Hilltop Ave on TL 3400 and 3200 away from the proposed street system. See conditions under 16.12.032 regarding the portion of the shared-use path on TL 3400 and 3200.

See conditions of approval under OCMC 16.12.015 and 16.12.032 for specific requirements for the transportation system. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Stormwater Drainage System. Applicants shall design and install drainage facilities within a development and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with city drainage master plan requirements, OCMC 13.12 and the public works stormwater and grading design standards.

Finding: Complies with Condition. See findings from section 13.12 for the design of stormwater management facilities to serve the development. The Applicant has proposed a combined stormwater pond that treats stormwater from both private properties (Parcels A and B) and from

the runoff draining from the public roadway. The applicant has proposed to make the facility a public facility and place the burden of maintenance on the City. As previously noted the proposed pond is designed to treat the stormwater from the private properties. The applicant's stormwater report identifies approximately 280,000 square feet of private property runoff contributing to the proposed pond. The area of the public roadway being treated by the pond is approximately 70,000 square feet. This pond is primarily a private stormwater treatment facility as only a fifth of the expected flows to the pond will be from a public right-of-way. The maintenance of the pond should be the responsibility of the private properties.
The City will maintain stormwater facilities dedicated to the stormwater runoff from public spaces. This is consistent across the City with regards to commercial properties. Typically commercial developments (i.e. shopping centers, apartment complexes, restaurants, industrial complexes, etc.) all privately maintain their own stormwater systems. The City does maintain combined systems in the case of residential subdivisions (which this development is not). Public stormwater facilities shall only treat stormwater from publicly maintained right-of-way (i.e. public streets). The applicant shall either separate the public stormwater from the private runoff with separate publicly maintained facilities (e.g. streetside planters or other separate facilities) and privately maintain facilities for private stormwater runoff; or the development can provide stormwater management in total for public and private improvements and maintain the facility or facilities privately. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a development in accordance with the City's sanitary sewer design standards, and shall connect those lots or parcels to the City's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. Applicants are responsible for extending the City's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the City Engineer before construction begins.

Finding: Complies with Condition. The applicant proposes to install a new sewer main within the proposed new road that connects Molalla Avenue to Beavercreek Road. The new sewer main will collect sanitary flows from Parcels D, B and A to the City's collection system on Beavercreek Road. The City's Sewer Master Plan has identified a sewer capital project to construct an 8" sanitary sewer from Hilltop Avenue (north of this development) to Beavercreek Road. The applicant's sewer within the proposed street alignment is consistent with the master plan. The applicant proposes to provide a stub north as part of this DDP. The applicant shall construct their portion of the Sewer Master Plan's 8-inch sewer from Beavercreek Road to stub into Parcel B while ensuring it is designed and built to be able to be extended to Hilltop Avenue. The future DDP for Parcel B shall construct their portion of the Sewer Master Plan's 8-inch sewer main towards Hilltop Avenue. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

D. Water System. The applicant shall design and install a water system to serve all lots or parcels within a development in accordance with the City public works water system design standards, and shall connect those lots or parcels to the City's water system. Applicants are responsible for extending the City's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.

Finding: Complies with Condition. The applicant has proposed to construct a 12" DI main and create a loop between Molalla Avenue and Beavercreek Road. This is consistent with the City's Water Master Plan. The applicant notes that the development itself does not require a 12" water main but only an 8" Main. The proposed water main shall connect to the City's 30-inch Water Main on Molalla Avenue and the City's 20-inch main on Beavercreek Road. The development shall provide an Access and Water Supply Plan to Clackamas Fire District #1 for review. An approved Access and Water Supply Plan is required prior to issuance of building permits for the development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Street Trees. Refer to OCMC 12.08, Street Trees.

Finding: See findings from section 12.08.

F. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the City Engineer.

Finding: Complies with Condition. The engineering plans shall provide a local benchmark, onsite, using the NAVD88 datum prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

G. Other Utilities. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. All new utilities shall be placed underground unless the respective franchise agreements allow otherwise or unless it is physically or technically impossible to comply with applicable standards. Existing electrical lines and other wires, including but not limited to telecommunication, street lighting and fiberoptic, shall be relocated underground.
1. Exemptions to relocation of existing overhead utilities to underground for property development as follows (Only one exemption criteria is required to be exempt from this requirement):
a. No transmission or feeder lines shall be relocated underground unless approved by the City Engineer.
b. Properties with less than one acre of land area shall not be required to relocate existing overhead utilities unless required by the franchise utility.
c. Properties with less than two hundred feet of frontage on any individual roadway shall not be required to relocate existing overhead utilities unless required by the franchise utility.
d. Land divisions with five or fewer subdivided lots shall not be required to relocate existing overhead utilities unless required by the franchise utility.

2. The exemptions in G.1. do not apply if properties within the same block were required to relocate the overhead utilities within the past ten years. In those cases, the existing overhead utilities shall be relocated underground.
3. When any franchise utility (electric, gas, telecommunication, fiberoptic, street lighting or similar utility) is installed along an existing or new roadway, the utility shall be installed within the existing or proposed public utility easement unless it is physically or technically impossible.
4. These requirements do not apply to work by a franchise utility for improvement, repair, alteration or addition to their existing systems.

Finding: Complies with Condition. New franchise utilities shall be placed underground and all existing overhead utilities adjacent to the property frontage shall be relocated underground unless deemed infeasible by the City and franchise utility provider(s) prior to occupancy of the first parcel. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

H. Oversizing of Facilities. All facilities and improvements shall be designed to city standards as set out in the City's facility master plan, public works design standards, or other city ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The City may require oversizing of facilities to meet standards in the City's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the City for oversizing based on the City's reimbursement policy and funds available or provide for recovery of costs from intervening properties as they develop.

Finding: Applicable. The City's master plans for water and sewer identify projects within the proposed development site. The applicant has noted that the 12" water main noted in the water master plan is greater than what is needed for this development. Sizing requirements for the water and sewer will be reviewed during the projects technical design review.

I. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of OCMC 17.47 with regard to erosion control.

Finding: See findings from section 17.47 of this report

16.12.100 - Same—Road standards and requirements.
A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of this Chapter. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:
1. The establishment of the public street is initiated by the City Commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;

2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.

Finding: Applicable. Please refer to the findings in chapter 16.12.016 within this report for applicable street design standards required for the public street.

B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the Community Development Director and City Engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.

Finding: Not Applicable. The applicant has not proposed the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions.

C. The design and construction of public streets shall be per the standards found in this chapter and the most recent version of any City Design and Construction Standards.

Finding: Complies with Condition. The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. (Also written in 16.12.010). Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

16.12.105 - Same—Timing requirements.
A. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with OCMC 17.50.140.

Finding: See findings from OCMC 17.50.140 regarding timing of construction of improvements and guarantee for construction of improvements.

B. Construction. The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this Code, and under the supervision of the City Engineer. Under this option, the improvement shall be complete and accepted by the City Engineer prior to final plat approval.

Finding: Complies with Condition. Public improvements and all items from the city provided punch list shall be completed and accepted by the City prior to occupancy of the first parcel. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.110 -Public improvements—Financial guarantees.

A. To ensure construction of required public improvements, the applicant shall provide the City with a performance guarantee in accordance with OCMC 17.50.140.

Finding: Please see findings from Section17.50.140 of this report.

B. After satisfactory completion of required public improvements and facilities, all public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period as prescribed in OCMC 17.50.141.

Finding: Please see findings from Section17.50.141 of this report.

16.12.120 Waiver of Remonstrance
The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the City Attorney.

Finding: Complies with Condition. The property owner(s) shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property and all fees associated with processing and recording the Non-Remonstrance Agreement shall be paid prior to occupancy of the first parcel. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

CHAPTER 17.44 – GEOLOGIC HAZARDS
17.44.010 – Intent and purpose.
A. To ensure that activities in geologic hazard areas are designed based on detailed knowledge of site conditions in order to reduce the risk of private and public losses;
B. To establish standards and requirements for the use of lands within geologic hazard areas;
C. To provide safeguards to prevent undue hazards to property, the environment, and public health, welfare, and safety in connection with use of lands within geologic hazard areas;
D. To mitigate risk associated with geologic hazard areas, not to act as a guarantee that the hazard risk will be eliminated, nor as a guarantee that there is a higher hazard risk at any location. Unless otherwise provided, the geologic hazards regulations are in addition to generally applicable standards provided elsewhere in the Oregon City Municipal Code.

17.44.025 - When required; regulated activities; permit and approval requirements.

No person shall develop land, construct, reconstruct, structurally alter, relocate or enlarge any building or structure for which a land development, sign, or building permit is required on a property that contains an area mapped within the adopted Oregon City Geologic Hazards Overlay Zone without first obtaining permits or approvals as required by this chapter.

The requirements of this chapter are in addition to other provisions of the Oregon City Municipal Code. Where the provisions of this chapter conflict with other provisions of the Oregon City Municipal Code, the provisions that are the more restrictive of regulated development activity shall govern.

Finding: Applicable. The development property contains an area mapped within the adopted Oregon City Geologic Hazards Overlay Zone.

17.44.030 - Procedures.
No building or site development permit or other authorization for development shall be issued until the plans and other documents required by this chapter have been reviewed and found by the review authority to comply with the requirements of this chapter.

A. Where the development is part of an application that otherwise requires a Type III procedure, review shall occur in the manner established in Chapter 17.50 for a consolidated Type III review.

B. Where the development is part of an application that otherwise requires a Type II procedure, review shall occur in the manner established in Chapter 17.50 for a consolidated Type II review.

C. For any other proposed development not otherwise subject to review as part of a development proposal that requires land use review, review shall occur in the manner established in Chapter 17.50 for a Type II procedure.

Finding: Applicable. This application meets Criteria A and C as the development is part of a general land use application. No building or site development permit or other authorization for development shall be issued until the plans and other documents required by OCMC Chapter 17.44 have been approved by the City.

17.44.035 - Exemptions.
The following activities, and persons engaging in same, are EXEMPT from the provisions of this chapter.
A. An excavation which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;
B. A fill which does not exceed two feet in depth or which includes less than twenty-five cubic yards of volume;
C. A combined cut and fill that does not involve more than twenty-five cubic yards of volume.
D. Installation, new construction, addition or structural alteration of any existing structure of less than five hundred square feet in building footprint that does not involve grading as defined in this chapter;

E. Installation, construction, reconstruction, or replacement of public and private utility lines in the hardscape portion of the city right-of-way, existing utility crossings, existing basalt lined drainage channels, or public easement, not including electric substations;
F. Tree removal on slopes twenty-five percent or greater where canopy area removal is less than twenty-five percent of the portion of the lot which contains twenty-five percent or greater slopes. For the purpose of this chapter, "tree" shall be as defined in OCMC 17.04.1315.
G. The removal or control of noxious vegetation;
H. Emergency actions which must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property. The person undertaking emergency action shall notify the building official on all regulated activities associated with any building permit or City Engineer/Public Works Director on all others within one working day following the commencement of the emergency activity. If the City Engineer/Public Works Director or building official determine that the action or part of the action taken is beyond the scope of allowed emergency action, enforcement action may be taken.

Finding: Not Applicable. The application does not meet any of the criteria for an exemption to the geologic hazard code 17.44.

17.44.050 - Development - Application Requirements and Review Procedures and Approvals.
Except as provided by subsection C. of this section, an application for a geologic hazards overlay review shall include the following:
A. A geological assessment and geotechnical report that specifically includes, but is not limited to:
1. Comprehensive information and data regarding the nature and distribution of underlying geology, the physical and chemical properties of existing soils and groundwater; an opinion of site geologic stability, and conclusions regarding the effect of geologic conditions on the proposed development. In addition to any field reconnaissance or subsurface investigation performed for the site, the following resources, as a minimum, shall be reviewed to obtain this information and data:
a. The State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), or in any subsequent DOGAMI mapping for the Oregon City area;
b. Portland State University study entitled "Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon" (1992);
c. Portland State University study, "Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation" (Burns and others, 1998);
d. DOGAMI Open File Report O-06-27, "Map of Landslide Geomorphology of Oregon City, Oregon, and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs" (Madin and Burns, 2006);
e. "Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" (Madin, in press);

f. Landslide Hazards Land Use Guide for Oregon Communities (October 2019), prepared by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) and the Oregon Department of Land Conservation and Development (DLCD);
g. Landslide hazard and risk study of northwestern Clackamas County, Oregon: Oregon Department of Geology and Mineral Industries, Open-File Report O-13-08, 74 map plates; Burns, W.J., Mickelson, K.A., Jones, C.B., Pickner, S.G., Hughes, K.L., Sleeter, R., 2013.

h. Mapped landslide data shall be from the city's maps as a minimum but may be supplemented with maps from items a through f above.

Finding: Complies as Proposed. The application has provided the information listed in 17.44.050.A.1; however, detailed review of the report will occur as part of the permit review and revisions may be requested.

2. Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;

Finding: Complies with Condition. The application has not explicitly provided the information listed in 17.44.050.A.2, but has generally indicated that stormwater will be controlled at the site and referenced detention facilities to be constructed as part of development. The geotechnical report should clearly state recommendations regarding existing local drainage, any impacts on local drainage from the proposed development, and any mitigation required to address adverse impacts. The applicant shall update the report as part of design review. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

3. Comprehensive information about site topography;

Finding: Complies as Proposed. The application has provided sufficient information on the site topography as listed in 17.44.050.A.3 for project; however, detailed review of the report will occur as part of the permit review and revisions may be requested.

4. Opinion as to the adequacy of the proposed development from an engineering standpoint;

Finding: Complies as Proposed. The application has provided all of the information listed in 17.44.050.A.4; however, detailed review of the report will occur as part of the permit review and revisions may be requested.

5. Opinion as to the extent that instability on adjacent properties may adversely affect the project;

Finding: Complies as Proposed. The application has provided all of the information listed in 17.44.050.A.5; however, detailed review of the report will occur as part of the permit review and revisions may be requested.

6. Description of the field investigation and findings, including logs of subsurface conditions and laboratory testing results;

Finding: Complies as Proposed. The application has provided all of the information listed in 17.44.050.A.6; however, detailed review of the report will occur as part of the permit review and revisions may be requested.

7. Conclusions regarding the effect of geologic conditions on the proposed development, tree removal, or grading activity;

Finding: Complies as Proposed. The application has provided all of the information listed in 17.44.050.A.7; however, detailed review of the report will occur as part of the permit review and revisions may be requested.

8. Specific requirements and recommendations for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable site;

Finding: Complies as Proposed. The application has provided all of the information listed in 17.44.050.A.8; however, detailed review of the report will occur as part of the permit review and revisions may be requested.

9. Recommendations and types of considerations as appropriate for the type of proposed development:
a. General earthwork considerations, including recommendations for temporary and permanent cut and fill slopes and placement of structural fill;
b. Location of residence on lot;
c. Building setbacks from slopes;
d. Erosion control techniques applicable to the site;
e. Surface drainage control to mitigate existing and potential geologic hazards;
f. Subsurface and/or management of groundwater seepage;
g. Foundations;
h. Embedded/retaining walls;
i. Management of surface water and irrigation water; and
j. Impact of the development on the slope stability of the lot and the adjacent properties.
k. Construction phasing and implementation schedule as it relates to foundation excavation, allowance for stockpiles, imported backfill, site subsurface drainage or dewatering, provision for off season site protections;
l. Stormwater management; and
m. Construction methods.

Finding: Complies as Proposed. The applicant has provided the information listed in 17.44.050.A.9 as applicable to this project; however, detailed review of the report will occur as part of the permit review and revisions may be requested.

10. Scaled drawings that describe topography and proposed site work, including:
a. Natural physical features, topography at two or ten-foot contour intervals locations of all test excavations or borings, watercourses both perennial and intermittent, ravines and all existing and man-made structures or features all fully dimensioned, trees six-inch caliper or greater measured four feet from ground level, rock outcroppings and drainage facilities;
b. All of the features and detail required for the site plan above, but reflecting preliminary finished grades and indicating in cubic yards whether and to what extent there will be a net increase or loss of soil.

c. A cross-section diagram, indicating depth, extent and approximate volume of all excavation and fills.

Finding: Complies with Condition. The submitted grading plan and associated drawings show existing and proposed contours for preliminary grading, however, we understand that some revisions are anticipated, and specifically required grading of the path through the Geologic Hazards Overlay Zone. The applicant shall provide final grading plans, including representative cross sections through the path and Geologic Hazards Overlay Zone, as necessary, to demonstrate final excavation and grading to be in compliance with Section 17.44. Final cut and fill volumes from excavation shall be stated as required by 17.44.050.A.10. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

11. For properties greater than one acre and any property that has any portion of its property existing within a mapped landslide, where the activity is not exempted by 17.44.35, a preliminary hydrology report, prepared by a suitably qualified and experienced hydrology expert, addressing the effect upon the watershed in which the proposed development is located; the effect upon the immediate area's stormwater drainage pattern of flow, the impact of the proposed development upon downstream areas and upon wetlands and water resources; and the effect upon the groundwater supply.

Finding: Complies with Condition. The applicant has provided a separate storm drainage analysis report. The geologic assessment and geotechnical report shall address the effect on the site hydrology and provide the information listed in 17.44.050.A.11 as applicable to this project, considering the recommendations and design per the storm drainage analysis report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Review Procedures and Approvals require the following:
1. Examination to ensure that:
a. Required application requirements are completed;
b. Geologic assessment and geotechnical report procedures and assumptions are generally accepted; and
c. All conclusions and recommendations are supported and reasonable.

Finding: Complies as Proposed. The application has provided all of the information listed in 17.44.050.B.1; however, detailed review of the report will occur as part of the permit review and revisions may be requested.

2. Conclusions and recommendations stated in an approved assessment or report shall then be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity.

Finding: Complies with Condition. The application has provided the required conclusions and recommendations in the submitted reports, which shall be incorporated as conditions of approval per this section. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

3. All geologic assessments and geotechnical reports shall be reviewed by an engineer certified for expertise in geology or geologic engineering and geotechnical engineering, respectively, as determined by the City. The City will prepare a list of prequalified consultants for this purpose. The cost of review by independent review shall be paid by the applicant.

Finding: Complies with Condition. A geotechnical engineer provides consultation services to the City. The geotechnical consultant provide review of all geologic assessments and geotechnical reports for the City. Costs associated with geologic hazard review of the land use application by the City's geotechnical engineer shall be paid by the developer. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. The City Engineer may waive one or more requirements of subsections A and B of this section if the City Engineer determines that site conditions, size or type or development of grading requirements do not warrant such detailed information. If one or more requirements are waived, the City Engineer shall, in the staff report or decision, identify the waived provision(s), 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.

Finding: Not Applicable. The City Engineer has not waived any of the requirements as all requirements apply to this application.

17.44.060 Development Standards.
Notwithstanding any contrary dimensional or density requirements of the underlying zone, the following standards shall apply to the review of any development proposal subject to this chapter. Requirements of this chapter are in addition to other provision of the Oregon City Municipal Code. Where provision of this chapter conflict with other provision of the Oregon City Municipal Code, the provisions that are more restrictive of regulated development activity shall govern.
A. All developments shall be designed to avoid unnecessary disturbance of natural topography, vegetation and soils. To the maximum extent practicable as determined by the review authority, tree and ground cover removal and fill and grading for residential development on individual lots shall be confined to building footprints and driveways, to areas required for utility easements and for slope easements for road construction, and to areas of geotechnical remediation.

Finding: Complies as Proposed. The project will avoid disturbance of natural topography, vegetation, and soils outside of that required for roadway, path, and utility construction proposed for this phase.

B. All grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. "Land disturbance" is defined as any movement of earth, placement of earth, or movement of heavy trucks on earth, not including the right-of-way. Erosion control measures shall be installed and functional prior to any disturbances. Erosion control measures shall also be functioning and in a winterized stable condition once all land disturbance work has ceased for the year. The City Engineer may allow grading, drainage improvements or other land disturbances to begin before May 1 (but no earlier than March 16) and end after October 31 (but no later than November 30), based upon weather conditions and the recommendation and direction of the project's geotechnical engineer. The City Engineer may use the expertise of a city contracted geotechnical consultant to make the decision to allow any work before May 1 or after October 31. The City Engineer has full authority to not allow any extension of work before May 1 or after October 31. In no case shall the applicant be allowed to begin work before May 1 or complete work after October 31 if the average monthly rainfall in any individual month between September and April is exceeded.

Finding: Complies with Condition. Grading, drainage improvements or other land disturbances shall be restricted to between May 1 and October 31, unless extended by the City Engineer consistent with 17.44. The developer shall submit a work schedule which has been reviewed and approved by a licensed geotechnical engineer with regard to the viability of completing necessary project goals within the aforementioned time period. Erosion control measures and temporary protective fencing around all trees and vegetation designed for protection shall be installed prior to the commencement of grading or other soil disturbance. Erosion control measures shall be in conformance with OCMC Chapter 17.47. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Designs shall minimize the number and size of cuts and fills.

Finding: Complies with Condition. Cuts and fills are generally minimized to meet site access and grading requirements for the proposed roadway, path, and utility installations. However, final grading plans shall be submitted which demonstrate compliance with this Section. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

D. Cut and fill slopes greater than seven feet in height (as measured vertically) shall be terraced. Faces on a terraced section shall not exceed five feet. Terrace widths shall be a minimum of three feet and shall be vegetated. Total cut and fill slopes shall not exceed a vertical height of fifteen feet. Except in connection with geotechnical remediation plans approved in accordance with the chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent slope. The top of cut or fill slopes not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.

Finding: Complies with Condition. Cuts, fills, walls, and terraces are not proposed which exceed the thresholds of this section. No grading will occur at the toe of any landslide or on slopes greater than 25 percent. However, final grading plans shall be submitted which demonstrate compliance

with this Section. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Any structural fill shall be designed by a suitably qualified and experienced civil or geotechnical engineer licensed in Oregon in accordance with standard engineering practice. The applicant's engineer shall certify that the fill has been constructed as designed in accordance with the provisions of this chapter. The structural fill design must be provided prior to any fill being placed onsite. The structural fill design must contain the stamp and signature of a professional engineer licensed in the State of Oregon.

Finding: Complies as Proposed. The project geologic assessment and geotechnical report provided design of structural fill by the licensed geotechnical engineer of record.

F. Retaining walls shall be constructed in accordance with the Oregon Structural Specialty Code adopted by the State of Oregon.
1. Retaining walls that are four feet or greater in height, tiered walls with a total height four feet or greater, and walls on slopes steeper than 2:1 must be designed by a professional engineer licensed in the State of Oregon which includes a stamped and signed set of plans.
2. The construction of the wall must be inspected by the professional engineer responsible for the design and must be certified prior to the structure receiving temporary occupancy. The certification must contain the stamp and signature of a professional engineer licensed in the state of Oregon.
3. All retaining walls required to be designed by a professional engineer shall be reviewed by the City, when expertise exists on staff, or by the City's consultant. When reviewed by the City's consultant, the applicant shall reimburse the City for time spent by the City's consultant to review the design.

Finding: Complies with Condition. Retaining walls up to approximately 7 feet are planned. Construction of retaining walls over 4 feet in height and terraced walls which create total cut or fill greater than 4 feet in height shall be certified by a licensed engineer qualified for the design of such walls. The developer shall submit engineered stamped calculations for proposed retaining walls showing compliance with applicable building codes. The developer shall provide sliding, overturning, bearing capacity, and global stability design calculation for any retaining walls over 4 feet in height in accordance with the Oregon Structural Specialty Code. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

G. Roads shall be the minimum width necessary to provide safe vehicle and emergency access, minimize cut and fill and provide positive drainage control. The review authority may grant a variance from the City's required road standards upon findings that the variance would provide safe vehicle and emergency access and is necessary to comply with the purpose and policy of this chapter.

Finding: Complies as Proposed. Proposed roads are designed to meet the City's egress and access requirements. However, detailed review of the project plans will occur as part of the permit review and revisions may be requested.

H. Density shall be determined as follows:
1. Slope
a. For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district, unless further limited by the following code section;
b. For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;
c. For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection I 4 of this section.
2. Existing landslide (as shown in the Geologic Hazard Overlay Zone)
a. For those areas with historic landslides where the structure or ground disturbance will be located within any portion of the mapped landslide or buffer zone, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;

Finding: Complies as Proposed. The site is 1.0 acre and 0.25 acres contains slopes between 25-35%. The application has provided no structure within the steep slopes, only transitional grading; therefore, the application is complaint with the code.

I. For properties with slopes of twenty-five to thirty-five percent between grade breaks or are located within any portion of a mapped landslide and buffer zone:
1. For those portions of the property with slopes of twenty-five to thirty-five percent or located within any portion of a mapped landslide and buffer zone, the maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;
2. An individual lot or parcel with slopes between twenty-five and thirty-five percent or located within any portion of a mapped landslide and buffer zone, shall have no more than fifty percent or four thousand square feet of the surface area, whichever is smaller, graded or stripped of vegetation or covered with structures or impermeable surfaces.
3. No cut into a slope of twenty-five to thirty-five percent or located within any portion of a mapped landslide and buffer zone, for the placement of a housing unit shall exceed a maximum vertical height of fifteen feet for the individual lot or parcel.
4. For those portions of the property with slopes over thirty-five percent between grade breaks:
a. Notwithstanding any other city land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family

residence. Any development approved under this chapter shall be subject to compliance with all other applicable city requirements as well as any applicable state, federal or other requirements; b. To the maximum extent practicable as determined by the review authority, the applicant shall avoid locating roads, utilities, and public facilities on or across slopes exceeding thirty-five percent.

Finding: Complies with Condition. The proposed project shows impacts to the mapped geological hazard areas within the development. The proposed stormwater pond and portions of the new roadway are shown to be constructed within the buffer of the mapped landslide. The applicant has proposed to provide a 35 foot buffer from the top of the mapped landslide as shown on the application's plans. The applicant's approach is consistent with previously proposed developments for the property, however the City has updated its Geological Hazard Code in 2021 since those past proposals and this approach is no longer consistent with OCMC 17.44.060.I. Impacts to the mapped landslide area and buffer located to the rear of the properties shall be limited to 4,000 square feet of grading, stripped vegetation, or by coverage in impermeable surfaces per parcel unless the applicant satisfies OCMC 17.44.060(L), as explained below.

J. The geotechnical engineer of record shall review final grading, drainage, and foundation plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report.

Finding: Complies with Condition. The geotechnical engineer of record shall review final grading, drainage, and foundation plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report. As-builts conforming to City standards shall be provided within 90 days of completion of the project. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

K. At the City's discretion, peer review shall be required for the geotechnical evaluation/investigation report submitted for the development and/or lot plans. The peer reviewer shall be selected by the City. The applicant's geotechnical engineer shall respond to written comments provided by the City's peer reviewer prior to issuance of building permit.

Finding: Complies as conditioned. The applicant's geotechnical engineer shall respond to written comments provided by the City's peer reviewer prior to issuance of building permits. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

L. The review authority shall determine whether the proposed methods of rendering a known or potential hazard site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. The review authority shall consult with the City's geotechnical engineer in making this determination. Costs for such consultation shall be paid by the applicant. The review authority may allow development in a known or potential hazard area as provided in this chapter if specific findings are made that the specific provisions in the design of the proposed development will prevent landslides or damage. The review authority may impose any conditions, including limits on type or intensity of land use, which it determines are necessary to assure that landslides or property damage will not occur.

Finding: Complies with Condition. The City Commission interprets subsection (L) to allow the applicant to seek approval for greater development than allowed under subsection (I) above if the applicant for a DDP for each Parcel complies with the submittal and review requirements in (L) by demonstrating that the proposed methods, including proposed geotechnical remediation methods, of rendering a known or potential hazard site safe for construction are feasible and adequate to prevent landslides or damage to property and safety, and that the design of the proposed development will prevent landslides or damage. The applicant may seek approval for greater development than allowed under subsection (I) by making that demonstration.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

17.44.070 - Access to Property.
A. Shared private driveways may be required if the City Engineer or principal planner determines that their use will result in safer location of the driveway and lesser amounts of land coverage than would result if separate private driveways are used.
B. Innovations in driveway design and road construction shall be permitted in order to keep grading and cuts or fills to a minimum and to achieve the purpose and policy of this chapter.
C. Points of access to arterials and collectors shall be minimized.
D. The City Engineer or principal planner shall verify that adequate emergency services can be provided to the site.

Finding: Complies as Proposed. The proposed driveway is designed to be constructed at grade and meets this code.

17.44.080 - Utilities.
All new utilities (storm sewer, sanitary sewer, potable water, and gas), both on-site and off-site, shall be placed underground and under roadbeds where practicable. All other service utilities (including, but not limited to, electric, telephone, telecom, cable, fiberoptic) shall be placed above ground on existing poles if poles exist. If no poles exist, the service lines shall be placed underground. Every effort shall be made to minimize the impact of utility construction. Underground utilities require the geologic hazards permitting and review prescribed herein when applicable.

Finding: Complies with Condition. All new service utilities, both on-site and off-site, shall be placed underground and under roadbeds where practicable. The placement of existing utilities underground within areas of geologic hazard shall be reviewed and approved by the City. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.090 - Stormwater Drainage.
The applicant shall submit a permanent and complete stormwater control plan. The program shall include, but not be limited to the following items as appropriate: Curbs, gutters, inlets, catch basins, detention facilities and stabilized outfalls. Detention facilities shall be designed to city standards as set out in the City's drainage master plan and design standards. The review authority

may impose conditions to ensure that waters are drained from the development so as to limit degradation of water quality consistent with Oregon City's Title III section of the Oregon City Municipal Code Chapter 17.49 and the Oregon City Stormwater and Grading Design Standards or other adopted standards subsequently adopted by the City Commission. The review authority may also impose conditions to limit the volume, velocity, or flow rate of water such that it does not negatively impact the underlying drainageway cross section. Drainage design shall be approved by the City Engineer before construction, including grading or other soil disturbance, has begun.

A geotechnical report must include analysis and solutions for infiltration facilities located in areas where these facilities could impact nearby slopes of greater than ten percent. Infiltration shall be minimized as practicable for any site located within a geologic hazard overlay. Infiltration is not allowed for any site located in areas greater than twenty-five percent.

The project's civil or geotechnical engineer shall inspect any stormwater management feature and must certify that the stormwater management feature was constructed per plan and with the recommendations of the geotechnical engineer prior to receiving temporary occupancy. The certification must contain the stamp and signature of a professional engineer licensed in the state of Oregon.

Finding: Complies with Condition. See findings from 13.12 regarding requirements for the development to meet the Oregon City Stormwater and Grading Design Standards. The developer's geotechnical consultant shall review the drainage design for the project so that it does not negatively impact the underlying drainageway cross section and certify that the design is consistent with the conclusions and recommendations stated in their geologic assessment and geotechnical report. The project's civil or geotechnical engineer shall inspect any stormwater management feature and must certify that the stormwater management feature was constructed per plan and with the recommendations of the geotechnical engineer prior to receiving occupancy. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval**.

17.44.100 - Construction Standards.
During construction on land subject to this chapter, the following standards shall be implemented by the developer:
A. All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures in conformance with OCMC Chapter 17.47 – Erosion and Sediment Control.

Finding: Complies as proposed. The applicant proposes to minimize vegetation removal and soil disturbance. Detailed review of construction plans will occur as part of the permit review and revisions may be requested to ensure this standard is met.

B. No grading, clearing or excavation of any land shall be initiated prior to approval of the grading plan, except that the City Engineer shall authorize the site access, brush to be cleared and the location of the test pit digging prior to approval of such plan to the extent needed to complete preliminary and final engineering and surveying. The grading plan shall be approved by the City

Engineer as part of the City's review under this chapter. The developer shall be responsible for the proper execution of the approved grading plan.

Measures shall be taken to protect against landslides, mudflows, soil slump and erosion. Such measures shall include sediment fences, straw bales, erosion blankets, temporary sedimentation ponds, interceptor dikes and swales, undisturbed buffers, grooving and stair stepping, check dams, etc. The applicant shall comply with the measures described in the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance No. 99-1013). Erosion control measures shall be in place at all times during construction to the maximum extent practicable.

Finding: Complies with Condition. See 15.48 regarding city requirements for grading. A city issued erosion and sediment control permit shall be obtained prior to commencement of any earth disturbing activities. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval**

C. All disturbed vegetation shall be replanted with suitable vegetation upon completion of the grading of the steep slope area.

Finding: Complies with Condition. The applicant shall provide a landscape plan that shows vegetative mitigation of all disturbed areas. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

D. Existing vegetative cover shall be maintained to the maximum extent practicable. No grading, compaction or change in ground elevation, soil hydrology and/or site drainage shall be permitted within the drip line of trees designated for protection, unless approved by the City.

Finding: Complies with Condition. Existing vegetative cover shall be maintained to the maximum extent practicable within the geological hazard areas. The applicant shall install appropriate barriers or protective fencing during construction to ensure existing vegetation is not disturbed. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Existing perennial and intermittent watercourses shall not be disturbed unless specifically authorized by the review authority. This includes physical impacts to the stream course as well as siltation and erosion impacts. The City, at its discretion, is not required to but may request the examination and assessment by other State agencies to determine if impacts are acceptable.

Finding: Complies as Proposed. No watercourses exist within the site proposed in the application. This application has construction over a culvertized drainage system that drains into the NROD.

F. All soil erosion and sediment control measures shall be maintained during construction and for one year after development is completed, or until soils are stabilized by revegetation or other measures to the satisfaction of the City Engineer. Such maintenance shall be the responsibility of

the developer. If erosion or sediment control measures are not being properly maintained or are not functioning properly due to faulty installation or neglect, the City may order work to be stopped.

Finding: Complies with Condition. Erosion control measures shall be in conformance with OCMC Chapter 17.47. (also written in findings from 17.44.060.B) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

G. All newly created lots, either by subdivision or partition, shall contain building envelopes with a slope of 35% or less.

Finding: Complies as Proposed. No proposed lots have building envelopes with slopes of 35% or greater.

H. The applicant's geotechnical engineer shall provide special inspection during construction to confirm that the subsurface conditions and assumptions made as part of their geotechnical evaluation/investigation are appropriate. This will allow for timely design changes if site conditions are encountered that are different from those anticipated. Inspection is required on a daily basis for any day that earth disturbance is occurring or after any rainfall event of one-half inch or greater.

Finding: Complies with Condition. The developer shall retain the services of a licensed geotechnical engineer to conduct inspections prior to and during construction activities which involve removal or addition of vegetation, building structures, retaining walls or earth. The geotechnical engineer shall provide reports to confirm that standards from Section 17.44.100 are met. The geotechnical engineer of record shall observe all excavations and geologic conditions exposed during construction and document that the conditions are consistent with the conditions assumed in the geotechnical hazard evaluation. If the conditions are different than assumed in the preliminary report, the effect of the new observations shall be evaluated and mitigation provided as required. Additional geologic hazards review may be required at the City's discretion. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

I. Prior to issuing an occupancy permit, the geotechnical engineer shall prepare a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance with their recommendations. The summary letter must contain the stamp and signature of a professional engineer licensed in the State of Oregon.

Finding: Complies with Condition. The developer's geotechnical engineer shall certify, during construction, that structural fill used on the site meets the provided design specifications and is placed as designed. The certification shall be in writing and shall be signed and stamped by a licensed engineer in the State of Oregon. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.110 - Approval of development.
The City Engineer shall review the application and verify, based on the applicant's materials and the land use record, whether the proposed development constitutes a hazard to life, property, natural

resources or public facilities. If, in the City Engineer's opinion, a particular development poses such a hazard, the City Engineer shall recommend to the review authority permit conditions designed to reduce or eliminate the hazard. These conditions may include, but are not limited to, prohibitions on construction activities between November 1st and April 30th.

Finding: Applicable. City Engineer has reviewed the application and verified, based on the applicant's materials and the land use record, whether the proposed development constitutes a hazard to life, property, natural resources or public facilities. Permit conditions have been written within this document designed to reduce or eliminate the hazard per the recommendations of the City's geotechnical consultant. A condition of approval prohibits construction activities between November 1st and April 30th.

17.44.120 - Liability.
Approval of an application for development on land subject to this chapter shall not imply any liability on the part of the City for any subsequent damage due to earth slides. Prior to the issuance of a building permit, a waiver of damages and an indemnity and hold harmless agreement shall be required which releases the City from all liability for any damages resulting from the development approved by the City's decision. The indemnity and hold harmless agreement shall be recorded on the property and run with the property.

Finding: Complies with Condition. The developer shall submit waiver of damages, indemnity and hold harmless agreement completed by all owners of property disturbed by the development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.130 - Compliance.
Nothing contained in this chapter shall relieve the developer of the duty to comply with any other provision of law. In the case of a conflict, the more restrictive regulation shall apply.

Finding: Applicable. This is requirement standard across all development.

17.44.140 - Appeal.
The review authority's decision may be appealed in the manner set forth in Chapter 17.50.

CHAPTER 17.47 – EROSION AND SEDIMENT CONTROL

17.47.030- Applicability.
A. This chapter, which may also be referred to as "construction site runoff controls" in this Code, applies to development that may cause discharge of construction site waste materials or the visible or measurable erosion on any property within the city limits of Oregon City.
B. All development that results in 1,000 square feet of new or replaced impervious surface or 1,000 square feet of earth disturbance shall be subject to the construction site runoff controls requirements and the standards found within the Stormwater and Grading Design Standards as referenced in OCMC 13.12.
C. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in

response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

Finding: Applicable. The application disturbs more than 1,000 square feet of earth; therefore, erosion and sediment control standards shall be followed.

17.47.060 - Permit required.
The applicant must obtain an erosion and sediment control permit prior to, or contemporaneous with, the approval of an application for any building, land use or other City-issued permit that may cause visible or measurable erosion.

Finding: Complies with Condition. A City issued erosion and sediment control permit shall be obtained prior to commencement of any earth disturbing activities. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.47.070 - Erosion and sediment control plans.
A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control construction site wastes and erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.
B. Approval Standards. An erosion and sediment control plan shall be approved only upon making the following findings:
1. The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for construction site wastes and erosion and sediment control incorporated by reference as part of this chapter;
2. The erosion and sediment control plan indicates that construction site wastes and erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that construction site wastes and erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.
C. The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the manager may approve or deny the permit with notice of the decision to the applicant.
D. The city may inspect the development site to determine compliance with the erosion and sediment control plan and permit.
E. Erosion that occurs on a development site that does not have an erosion and sediment control permit, or that results from a failure to comply with the terms of such a permit, constitutes a violation of this chapter.
F. If the manager finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion and the discharge of construction site wastes, the manager shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim construction site wastes and erosion and sediment control measures as specified in the City of Oregon City public works standards for erosion and sediment control. Within three days from the

date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan to the city. Upon approval of the revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.
G. Approval of an erosion and sediment control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).

Finding: Complies with Condition. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.47.080 - Plan implementation.
An approved erosion control and sediment control plan shall be implemented and maintained as follows:
A. Plan approval, where required, shall be obtained prior to clearing or grading. No grading, clearing or excavation of land requiring a plan shall be undertaken prior to approval of the plan.
B. The erosion and sediment control facilities shall be constructed prior to any clearing and grading activities, and maintained in such a manner as to ensure that sediment laden water does not enter the drainage system or violate applicable water standards.
C. The implementation of an erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of erosion and sediment control facilities is the responsibility of the owner or his/her designated representative until all construction is completed and approved, and vegetation, landscaping or approved finished surfaces is established.
D. The erosion and sediment control facilities herein are the minimum requirements for anticipated site conditions. During the construction period, these construction site waste management controls and erosion and sediment control facilities shall be upgraded as needed for unexpected storm events and to ensure that sediment or pollutant-laden water does not leave the site.
E. Any observation of visible or measurable discharges of construction site wastes or erosion, or an observation of more than a ten-percent increase in downstream channel turbidities, will result in an enforcement action by the city.
F. The owner or his/her designated representative shall implement the measures and construct facilities as provided for and according to the implementation schedule in the approved plan. The manager shall be allowed reasonable access to the development site for inspection purposes.

Finding: Applicable. Plan approval is required be obtained per chapter 16.12. The Oregon City Erosion Control Officer ensures that the development will comply with the City's Erosion and Sediment Control Standards. The Oregon City Erosion Control Officer will access the development site and perform inspections to ensure compliance prior to any clearing and grading activities are permitted. The Oregon City Erosion Control Officer ensures implementation of an erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of erosion and sediment control facilities. The Oregon City Erosion Control Officer may issue a Stop Work Order if the owner or his/her designated representative fails to implement and maintain the approved erosion control and sediment control plan until all construction is completed and approved, and vegetation, landscaping or approved finished surfaces is established.

17.47.090 - Plan performance guarantee and security.
After the plan is approved by the manager and prior to construction or grading, the owner shall provide a financial guarantee. Management of construction site waste as well as erosion and sediment control shall be included in the cost estimate for the primary project, such as land division or site plan, and included in that project's performance guarantee.

Finding: See findings in Section 17.50.140.

CHAPTER 17.29 MUC MIXED USE CORRIDOR DISTRICT

17.29.010 Designated.

The mixed-use corridor (MUC) district is designed to apply along selected sections of transportation corridors such as Molalla Avenue, 7th Street, Beavercreek Road, and along Warner-Milne Road. Land uses are characterized by high-volume establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities, or a similar use as defined by the Community Development Director. A mix of high-density residential, office, and small-scale retail uses are encouraged in this district. Moderate density (MUC-1) and high density (MUC-2) options are available within the MUC zoning district. The area along 7th Street is an example of MUC-1, and the area along Warner-Milne Road is an example of MUC-2.

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 standalone 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.
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.

Finding: Permitted. The applicant proposed new streets, paths, and associated utilities, allowed in OCMC 17.29.020.U.

CHAPTER 17.49 NATURAL RESOURCES OVERLAY DISTRICT

17.49.010 Purpose.
The natural resource overlay district designation provides a framework for protection of Metro Titles 3 and 13 lands, and Statewide Planning Goal 5 resources within Oregon City. The natural resource overlay district (NROD) implements the Oregon City Comprehensive Plan Natural Resource Goals and Policies, as well as Federal Clean Water Act requirements for shading of streams and reduction of water temperatures, and the recommendations of the Metro ESEE Analysis. It is intended to resolve conflicts between development and conservation of habitat, stream corridors, wetlands, and floodplains identified in the city's maps. The NROD contributes to the following functional values:
A. Protect and restore streams and riparian areas for their ecologic functions and as an open space amenity for the community.
B. Protect floodplains and wetlands, and restore them for improved hydrology, flood protection, aquifer recharge, and habitat functions.
C. Protect upland habitats and enhance connections between upland and riparian habitat.
D. Maintain and enhance water quality and control erosion and sedimentation through the revegetation of disturbed sites and by placing limits on construction, impervious surfaces, and pollutant discharges.
E. Conserve scenic, recreational, and educational values of significant natural resources.
The NROD ecological functions listed above are planned for integration with existing neighborhoods, new residential and commercial developments. The long-term goal of the NROD is to restore and enhance stream corridors, wetlands, and forests to more natural vegetated conditions, recognizing that existing homes and other existing uses will continue in the district. This chapter does not regulate the development within the identified water resource. Separate permits from the Division of State Lands and the Army Corp of Engineers may be required for work within a stream or wetland.

17.49.040 - NROD permit and review process.
An NROD permit is required for those uses regulated under OCMC 17.49.090, Uses Allowed under Prescribed Conditions. An NROD permit shall be processed under the Type II development permit procedure unless an adjustment of standards pursuant to OCMC 17.49.200 is requested or the application is being processed in conjunction with a concurrent application or action requiring a Type III or Type IV development permit.

Finding: Complies. The applicant is proposing to construct a new city street, which is a *Use Allowed under Prescribed Conditions*

17.49.050 - Emergencies.
The provisions of this chapter do not apply to work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies. After the emergency has passed, any disturbed native vegetation areas shall be replanted with similar vegetation found in the Oregon City Native Plant List pursuant to the mitigation standards of OCMC 17.49.180. For purposes of this section emergency shall mean any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

Finding: Not Applicable. This proposal does not include an emergency.

17.49.060 - Consistency and relationship to other regulations.
A. Where the provisions of the NROD are less restrictive or conflict with comparable provisions of the OCMC, other City requirements, regional, state or federal law, the provisions that provides the greater protection of the resource shall govern.

Finding: Complies. Staff has provided mitigation and implementation conditions related to this chapter, and other conditions that provide the greater protection of the resource shall govern.

B. Compliance with Federal and State Requirements.
1. If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall make an application for such approval prior to or simultaneously with the submittal of its development application to the City. The planning division shall coordinate City approvals with those of other agencies to the extent necessary and feasible. Any permit issued by the City pursuant to this chapter shall not become valid until other agency approvals have been obtained or those agencies indicate that such approvals are not required.

Finding: Complies with the Condition. The applicant shall ensure that all required state and federal permits have been approved before disturbance activities are commenced onsite .

2. The requirements of this chapter apply only to areas within the NROD and to locally significant wetlands that may be added to the boundary during the course of development review pursuant to

OCMC 17.49.035. If, in the course of a development review, evidence suggests that a property outside the NROD may contain a wetland or other protected water resource, the provisions of this chapter shall not be applied to that development review. However, the omission shall not excuse the applicant from satisfying any state and federal wetland requirements which are otherwise applicable. Those requirements apply in addition to, and apart from the requirements of the City's comprehensive plan and this code.

Finding: Complies. No additional wetlands or streams were identified as part of this delineation.

17.49.070 - Prohibited uses.
The following development and activities are not allowed within the NROD:
A. Any new gardens, lawns, structures, development, other than those allowed outright (exempted) by the NROD or that is part of a regulated use that is approved under prescribed conditions. Note: Gardens and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to continue but cannot expand further into the overlay district.
B. New lots that would have their buildable areas for new development within the NROD are prohibited.
C. The dumping of materials of any kind is prohibited except for placement of fill as provided in subsection D. below. The outside storage of materials of any kind is prohibited unless they existed before the overlay district was applied to a subject property. Uncontained areas of hazardous materials as defined by the Oregon Department of Environmental Quality (ORS 466.005) are also prohibited.
D. Grading, the placement of fill in amounts greater than ten cubic yards, or any other activity that results in the removal of more than ten percent of the existing native vegetation on any lot within the NROD is prohibited, unless part of an approved development activity.

Finding: Complies. No prohibited uses are proposed with this project**.** The NROD area will be restored and revegetated, and any impacts associated with the new development will be mitigated in accordance with this chapter.

17.49.080 - Uses allowed outright (exempted).
The following uses are allowed within the NROD and do not require the issuance of an NROD permit:
A. Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the City.
B. Farming practices as defined in ORS 215.203 and farm uses, excluding buildings and structures, as defined in ORS 215.203.
C. Utility service using a single utility pole.
D. Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed in the Oregon City Native Plant List.
E. Soil tests, borings, test pits, monitor well installations, and other minor excavations necessary for
geotechnical, geological or environmental investigation, provided that disturbed areas are restored to pre-existing conditions as approved by the Community Development Director.

F. Trails meeting all of the following:

1. Construction shall take place between May 1 and October 30 with hand held equipment;
2. Widths shall not exceed forty-eight inches and trail grade shall not exceed twenty percent;
3. Construction shall leave no scars greater than three inches in diameter on live parts of native plants;
4. Located no closer than twenty-five feet to a wetland or the top of banks of a perennial stream, or no closer than ten feet of an intermittent stream;
5. No impervious surfaces; and
6. No native trees greater than one-inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least two-inch diameter and planted within ten feet of the trail.

G. Land divisions provided they meet the following standards, and indicate the following on the final plat:
1. Lots shall have their building sites (or buildable areas) entirely located at least five feet from the NROD boundary shown on the City's adopted NROD map. For the purpose of this subparagraph, "building site" means an area of at least three thousand five hundred square feet with minimum dimensions of forty feet wide by forty feet deep;
2. All public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) are located outside the NROD;
3. Impervious streets, driveways and parking areas shall be located at least ten feet from the NROD; and
4. The NROD portions of all lots are protected by:
a. A conservation easement; or
b. A lot or tract created and dedicated solely for unimproved open space or conservation purposes.

H. Site plan and design review applications where all new construction is located outside of the NROD boundary shown on the City's adopted NROD map, and the NROD area is protected by a conservation easement approved in form by the City.
I. Routine repair and maintenance of existing structures, roadways, driveways and utilities.
J. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.
K. Measures approved by the City of Oregon City to remove or abate nuisances or hazardous conditions.
L. Tree Removal. The Community Development Director may permit the removal of any tree determined to be a dead, hazardous, or diseased tree as defined in OCMC 17.04. Any tree that is removed in accordance with this subsection L shall be replaced with a new tree of at least one-half-inch caliper or at least six-foot overall height. An exception to this requirement may be granted if the applicant demonstrates that a replacement tree has already been planted in anticipation of tree removal, or if the existing site conditions otherwise preclude tree replacement (due to existing dense canopy coverage or other ecological reasons).
The replacement tree(s) shall be located in the general vicinity of the removed tree(s), somewhere within NROD on the property. The replacement tree(s) shall be identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland). The property owner shall ensure that the replacement tree(s) survives at least two years beyond the date of its planting.

M. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland), or as

recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry), and removal of refuse and fill, provided that:
1. All work is done using hand-held equipment;
2. No existing native vegetation is disturbed or removed; and
3. All work occurs outside of wetlands and the top-of-bank of streams.
N. Activities in which no more than one hundred square feet of ground surface is disturbed outside of the bank-full stage of water bodies and where the disturbed area is restored to the pre-construction conditions, notwithstanding that disturbed areas that are predominantly covered with invasive species shall be required to remove the invasive species from the disturbance area and plant trees and native plants pursuant to this chapter.

O. New fences meeting all of the following:
1. No taller than three and a half feet and of split rail or similar open design;
2. Two feet width on both sides of fence shall be planted or seeded with native grasses, shrubs, herbs, or trees to cover any bare ground;
3. Six inches of clearance from ground level;
4. Fence posts shall be placed outside the top-of-bank of streams and outside of delineated wetlands.
P. Gardens, fences and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to be maintained but cannot expand further into the overlay district.

Finding: Complies with Conditions. The proposed work is a combination of exempted (plantings) and prescribed uses (streets). Therefore, the proposed project will require the issuance of an NROD permit consistent with these provisions.

17.49.090 - Uses allowed under prescribed conditions.
The following uses within the NROD are subject to the applicable standards listed in OCMC 17.49.100 through 17.49.190 pursuant to a Type II process:
A. Alteration to existing structures within the NROD when not exempted by OCMC 17.49.080, subject to OCMC 17.49.130.
B. A single-family detached residential unit or duplex on a highly constrained vacant lot of record that has less than three thousand square feet of buildable area, with minimum dimensions of fifty feet by fifty feet, remaining outside the NROD portion of the property, subject to the maximum disturbance allowance prescribed in OCMC 17.49.120.A.
C. A land division that would create a new lot for an existing residence currently within the NROD, subject to OCMC 17.49.160.
D. Land divisions when not exempted by OCMC 17.49.080, subject to the applicable standards of OCMC 17.49.160.
E. Trails/pedestrian paths when not exempted by OCMC 17.49.080, subject to OCMC 17.49.170 (for trails) or OCMC 17.49.150 (for paved pedestrian paths).
F. New roadways, bridges/creek crossings, utilities or alterations to such facilities when not exempted by OCMC 17.49.080.
G. Roads, bridges/creek crossings subject to OCMC 17.49.150.
H. Utility lines subject to OCMC 17.49.140.

I. Stormwater detention or pre-treatment facilities subject to OCMC 17.49.155.
J. Institutional, industrial or commercial development on a vacant lot of record situated in an area designated for such use that has more than seventy-five percent of its area covered by the NROD, subject to OCMC 17.49.120.B.
K. City, county and state capital improvement projects, including sanitary sewer, water and stormwater facilities, water stations, and parks and recreation projects.
L. Non-hazardous tree removal that is not exempted pursuant to OCMC 17.49.080.K.
M. Fences that do not meet the standards for exemption pursuant to OCMC 17.49.080.O.4.

Finding: Complies with Conditions. The proposed work is a combination of exempted (plantings) and prescribed uses (streets). Therefore, the proposed project will require the issuance of an NROD permit. Consistent with these provisions. All impacts to the NROD that are allowed under prescribed conditions are mitigated in accordance with this chapter.

17.49.100 - General development standards.
The following standards apply to all uses allowed under prescribed conditions within the NROD with the
exception of rights-of-way (subject to OCMC 17.49.150), trails (subject to OCMC 17.49.170), utility lines (subject to OCMC 17.49.140), land divisions (subject to OCMC 17.49.160), and mitigation projects (subject to OCMC 17.49.180 or 17.49.190):
A. Native trees shall be preserved unless they are located within ten feet of any proposed structures or within five feet of new driveways, or if deemed not wind-safe by a certified arborist. Trees listed on the Oregon City Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed. A protective covenant shall be required for any native trees that remain;
B. The Community Development Director may allow the landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites in the natural resource overlay district;
C. All vegetation planted in the NROD shall be native and listed on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland), or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry);
D. Grading is subject to installation of erosion control measures required by the City;
E. The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero in order to minimize the disturbance area within the NROD portion of the lot;
F. Any maximum required setback in any zone, such as for multi-family, commercial or institutional development, may be increased to any distance between the maximum and the distance necessary to minimize the disturbance area within the NROD portion of the lot;
G. Fences in compliance with OCMC 17.49.080.N;
H. Exterior lighting shall be placed or shielded so that they do not shine directly into resource areas;
I. If development will occur within the one hundred-year floodplain, the standards of OCMC 17.42 shall be met; and
J. Mitigation of impacts to the regulated buffer is required, subject to OCMC 17.49.180 or 17.49.190.

Finding: Complies with Conditions. The project proposes to construct a public street and associated utilities, retaining wall (with fence on top for safety), and a guard rail within the NROD buffer as shown on the enclosed DDP plan sheets, and more specifically Sht DDP-C1.3, which will require NROD permit approval. Construction activity impacting the wetland or water resource is not proposed. The development standards of OCMC 17.49.150 govern the development of the proposed street improvements.

The applicant provided the following response to the section:

Nonetheless, the following discussion addresses the above concerns so the project can comply with as many of the requirements in this section as possible. The proposed masterplan development does not rely on NROD mitigation for meeting the project's landscape requirements. The project proposes mitigation vegetation both in the temporary impacts area shown on Sht DDP-C1.3 and the larger mitigation area within the Geologic Hazard setback. Erosion control measures are proposed to protect the NROD resource as should on DDP-C0.1. These erosion control measures will be finalized with the final design and construction plan preparation following GDP/DDP approval. Minimum/maximum setbacks are not applicable with the proposed roadway improvements. The proposed fence on top of the retaining wall is considered a safety fence and is not proposed to be split-rail as indicated in OCMC 17.49.080.O. Street lighting is located on the west side of the proposed road to minimize lighting impacts to the NROD resource while still providing adequate light levels for the street and accompanying sidewalk. If final design indicates shields are necessary to avoid directly shining into the resource area they can be provided if doing so still enables the project to meet required street and pedestrian light levels. Development will not occur within the 100-yr floodplain of this tributary. While the ravine containing the NROD resource does not include a mapped 100-yr floodplain, the lowest level of the proposed retaining wall lies 11'-12' above the resource and the ravine capacity far exceeds the capacity of the storm pipe discharging into the ravine. Mitigation to the NROD buffer is as proposed on the 2012 NROD memo, as modified on Sht DDP-C1.3 to reflect an updated buffer location/impact, and as described in our responses to this chapter.

17.49.110 - Width of vegetated corridor.
A. Calculation of Vegetated Corridor Width within City Limits. The NROD consists of a vegetated corridor measured from the top of bank or edge of a protected habitat or water feature. The minimum required width is the amount of buffer required on each side of a stream, or on all sides of a feature if non-linear. The width of the vegetated corridor necessary to adequately protect the habitat or water feature is specified in Table 17.49.110.
Table 17.49.110

Protected Water Feature Type (see definitions)	***Slope Adjacent to Protected Water Feature***	***Starting Point for Measurements from Water Feature***	***Width of Vegetated Corridor (see Note 1)***
Anadromous fish-bearing streams	*Any slope*	*• Edge of bankfull flow*	*200 feet*
Intermittent streams with slopes less than 25	*< 25 percent*	*• Edge of bankfull flow*	*15 feet*

percent and which drain less than 100 acres			
All other protected water features	*< 25 percent*	*•Edge of bankfull flow • Delineated edge of Title 3 wetland*	*50 feet*
	≥25 percent for 150 feet or more (see Note 2)		*200 feet*
	≥25 percent for less than 150 feet (see Note 2)		*Distance from starting point of measurement to top of ravine (break in ≥25 percent slope) (See Note 3) plus 50 feet.*

Notes:
1. Required width (measured horizontally) of vegetated corridor unless reduced pursuant to the provisions of OCMC 17.49.120.
2. Vegetated corridors in excess of fifty feet apply on steep slopes only in the uphill direction from the protected water feature.
3. Where the protected water feature is confined by a ravine or gully, the top of the ravine is the break in the ≥25 percent slope.

Finding: Complies with Condition. Based on the 2012 NROD report, anadromous fish are not present in the immediate downstream drainage. The existing stream channel is not considered intermittent. The existing slope adjacent to the protected wetland/water resource varies in slope, with the vast majority of the adjacent slope ≥25 percent for less than 150 feet. The width of the vegetated corridor (NROD Buffer) is governed by Note #3 in Table 17.49.110, which requires a 50-ft buffer outside of the top of the ravine. This is shown on Sht DDP-C1.3**.** While the submitted 2012 delineation is sufficient for a land-use-level review, the applicant shall submit an updated delineation confirming the location of the resource and the subsequent buffer area to be used as base data for the final mitigation plan.

B. Habitat Areas within City Parks. For habitat and water features identified by Metro as regionally Nortsignificant which are located within city parks, the NROD Boundary shall correspond to the Metro Regionally Significant Habitat Map.

Finding: Not applicable. The existing NROD impact area is not located within a city park**.**

C. Habitat Areas outside City limit/within UGB. For habitat and water features identified by Metro as regionally significant which are located outside of the City limits as of the date of adoption of the ordinance codified in this chapter, the minimum corridor width from any non-anadromous fish bearing stream or wetland shall be fifty feet.

Finding: Complies. The existing NROD impact area is located within the city limits.

17.49.120 - Maximum disturbance allowance for highly constrained lots of record.
In addition to the General Development Standards of OCMC 17.49.100, the following standards apply to a vacant lot of record that is highly constrained by the NROD, per OCMC 17.49.090.B and 17.49.090.F:
A. Standard for Residential Development. In the NROD where the underlying zone district is zoned Residential (R-10, R-8, R-6, R-5, R-3.5): The maximum disturbance area allowed for new residential development within the NROD area of the lot is three thousand square feet.

Finding: Not applicable. The proposed NROD disturbance is not located within the above-referenced residential zones.

B. Standard for all developments not located in R-10, R-8, R-6, R-5, and R-3.5. For all other underlying zone districts, the maximum disturbance area allowed for a vacant, constrained lot of record development within the NROD is that square footage which when added to the square footage of the lot lying outside the NROD portion equals twenty-five percent of the total lot area.
1. Lots that are entirely covered by the NROD will be allowed to develop twenty-five percent of their area.
2. This can be determined by:
a. Multiplying the total square footage of the lot by .25; or
b. Subtracting from that amount the square footage of the lot that is located outside the NROD.
The result is the maximum square footage of disturbance to be allowed in the NROD portion of the lot. If the result is < or = to 0, no disturbance is permitted and the building shall be located outside of the boundary.
C. In all areas, the disturbance area of a vacant, highly constrained lot of record within the NROD shall be set back at least fifty feet from the top of bank on Abernethy Creek, Newell Creek, or Livesay Creek or twenty-five feet from the top of bank of any tributary of the aforementioned creeks, other water body or from the delineated edge of a wetland located within the NROD area.
D. If the highly constrained lot of record cannot comply with the above standards, a maximum 1,500 square foot disturbance within the NROD area may be allowed.

Finding: Not Applicable. While the remainder of TL 500 is vacant, it does not qualify as being highly constrained per OCMC 17.49.090.B or F. Accordingly, this section does not apply.

17.49.130 - Existing development standards.
In addition to the General Development Standards of OCMC 17.49.100, the following standards apply to alterations and additions to existing development within the NROD, except for trails, rights of way, utility lines, land divisions and mitigation projects. As of June 1, 2010, applicants for alterations and additions to existing development that are not exempt pursuant to OCMC 17.49.080.J. shall submit a Type II or Type III application pursuant to this section.
Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.

Finding: Complies. TL 500 has been altered over time by various gravel maintenance drives and equipment storage. That prior activity has impacted a portion of the NROD buffer/vegetated corridor. The currently proposed Masterplan development represents a formal impact to the

NROD buffer by virtue of the proposed masterplan improvements and is being processed as a Type II application.

17.49.140 - Standards for utility lines.
The following standards apply to new utilities, private connections to existing or new utility lines, and upgrades of existing utility lines within the NROD:
A. The disturbance area for private connections to utility lines shall be no greater than ten feet wide;
B. The disturbance area for the upgrade of existing utility lines shall be no greater than fifteen feet wide;
C. New utility lines shall be within the right-of-way, unless reviewed under subsection D.
D. New utility lines that cross above or underneath a drainage way, wetland, stream, or ravine within the NROD but outside of a right-of-way shall be processed as a Type III permit pursuant to OCMC 17.49.200, Adjustment from Standards.
E. No fill or excavation is allowed within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;
F. The Division of State Lands must approve any work that requires excavation or fill in a wetland;
G. Native trees more than ten inches in diameter shall not be removed unless it is shown that there are no feasible alternatives; and
H. Each six to ten-inch diameter native tree cut shall be replaced at a ratio of three trees for each one removed. Each eleven-inch or greater diameter native tree shall be replaced at a ratio of five trees for each removed. The replacement trees shall be a minimum one-half inch diameter and selected from the Oregon City Native Plant List. All trees shall be planted within the NROD on the subject property. Where a utility line is approximately parallel with the stream channel, at least half of the replacement trees shall be planted between the utility line and the stream channel.
I. Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.
Finding: Complies. The project proposes both street and utility improvements, which are governed by OCMC 17.49.150. New utilities are located within the proposed right-of-way.
The project does not propose to remove any native trees within the NROD buffer area. The project does not propose cuts or fills within the ordinary high-water mark of the existing channel, nor does it propose to cross or go underneath a drainage way.

The project proposes mitigation for roadway and utility impacts to the NROD buffer through a combination of plantings within the temporary impact area shown on DDP-C1.3 and the remainder of the mitigation plantings occurring within the proposed 35' Geologic Hazard setback area on the east side of Parcel B. Please see our responses to OCMC 17.49.180 & 17.49.190. The proposed roadway impact is limited to the NROD buffer area as shown on DDP-C1.3, and not to the wetland or water resource.

17.49.150 - Standards for vehicular or pedestrian paths and roads.
The following standards apply to public rights-of-way and private roads within the NROD, including roads, bridges/stream crossings, driveways and pedestrian paths with impervious surfaces:
A. Stream crossings shall be limited to the minimum number and width necessary to ensure safe and convenient pedestrian, bicycle and vehicle connectivity, and shall cross the stream at an angle as close to perpendicular to the stream channel as practicable. Bridges shall be used instead of culverts wherever practicable.

B. Where the right-of-way or private road crosses a stream the crossing shall be by bridge or a bottomless culvert;
C. No fill or excavation shall occur within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;
D. If the Oregon Department of State Lands (DSL) has jurisdiction over any work that requires excavation or fill in a wetland, required permits or authorization shall be obtained from DSL prior to release of a grading permit;
E. Any work that will take place within the banks of a stream shall be conducted between June 1 and August 31, or shall be approved by the Oregon Department of Fish and Wildlife; and
F. Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.

Finding: Complies with Conditions. The proposed roadway impact is limited to the NROD buffer area as shown on DDP-C1.3, and not to the wetland or water resource. No stream impact is proposed, and if there is any impact to the stream during final design, the applicant shall ensure, as conditioned, that the above approval criteria are met.

The project proposes mitigation for roadway and utility impacts to the NROD buffer through a combination of plantings within the temporary impact area shown on DDP-C1.3 and the remainder of the mitigation plantings occurring within the proposed 35' Geologic Hazard setback area on the east side of Parcel B. Refer to additional findings in OCMC 17.49.180 & 17.49.190. The proposed roadway impact is limited to the NROD buffer area as shown on DDP-C1.3, and not to the wetland or water resource.

17.49.155 - Standards for stormwater facilities.
Approved facilities that infiltrate stormwater on-site in accordance with public works low-impact development standards, including but not limited to; vegetated swales, rain gardens, vegetated filter strips, and vegetated infiltration basins, and their associated piping, may be placed within the NROD boundary pursuant to the following standards:
A. The forest canopy within the driplines of existing trees shall not be disturbed.
B. Only vegetation from the Oregon City Native Plant List shall be planted within these facilities.
C. Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.
D. The stormwater facility may encroach up to one-half the distance of the NROD corridor.
E. The stormwater facility shall not impact more than one thousand square feet of the NROD. Impacts greater than one thousand square feet shall be processed as a Type III application.
F. The Community Development Director may allow landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites within the natural resource overlay district.
G. The design of the stormwater facility shall be subject to OCMC 13.12.

Finding: Complies. The project does not propose installing stormwater facilities as described in this criterion. The project's piped stormwater connection point to the existing storm line is located within the proposed public road alignment, but no surface stormwater treatment facility is proposed within the NROD boundary or required buffer.

17.49.160 - Standards for land divisions.

Other than those land divisions exempted by OCMC 17.49.070.G., new residential lots created within the NROD shall conform to the following standards:
A. For a lot for an existing residence currently within the NROD. This type of lot is allowed within the NROD for a residence that existed before the NROD was applied to a subject property. A new lot for an existing house may be created through a partition or subdivision process when all of the following are met:
1. There is an existing house on the site that is entirely within the NROD area; and
2. The existing house will remain; and
3. The new lot is no larger than required to contain the house, minimum required side setbacks, garage, driveway and a twenty-foot deep rear yard, with the remaining NROD area beyond that point protected by a conservation easement, or by dedicating a conservation tract or public open space.
B. Protection and ownership of NROD areas in land divisions:
1. New partitions shall delineate the NROD area either as a separate tract or conservation easement that meets the requirements of subsection 2. of this section.
2. Prior to final plat approval, ownership and maintenance of the NROD area shall be identified to distinguish it from the buildable areas of the development site. The NROD area may be identified as any one of the following:
a. A tract of private open space held by the homeowners association;
b. For residential land divisions, a tract of private open space held by a homeowner's association subject to an easement conveying stormwater and surface water management rights to the City and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document;
c. Public open space where the tract has been dedicated to the City or other governmental unit;
d. Conservation easement area pursuant to OCMC 17.49.180.G and approved in form by the Community Development Director;
e. Any other ownership proposed by the owner and approved by the Community Development Director; or
f. NROD tracts shall be exempt from minimum frontage requirements, dimensional standards of the zoning designation, street frontage requirements, or flag lot standards pursuant to OCMC 16.08.053.

Finding: Not applicable. This proposal does not include a land division.

17.49.170 - Standards for trails.
All trails that are not exempt pursuant to OCMC 17.49.80.F shall be processed through a Type II or Type III process pursuant to this chapter; and shall provide mitigation, subject to OCMC 17.49.180 or 17.49.190.

Finding: Not applicable. This proposal does not include a trail within the NROD buffer.

17.49.180 - Mitigation standards.
The following standards (or the alternative standards of OCMC 17.49.190) apply to required mitigation:
A. Mitigation shall occur at a two-to-one ratio of mitigation area to proposed NROD disturbance area. Mitigation of the removal or encroachment of a wetland or stream shall not be part of this

chapter and will be reviewed by the Division of State Lands or the Army Corp of Engineers during a separate review process.

Finding: Complies with Condition.

As shown on Sht DDP-C1.3 impacts to the NROD buffer are as follow:

- Temporary Impacts: 790 sf
- Permanent Impacts: 3,346 sf
- Existing Impacts: 2,040 sf

The existing impact is excluded from mitigation since it's a pre-existing encroachment into the NROD buffer. As noted in the 2012 NROD report, the applicant does not have access to the remainder of TL 500 for any mitigation other than the temporary mitigation area. This continues to be the case with this application. The 2012 NROD report proposed a 3:1 mitigation ratio, with mitigation to occur within the 35-ft Geologic Hazard setback. This project proposes to maintain that 3:1 mitigation area due to the mitigation area being detached from the NROD resource as identified in the 2012 report. With a 3,346-sf permanent impact, proposed mitigation at a 3:1 ratio results in a mitigation area of 10,038 sf.

B. Mitigation shall occur on the site where the disturbance occurs, pursuant to the following:
1. The mitigation required for disturbance associated with a right-of-way or utility in the right-of way shall be located as close to the impact area as possible within the NROD;
2. If not possible to locate mitigation on the same site, the mitigation shall occur first on the same stream tributary, secondly in the Abernethy, Newell or Livesay Creek or a tributary thereof, or thirdly as close to the impact area as possible within the NROD; and
3. An easement that allows access to the mitigation site for monitoring and maintenance shall be provided as part of the mitigation plan.

Finding: Complies with Condition. As identified in the 2012 NROD report, the area of NROD encroachment cannot be adequately offset adjacent to the waterway resource within the TL 500 waterway ravine. TL 500 is still highly constrained by steep slopes, and the expansion and enhancement of the existing NROD buffer area on TL 500 will further constrain access to TL 500, making it more difficult to develop in the future. The 2012 NROD report goes on to say that regardless of current proposed roadway improvements, any future development proposed on TL 500 will have to address existing and proposed NROD encroachment with a mitigation plan. Adding to the NROD area on TL 500 via this project's proposed mitigation further encumbers any future site development options.

Prior to the release of construction permits, the applicant shall provide an updated delineation with the final design of the new street at the Beavercreek Intersection, indicating the final calculation of NROD buffer impact and the location, size, and number of plantings as required by OCMC 17.49.180 and OCMC 17.49.190 for the mitigation area along the eastern edge of Parcel B or as amended, consistent with this section, If there are conflicts with the shared use path. The new public street shall be designed in compliance with 17.49.150 - Standards for vehicular or pedestrian paths and roads. (P).

C. Mitigation shall occur within the NROD area of a site unless it is demonstrated that this is not feasible because of a lack of available and appropriate area. In such cases, the proposed mitigation area shall be contiguous to the existing NROD area so the NROD boundary can be easily extended in the future to include the new resource site.

Finding: Complies with Condition. Prior to the release of construction permits, the applicant shall provide an updated delineation with the final design of the new street at the Beavercreek Intersection, indicating the final calculation of NROD buffer impact and the location, size, and number of plantings as required by OCMC 17.49.180 and OCMC 17.49.190 for the mitigation area along the eastern edge of Parcel B or as amended, consistent with this section, If there are conflicts with the shared use path. The new public street shall be designed in compliance with 17.49.150 - Standards for vehicular or pedestrian paths and roads. (P).

D. Invasive and nuisance vegetation shall be removed within the mitigation area;

Finding: Complies with Condition. Invasive species and nuisance vegetation will be removed in the NROD mitigation area.

E. Required Mitigation Planting. An applicant shall meet Mitigation Planting Option 1 or 2 below, whichever option results in more tree plantings, except that where the disturbance area is one acre or more, Mitigation Option 2 shall be required. All trees, shrubs and ground cover shall be selected from the Oregon City Native Plant List.
NOTE: Applications on sites where no trees are present or which are predominantly covered with invasive species shall be required to mitigate the site, remove the invasive species and plant trees and native plants pursuant to Option 2.
1. Mitigation Planting Option 1.
a. Planting Quantity. This option requires mitigation planting based on the number and size of trees that are removed from the site pursuant to Table 17.49.180E.1.a.
Table 17.49.180E.1.a.—Required Planting

Size of Tree to be Removed (DBH)	***Number of Trees and Shrubs to be Replanted***
6 to 12"	*2 trees and 3 shrubs*
13 to 18"	*3 trees and 6 shrubs*
19 to 24"	*5 trees and 12 shrubs*
25 to 30"	*7 trees and 18 shrubs*
Over 30"	*10 trees and 30 shrubs*

Finding: Complies. The proposed NROD impacts do not remove existing trees. Accordingly, Mitigation Planting Option 2 will be utilized.

b. Plant Size. Replacement trees shall be at least one-half inch in caliper on average, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees. Oak, madrone, ash or alder may be one gallon size. Conifers shall be a minimum of six feet in height. Shrubs shall be at least one-gallon container size or the equivalent in ball and burlap and shall be at least twelve inches in height at the time of planting. All other species shall be a minimum of four-inch pots;
c. Plant Spacing. Except for the outer edges of mitigation areas, trees and shrubs shall be planted in a non-linear fashion. Plant spacing for new species shall be measured from the driplines of existing trees when present. Trees shall be planted on average between eight and twelve feet on center, and shrubs shall be planted on average between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted on average between eight and ten feet on center.
d. Mulching and Irrigation. Mulch new plantings a minimum of three inches in depth and eighteen inches in diameter. Water new plantings one inch per week from June 30th to September 15th, for the three years following planting.
e. Plant Species. Shrubs shall consist of at least two different species. If ten trees or more are planted, no more than one-half of the trees may be of the same genus. Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses and ground cover species.
Finding: Not Applicable. The proposed NROD impacts do not remove existing trees. Accordingly, Mitigation Planting Option 2 will be utilized.

2. Mitigation Planting Option 2.
a. Planting Quantity. In this option, the mitigation requirement is calculated based on the size of the disturbance area within the NROD. Native trees and shrubs are required to be planted at a rate of five trees and twenty-five shrubs per every five hundred square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by five hundred, and then multiplying that result times five trees and twenty-five shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be three hundred thirty square feet of disturbance area, then three hundred thirty divided by five hundred equals .66, and .66 times five equals 3.3, so three trees shall be planted, and .66 times twenty-five equals 16.5, so seventeen shrubs shall be planted). Bare ground shall be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

Finding: Complies with Conditions. To mitigate the impacts for the permanent impacts (3,346 sf) a total of 33 trees and 167 shrubs will be planted within the 10,038 sf area in the Geologic Hazard Area. Within the temporary impact area (790 sf) a total of 7 trees and 39 shrubs will be planted. As identified in the 2012 NROD report, the Enhancement/Mitigation Area will be seeded with the seed mix provided in Table 1. Plantings at the Enhancement/Mitigation Area will be completed using container plant size and plant spacing identified in Table 2 and 3. The total number of plants have been updated below for the current encroachment areas.

Plant List for Enhancement/NROD Mitigation Area (3346 sf)				
Common Name	**Scientific Name**	**Plant Form/Size[1]**	**Plant Spacing (ft on center)**	**Total Number of Plants**
NROD ENHANCEMENT				

Trees				
Big-leaf maple	*Acer macrophyllum*	1 gal/24”	10 ft. O.C.	11
Bitter cherry	*Prunus emarginata*	1 gal/24”	10 ft. O.C.	11
Douglas fir	*Pseudotsuga menziesii*	1 gal/24”	10 ft. O.C.	11
			Subtotal	**33**
Shrubs				
Nookta rose	*Rosa nutkana*	1 gal/18”	Clusters of 3-4 plants; 8 ft O.C.	34
Mock orange	*Philadelphus lewisii*	1 gal/18”	Clusters of 3-4 plants; 8 ft O.C.	25
Red-flowering currant	*Ribes sanguineum*	1 gal/18”	Clusters of 3-4 plants; 8 ft O.C.	25
Snowberry	*Symphoricarpos albus*	1 gal/18”	Clusters of 3-4 plants; 8 ft O.C.	29
Kinnikinnick	*Arctostaphylos uva-ursi*	1 gal/18”	Clusters of 3-4 plants; 8 ft O.C.	25
Tall Oregon grape	*Mahonia aquifolium*	1 gal/18”	Clusters of 3-4 plants; 8 ft O.C.	29
			Subtotal	**167**
			Total	**200**

[1]Recommended plant form and size. Suitable replacement may be used based on availability.

Plant List for Temporary Impacts/ In Place Mitigation Area (790 sf)				
Common Name	**Scientific Name**	**Plant Form/Size**	**Plant Spacing (ft on center)**	**Total Number of Plants**
NROD ENHANCEMENT				
Trees				
Big-leaf maple	*Acer macrophyllum*	1 gal/24”	10 ft. O.C.	3
Douglas fir	*Pseudotsuga menziesii*	1 gal/24”	10 ft. O.C.	4
			Subtotal	**7**
Shrubs				
Oceanspray	*Holodiscus discolor*	1 gal/18”	8 ft O.C.	9
Red-flowering currant	*Ribes sanguineum*	1 gal/18”	Clusters of 3-4 plants; 8 ft O.C.	9
Snowberry	*Symphoricarpos albus*	1 gal/18”	Clusters of 3-4 plants; 8 ft O.C.	11
Tall Oregon grape	*Mahonia aquifolium*	1 gal/18”	Clusters of 3-4 plants; 8 ft O.C.	10
			Subtotal	**39**
			Total	**46**

[1]Recommended plant form and size. Suitable replacement may be used based on availability.

b. Plant Size. Plantings may vary in size dependent on whether they are live cuttings, bare root stock or container stock, however, no initial plantings may be shorter than twelve inches in height.
c. Plant Spacing. Trees shall be planted at average intervals of seven feet on center. Shrubs may be planted in single-species groups of no more than four plants, with clusters planted on average between eight and ten feet on center.

d. Mulching and Irrigation shall be applied in the amounts necessary to ensure eighty percent survival at the end of the required five-year monitoring period.

Finding: Complies. Mulching and irrigation will be placed on the final construction plans.

e. Plant Diversity. Shrubs shall consist of at least three different species. If twenty trees or more are planted, no more than one-third of the trees may be of the same genus.

Finding: Complies. The ratio of plantings for each species in the Enhancement/NROD Mitigation Area from the 2012 NROD report was adjusted to ensure no genus of trees accounted for more than one-third of the trees.

F. An alternative planting plan using native plants may be approved in order to create a new wetland area, if it is part of a wetlands mitigation plan that has been approved by the DSL or the U.S. Army Corps of Engineers (USACE) in conjunction with a wetland joint removal/fill permit application.

Finding: Not Applicable. An alternative planting plan is not proposed for the creation of new wetlands.

G. Monitoring and Maintenance. The mitigation plan shall provide for a five-year monitoring and maintenance plan with annual reports in a form approved by the Community Development Director. Monitoring of the mitigation site is the on-going responsibility of the property owner, assign, or designee, who shall submit said annual report to the planning division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation. A minimum of eighty percent survival of trees and shrubs of those species planted is required at the end of the five-year maintenance and monitoring period. Any invasive species shall be removed and plants that die shall be replaced in kind to meet the eighty percent survival requirement. Bare spots and areas of invasive vegetation larger than ten square feet that remain at the end the five-year monitoring period shall be replanted or reseeded with native grasses and/or ground cover species.

Finding: Complies with Condition. A *Monitoring and Maintenance plan that adheres to the above section will be required prior to the project's final.*

H. Covenant or Conservation Easement. The applicant shall record a restrictive covenant or conservation easement, in a form provided by the City, requiring the owners and assigns of properties subject to this section to comply with the applicable mitigation requirements of this section. Said covenant shall run with the land and permit the City to complete mitigation work in the event of default by the responsible party. Costs borne by the City for such mitigation shall be borne by the owner.

Finding: Complies with Condition. The applicant shall record a restrictive covenant or conservation easement, in a form provided by the City, requiring the owners and assigns of properties subject to this section to comply with the applicable mitigation requirements of OCMC 17.49. Said covenant shall run with the land and permit the City to complete mitigation work in the

event of default by the party responsible. Costs borne by the City for such mitigation shall be borne by the owner.

I. Financial Guarantee. A financial guarantee for establishment of the mitigation area, in a form approved by the City, shall be submitted before development within the NROD disturbance area commences. The City will release the guarantee at the end of the five-year monitoring period, or before, upon its determination that the mitigation plan has been satisfactorily implemented pursuant to this section.

Finding: Complies with Condition. A financial guarantee for the establishment of the mitigation area, in a form approved by the City, shall be submitted before development within the NROD disturbance area commences. The City will release the guarantee at the end of the five-year monitoring period, or before, upon its determination that the mitigation plan has been satisfactorily implemented. (P)

17.49.200 - Adjustment from standards.
If a regulated NROD use cannot meet one or more of the applicable NROD standards then an adjustment may be issued if all of the following criteria are met. Compliance with these criteria shall be demonstrated by the applicant in a written report prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the City may require the report to be reviewed by an environmental consultant. Such requests shall be processed under the Type III development permit procedure. The applicant shall demonstrate:
A. There are no feasible alternatives for the proposed use or activity to be located outside the NROD area or to be located inside the NROD area and to be designed in a way that will meet all of the applicable NROD development standards;
B. The proposal has fewer adverse impacts on significant resources and resource functions found in the local NROD area than actions that would meet the applicable environmental development standards;
C. The proposed use or activity proposes the minimum intrusion into the NROD area that is necessary to meet development objectives;
D. Fish and wildlife passage will not be impeded;
E. With the exception of the standard(s) subject to the adjustment request, all other applicable NROD standards can be met; and
F. The applicant has proposed adequate mitigation to offset the impact of the adjustment.

Finding: Not Applicable. The applicant is not proposing an addition to the standards.

17.49.210 - Type II development permit application.
Unless otherwise directed by the NROD standards, proposed development within the NROD shall be processed as a Type II development permit application. All applications shall include the items required for a complete application by OCMC 17.49.220—17.49.230, and 17.50.080 as well as a

discussion of how the proposal meets all of the applicable NROD development standards in OCMC 17.49.100—17.49.170.

Finding: Complies. This proposal qualifies for a Type II review.

17.49.230 - Mitigation plan report.
A mitigation plan report that accompanies the above mitigation site plan is also required. The report shall be prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. The mitigation plan report shall, at a minimum, discuss:
A. Written responses to each applicable mitigation standard in OCMC 17.49.180 or 17.49.190 indicating how the proposed development complies with the mitigation standards;
B. The resources and functional values to be restored, created, or enhanced through the mitigation plan;
C. Documentation of coordination with appropriate local, regional, state and federal regulatory/resource agencies such as the Oregon Department of State Lands (DSL) and the United States Army Corps of Engineers (USACE);
D. Construction timetables;
E. Monitoring and maintenance practices pursuant to OCMC 17.49.230.F and a contingency plan for undertaking remedial actions that might be needed to correct unsuccessful mitigation actions during the first five years of the mitigation area establishment.

Finding: Complies. The 2012 NROD report, together with the 2025 supplemental information contained in these responses, includes the above information.

17.49.240 - Density transfer.
The NROD allocates urban densities to the non-NROD portions of properties located partially within the NROD, generally resulting in a substantial increase in net development potential. For lots of record that are located within the NROD, density transfer is allowed, subject to the following provisions:
Finding: Not Applicable. Density transfers are not needed for the proposed application, nor are they proposed

17.49.250 - Verification of NROD boundary.
The NROD boundary may have to be verified occasionally to determine the true location of a resource and its functional values on a site. This may be through a site specific environmental survey or a simple site visit in those cases where existing information demonstrates that the NROD significance rating does not apply to a site-specific area. Applications for development on a site located in the NROD area may request a determination that the subject site is not in an NROD area and therefore is not subject to the standards of OCMC 17.49.100. Verifications shall be processed as either a Type I or Type II process.
Finding: Not applicable. The application does not request verification as part of this process. An update delinquency will occur as conditioned to ensure no changes have occurred since 2012.

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

17.50.010 Purpose.
This chapter provides the procedures by which Oregon City reviews and decides upon applications for all
permits relating to the use of land authorized by ORS 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City Comprehensive Plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City of Oregon City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

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.

Finding: Complies as Proposed. The applicant held a pre-application conference (PA 25-16) for this proposal on April 22, 2025

17.50.055 - Neighborhood association meeting.
Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.
A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the citizen involvement committee.
C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, citizen involvement committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a city facility.
D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the citizen involvement committee.
E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.

Finding: Complies as Proposed. The applicant met with the Hillendale Neighborhood Association on October 7, 2025

17.50.070 Completeness review and one hundred twenty-day rule.
A. Upon submission, the Community Development Director shall date stamp the application form and verify that all of the appropriate application review fee(s) have been submitted. Upon receipt of all review fees and an application form, the Community Development Director will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application and all applicable review fees, the Community Development Director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information shall be submitted to make the application complete.
B. The applicant has one hundred eighty days from the date the application was made to submit the missing information or the application shall be rejected and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the one hundred eighty-day period, the Community Development Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A of this section.
The application will be deemed complete for the purpose of this section upon receipt by the Community Development Director of:
1. All the missing information;
2. Some of the missing information and written notice from the applicant that no other information will be provided; or
3. Written notice from the applicant that none of the missing information will be provided.
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 timeline 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 fifty percent of the residential units will be sold or rented to households with incomes equal to or less than sixty percent 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 sixty years from the date of the certificate of occupancy.
E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.
F. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.

Finding: Complies. The application was deemed complete on December 18, 2025. The 120-day decision date for this application is April 7, 2025, and was extended by the applicant to May 17, 2026

17.50.080 Complete application—Required information.
Unless stated elsewhere in OCMC 16 or 17, a complete application includes all the materials listed in this
subsection. The Community Development Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the Community Development Director may require additional information, beyond that listed in this subsection or elsewhere in Titles 12, 14, 15, 16, or 17, such as a traffic study or other report prepared by an appropriate expert. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the

supporting documentation, and the City will not deem the application complete until all information required by the Community Development Director is submitted. At a minimum, the applicant shall submit the following:
A. One copy of a completed application form that includes the following information:
1. An accurate address and tax map and location of all properties that are the subject of the application;
2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);
B. A complete list of the permit approvals sought by the applicant;
C. A complete and detailed narrative description of the proposed development;
D. A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by staff at the pre-application conference as being required;
E. One copy of all architectural drawings and site plans shall be submitted for Type II—IV applications.
One paper copy of all application materials shall be submitted for Type I applications;
F. For all Type II—IV applications, the following is required:
1. An electronic copy of all materials.
2. Mailing labels or associated fee for notice to all parties entitled under OCMC 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls.
3. Documentation indicating there are no liens favoring the City on the subject site.
4. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.
5. A current preliminary title report or trio for the subject property(ies);
G. All required application fees;
H. Annexation agreements, traffic or technical studies (if applicable);
I. Additional documentation, as needed and identified by the Community Development Director.

Finding: Complies The application was deemed complete on December 18, 2025.

17.50.090 - Public notices.
All public notices issued by the City announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.
A. Notice of Type II Applications. Once the Community Development Director has deemed a Type II application complete, the City shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The applicant shall provide or the City shall prepare for a fee an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. The City's Type II notice shall include the following information:
1. Street address or other easily understood location of the subject property and city-assigned planning file number;
2. A description of the applicant's proposal, along with citations of the approval criteria that the City will use to evaluate the proposal;

3. A statement that any interested party may submit to the City written comments on the application during a fourteen-day comment period prior to the City's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;
4. A statement that any issue which is intended to provide a basis for an appeal shall be raised in writing during the fourteen-day comment period with sufficient specificity to enable the City to respond to the issue;
5. A statement that the application and all supporting materials may be inspected, and copied at cost, at City Hall during normal business hours;
6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application;
7. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.

Finding: Complies. A public notice was sent to all properties within 300 feet of the site and signs were placed on the property within 20 days of the scheduled hearing. Copies of the public notice and affidavit of sign posting are in the record.

B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the City shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The City shall also publish the notice on the City website within the City at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080.H, the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:
1. The time, date and location of the public hearing;
2. Street address or other easily understood location of the subject property and city-assigned planning file number;
3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the City will use to evaluate the proposal;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;
5. A statement that any issue which is intended to provide a basis for an appeal to the City Commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue;
6. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal;

7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the planning division offices during normal business hours; and
8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.

17.50.100 - Notice posting requirements.
Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.
A. City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.
B. Number and Location. The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.
Finding: Complies A public notice was sent to all properties within 300 feet of the site and signs were placed on the property within 20 days of the scheduled hearing. Copies of the public notice and affidavit of sign posting are in the record.

17.50.140 – Financial guarantees.
When conditions of permit approval require a permitee to construct certain public improvements, the City shall require the permitee to provide financial guarantee for construction of the certain public improvements. Financial guarantees shall be governed by this section.
A. Form of Guarantee. Guarantees shall be in a form approved by the City attorney. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City attorney. The guarantee shall be filed with the City engineer.
B. Performance Guarantees. A permittee shall be required to provide a performance guarantee as follows.
1. After Final Approved Design by the City. The City may request the permittee to submit a performance guarantee for construction of certain public improvements. A permitee may request the option of submitting a performance guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the public

improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City engineer.
2. Before Complete Design Approval and Established Engineered Cost Estimate. The City may request a permittee to submit a performance guarantee for construction of certain public improvements. A permitee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City engineer.
C. Release of Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the City. Once the City has inspected and accepted the improvement, the City shall release the guarantee to the permittee. If the improvement is not completed to the City's satisfaction within the time limits specified in the permit approval, the City engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the City in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the City, any remaining funds shall be refunded to the permittee. The City shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the City, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the City may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.
D. Fee-in-lieu. When conditions of approval or the City engineer allows a permittee to provide a fee-in-lieu of actual construction of public improvements, the fee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City engineer. The percentage required is to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City engineer. The fee-in-lieu shall be submitted as cash, certified check, or other negotiable instrument acceptable by the City attorney.

Finding: Complies with Condition. A Performance Guarantee which is equal to 120% of the estimated cost for construction of public improvements as shown in City approved construction plans shall be provided prior to receiving a permit and beginning construction. The estimated costs shall be supported by a verified engineering estimate and approved by the City engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the City. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.50.141 – Public improvements – Warranty
All public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period. The warranty is to be used at the discretion of the

City engineer or designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.
A. Duration of Warranty. Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.
B. Financial Guarantee. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, bond, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City attorney. The guarantee shall be filed with the City engineer.
C. Amount of Warranty. The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the City at the end of the two-year maintenance period), and shall be supported by a verified engineering estimate and approved by the City engineer. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those improvements.
D. Transfer of Maintenance. The City will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements shall be found to be in a clean, functional condition by the City engineer before acceptance of maintenance responsibility by the City. Transfer of maintenance of public improvements shall occur when the City accepts the improvements at the end of the two-year warranty period.

Finding: Complies with Condition. Maintenance Guarantee equal to fifteen percent of the estimated cost for construction of public improvements as shown in City approved construction plans shall be provided prior to occupancy of the first parcel. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The maintenance guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**
CHAPTER 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENT17.65.010 Purpose and intent.
It is the intent of this chapter to foster the growth of major institutions, phased residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The City recognizes the valuable housing options, services and/or employment opportunities that these developments bring to Oregon City residents. The master plan or planned unit development process is intended to facilitate an efficient and flexible review process for major developments, support innovative and creative land development, and to provide long-term assurance to plan for and execute developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs. The master plan or planned unit development process is further intended to promote efficiency in land development, maintenance,

street systems and utility networks while providing site layouts that integrate usable and attractive open spaces, site circulation, and the general wellbeing of site users. For the purposes of this chapter planned unit developments are considered the same as master plans.

17.65.040 - Procedure.
Detailed Development Plan. An application for a detailed development plan, is processed through a Type II procedure, as long as it is in conformance with the approved general development plan. Amendments to an approved detailed development plan shall be processed pursuant to OCMC 17.65.080. Once a development has an approved detailed development plan, OCMC **17.62**, Site Plan and Design Review is not required.
D. Concurrent Review. An applicant may concurrently apply for a general development plan and a detailed development plan. Such a concurrent application is reviewed through the highest procedure that applies to any element of the combined application.
Finding: Complies. The applicant has concurrently applied for a general development plan and a detailed development plan

17.65.060 - Detailed development plan.
A. Submittal Requirements.
1. A transportation impact study documenting the on- and off-site transportation impacts, as specified in OCMC 17.65.050.B.1.h.i. If such an analysis was submitted as part of the general development plan process, the scope of the report may be limited to any changes which have occurred during the interim and any information listed below which was not a part of the initial study.
The on-site portion of the analysis shall include the location, dimensions and names of all proposed streets, alleys, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle access ways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.
2. The location within the development and in the adjoining streets of existing and proposed sewers, water mains, culverts, drain pipes, underground electric, cable television and telephone distribution lines, gas lines, and the location of existing aerial electric, telephone and television cable lines, if any, to be relocated within the development.
3. For portions of the project that would otherwise be subject to site plan and design review, a site plan or plans, to scale, containing the required information identified in OCMC 17.62.040.
4. For residential portions of the project not otherwise subject to site plan and design review, a site plan or plans, to scale, showing the proposed land uses and densities, building locations, lot patterns, circulation patterns, and open space locations and uses.
5. Any other information the Community Development Director deems necessary to show that the proposed development will comply with all of the applicable Chapter 17 requirements.
B. Approval Criteria. The Community Development Director shall approve an application for detailed development plan approval only upon findings that:

1. All development standards and impact mitigation meet the requirements of the approved general development plan, including conditions of approval.
2. Any other applicable zoning regulations that are not addressed in the general development plan are met, unless an adjustment to those regulations has been applied for and is approved. The approval standards applicable to adjustments required as part of a master plan or planned unit development are contained in OCMC 17.65.070.
3. The detailed development plan conforms with the base zone standards, applicable residential design standards, and applicable standards contained in Chapters 17.62, 17.52, 16.12, and 16.08 unless adjusted as provided in OCMC 17.65.070

Finding: Complies as Conditioned. The applicant has concurrently applied for a general development plan and a detailed development plan. For more details regarding public services and facilities required for this DDP, please see findings from 16.12.095.

RECOMMENDATION:
Based on the analysis and findings as described above, the City Commission concludes that the proposed
development located at 1367 Molalla Ave Oregon City, Oregon 97045, identified as Clackamas County Map 3-2E-06DB Tax 3-2E-05DB TL 3200, 3201, 3300, & 3400, 500, 501, 602, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this decision. Therefore, the City Commission approves the applications with conditions, based upon the findings and exhibits listed below.

EXHIBITS:
1. Applicant's Submittal
    a. Detailed Development Plan Narrative
    b. Master Plan Parcel Site Plan
    c. GDP and DDP Plans
    d. Storm Drainage Analysis
    e. Appendix A-0 (Geotech, TIA, Wetland Delineation and Mitigation Plan, Tree Survey, etc.)
    f. Revised Transportation Impact Analysis – March 2026
2. March 12, 2026 Letter from Reah Flisakowski, PE, and Hallie Turk EI, RSP1, DKS Associates
3. Public Comment
    a. Rocky Younger

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

CITY OF OREGON CITY

Staff Report

To:	City Commission	**Agenda Date:**	June 3, 2026
From:	Jarrod Lyman, Communications Manager		

SUBJECT:
Item 9.c. - Oregon City Flag Update

STAFF RECOMMENDATION:

EXECUTIVE SUMMARY:
Staff has worked with members of the Noth American Vexillological Association (NAVA) to come up with new designs for an Oregon City flag. Five designs have made it through the review process. Residents will have the opportunity to provide input, before Commission will have the opportunity to select a new flag on the June 23 meeting.

BACKGROUND:
The City Commission requested staff begin the process of having a new flag designed for Oregon City in order to replace the current banner, the design of which has been found both problematic and incongruent with standard flag design best practices.
Staff first created a poll in which residents had the opportunity to select what elements they thought best represented the community while also being easily represented by a simple graphic on a flag, and what colors the thought would best represent the community. The results of the poll where then shared with the North American Vexillological Association (NAVA) Membership to inform their design process.
The NAVA membership then put further nearly two dozen design options. Further conversations with staff and additional meetings narrowed the options down further. Staff then sought a cultural awareness review from Tribal staff, which resulted in the five options before you today. These options will be shared with residents for additional feedback, which will be brought back before the Commission along with those five designs with the opportunity for the Commission to choose a design on the June 23 meeting.

Design 1: This is a design intended to represent the Municipal Elevator and also the fishing platforms used by tribes throughout history for harvesting lamprey.
Design 2: A simple design meant to represent the Willamette River and Willamette Falls, as viewed from the Oregon City side of the river.
Design 3: Meant to represent a more overhead view of Willamette Falls, representing the horseshoe shape of the falls.
Design 4: Meant to represent Willamette Falls, with the two-toned circle also representing both an "O" and a "C" for Oregon City.
Design 5: A simple shape meant to represent the falls.

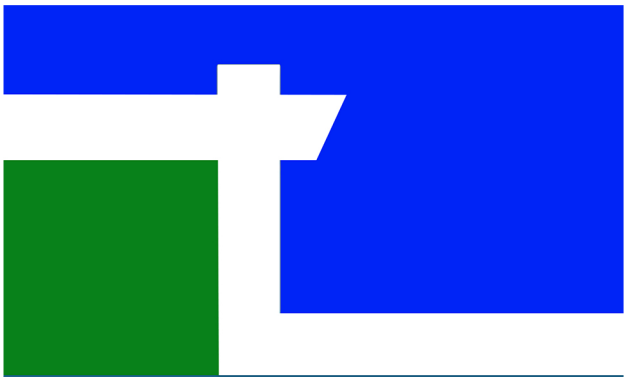
OPTIONS:

1. Approve Oregon City Flag Update.
2. Approve Oregon City Flag Update with Amendments.
3. Deny Oregon City Flag Update and provide further direction.

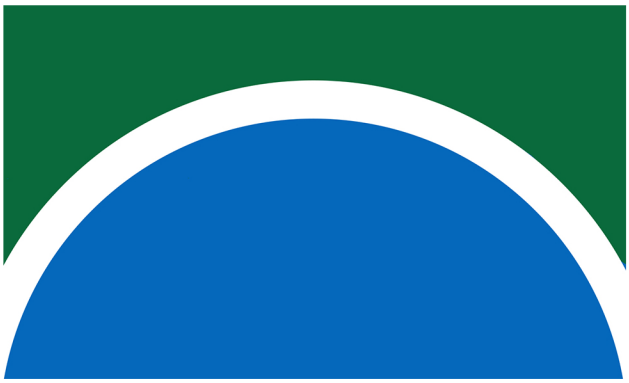
BUDGET IMPACT:

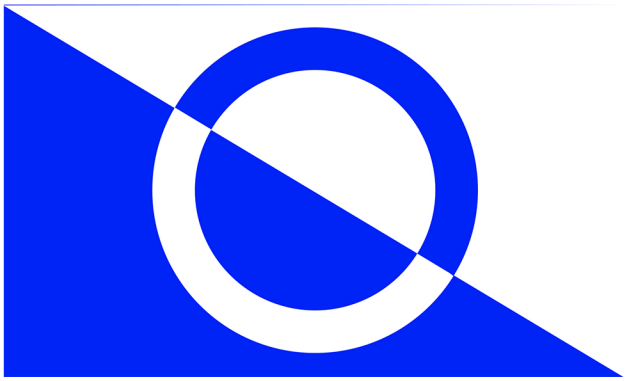
Amount	$
Fiscal Year(s):	
Funding Source(s):	
Included in Approved Budget:	Yes/No

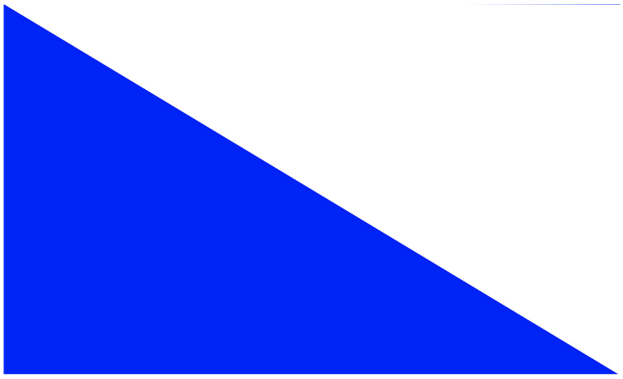
OREGON CITY FLAG DESIGNS





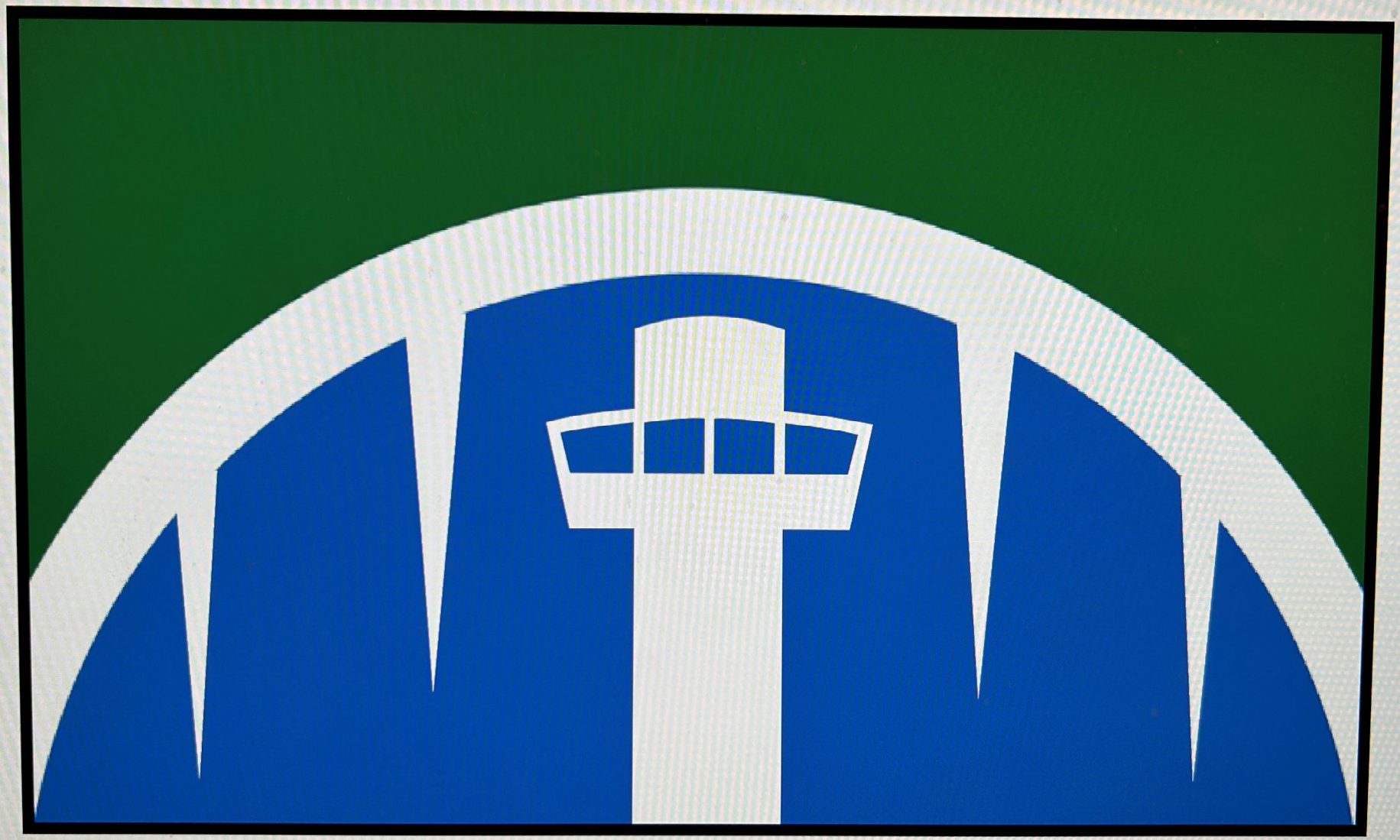




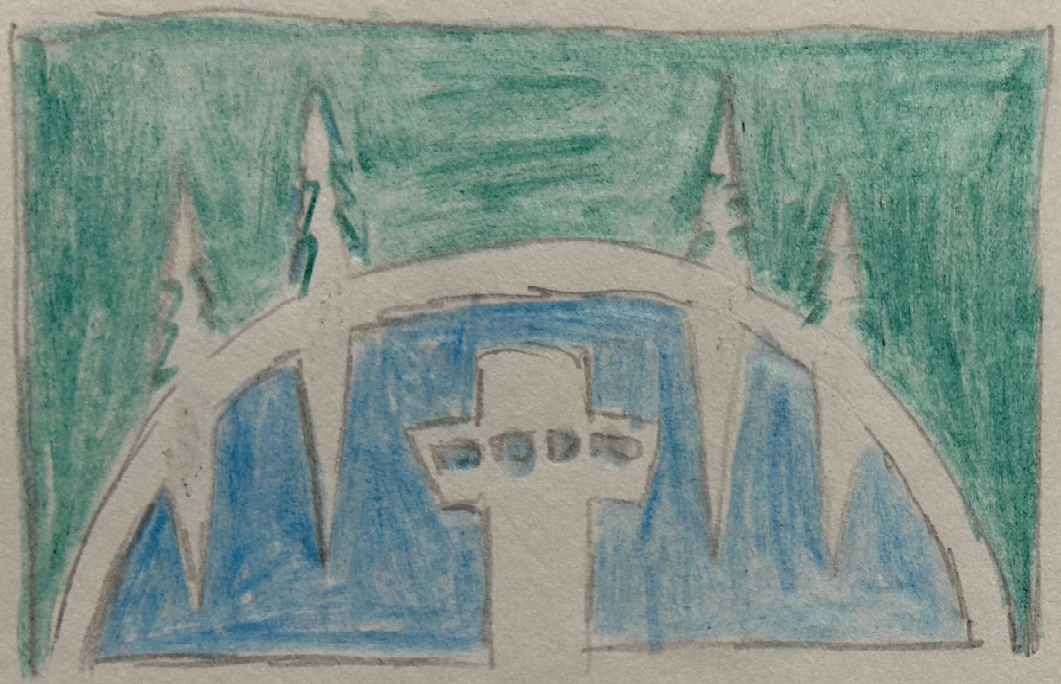


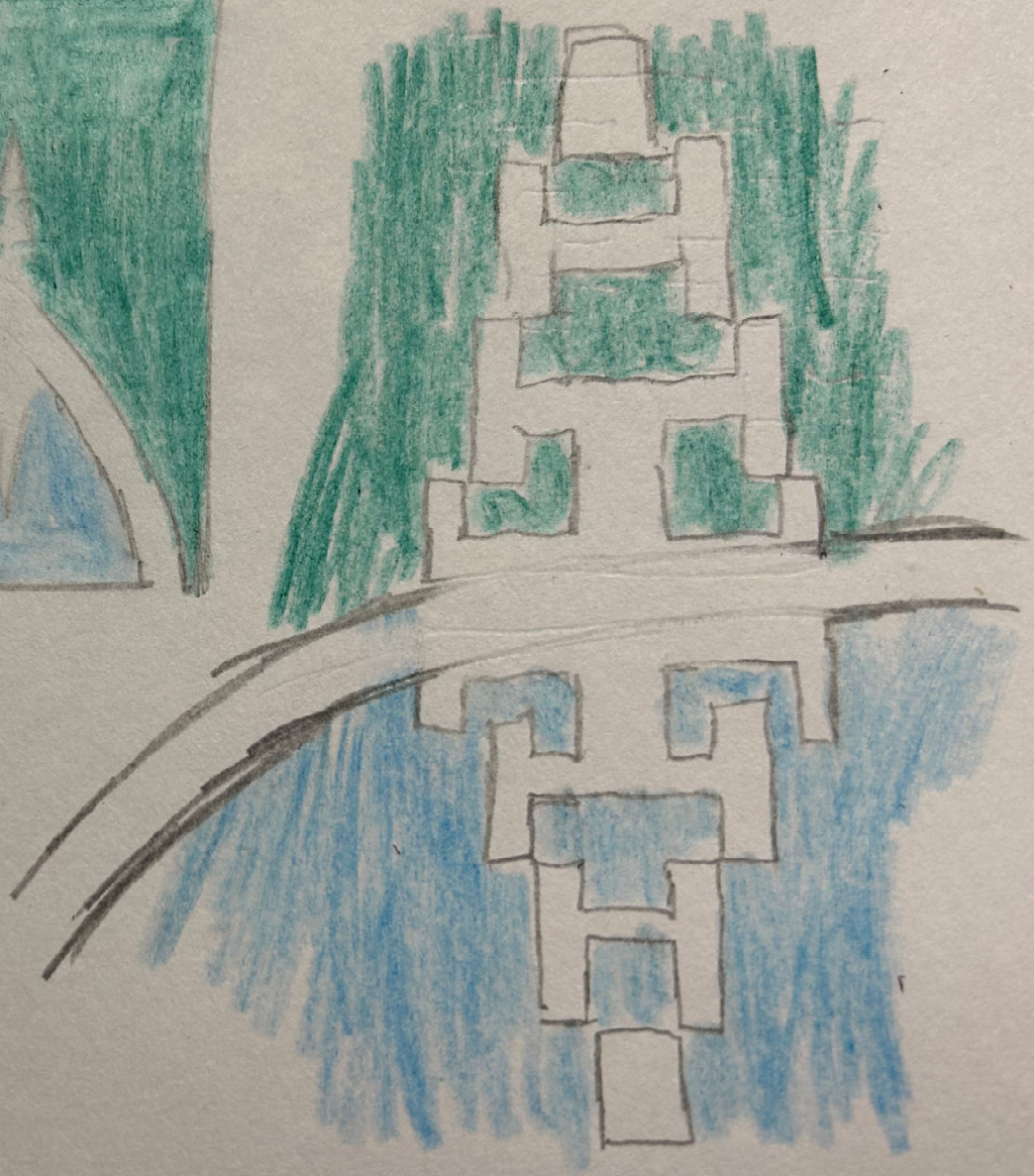
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Trego

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

CITY OF OREGON CITY

Staff Report

To:	City Commission	**Agenda Date:**	June 3, 2026
From:	Dayna Webb, Public Works Director		

SUBJECT:
Item 9.d. - First Reading of Ordinance No. 26-1008, An Ordinance Adopting Amendments to Oregon City Municipal Code Title 13: Public Services

STAFF RECOMMENDATION:
Commission approves the first reading of Ordinance No. 26-1008, Adopting Amendments to Oregon City Municipal Code Title 13: Public Services.

EXECUTIVE SUMMARY:
At the February 10, 2026 City Commission work session, staff presented a review of City Code provisions related to utility service charges, to evaluate consistency in billing corrections and exemptions (including lookback periods), and appeal processes. As detailed in the memorandum and matrix provided at that meeting, the review identified inconsistencies across utility services that are billed together on a single utility bill. These inconsistencies can result in differing customer experiences, reliance on interpretation or past practice, and administrative complexity. In addition, the Oregon City Municipal Code 13.16.100, *Storm Drainage Service Charges* currently provides exemptions for certain properties from the stormwater utility monthly fee. Summaries of surrounding cities practices with respect to stormwater fee exemptions and/or reductions were provided and discussed.

Tonight's first reading of Ordinance No. 26-1008 fulfills the first of the two required readings under the Oregon City Charter to adopt the proposed code revisions to create consistency across all utility service charges and adjust the stormwater fee exemption, as directed by City Commission in their February 10 work session. The second reading of the ordinance will occur at a subsequent meeting for formal adoption.

BACKGROUND:
Staff conducted a review of Municipal Code provisions related to utility service charges to evaluate consistency in billing corrections and exemptions (including lookback periods), and appeal processes. As detailed in the memorandum and matrix provided at the February 10, 2026 work session, the review identified inconsistencies across utility services that are billed together on a single utility bill. These inconsistencies can result in differing customer experiences, reliance on interpretation or past practice, and administrative complexity.

The proposed code changes amend the Water, Sewer, Storm Drainage, and Transportation Utility Service sections for consistency. The proposed revisions include: delinquent charges, service charge adjustments and appeals, exemptions, and reduced rate and financial

assistance.

In addition, the Oregon City Municipal Code 13.16.100, *Storm Drainage Service Charges* currently provides exemptions for certain properties from the stormwater utility monthly fee. On February 10, 2026, the City Commission were provided summaries of what other cities do with respect to stormwater fee exemptions and/or reductions. The proposed code change of OCMC 13.16.100 incorporates Commission feedback received from the Work Session.

Tonight's first reading of Ordinance No. 26-1008 fulfills the first of the two required readings under the Oregon City Charter. The second reading of the ordinance will occur at a subsequent meeting for formal adoption.

OPTIONS:

1. Approve First Reading of Ordinance No. 26-1008, An Ordinance Adopting Amendments to Oregon City Municipal Code Title 13: Public Services.
2. Approve First Reading of Ordinance No. 26-1008, An Ordinance Adopting Amendments to Oregon City Municipal Code Title 13: Public Services with Amendments.
3. Deny First Reading of Ordinance No. 26-1008, An Ordinance Adopting Amendments to Oregon City Municipal Code Title 13: Public Services and provide further direction.

BUDGET IMPACT:

Amount	N/A
Fiscal Year(s):	N/A
Funding Source(s):	N/A
Included in Approved Budget:	N/A

ORDINANCE NO. 26-1008

AN ORDINANCE ADOPTING AMENDMENTS TO OREGON CITY MUNICIPAL CODE TITLE 13: PUBLIC SERVICES

WHEREAS, public service codes of the water service system, sewer regulations, storm drainage service charges and transportation utility fees are not in alignment necessitating a change to the City Code; and

WHEREAS, the Oregon City Municipal Code contains codes and practices for assessment of rates and charges, lookbacks, exemptions, and appeals; and

WHEREAS, City Commission discussed the inconsistency in code and practices at a work session on February 10, 2026 and provided staff direction; and

WHEREAS, the amendments will result in clear and consistent practices for utility billing with respect to assessment of rates or charges, lookbacks, exemptions, and appeals.

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

Section 1. The City Commission amends the portions of the existing Oregon City Municipal Code, Title 13: Public Services as identified in the red text in **Exhibit A** and fully incorporated in **Exhibit B**, both attached to this Ordinance and incorporated herein by reference.

Section 2. The City Commission adopts the Staff Report and Recommendation.

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 3rd day of June, 2026 and the City Commission enacted the foregoing Ordinance this 17th day of June 2026.

Denyse C. McGriff, Mayor

Attested to this 17th day of June, 2026:

Jakob Wiley, City Recorder

Approved as to legal sufficiency:

City Attorney

Chapter 13.04 WATER SERVICE SYSTEM[1]

13.04.010 Application for service.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.020 Use by applicant only.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.030 Permits—Renewal—Change of service.

A. The city issues engineering permits for water line work in the right-of-way either as a separate public works permit or as part of overall issued public infrastructure construction plans. The various fees for these permits are approved and modified from time to time by the city commission. Failure to meet the conditions of the issued permit shall constitute a violation of the municipal code.

B. When permits for renewal or change of service are granted, the old service will be shut-off and disconnected at the main by the contractor and inspected by employees of the city. The charge for same shall be the reasonable costs as determined by administrative policy.

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.040 Service pipe—Approval.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

[1]Editor's note(s)—Ord. No. 21-1003, § 1(Exh. A), adopted February 3, 2021 amended Chapter 13.04 in its entirety to read as herein set out. Former Chapter 13.04, §§ 13.04.010—13.04.340, pertained to similar subject matter, and derived from prior code §§ 3-3-1—3-3-33; Ord. No. 98-1001, 1998; Ord. No. 04-1006, 2004 and Ord. No. 10-1003, adopted July 7, 2010.

13.04.050 Service pipe—Installation.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.060 Stopcock and shutoff box.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.070 Stop and waste cocks.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.080 Service pipes—Repair and protection.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.090 Temporary disconnection.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.100 Service for each house.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.110 Discontinuance—Defective fixtures.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.120 Public water usage.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.130 Shut-off for repairs.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.140 Right-of-entry.

Agents of the public works department may have free access at proper hours of the day to all parts of the building and premises in which water may be delivered from the city mains, for the purpose of inspecting the condition of the pipes and fixtures and the manner in which the water is used, and for the purpose of fixing water rates for the premises. Public works department staff will not enter into private property without notice and consent of the property owner unless an emergency situation exists, and the property owner did not respond to initial contact or unless previous arrangements have been made to have unnoticed access to the property.

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.150 Emergency regulations.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.160 Water for building purposes.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.170 Fire protection pipes.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.180 Use of meters.

A. The public works department and its agents shall have the right at any time to attach a meter to, or detach a meter from the service pipe of such places and of such places only, as is deemed best; and where water is supplied through a meter to charge for the quantity of water used or measured at the regular established meter rates. When a meter fails to register accurately, the charge shall be according to the average quantity used daily, as shown by the meter when in order.

B. The public works department and its agents shall immediately install a meter for any unmetered consumer who is found guilty of violating any of the rules and regulations of the public works department.

C. Any householder desiring metered water service may obtain the service by making written application to the city for the installation of a meter and by agreeing to pay for the quantity of water used or measured at the regular established meter rates.

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.190 Ownership of meters.

All meters shall be and remain the property of the city and may be removed whenever the public works department may decide to do so.

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.200 Use of private water and city water.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.210 Testing and correcting meters.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.220 Failure to comply with rules.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.230 Authority to turn on water.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.240 Delinquent Charges.~~Water charged to premises.~~

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.250 Applications.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.260 Water rates.

A. Water Rates in City. The rates for water furnished by the city to each user within the city limits shall be established by city commission resolution.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.270 Meter sizes.

The minimum meter sizes shall be as follows:

Unit	Size in Inches
1 unit	¾
2—4 units	1 (or two ¾" for duplexes)
5—10 units	1½
11—30 units	2 disc
31—50 units	2 compound

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.275 Service charge adjustments and appeals.

A. Any person billed for service charges may file a "request for service charge adjustment" with the finance director within thirty days of the date of the bill. However, submittal of such a request does not extend any otherwise applicable deadline requiring payment for the charge. To qualify for any service adjustment or to avoid service interruption, all bills must be timely paid under protest and if an adjustment is granted, any overpayment will be refunded.

B. A request for service charge adjustment may be granted or approved by the finance director only when one or more of the following conditions exist:

1. The amount charged is in error as an underbill or overbill, which may be the result of a meter malfunction, not caused by tampering or other damage by customer, meter reading errors or administrative mistakes; or

2. A leak adjustment is requested

a. In order to qualify for the leak adjustment the customer must provide documentation, such as a plumber's bill or receipt, that a leak did exist, the leak was sufficient in size to use an excessive amount of utility service and that the leak has been fixed.

b. The customer request must be in writing and must include the customer name, service address, date of request, date leak was detected, date leak was repaired and a description of the repairs made.

c. The leak adjustment will be applied to the overage of utility service above average usage and any related fees such as sewer adjustments if applicable.

d. If there is no previous usage history available, consumption may be estimated on the basis of usage levels of similar customers and under similar conditions. The adjusted portion will be calculated at half the current water rate charged. The adjustment will be credited to the customer account after the utility has obtained a full month meter reading.

C. Finance director review of service charge adjustment requests shall be based on information submitted by the applicant and by the city within thirty days of the adjustment request, except when the director identifies additional information is needed. The applicant shall have the burden of proving that the adjustment should be granted. The applicant shall be notified in writing of the director's decision.

D. Service charge adjustments shall be available to the bill due and bills subsequently issued. Retroactive adjustments may be granted back to the date of the service error or leak, or six months, if the date of the error or leak cannot be substantiated. In no event, shall the adjustment lookback extend longer than six months. Decisions of the finance director on requests for service charge adjustments shall be final and not appealable to the city commission.

13.04.276 Exemptions.

Vacant and unimproved properties within the city are exempt from the charges in Section 13.04.260. Any other person seeking an exemption of the water service charge may do so pursuant to a demonstration to the finance director or their designee that a non-residentially zoned property is vacant and unimproved.

13.04.280 Reduced rates and financial assistance.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.300 Cost participation.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.310 Water connection—Required.

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

B. All residential and other uses connected to a public water supply system must be connected to the city system within sixty days of the city water being made available. All water connections must meet current city standards and regulations.

C. Domestic backflow prevention is required on services that:

1. Are commercial in nature (includes multi-family dwellings),
2. Are greater than or equal to two inches in diameter,
3. Have piping higher than thirty-two (32) feet above the water main,
4. Have a potential hazard to the public water supply, in the discretion of the Oregon City Water Division (includes new or existing wells), or
5. Irrigation backflow prevention is required on all irrigation systems.

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.315 Definitions.

The following definitions shall apply to this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.320 Control of cross-connections.

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

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.330 Back-flow prevention assemblies.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.340 Standard construction specifications.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

Chapter 13.08 SEWER REGULATIONS[2]

13.08.010 Sewer connections—Required.

A. All water closets, privies, sinks, bathtubs and drains containing or carrying sewerage in all houses located within the boundaries of any sewer district heretofore established or that may hereafter be established and in which persons are residing shall be connected with the public system of sewers, and within the time specified in the ordinance creating the sewer district.

B. It is unlawful for any person to reside in any house or upon any premises within the boundaries of any sewer district in the city, after the time specified for connecting the house or premises as provided in the ordinance

[2]Editor's note(s)—Ord. No. 21-1003, § 1(Exh. A), adopted February 3, 2021 amended Chapter 13.08 in its entirety to read as herein set out. Former Chapter 13.08, §§ 13.08.010—13.08.230, pertained to similar subject matter, and derived from prior code §§ 8-5-1—8-5-22; Ord. No. 90-1052, 1990; Ord. No. 91-1021, 1991; Ord. No. 99-1004, 1999 and Ord. No. 10-1003, adopted July 7, 2010.

establishing the sewer district in which the house or premises is located unless the house or premises has been connected with the sewer system owned and operated by the City as provided in this section.

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.015 Sewer connections—Exemptions.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.016 Cross connections.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.020 Connection required—Notice.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.030 Privies.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.040 Engineer—Approval required.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.050 Engineer—Permits.

A. The city issues engineering permits for sewer line work in the right-of-way either as a separate public works permit or as part of overall issued public infrastructure construction plans. The various fees for these permits are approved and modified from time to time by the city commission. Failure to meet the conditions of the issued permit shall constitute a violation of the municipal code.

B. The city engineer is authorized to grant such permits as deemed necessary for allowing persons to tap the public sewers, and to make connections therewith; provided however, that the permit shall be granted on the express condition that the owner or tenant for whose benefit such connection shall be made, and each succeeding tenant shall in consideration of the privilege thereby granted, hold the city harmless for any loss or damage that may in any way result from or be occasioned by any such tap or connection.

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.060 Bond required.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.070 Acceptance of connection by city.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.080 Notification of engineer.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.090 Connections to existing work.

A. No drain pipe can be extended from work previously done and accepted, or new connection at any time be made with such work unless previous notice of at least twenty-four hours is given to the engineer and permit issued.

B. In case it shall be necessary to connect a drain or sewer pipe with a public sewer when no junction is left in the same, the new connection with the public sewer can only be made when an officer of the city, duly authorized, is present to see the whole of the work done.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.100 Barriers.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.110 Condition of fixtures.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.115 Condition of service lines.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.120 Permit revocation.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.125 Right of entry.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.130 Development and user charges.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.140 Applications outside city limits.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.150 Permit issuance—Connection supervision.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

~~13.08.155 Sewer rates.~~

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

~~(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)~~

13.08.155 Service charge adjustments and appeals.

A. Any person billed for service charges may file a "request for service charge adjustment" with the finance director within thirty days of the date of the bill. However, submittal of such a request does not extend any otherwise applicable deadline requiring payment for the charge. To qualify for any service adjustment or to avoid service interruption, all bills must be timely paid under protest and if an adjustment is granted, any overpayment will be refunded.

B. A request for service charge adjustment may be granted or approved by the finance director only when one or more of the following conditions exist:

   1. The amount charged is in error as an underbill or overbill, resulting from administrative mistake; or

   2. A water leak adjustment is requested as set forth in OCMC 13.04.275.

C. Finance director review of service charge adjustment requests shall be based on information submitted by the applicant and by the city within thirty days of the adjustment request, except when the director

identifies additional information is needed. The applicant shall have the burden of proving that the adjustment should be granted. The applicant shall be notified in writing of the director's decision.

D. Service charge adjustments shall be available to the bill due and bills subsequently issued. Retroactive adjustments may be granted back to the date of the service error or leak, or six months, if the date of the error cannot be substantiated. In no event, shall the adjustment lookback extend longer than six months. Decisions of the finance director on requests for service charge adjustments shall be final and not appealable to the city commission.

13.08.156 Exemptions.

Vacant and unimproved properties within the city are exempt from the charges in Section 13.08.130. Any other person seeking an exemption of the sewer service charge may do so pursuant to a demonstration to the finance director or their designee that a non-residentially zoned property is vacant and unimproved.

13.08.157 Delinquent Charges.

All charges for furnishing sewer within the city shall be chargeable to the premises where sewer is supplied. Whenever any charge for furnishing sewer shall not be paid when due, the same shall become delinquent and shall be subject to a delinquent payment penalty fee and discontinuance of service. Written notice of shutoff of water shall be given by mail in advance of such shutoff. After water service has been discontinued, water shall not again be furnished until all outstanding charges, including sewer charges, shall have been paid in full. All charges for furnishing sewer or for services relating to the furnishing of sewer, even where no water is also provided, shall be a lien on the property to which the sewer or sewer services are supplied. Enforcement of the lien may be commenced at any time after the charge or charges are delinquent for thirty days by suit in equity following the procedures for foreclosure of a mortgage.

13.08.158 Service lateral improvement program.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.159 Reduced rates and financial assistance.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.160 Entry in lien record.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.165 Failure to comply with rules.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.170 Private connections prohibited.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.180 Unlawful substances.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.190 Sanitary requirements.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.210 STEP systems.

A. "STEP system" which means a septic tank effluent pump system, meeting the standards and specifications of the city engineer (hereinafter "engineer"), shall be permitted as an alternative to the standard sewer used in the city. Such system shall be owned, operated, and maintained by the city as provided in this section.

B. The engineer shall require, as a condition of approval of any STEP system that the property owner utilizing such system grant the city any easements, permits of entry, or licenses which are necessary or convenient for the construction, operation, or maintenance of the STEP system.

C. Generally, sewer service through normal sewer facilities (i.e. house sewer, laterals, trunks, and treatment plants) shall be provided when available. However, if service through such normal sewer facilities is unavailable, the engineer may permit use of a STEP system, on an interim basis, when such sewer service is determined by the engineer to be practical, and necessary or convenient to the use of the property proposed

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

D. Installation, operation, and, before acceptance by the city, maintenance of a STEP system shall be in accordance with the directions of the engineer and at the expense of the owner of the property serviced by such system. Upon installation, inspection and approval by the engineer, and acceptance by the city, the STEP system shall be owned by the city, which shall thereafter be responsible for maintenance of the system, except as provided in this section. No STEP system shall be accepted unless and until all easements, licenses, and permits necessary for control of the operation, use, and maintenance of such system have been granted. The city may record in the deed records of the county any such easement, license, or permit granted. It shall be the responsibility of the property owner to keep clean and maintain the building sewer from the building to the connection with the public sewer.

E. The costs of electricity necessary to operate the STEP system shall be borne by the property owner. Any STEP system which is rendered nonoperational by virtue of failure to pay for such costs shall cause the property benefited to be deemed unavailable for human habitation. The owner or occupier of the property served shall be entitled to written notice at least five days before a declaration by the city that the property is to be declared unavailable for occupancy and such person may request in writing a hearing before the city manager prior to such declaration. The decision of the city manager shall be final.

F. Subject to applicable constitutional limitation, the property owner shall permit entry on the site served for purposes of installation, maintenance, inspection, observation, measurement, sampling or testing of the STEP system. The property owner shall agree to such entry evidenced by a written permit of entry, as a condition precedent to the permit for the use of the STEP system.

G. The property owner shall be liable for damage to any portion of the STEP system if not caused by the city. The STEP system permit shall indicate that the owner agrees to assume such liability and such assumption shall be a condition precedent to issuance of the permit.

H. Application for use of a STEP system shall be made by the property owner or owners, who shall remain responsible for compliance with this section and permits thereunder. The property owner may delegate responsibility to the person occupying land for the duties imposed on the property owner under subsections D and G of this section. Such delegation shall be in writing in which the occupier of property accepts such responsibility filed with the engineer and shall be valid for such period as the delegee occupies the property, unless a shorter period is designated by the engineer. Thereafter, the property owner shall reassume responsibility.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.220 Violation—Penalty.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.230 Standard construction specifications.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.235 Design standards.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.240 Stormwater and groundwater prohibited.

A. Stormwater, including street, roof, or footing drainage, shall not be designed or constructed in a manner to allow discharge into the sanitary sewer system, but shall be removed by a system of storm drains or by some other method separate from the sanitary sewer system. (Language from City of Oregon City Sanitary Sewer Design Standards, § 2.00, paragraph three, page 10.)

B. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a public sanitary sewer.

C. Service laterals from building structure to the face of curb or edge of pavement line shall be maintained by the owner of said structure in such a manner as to prevent infiltration of ground water into the sanitary sewer system.

D. Historic buildings established before the separation of stormwater and sanitary sewer systems may be exempt from groundwater and subsurface discharge into the sanitary sewer system.

E. Properties may be exempt if removal of stormwater connections to sanitary sewer system is infeasible due to topography or public system constraints.

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.250 Party line sewers prohibited.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

Chapter 13.16 STORM DRAINAGE SERVICE CHARGES

13.16.010 Intent.

Pursuant to the constitution and general laws of the state and powers granted in the charter of the city, the commission does declare its intention to acquire, own, construct, equip, operate and maintain within and without the city limits, open drainageways, underground storm drains, equipment and appurtenances necessary, useful or convenient for the construction of storm drainage improvements including maintenance, extension and reconstruction of the present storm drainage system of the city.

(Prior code §8-9-1)

13.16.020 Definitions.

As used in this chapter, except where the context otherwise requires:

"Area range number (ARN)" are ranges of gross area square footage used to classify nonsingle family residential properties into groups of similar parcel size. Parcels with gross areas of one to two thousand five hundred square feet are assigned an area range number (ARN) 1. Parcels with gross areas of two thousand five hundred to five thousand square feet have an ARN of 2. Parcels with gross areas of five thousand to seven thousand five hundred square feet would have an ARN of 3 and so on so that each additional range of two thousand five hundred square feet shall be counted as an additional ARN of 1.

"Development intensity factor (DIF)" is the runoff coefficient that is indicative of the land use or impervious coverage of each property. The following table represents the DIFs for each of the existing land uses and zoning to the use in the calculations.

Nonresidential Land Use or Zoning	Development Intensity Factor
LOC limited office conditional	0.70
LO limited office	0.80
NC neighborhood commercial	0.80
HC historic commercial	0.70
LC limited commercial	0.70
C general commercial	0.90
CBD central business district	0.90
M1 light industrial	0.70
M2 heavy industrial	0.80
Conditional use or nonconforming	Apply a composite runoff factor

"Equivalent residential unit (ERU)" means a nonresidential configuration estimated to place approximate equal demand on the city's storm drainage system as a residential dwelling unit. The equivalent residential unit (ERU) of a nonresidential property is computed by multiplying the property's area range number (ARN) by its intensity factor (DIF) as follows:

ERN = ARN × DIF

"Improved property" means any area which has been altered such that the runoff from the property is greater than that which could have been expected in an undeveloped state. Such condition shall be determined by the city engineer.

"Nonresidential unit" means any building, or facility or other improved property used other than as a residential dwelling unit.

"Residential dwelling unit" means one or more rooms with bathroom and kitchen facilities designed for occupancy by one family.

(Prior code §8-9-2)

13.16.030 Service charges.

There is established and imposed on all persons occupying improved properties utilizing the city's storm drainage system, a just and equitable storm drainage utility service charge to implement the city's drainage master plan and pay for the city's storm drainage system. Charges collected shall be deposited into the storm drainage fund of the city and used only for storm drainage purposes.

(Ord. 93-1025 §1, 1993: prior code §8-9-3)

13.16.040 Determination of service.

The city commission determines that the property not used for residential dwelling purposes is furnished service in proportion to the size of the property and its development intensity factor based on the definition of "equivalent residential unit" aforesaid.

(Prior code §8-9-4)

13.16.050 Rates.

The following rates are established:

Residential dwelling unit per month	$2.00
Nonresidential unit per month	2.00/ERU

The service charges, pursuant to this section may be amended by the city commission by resolution so as to continue to recover cost of service.

(Prior code §8-9-5)

13.16.060 Payment required.

Such service charges shall be paid by the current occupant or person entitled to possession of the property from which stormwater discharges (directly or indirectly) to the city storm drainage system.

(Ord. 93-1025 §2, 1993: prior code §8-9-6)

13.16.070 Collection.

The service charges shall be collected with the monthly water bill for those connected to water or billed alone as a storm drainage charge for those users not connected to or not otherwise charged for water service.

(Prior code §8-9-7)

13.16.071 Service charge adjustments and appeals.

A. Any person billed for service charges may file a "request for service charge adjustment" with the finance director within thirty days of the date of the bill. However, submittal of such a request does not extend any otherwise applicable deadline requiring payment for the charge. To qualify for any service adjustment or to avoid service interruption, all bills must be timely paid under protest and if an adjustment is granted, any overpayment will be refunded.

B. A request for service charge adjustment may be granted or approved by the finance director only when one or more of the following conditions exist:

1. The amount charged is in error as an underbill or overbill, resulting from administrative mistake.

C. Finance director review of service charge adjustment requests shall be based on information submitted by the applicant and by the city within thirty days of the adjustment request, except when the director identifies additional information is needed. The applicant shall have the burden of proving that the adjustment should be granted. The applicant shall be notified in writing of the director's decision.

D. Service charge adjustments shall be available to the bill then due and bills subsequently issued. Retroactive adjustments may be granted back to the date of the service error or six months, if the date of the error cannot be substantiated. In no event shall the adjustment lookback extend longer than six months. Decisions of the finance director on requests for service charge adjustments shall be final and not appealable to the city commission.

13.016.075 Delinquent Charges.

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

~~13.16.080 Recovery of unpaid charges.~~

~~Any charge due hereunder which shall not be paid when due shall be collectable pursuant to collection efforts or other lawful remedies of the city, but no lien may be placed on the property solely for failure to pay the service charges. The city may curtail or cut off the supply of water or other city services to persons who have failed to pay unpaid charges. In no event shall water supply be withheld from any new occupant of property because of the failure of a prior occupant to pay a storm drainage utility service charge.~~

~~(Ord. 93-1025 §3, 1993: prior code §8-9-8)~~

13.16.090 Right of entry.

Subject to Constitutional limitations, the employees of the city shall at all reasonable times have access to any premises served by the city for inspection, repair or the enforcement of the provisions of this chapter.

(Prior code §8-9-9)

13.16.100 Exemptions, reductions and appeal.

~~Vacant and unimproved properties within the city are exempt from the charges in Section 13.16.050. Any other person seeking an exemption or reduction in the storm drainage fee, or appealing therefrom, may do so pursuant to a demonstration to the city manager or the manager's designee that the public storm drain service does not receive stormwater from property used or occupied by that person. Such demonstration shall include evidence of legal disposal of stormwater to a private retention system, private storm drain system, public water body, or other receiving facility.~~

~~(Ord. 93-1025 §4, 1993: prior code §8-9-10)~~

A. Vacant and unimproved properties within the city are exempt from the charges in Section 13.16.030.

B. Any person seeking a reduction in the storm drainage fee, or appealing therefrom, may do so pursuant to a demonstration to the public works director or their designee that a non-residentially zoned property qualifies subject to the following:

1. Pre-existing Development. Where stormwater is directed directly into the main channel of Abernethy, Clackamas, or Willamette Rivers without any downstream water flowing through a City maintained sewer, culvert, bridge or ditch and the stormwater system otherwise complies with the most recent version of the Stormwater and Grading Design Standards at time of filing the permit or appeal, the applicant is eligible for a reduction in the amount of no more than 25% of the stormwater charge.
2. New Development. Where the stormwater system complies with the most recent version of the Stormwater and Grading Design Standards at time of filing the permit or appeal; and incorporates some form of enhanced water quality beyond the requirements of the Oregon City Municipal Code and Stormwater and Grading Design Standards, including but not limited to, items such as green roofs, rainwater harvesting, constructed wetlands, etc, the applicant is eligible for a reduction proportionate to the total amount of water subject to enhanced treatment, but no more than 25% of the stormwater charge.

C. Review of exemptions and reductions of the storm drainage fee by the public works director are final and not subject to further appeal.

13.16.110 Reduced rates and financial assistance.

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

Chapter 13.30 TRANSPORTATION UTILITY FEES

13.30.010 Purpose.

The purpose of this chapter is to provide cost recovery for maintaining and operating the city of Oregon City transportation system. There is created an enterprise fund known as the "city of Oregon City transportation maintenance fund." All fees and charges imposed herein shall be placed in said fund for the purpose of paying

expenses related to the replacement, repair, maintenance, operation, or administration of the transportation system as described in this chapter.

(Ord. 08-1007 § 1(part), 2008)

13.30.020 Applicability.

The requirements of this chapter shall apply to all real property in the city of Oregon City, including publicly and privately owned property.

(Ord. 08-1007 § 1(part), 2008)

(Ord. No. 14-1018, § 1, 12-3-2014)

13.30.030 Definitions.

As used in this chapter:

"City" means the city of Oregon City, Oregon, or as indicated by the context, may mean any official, officer, employee or agency representing the city in the discharge of his or her duties.

"City roads" means all roads, public and private, excluding state and county roads, within the city limits of Oregon City.

"Developed property" means real property that has been altered by development coverage.

"Gross square footage" means the calculated area of all structures, located on a site, measured along the exterior walls of such structures, including but not limited to enclosed courtyards, stairwells, and square footage on each level of multi-story structures, but not including fences and parking areas which are not enclosed within a building.

"ITE Manual" means the Institute of Transportation Engineers Trip Generation Manual, ninth edition.

"Manager" means the city manager or his or her designee.

"Multi-family residence" means a residential structure accommodating two or more dwelling units.

"Schools" means all schools, kindergarten through grade twelve, providing busing and located within the city limits of Oregon City.

"Service charges" means the amount owed after applying the appropriate rate to property based upon factors established by this chapter.

"Single-family residence" means a residential structure accommodating one dwelling unit.

"Unit rate" means the dollar amount charged per adjusted average daily trip. There shall be a unit rate applied to residential land uses, identified as the residential unit rate, and a unit rate applied to all other land uses, identified as the nonresidential unit rate.

(Ord. 08-1007 § 1(part), 2008)

(Ord. No. 14-1018, § 1, 12-3-2014)

13.30.040 Rate structure.

A. Service charges for the transportation utility fee are authorized and imposed in amounts and on terms consistent with this chapter.

B. The rates and service charges shall be based on the service provided and the relative usage of the city transportation system for a given property. The estimated or measured trip generated will be used to determine the relative usage of the property. The rate shall be calculated by multiplying the unit rate by the assigned average daily trip estimate. Average daily trip estimates shall be as follows:

1. Undeveloped Property. Undeveloped property shall not be charged.

2. City Roads. City roads shall not be charged.

3. Single-Family Residential Property. The monthly service charge for single-family residential property shall be computed by multiplying the unit rate times 9.57 trips per day.

4. Multi-Family Residential Property. The monthly service charge for multi-family residential property shall be computed by multiplying the unit rate times 6.72 trips per day.

5. Schools. The monthly service charge for schools shall be computed by multiplying the unit rate times the number of average daily trips applicable to the school, as delineated below:

Elementary schools	0.76 ADTs per student
Middle schools	0.96 ADTs per student
High schools	1.01 ADTs per student

6. All Other Developed Properties. The monthly service charge for all other developed properties, including publicly-owned properties, shall be computed by multiplying the unit rate times the number of average daily trips assigned to the bin that is applicable to the property, as delineated in Appendix A (copy on file at the office of the city recorder). All uses not identified in Appendix A (copy on file at the office of the city recorder) shall be assigned to a trip bin based on their trip generation as specified in the ITE Manual.

Bin 1	2 average daily trips
Bin 2	10 average daily trips
Bin 3	25 average daily trips
Bin 4	40 average daily trips
Bin 5	100 average daily trips

7. When a particular property includes multiple business types (multiple bin assignments), the rate will be established based on charging each business types in their appropriate bin.

(Ord. 08-1007 § 1(part), 2008)

(Ord. No. 14-1018, § 1, 12-3-2014)

13.30.050 Unit rate established.

The residential unit rate, to be applied to residential land uses, is established at one dollar and fifteen cents per adjusted average daily trip. The nonresidential unit rate, to be applied to all other land uses, is established at $0.189 per adjusted average daily trip. Either or both of the residential and the nonresidential unit rates may be

revised by resolution of the city commission from time to time. The unit rates shall be adjusted annually to account for inflation in an amount of no more than three percent.

The residential and nonresidential unit rates will be phased in over a five-year period according to the schedule below. The rates for fiscal years 2009/2010 through 2012/2013 include a three percent escalation factor.

Time Period	Residential Rate per Trip	Nonresidential Rate per Trip
July 1, 2008 through June 30, 2009	$0.470	$0.077
July 1, 2009 through June 30, 2010	0.627	0.103
July 1, 2010 through June 30, 2011	0.784	0.129
July 1, 2011 through June 30, 2012	0.940	0.154
July 1, 2012 through June 30, 2013	1.172	0.192

(Ord. 08-1007 § 1(part), 2008)

13.30.060 Service charge adjustments and appeals.

A. Any person billed for service charges may file a "request for service charge adjustment" with the ~~manager~~ finance director within thirty days of the date of the bill. However, submittal of such a request does not extend the period of payment for the charge. To qualify for any service adjustment or to avoid service interruption, all bills must be timely paid under protest and if an adjustment is granted, any overpayment will be refunded.

B. A request for service charge adjustment may be granted or approved by the ~~manager~~ finance director only when one or more of the following conditions exist:

1. The amount charged is in error as an underbill or overbill, resulting from administrative mistake; or

2. The property is nonresidential and the actual trips generated by that property, as established by an engineer at the expense of the owner, and as supported by the public works director, would result in inclusion in a trip bin characterized by greater than or less than the applied average daily trip estimate used in determining the charge; or

3. The property exists in its natural unimproved condition and will remain in its natural unimproved condition with no allowable human activities or man-made improvements that would generate trips to or from the property.

C. ~~Service charge adjustments will only apply to the bill then due and payable, and bills subsequently issued. The property owner shall have the burden of proving that the service charge adjustment should be granted.~~

Finance director review of service charge adjustment requests shall be based on information submitted by the applicant and by the city within thirty days of the adjustment request, except when the director identifies additional information is needed. The applicant shall have the burden of proving that the adjustment should be granted. The applicant shall be notified in writing of the director's decision.

~~D. Decisions on requests for service charge adjustments shall be made by the manager based on information submitted by the applicant and by the city within thirty days of the adjustment request, except when additional information is needed. The applicant shall be notified in writing of the manager's decision.~~

~~E. Decisions of the manager on requests for service charge adjustments shall be final.~~

D. Service charge adjustments shall be available to the bill then due and bills subsequently issued. Retroactive adjustments may be granted back to the date of the service error or six months, if the date of the error cannot be substantiated. In no event shall the adjustment lookback extend longer than six months. Decisions

of the finance director on requests for service charge adjustments shall be final and not appealable to the city commission.

(Ord. 08-1007 § 1(part), 2008)

(Ord. No. 14-1018, § 1, 12-3-2014)

13.30.065 Exemptions.

Vacant and unimproved properties within the city are exempt from the charges in Section 13.30.050. Any other person seeking an exemption of the transportation utility fee may do so pursuant to a demonstration to the finance director or their designee that a non-residentially zoned property is vacant and unimproved.

13.30.070 Reduced rates and financial assistance~~Transportation utility rate waivers.~~

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

~~A. The principal residence of a person may qualify for a special user rate if the person meets certain income criteria as established by resolution of the city commission.~~

~~1. Any person desiring to receive a transportation rate hardship waiver must submit an application to the city on forms to be provided by the city. Persons requesting transportation rate hardship waiver shall make annual written application for rate credits and shall certify as to meeting the income criteria established by the city commission.~~

~~2. The amount of transportation utility hardship waivers for eligible persons provided under this chapter shall be established by resolution of the city commission.~~

~~B. When any developed property within the city becomes vacant as described below, upon written application and approval by the manager, the transportation rate shall thereafter not be billed and shall not be a charge against the property.~~

~~1. The manager is authorized to cause an investigation of any property for which an application for determination of vacancy is submitted to verify any of the information contained in the application. The manager is further authorized to develop and use a standard form of application, provided it shall contain a space for verification of the information and the person signing such form affirms under penalty for false swearing the accuracy of the information provided therein.~~

~~2. For purposes of this section, a unit of property is vacant when it has been continuously unoccupied and unused for at least ninety days. Fees shall be waived in accordance with this section only while the property remains vacant. Any occupancy or use of the property terminates the waiver. The city may charge any property with the appropriate transportation rate, including charges for prior billing periods, upon determining by whatever means that the property did not qualify for waiver of charges during the relevant time. The decision of the manager under this section shall be final.~~

~~C. It is unlawful for any person to make, assist in making or to derive the benefits from any false application for a waiver provided under this chapter. In addition to other penalties provided by law, the city shall be entitled to recover from any person or persons receiving the benefit of a waiver as a result of any false statement made in any application the amount therefore, including interest from the date the waiver was granted.~~

(Ord. 08-1007 § 1(part), 2008)

13.30.080 Use of funds.

Service charges collected under this chapter shall be accounted for separately and expended only for the purpose of paying all or any part of the cost and expense of maintaining the city's transportation system. In expending funds, the city shall endeavor to expend funds based on the following priorities:

A. Pavement management;

B. Maintaining and operating the transportation system.

(Ord. 08-1007 § 1(part), 2008)

(Ord. No. 15-1001, § 5, 3-18-2015)

13.30.090 Commencement of charges and collection.

A. For new construction, service charges will commence with the issuance of a building permit or installation of a water meter, whichever comes first. Real property annexed to the city shall begin paying the fee the first month following their annexation. For existing structures, service charges will commence on July 1, 2008.

B. The service charges imposed by this chapter shall be collected with the monthly city utility bill for those properties connected to water or billed alone as a transportation utility fee for those users not connected to or not otherwise charged for water service. The actual costs of billing, collecting and remitting the fees may be paid from the transportation maintenance fund. The transportation utility fee shall be calculated as a monthly charge; however, the fee may be billed on a schedule other than a monthly schedule.

C. The manager may adopt and amend such rules and policies as are necessary for administration of this chapter.

(Ord. 08-1007 § 1(part), 2008)

(Ord. No. 14-1018, § 1, 12-3-2014)

13.30.100 Delinquent charges.

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

~~Payment of a fee is delinquent if not paid within thirty days of the date of the bill. Billing and collecting agents of the transportation utility fee designated by the city may use any legal means available to collect delinquent service charges. Delinquent accounts shall be treated in the same manner as delinquent water service accounts under OCMC Section 13.04.220.~~

(Ord. 08-1007 § 1(part), 2008)

Chapter 13.04 WATER SERVICE SYSTEM[1]

13.04.010 Application for service.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.020 Use by applicant only.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.030 Permits—Renewal—Change of service.

A. The city issues engineering permits for water line work in the right-of-way either as a separate public works permit or as part of overall issued public infrastructure construction plans. The various fees for these permits are approved and modified from time to time by the city commission. Failure to meet the conditions of the issued permit shall constitute a violation of the municipal code.

B. When permits for renewal or change of service are granted, the old service will be shut-off and disconnected at the main by the contractor and inspected by employees of the city. The charge for same shall be the reasonable costs as determined by administrative policy.

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.040 Service pipe—Approval.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

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[1]Editor's note(s)—Ord. No. 21-1003, § 1(Exh. A), adopted February 3, 2021 amended Chapter 13.04 in its entirety to read as herein set out. Former Chapter 13.04, §§ 13.04.010—13.04.340, pertained to similar subject matter, and derived from prior code §§ 3-3-1—3-3-33; Ord. No. 98-1001, 1998; Ord. No. 04-1006, 2004 and Ord. No. 10-1003, adopted July 7, 2010.

13.04.050 Service pipe—Installation.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.060 Stopcock and shutoff box.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.070 Stop and waste cocks.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.080 Service pipes—Repair and protection.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.090 Temporary disconnection.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.100 Service for each house.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.110 Discontinuance—Defective fixtures.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.120 Public water usage.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.130 Shut-off for repairs.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.140 Right-of-entry.

Agents of the public works department may have free access at proper hours of the day to all parts of the building and premises in which water may be delivered from the city mains, for the purpose of inspecting the condition of the pipes and fixtures and the manner in which the water is used, and for the purpose of fixing water rates for the premises. Public works department staff will not enter into private property without notice and consent of the property owner unless an emergency situation exists, and the property owner did not respond to initial contact or unless previous arrangements have been made to have unnoticed access to the property.

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.150 Emergency regulations.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.160 Water for building purposes.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.170 Fire protection pipes.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.180 Use of meters.

A. The public works department and its agents shall have the right at any time to attach a meter to, or detach a meter from the service pipe of such places and of such places only, as is deemed best; and where water is supplied through a meter to charge for the quantity of water used or measured at the regular established meter rates. When a meter fails to register accurately, the charge shall be according to the average quantity used daily, as shown by the meter when in order.

B. The public works department and its agents shall immediately install a meter for any unmetered consumer who is found guilty of violating any of the rules and regulations of the public works department.

C. Any householder desiring metered water service may obtain the service by making written application to the city for the installation of a meter and by agreeing to pay for the quantity of water used or measured at the regular established meter rates.

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.190 Ownership of meters.

All meters shall be and remain the property of the city and may be removed whenever the public works department may decide to do so.

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.200 Use of private water and city water.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.210 Testing and correcting meters.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.220 Failure to comply with rules.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.230 Authority to turn on water.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.240 Delinquent Charges.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.250 Applications.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.260 Water rates.

A. Water Rates in City. The rates for water furnished by the city to each user within the city limits shall be established by city commission resolution.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.270 Meter sizes.

The minimum meter sizes shall be as follows:

Unit	Size in Inches
1 unit	¾
2—4 units	1 (or two ¾" for duplexes)
5—10 units	1½
11—30 units	2 disc
31—50 units	2 compound

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.275 Service charge adjustments and appeals.

A. Any person billed for service charges may file a "request for service charge adjustment" with the finance director within thirty days of the date of the bill. However, submittal of such a request does not extend any otherwise applicable deadline requiring payment for the charge. To qualify for any service adjustment or to avoid service interruption, all bills must be timely paid under protest and if an adjustment is granted, any overpayment will be refunded.

B. A request for service charge adjustment may be granted or approved by the finance director only when one or more of the following conditions exist:

1. The amount charged is in error as an underbill or overbill, which may be the result of a meter malfunction, not caused by tampering or other damage by customer, meter reading errors or administrative mistakes; or

2. A leak adjustment is requested

a. In order to qualify for the leak adjustment the customer must provide documentation, such as a plumber’s bill or receipt, that a leak did exist, the leak was sufficient in size to use an excessive amount of utility service and that the leak has been fixed.

b. The customer request must be in writing and must include the customer name, service address, date of request, date leak was detected, date leak was repaired and a description of the repairs made.

c. The leak adjustment will be applied to the overage of utility service above average usage and any related fees such as sewer adjustments if applicable.

d. If there is no previous usage history available, consumption may be estimated on the basis of usage levels of similar customers and under similar conditions. The adjusted portion will be calculated at half the current water rate charged. The adjustment will be credited to the customer account after the utility has obtained a full month meter reading.

C. Finance director review of service charge adjustment requests shall be based on information submitted by the applicant and by the city within thirty days of the adjustment request, except when the director identifies additional information is needed. The applicant shall have the burden of proving that the adjustment should be granted. The applicant shall be notified in writing of the director's decision.

D. Service charge adjustments shall be available to the bill due and bills subsequently issued. Retroactive adjustments may be granted back to the date of the service error or leak, or six months, if the date of the error or leak cannot be substantiated. In no event, shall the adjustment lookback extend longer than six months. Decisions of the finance director on requests for service charge adjustments shall be final and not appealable to the city commission.

13.04.276 Exemptions.

Vacant and unimproved properties within the city are exempt from the charges in Section 13.04.260. Any other person seeking an exemption of the water service charge may do so pursuant to a demonstration to the finance director or their designee that a non-residentially zoned property is vacant and unimproved.

13.04.280 Reduced rates and financial assistance.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.300 Cost participation.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.310 Water connection—Required.

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

B. All residential and other uses connected to a public water supply system must be connected to the city system within sixty days of the city water being made available. All water connections must meet current city standards and regulations.

C. Domestic backflow prevention is required on services that:

1. Are commercial in nature (includes multi-family dwellings),
2. Are greater than or equal to two inches in diameter,
3. Have piping higher than thirty-two (32) feet above the water main,
4. Have a potential hazard to the public water supply, in the discretion of the Oregon City Water Division (includes new or existing wells), or
5. Irrigation backflow prevention is required on all irrigation systems.

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.315 Definitions.

The following definitions shall apply to this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.320 Control of cross-connections.

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

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.330 Back-flow prevention assemblies.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.04.340 Standard construction specifications.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

Chapter 13.08 SEWER REGULATIONS[2]

13.08.010 Sewer connections—Required.

A. All water closets, privies, sinks, bathtubs and drains containing or carrying sewerage in all houses located within the boundaries of any sewer district heretofore established or that may hereafter be established and in which persons are residing shall be connected with the public system of sewers, and within the time specified in the ordinance creating the sewer district.

B. It is unlawful for any person to reside in any house or upon any premises within the boundaries of any sewer district in the city, after the time specified for connecting the house or premises as provided in the ordinance

[2]Editor's note(s)—Ord. No. 21-1003, § 1(Exh. A), adopted February 3, 2021 amended Chapter 13.08 in its entirety to read as herein set out. Former Chapter 13.08, §§ 13.08.010—13.08.230, pertained to similar subject matter, and derived from prior code §§ 8-5-1—8-5-22; Ord. No. 90-1052, 1990; Ord. No. 91-1021, 1991; Ord. No. 99-1004, 1999 and Ord. No. 10-1003, adopted July 7, 2010.

establishing the sewer district in which the house or premises is located unless the house or premises has been connected with the sewer system owned and operated by the City as provided in this section.

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.015 Sewer connections—Exemptions.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.016 Cross connections.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.020 Connection required—Notice.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.030 Privies.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.040 Engineer—Approval required.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.050 Engineer—Permits.

A. The city issues engineering permits for sewer line work in the right-of-way either as a separate public works permit or as part of overall issued public infrastructure construction plans. The various fees for these permits are approved and modified from time to time by the city commission. Failure to meet the conditions of the issued permit shall constitute a violation of the municipal code.

B. The city engineer is authorized to grant such permits as deemed necessary for allowing persons to tap the public sewers, and to make connections therewith; provided however, that the permit shall be granted on the express condition that the owner or tenant for whose benefit such connection shall be made, and each succeeding tenant shall in consideration of the privilege thereby granted, hold the city harmless for any loss or damage that may in any way result from or be occasioned by any such tap or connection.

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.060 Bond required.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.070 Acceptance of connection by city.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.080 Notification of engineer.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.090 Connections to existing work.

A. No drain pipe can be extended from work previously done and accepted, or new connection at any time be made with such work unless previous notice of at least twenty-four hours is given to the engineer and permit issued.

B. In case it shall be necessary to connect a drain or sewer pipe with a public sewer when no junction is left in the same, the new connection with the public sewer can only be made when an officer of the city, duly authorized, is present to see the whole of the work done.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.100 Barriers.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.110 Condition of fixtures.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.115 Condition of service lines.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.120 Permit revocation.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.125 Right of entry.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.130 Development and user charges.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.140 Applications outside city limits.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.150 Permit issuance—Connection supervision.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.155 Service charge adjustments and appeals.

A. Any person billed for service charges may file a "request for service charge adjustment" with the finance director within thirty days of the date of the bill. However, submittal of such a request does not extend any otherwise applicable deadline requiring payment for the charge. To qualify for any service adjustment or to avoid service interruption, all bills must be timely paid under protest and if an adjustment is granted, any overpayment will be refunded.

B. A request for service charge adjustment may be granted or approved by the finance director only when one or more of the following conditions exist:

   1. The amount charged is in error as an underbill or overbill, resulting from administrative mistake; or

   2. A water leak adjustment is requested as set forth in OCMC 13.04.275.

C. Finance director review of service charge adjustment requests shall be based on information submitted by the applicant and by the city within thirty days of the adjustment request, except when the director identifies additional information is needed. The applicant shall have the burden of proving that the adjustment should be granted. The applicant shall be notified in writing of the director's decision.

D. Service charge adjustments shall be available to the bill due and bills subsequently issued. Retroactive adjustments may be granted back to the date of the service error or leak, or six months, if the date of the error cannot be substantiated. In no event, shall the adjustment lookback extend longer than six months.

Decisions of the finance director on requests for service charge adjustments shall be final and not appealable to the city commission.

13.08.156 Exemptions.

Vacant and unimproved properties within the city are exempt from the charges in Section 13.08.130. Any other person seeking an exemption of the sewer service charge may do so pursuant to a demonstration to the finance director or their designee that a non-residentially zoned property is vacant and unimproved.

13.08.157 Delinquent Charges.

All charges for furnishing sewer within the city shall be chargeable to the premises where sewer is supplied. Whenever any charge for furnishing sewer shall not be paid when due, the same shall become delinquent and shall be subject to a delinquent payment penalty fee and discontinuance of service. Written notice of shutoff of water shall be given by mail in advance of such shutoff. After water service has been discontinued, water shall not again be furnished until all outstanding charges, including sewer charges, shall have been paid in full. All charges for furnishing sewer or for services relating to the furnishing of sewer, even where no water is also provided, shall be a lien on the property to which the sewer or sewer services are supplied. Enforcement of the lien may be commenced at any time after the charge or charges are delinquent for thirty days by suit in equity following the procedures for foreclosure of a mortgage.

13.08.158 Service lateral improvement program.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.159 Reduced rates and financial assistance.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.160 Entry in lien record.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.165 Failure to comply with rules.

Should anyone fail to comply with the rules and regulations established as conditioned to the use of sewer, or to pay the sewer rates or fees at the time and manner hereafter provided, the property may be assessed fines

or liens to recover the costs associated with unpaid rates or fees. Failure to pay the charges imposed by this chapter shall subject the user and the premises to the collection and lien provisions imposed for water charges.

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.170 Private connections prohibited.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.180 Unlawful substances.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.190 Sanitary requirements.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.210 STEP systems.

A. "STEP system" which means a septic tank effluent pump system, meeting the standards and specifications of the city engineer (hereinafter "engineer"), shall be permitted as an alternative to the standard sewer used in the city. Such system shall be owned, operated, and maintained by the city as provided in this section.

B. The engineer shall require, as a condition of approval of any STEP system that the property owner utilizing such system grant the city any easements, permits of entry, or licenses which are necessary or convenient for the construction, operation, or maintenance of the STEP system.

C. Generally, sewer service through normal sewer facilities (i.e. house sewer, laterals, trunks, and treatment plants) shall be provided when available. However, if service through such normal sewer facilities is unavailable, the engineer may permit use of a STEP system, on an interim basis, when such sewer service is determined by the engineer to be practical, and necessary or convenient to the use of the property proposed to be served or when such service is required by the city. The use of a STEP system is declared to be an interim service to served properties and each property owner shall provide the city with a nonremonstrance agreement, waiving all objections, jurisdictional or otherwise, to participation in the formation of a local

improvement district to provide such normal sewer facilities in future. The city may record any such waiver of remonstrances in the deed records of the county.

D. Installation, operation, and, before acceptance by the city, maintenance of a STEP system shall be in accordance with the directions of the engineer and at the expense of the owner of the property serviced by such system. Upon installation, inspection and approval by the engineer, and acceptance by the city, the STEP system shall be owned by the city, which shall thereafter be responsible for maintenance of the system, except as provided in this section. No STEP system shall be accepted unless and until all easements, licenses, and permits necessary for control of the operation, use, and maintenance of such system have been granted. The city may record in the deed records of the county any such easement, license, or permit granted. It shall be the responsibility of the property owner to keep clean and maintain the building sewer from the building to the connection with the public sewer.

E. The costs of electricity necessary to operate the STEP system shall be borne by the property owner. Any STEP system which is rendered nonoperational by virtue of failure to pay for such costs shall cause the property benefited to be deemed unavailable for human habitation. The owner or occupier of the property served shall be entitled to written notice at least five days before a declaration by the city that the property is to be declared unavailable for occupancy and such person may request in writing a hearing before the city manager prior to such declaration. The decision of the city manager shall be final.

F. Subject to applicable constitutional limitation, the property owner shall permit entry on the site served for purposes of installation, maintenance, inspection, observation, measurement, sampling or testing of the STEP system. The property owner shall agree to such entry evidenced by a written permit of entry, as a condition precedent to the permit for the use of the STEP system.

G. The property owner shall be liable for damage to any portion of the STEP system if not caused by the city. The STEP system permit shall indicate that the owner agrees to assume such liability and such assumption shall be a condition precedent to issuance of the permit.

H. Application for use of a STEP system shall be made by the property owner or owners, who shall remain responsible for compliance with this section and permits thereunder. The property owner may delegate responsibility to the person occupying land for the duties imposed on the property owner under subsections D and G of this section. Such delegation shall be in writing in which the occupier of property accepts such responsibility filed with the engineer and shall be valid for such period as the delegee occupies the property, unless a shorter period is designated by the engineer. Thereafter, the property owner shall reassume responsibility.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.220 Violation—Penalty.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.230 Standard construction specifications.

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

Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application. The exception to this requirement is where this chapter and the public works sanitary sewer design standards, the city of Oregon City standard notes, or city of Oregon City standard drawings provide other design details, in which case the requirements of this chapter and the public works sanitary sewer design standards shall be complied with.

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.235 Design standards.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.240 Stormwater and groundwater prohibited.

A. Stormwater, including street, roof, or footing drainage, shall not be designed or constructed in a manner to allow discharge into the sanitary sewer system, but shall be removed by a system of storm drains or by some other method separate from the sanitary sewer system. (Language from City of Oregon City Sanitary Sewer Design Standards, § 2.00, paragraph three, page 10.)

B. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a public sanitary sewer.

C. Service laterals from building structure to the face of curb or edge of pavement line shall be maintained by the owner of said structure in such a manner as to prevent infiltration of ground water into the sanitary sewer system.

D. Historic buildings established before the separation of stormwater and sanitary sewer systems may be exempt from groundwater and subsurface discharge into the sanitary sewer system.

E. Properties may be exempt if removal of stormwater connections to sanitary sewer system is infeasible due to topography or public system constraints.

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

13.08.250 Party line sewers prohibited.

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

(Ord. No. 21-1003, § 1(Exh. A), 2-3-2021)

Chapter 13.16 STORM DRAINAGE SERVICE CHARGES

13.16.010 Intent.

Pursuant to the constitution and general laws of the state and powers granted in the charter of the city, the commission does declare its intention to acquire, own, construct, equip, operate and maintain within and without

the city limits, open drainageways, underground storm drains, equipment and appurtenances necessary, useful or convenient for the construction of storm drainage improvements including maintenance, extension and reconstruction of the present storm drainage system of the city.

(Prior code §8-9-1)

13.16.020 Definitions.

As used in this chapter, except where the context otherwise requires:

"Area range number (ARN)" are ranges of gross area square footage used to classify nonsingle family residential properties into groups of similar parcel size. Parcels with gross areas of one to two thousand five hundred square feet are assigned an area range number (ARN) 1. Parcels with gross areas of two thousand five hundred to five thousand square feet have an ARN of 2. Parcels with gross areas of five thousand to seven thousand five hundred square feet would have an ARN of 3 and so on so that each additional range of two thousand five hundred square feet shall be counted as an additional ARN of 1.

"Development intensity factor (DIF)" is the runoff coefficient that is indicative of the land use or impervious coverage of each property. The following table represents the DIFs for each of the existing land uses and zoning to the use in the calculations.

Nonresidential Land Use or Zoning	Development Intensity Factor
LOC limited office conditional	0.70
LO limited office	0.80
NC neighborhood commercial	0.80
HC historic commercial	0.70
LC limited commercial	0.70
C general commercial	0.90
CBD central business district	0.90
M1 light industrial	0.70
M2 heavy industrial	0.80
Conditional use or nonconforming	Apply a composite runoff factor

"Equivalent residential unit (ERU)" means a nonresidential configuration estimated to place approximate equal demand on the city's storm drainage system as a residential dwelling unit. The equivalent residential unit (ERU) of a nonresidential property is computed by multiplying the property's area range number (ARN) by its intensity factor (DIF) as follows:

ERN = ARN × DIF

"Improved property" means any area which has been altered such that the runoff from the property is greater than that which could have been expected in an undeveloped state. Such condition shall be determined by the city engineer.

"Nonresidential unit" means any building, or facility or other improved property used other than as a residential dwelling unit.

"Residential dwelling unit" means one or more rooms with bathroom and kitchen facilities designed for occupancy by one family.

(Prior code §8-9-2)

13.16.030 Service charges.

There is established and imposed on all persons occupying improved properties utilizing the city's storm drainage system, a just and equitable storm drainage utility service charge to implement the city's drainage master plan and pay for the city's storm drainage system. Charges collected shall be deposited into the storm drainage fund of the city and used only for storm drainage purposes.

(Ord. 93-1025 §1, 1993: prior code §8-9-3)

13.16.040 Determination of service.

The city commission determines that the property not used for residential dwelling purposes is furnished service in proportion to the size of the property and its development intensity factor based on the definition of "equivalent residential unit" aforesaid.

(Prior code §8-9-4)

13.16.050 Rates.

The following rates are established:

Residential dwelling unit per month	$2.00
Nonresidential unit per month	2.00/ERU

The service charges, pursuant to this section may be amended by the city commission by resolution so as to continue to recover cost of service.

(Prior code §8-9-5)

13.16.060 Payment required.

Such service charges shall be paid by the current occupant or person entitled to possession of the property from which stormwater discharges (directly or indirectly) to the city storm drainage system.

(Ord. 93-1025 §2, 1993: prior code §8-9-6)

13.16.070 Collection.

The service charges shall be collected with the monthly water bill for those connected to water or billed alone as a storm drainage charge for those users not connected to or not otherwise charged for water service.

(Prior code §8-9-7)

13.16.071 Service charge adjustments and appeals.

A. Any person billed for service charges may file a "request for service charge adjustment" with the finance director within thirty days of the date of the bill. However, submittal of such a request does not extend any otherwise applicable deadline requiring payment for the charge. To qualify for any service adjustment or to

avoid service interruption, all bills must be timely paid under protest and if an adjustment is granted, any overpayment will be refunded.

B. A request for service charge adjustment may be granted or approved by the finance director only when one or more of the following conditions exist:

1. The amount charged is in error as an underbill or overbill, resulting from administrative mistake.

C. Finance director review of service charge adjustment requests shall be based on information submitted by the applicant and by the city within thirty days of the adjustment request, except when the director identifies additional information is needed. The applicant shall have the burden of proving that the adjustment should be granted. The applicant shall be notified in writing of the director's decision.

D. Service charge adjustments shall be available to the bill then due and bills subsequently issued. Retroactive adjustments may be granted back to the date of the service error or six months, if the date of the error cannot be substantiated. In no event shall the adjustment lookback extend longer than six months. Decisions of the finance director on requests for service charge adjustments shall be final and not appealable to the city commission.

13.016.075 Delinquent Charges.

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

13.16.090 Right of entry.

Subject to Constitutional limitations, the employees of the city shall at all reasonable times have access to any premises served by the city for inspection, repair or the enforcement of the provisions of this chapter.

(Prior code §8-9-9)

13.16.100 Exemptions, reductions and appeal.

A. Vacant and unimproved properties within the city are exempt from the charges in Section 13.16.030.

B. Any person seeking a reduction in the storm drainage fee, or appealing therefrom, may do so pursuant to a demonstration to the public works director or their designee that a non-residentially zoned property qualifies subject to the following:

1. Pre-existing Development. Where stormwater is directed directly into the main channel of Abernethy, Clackamas, or Willamette Rivers without any downstream water flowing through a City maintained sewer, culvert, bridge or ditch and the stormwater system otherwise complies with the most recent version of the Stormwater and Grading Design Standards at time of filing the permit or appeal, the applicant is eligible for a reduction in the amount of no more than 25% of the stormwater charge.

2. New Development. Where the stormwater system complies with the most recent version of the Stormwater and Grading Design Standards at time of filing the permit or appeal; and incorporates some

form of enhanced water quality beyond the requirements of the Oregon City Municipal Code and Stormwater and Grading Design Standards, including but not limited to, items such as green roofs, rainwater harvesting, constructed wetlands, etc, the applicant is eligible for a reduction proportionate to the total amount of water subject to enhanced treatment, but no more than 25% of the stormwater charge.

C. Review of exemptions and reductions of the storm drainage fee by the public works director are final and not subject to further appeal.

13.16.110 Reduced rates and financial assistance.

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

Chapter 13.30 TRANSPORTATION UTILITY FEES

13.30.010 Purpose.

The purpose of this chapter is to provide cost recovery for maintaining and operating the city of Oregon City transportation system. There is created an enterprise fund known as the "city of Oregon City transportation maintenance fund." All fees and charges imposed herein shall be placed in said fund for the purpose of paying expenses related to the replacement, repair, maintenance, operation, or administration of the transportation system as described in this chapter.

(Ord. 08-1007 § 1(part), 2008)

13.30.020 Applicability.

The requirements of this chapter shall apply to all real property in the city of Oregon City, including publicly and privately owned property.

(Ord. 08-1007 § 1(part), 2008)

(Ord. No. 14-1018, § 1, 12-3-2014)

13.30.030 Definitions.

As used in this chapter:

"City" means the city of Oregon City, Oregon, or as indicated by the context, may mean any official, officer, employee or agency representing the city in the discharge of his or her duties.

"City roads" means all roads, public and private, excluding state and county roads, within the city limits of Oregon City.

"Developed property" means real property that has been altered by development coverage.

"Gross square footage" means the calculated area of all structures, located on a site, measured along the exterior walls of such structures, including but not limited to enclosed courtyards, stairwells, and square footage

on each level of multi-story structures, but not including fences and parking areas which are not enclosed within a building.

"ITE Manual" means the Institute of Transportation Engineers Trip Generation Manual, ninth edition.

"Manager" means the city manager or his or her designee.

"Multi-family residence" means a residential structure accommodating two or more dwelling units.

"Schools" means all schools, kindergarten through grade twelve, providing busing and located within the city limits of Oregon City.

"Service charges" means the amount owed after applying the appropriate rate to property based upon factors established by this chapter.

"Single-family residence" means a residential structure accommodating one dwelling unit.

"Unit rate" means the dollar amount charged per adjusted average daily trip. There shall be a unit rate applied to residential land uses, identified as the residential unit rate, and a unit rate applied to all other land uses, identified as the nonresidential unit rate.

(Ord. 08-1007 § 1(part), 2008)

(Ord. No. 14-1018, § 1, 12-3-2014)

13.30.040 Rate structure.

A. Service charges for the transportation utility fee are authorized and imposed in amounts and on terms consistent with this chapter.

B. The rates and service charges shall be based on the service provided and the relative usage of the city transportation system for a given property. The estimated or measured trip generated will be used to determine the relative usage of the property. The rate shall be calculated by multiplying the unit rate by the assigned average daily trip estimate. Average daily trip estimates shall be as follows:

1. Undeveloped Property. Undeveloped property shall not be charged.

2. City Roads. City roads shall not be charged.

3. Single-Family Residential Property. The monthly service charge for single-family residential property shall be computed by multiplying the unit rate times 9.57 trips per day.

4. Multi-Family Residential Property. The monthly service charge for multi-family residential property shall be computed by multiplying the unit rate times 6.72 trips per day.

5. Schools. The monthly service charge for schools shall be computed by multiplying the unit rate times the number of average daily trips applicable to the school, as delineated below:

Elementary schools	0.76 ADTs per student
Middle schools	0.96 ADTs per student
High schools	1.01 ADTs per student

6. All Other Developed Properties. The monthly service charge for all other developed properties, including publicly-owned properties, shall be computed by multiplying the unit rate times the number of average daily trips assigned to the bin that is applicable to the property, as delineated in Appendix A (copy on file at the office of the city recorder). All uses not identified in Appendix A (copy on file at the

office of the city recorder) shall be assigned to a trip bin based on their trip generation as specified in the ITE Manual.

Bin 1	2 average daily trips
Bin 2	10 average daily trips
Bin 3	25 average daily trips
Bin 4	40 average daily trips
Bin 5	100 average daily trips

7. When a particular property includes multiple business types (multiple bin assignments), the rate will be established based on charging each business types in their appropriate bin.

(Ord. 08-1007 § 1(part), 2008)

(Ord. No. 14-1018, § 1, 12-3-2014)

13.30.050 Unit rate established.

The residential unit rate, to be applied to residential land uses, is established at one dollar and fifteen cents per adjusted average daily trip. The nonresidential unit rate, to be applied to all other land uses, is established at $0.189 per adjusted average daily trip. Either or both of the residential and the nonresidential unit rates may be revised by resolution of the city commission from time to time. The unit rates shall be adjusted annually to account for inflation in an amount of no more than three percent.

The residential and nonresidential unit rates will be phased in over a five-year period according to the schedule below. The rates for fiscal years 2009/2010 through 2012/2013 include a three percent escalation factor.

Time Period	Residential Rate per Trip	Nonresidential Rate per Trip
July 1, 2008 through June 30, 2009	$0.470	$0.077
July 1, 2009 through June 30, 2010	0.627	0.103
July 1, 2010 through June 30, 2011	0.784	0.129
July 1, 2011 through June 30, 2012	0.940	0.154
July 1, 2012 through June 30, 2013	1.172	0.192

(Ord. 08-1007 § 1(part), 2008)

13.30.060 Service charge adjustments and appeals.

A. Any person billed for service charges may file a "request for service charge adjustment" with the finance director within thirty days of the date of the bill. However, submittal of such a request does not extend the period of payment for the charge. To qualify for any service adjustment or to avoid service interruption, all bills must be timely paid under protest and if an adjustment is granted, any overpayment will be refunded.

B. A request for service charge adjustment may be granted or approved by the finance director only when one or more of the following conditions exist:

1. The amount charged is in error as an underbill or overbill, resulting from administrative mistake; or

2. The property is nonresidential and the actual trips generated by that property, as established by an engineer at the expense of the owner, and as supported by the public works director, would result in

inclusion in a trip bin characterized by greater than or less than the applied average daily trip estimate used in determining the charge; or

3. The property exists in its natural unimproved condition and will remain in its natural unimproved condition with no allowable human activities or man-made improvements that would generate trips to or from the property.

Finance director review of service charge adjustment requests shall be based on information submitted by the applicant and by the city within thirty days of the adjustment request, except when the director identifies additional information is needed. The applicant shall have the burden of proving that the adjustment should be granted. The applicant shall be notified in writing of the director's decision.

D. Service charge adjustments shall be available to the bill then due and bills subsequently issued. Retroactive adjustments may be granted back to the date of the service error or six months, if the date of the error cannot be substantiated. In no event shall the adjustment lookback extend longer than six months. Decisions of the finance director on requests for service charge adjustments shall be final and not appealable to the city commission.

(Ord. 08-1007 § 1(part), 2008)

(Ord. No. 14-1018, § 1, 12-3-2014)

13.30.065 Exemptions.

Vacant and unimproved properties within the city are exempt from the charges in Section 13.30.050. Any other person seeking an exemption of the transportation utility fee may do so pursuant to a demonstration to the finance director or their designee that a non-residentially zoned property is vacant and unimproved.

13.30.070 Reduced rates and financial assistance

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

13.30.080 Use of funds.

Service charges collected under this chapter shall be accounted for separately and expended only for the purpose of paying all or any part of the cost and expense of maintaining the city's transportation system. In expending funds, the city shall endeavor to expend funds based on the following priorities:

A. Pavement management;

B. Maintaining and operating the transportation system.

(Ord. 08-1007 § 1(part), 2008)

(Ord. No. 15-1001, § 5, 3-18-2015)

13.30.090 Commencement of charges and collection.

A. For new construction, service charges will commence with the issuance of a building permit or installation of a water meter, whichever comes first. Real property annexed to the city shall begin paying the fee the first month following their annexation. For existing structures, service charges will commence on July 1, 2008.

B. The service charges imposed by this chapter shall be collected with the monthly city utility bill for those properties connected to water or billed alone as a transportation utility fee for those users not connected to or not otherwise charged for water service. The actual costs of billing, collecting and remitting the fees may be paid from the transportation maintenance fund. The transportation utility fee shall be calculated as a monthly charge; however, the fee may be billed on a schedule other than a monthly schedule.

C. The manager may adopt and amend such rules and policies as are necessary for administration of this chapter.

(Ord. 08-1007 § 1(part), 2008)

(Ord. No. 14-1018, § 1, 12-3-2014)

13.30.100 Delinquent charges.

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

From:	James Nicita
To:	Denyse McGriff; Rocky Smith, Jr.; Adam Marl; Mike Mitchell; Scott Wilson
Cc:	Tony Konkol; Dayna Webb; Carrie Richter; Jakob Wiley; City Recorder Team
Subject:	Public Comment: City Commission regular meeting June 3, 2026, Agenda Item 9(d) "First Reading of Ordinance No. 26-1008, An Ordinance Adopting Amendments to Oregon City Municipal Code Title 13: Public Services
Date:	Tuesday, June 2, 2026 8:38:50 PM
Attachments:	Ex B. 1993-12-15 City Commission Minutes Storm Water Utility Fee Code Exemption Introduced.pdf Ex. A Roseburg School Dist v City of Roseburg 316 Or 374 851 P2d 595 Or 1993.pdf

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Greetings:

I write respectfully to comment on the above-referenced agenda item, proposed Ordinance 26-1008. My concern is with the proposed removal of exemptions to service charges for residential properties. Specifically, I am concerned as that removal applies to the storm water utility fee.

As a point of departure, I am attaching as Ex. A a copy of the Oregon Supreme Court's 1993 case called *Roseburg School District v City of Roseburg.* The Court held that a storm water utility fee was not an impermissible "tax" under Measure 5, now Article XI, section 11b of the Oregon Constitution.

Among its reasoning, the Court made two straightforward points in the case that are pertinent to my comments. First, the City of Roseburg "intended" its storm water fee to be a "fee for service." I have highlighted that point in yellow on pdf p. 2. Logically, if someone did not use the service, they would not pay the fee.

Second, the Court pointed out that the ordinance establishing the fee provided for the reduction or elimination of the fee if they could demonstrate that they do not use the storm drainage service. I have highlighted that point in yellow on pdf p. 3.

The case was decided in May, and in apparent response to the case, Oregon City in December of 1993 amended its stormwater utility fee ordinance to its current language. Attached as Ex. B are the minutes of the December 1, 1993 City Commission meeting where those amendments were introduced, in Ordinance 93-1025. I have underlined on p. 377 the Ordinance provisions that are pertinent to my discussion here.

Consistent with the Supreme Court opinion, the City Commission precisely specified its "intent" that the storm water fee was a "fee for service" to be paid only by those actually using the storm drainage system.

The third "whereas" clause specifies that the City Commission intended that "only persons

actually using the storm drainage system are charged for its use…"

New section 13.16.030 establishes and imposes the fee upon persons occupying improved properties "utilizing the City's storm drainage system…"

New section 13.16.060 requires that the service charge be paid to persons occupying and possessing property "from which stormwater discharges (directly or indirectly) to the storm drainage system.

New section 13.16.100 provides for exemptions and reductions of the storm drainage fee if a person can demonstrate that "the public storm drain service does not receive stormwater from property used or occupied by that person."

If we jump forward to the current proceeding, it is important to note that sections 13.16.030, 13.16.060, 13.16.100 have the exact same language today that they did when first adopted in 1993.

With the foregoing as background, I would like to raise my concerns. In the agenda packet for agenda item 9(b), Exhibit A is the redlined versions of the amendments under consideration. As can be seen, no amendments are proposed for either sections 13.16.030 or 13.16.060. There are no redline changes. Each of these sections will still establish legally that only those who use the service will have to pay the service charge. People will still not have to pay the service charge if they possess or occupy property that does not discharge into the storm drain system.

However, in the redlines, proposed section 13.16.100(B), as amended, now completely removes the ability of residentially-zoned properties to seek a reduction or exemption like they could previously. It appears that section 13.16.100B if adopted would conflict with sections 13.16.030 or 13.16.060. If a residentially-zoned property is not discharging into the storm drain system, why should it have to pay the storm water fee?

As I read through the redlines, here are some more thoughts that arise:

- New 13.16.100A exempts vacant and unimproved properties from the service charge. However, such properties can still be impervious and generate storm water runoff into the street, and thus into the storm drain system. Also, here is a hypothetical to consider. If a vacant lot is a former auto wrecking yard with severe soils compaction, is sloped towards a street with storm water drain inlets, and generates runoff with cadmium, oils, etc., should that property be exempt? What does "unimproved" mean? Does it mean only property that has buildings or other types of construction on it? OCMC 17.04 does not have a definition of "unimproved."
-

New 13.16.100A does not allow full exemptions for developed or improved properties that simply do not discharge into the storm drain system. If any property, even if it is developed, does not discharge into the storm drain system, and therefore does not use the service, why should not that property not be entitled to a full exemption?

- New 13.16.100B provides that non-residentially zoned property qualifies for a reduction in the fee. Does that mean that a house in the MUD zone that is occupied as a residence would in fact be eligible for a reduction? Suppose there is a residential house in the MUD zone that is on the boundary of the zone, and the next door neighbor lives in a residential house on the other side of the boundary, in a residential zone. It seems that one house would be eligible for a reduction, and the other house would not be, even though they are next door to each other. Would that be fair?

- New 13.16.100B's exclusion of residentially-zoned properties from exemptions and reductions raises issues of equity, fairness, and disparate treatment. It risks giving the impression to the citizenry that if you are a big corporation or wealthy landowner you can get an exemption or reduction, but if you are a struggling homeowner trying to pay a mortgage on a fixed income you can't, even if your modest house is in a geographic bowl and all your storm water simply seeps into the ground. In these days of high food and fuel costs, and exemption can make a big difference in people's lives.

- Speaking of geographic bowls, new 13.16.100B(1) and (2) could be revised to consider the case of zero discharge: no discharge either to the storm drain system or to a stream or river. In the 2000s I worked as a senior planner for a civil engineering and surveying firm, and we successfully permitted a small infill subdivision that did not discharge into the storm drain system. The soils were sufficiently pervious that we achieved zero discharge from the site for regulatory storm events through swales and dry wells.

- Similarly, even outside of geographic bowls, an exemption could be provided for zero discharge through rain water harvesting and appropriately-sized cisterns. I note that one justification for the storm water utility fee is to fund compliance with the City's NPDES MS4 permit. The MS4 permit is about water quality as well as water conveyance. The best way not to pollute streams is not to discharge. If individual properties could benefit from a program whereby the City would apply that property's storm water utility fee for a time to installing green roofs, rainwater harvesting, cisterns, etc., to that property, that could make such improvements affordable. Once the property achieved zero-discharge, then it would be entitled to a full exemption, because it would no longer be using the storm drain system.

-

New 13.16.100C removes the ability to appeal. Appeals are very rare, particularly regarding the stormwater utility fee. If the City Commission does not want to hear appeals, perhaps the ordinance could assign appeals to the Municipal Judge.

Thank you for considering these comments and suggestions.

James Nicita
Oregon City

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851 P.2d 595
316 Or. 374
ROSEBURG SCHOOL DISTRICT, a local government unit; G & I Investments, an Oregon Partnership; Horizon Motors, Inc., an Oregon corporation, dba Horizon Mazda; Rapat, Inc., an Oregon corporation, dba Douglas Inn; Parkway Holdings, Inc., an Oregon corporation, dba Parkway Ford; Parkway Holdings, Inc., an Oregon corporation, dba Parkway Nissan; Jack Mathis General Contractors, Inc., an Oregon corporation; Paul Jackson Wholesale Co., Inc., an Oregon corporation; Roseburg Lumber Co., an Oregon corporation; Roseburg Resources Co., an Oregon corporation; Old School Offices, Inc., an Oregon corporation; and One Champion Plaza, Inc., an Oregon corporation, Respondents,
v.
CITY OF ROSEBURG, an Oregon city, Appellant.
OTC 3242; SC S39874.
Supreme Court of Oregon, In Banc.
Argued and Submitted March 16, 1993.
Decided May 21, 1993.

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[316 Or. 375] William F. Gary of Harrang, Long, Watkinson, Laird & Rubenstein, P.C., Eugene, argued the cause for appellant. With him on the briefs was Glenn Klein.

Joel S. DeVore of Luvaas, Cobb, Richards & Fraser, P.C., Eugene, argued the cause and filed the brief for respondents.

David B. Frohnmayer, Eugene, Daniel Olsen, Hillsboro, Thomas Sponsler, Gresham, and James Coleman, Portland, filed a brief for amici curiae League of Oregon Cities and Ass'n of Oregon Counties.

Matthew R. Baines, Gresham, Jan L. Betz, Portland, Michael E. Kohlhoff, Wilsonville, and Loretta Skurdahl, Hillsboro, filed a brief for amicus curiae Oregon Ass'n of Clean Water Agencies.

E. Andrew Jordan of Tarlow, Jordan & Schrader, Portland, filed a brief for amicus curiae Special Districts Ass'n of Oregon.

[316 Or. 377] UNIS, Justice.

The issue in this case is whether a storm drainage utility fee of the City of Roseburg (City) is a "tax on property" that is subject to the limitations of Article XI, section 11b, of the Oregon Constitution, adopted in 1990 by an initiative petition commonly known as "Ballot Measure 5."

Roseburg School District and interested taxpayers (taxpayers) filed a petition under ORS 305.583, asking the Oregon Tax Court (Tax Court) to declare that City's storm drainage utility fee is a tax subject to the limitations of Article XI, section 11b, of the Oregon Constitution. Both parties filed motions for summary judgment. The Tax Court entered a summary judgment for taxpayers. Roseburg School Dist. v. City of Roseburg, 12 OTR 329 (1992).

On review under ORS 305.445, we hold that City's storm drainage utility fee is not a tax on property that is subject to the limitations of Article XI, section 11b, of the Oregon Constitution. Accordingly, we reverse the judgment of the Tax Court and remand this case to the Tax Court with instructions to enter summary judgment for City.

The current version of City's storm drainage utility fee at issue provides in part:

"A. Except as the fees may be reduced or eliminated under Subsection 5.40.050E, the obligation to pay storm

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drainage fees arises when a person responsible uses storm drainage services. It is presumed that storm drainage services are used whenever there is an improved premises.

"B. Unless another person responsible has agreed in writing to pay and a copy of that writing is filed with the city, the person(s) paying the city's water utility charges shall pay the storm drainage fees set by Council resolution. If there is no water service to the property or if water service is discontinued, the storm drainage fees shall be paid by the person(s) having the right to occupy the property." RMC 5.40.050 (as amended by Roseburg Ordinance 2803 at 1-2 (July 15, 1992)). [1]

[316 Or. 378] Article XI, section 11b, of the Oregon Constitution is a limitation on taxes. [2] Article XI, section 11b(2)(b), defines a "tax" as

"any charge imposed by a governmental unit upon property or upon a property owner as a direct consequence of ownership of that property except incurred charges and assessments for local improvements." [3] (Emphasis added.)

Our task is to determine whether the storm drainage utility fee in Roseburg Municipal Code (RMC) 5.40.050 is a tax within the meaning of Article XI, section 11b.

In interpreting a constitutional provision adopted through the initiative process, our task is to discern the intent of the voters. The best evidence of the voters' intent is the text of the provision itself. Comeaux v. Water Wonderland Improvement Dist., 315 Or. 562, 568-69, 847 P.2d 841 (1993); Northwest Natural Gas Co. v. Frank, 293 Or. 374, 381, 648 P.2d 1284 (1982). [4] The context of the language of the ballot measure may also be considered; however, if the intent is clear based on the text and context of the constitutional provision, the court does not look further. See, e.g., Comeaux v. Water Wonderland Improvement Dist., supra, 315 Or. at 569, 570, 847 P.2d 841 (meaning of phrase "governmental unit" in Ballot [316 Or. 379] Measure 5 determined based on text and context of amendment). [5]

The specific question in this case is whether City's storm drainage utility fee is a tax under Article XI, section 11b(2)(b), i.e., whether it is a "charge imposed by a governmental unit upon property or upon a property owner as a direct consequence of ownership of that property." There is no dispute in this case that there was a charge by a governmental unit. The dispute centers around whether the charge either was "imposed * * * upon property" or was "imposed * * * upon a property owner as a

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direct consequence of ownership of that property."

The verb "impose" suggests more than a request for voluntary compliance, and the phrase "impose upon" carries even stronger force. [6] A charge is imposed upon property or upon a property owner and is a tax under Article XI, section 11b(2)(b), if payment of the charge is a legal obligation of that property or property owner as a direct consequence of property ownership. [7]

In this case, City structured the storm drainage utility fee in an effort to avoid the limitations of Ballot [316 Or. 380] Measure 5. [8] The charge in question is intended as "a fee for service and not a charge against property," Roseburg Ordinance 2755, Section 1(3) (June 10, 1991), and Chapter 5.40 of the RMC is to be construed in accordance with that intent, id., Section 2. Under the RMC, the person responsible for paying City's water utility charges for a particular piece of property is responsible for paying the storm drainage utility fee. RMC 5.40.050B. [9] Thus, the fee is not necessarily imposed on the owner, who may not be the

occupier of the property and responsible for its water usage.

RMC 5.40.070 [10] provides that, "[i]n addition to other lawful remedies, the city manager may enforce the collection of charges required by this chapter by withholding delivery of water to any premises where the storm drain utility charges are delinquent or unpaid," but no provision is made for the charge to become a lien against the property, as is the case, for example, with respect to the systems development charge in RMC 5.40.080. [11] RMC 5.40.090 [12] provides that a "[r]equest for water service will automatically initiate appropriate billing for storm drainage services as established in this chapter."

Although they relate to real property, City's fees for storm drainage services are

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not imposed upon real property. [316 Or. 381] There is no provision for attaching a lien against the property for non-payment of the fee, so it appears that the property itself cannot be encumbered by City as a result of non-payment of the fee. Neither are City's fees for storm drainage services imposed upon the owner of real property as a direct consequence of ownership. Although some property owners may be responsible for paying the fee, the fee is not imposed upon property owners because of their ownership of the property, but instead is imposed upon the user of the water service or upon the person with the right of occupancy, whoever that may be. [13] Moreover, under the RMC, "a person responsible [who may be the owner, but also may be someone else] may seek a reduction or elimination of the monthly charge for storm drainage service" by demonstrating that the service is not being used. RMC 5.40.050E. [14]

By its terms, Article XI, section 11b, is a limitation on only those certain forms of revenue generation that fall within its definitions. It is not a limitation on other forms of revenue generation that do not fall within its definitions. It is clear that the constitutional provision defines those charges that it limits and, by its terms, excludes from its limits other forms of revenue generation, including income taxes, sales taxes, and any other charges not imposed upon property or upon property owners as a direct consequence of property ownership. The charge at issue in this case meets neither criterion and, therefore, is not a tax within the meaning of Article XI, section 11b. [15]

The judgment of the Oregon Tax Court is reversed. The case is remanded to the Oregon Tax Court with instructions to enter summary judgment for the City of Roseburg.

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1 Before the July 15, 1992, amendments, Roseburg Municipal Code 5.40.050 provided in part:

"Except as the fees may be reduced under subsection 5.40.050D, the obligation to pay storm drainage fees arise[s] whenever there is an improved premises. Unless another person responsible has agreed in writing to pay and a copy of that writing is filed with the city, the person(s) paying the city's water utility charges shall pay the storm drainage fees set by council resolution. If there is no water service to the property or if water service is discontinued, the storm drainage fees shall be paid by the person(s) having the right to possess the property." RMC 5.40.050A (as amended by Roseburg Ordinance 2755 at 6 (June 10, 1991)).

Although taxpayers have challenged both versions of the storm drainage utility fee, the differences between the two versions do not require separate analyses in this case.

2 See ORS 310.140 (codifying legislative interpretations of certain terms in Article XI, section 11b, of the Oregon Constitution).

3 Article XI, section 11b(2)(c) defines "incurred charges," and Article XI, section 11b(2)(d) defines "local improvement." Neither term is relevant to this opinion.

4 The text of a document must always be the starting point in any interpretative endeavor. See State ex rel. Juv. Dept. v. Ashley, 312 Or. 169, 174, 818 P.2d 1270 (1991) (stating rule with respect to statutes); id. at 185, 818 P.2d 1270 (Unis, J., dissenting) (same); Perlenfein and Perlenfein, 316 Or. 16, 20, 848 P.2d 604 (1993) (stating rule with respect to statutes and regulations).

5 The same is true with respect to interpreting statutes, see, e.g., Boone v. Wright, 314 Or. 135, 138-39, 836 P.2d 727 (1992) (applying rule), and with respect to regulations, see, e.g., Perlenfein and Perlenfein, supra, note 4 (meaning of administrative rules determined based on text and context of those rules).

6 The Random House Dictionary of the English Language 962 (unabridged 2d ed 1987) includes the following definitions of the verb "impose":

"1. to lay on or set as something to be borne, endured, obeyed, fulfilled, paid, etc.: to impose taxes. * * * 12. impose on or upon, a. to thrust oneself offensively upon others; intrude. b. to take unfair advantage of; misuse (influence, friendship, etc.). c. to defraud; cheat; deceive * * *." (Emphasis in original.)

Webster's Third New International Dictionary 1136 (unabridged 1976) includes the following definitions of the verb "impose":

"1. obs: charge, impute 2: to give or bestow (as a name or title) authoritatively or officially 3 a obs: to cause to be burdened * * * b(1): to make, frame, or apply (as a charge, tax, obligation, rule, penalty) as compulsory, obligatory, or enforcible * * *--impose on or impose upon 1 a: to force oneself esp. obnoxiously on (others) * * *." (Emphasis in original.)

7 By contrast, the fact that a person is allowed to pay or actually has paid a charge, with no legal obligation to do so, cannot be the basis for determining that the charge is imposed on that person. If that were the basis for the determination, it would be impossible to determine in advance of payment on whom the charge is imposed, and the task of determining whether a charge is a tax could be done only on a case-by-case basis after payment had been received.

8 The 1992 ordinance adopting the amendments to RMC Chapter 5.40 include this finding:

"If the City continued its practice before the enactment of Chapter 5.40 of the Roseburg Municipal Code (RMC) in 1989, the owners of all taxable property within the City would be bearing the burden of storm drainage services through general property taxes when it is more equitable to have those who use storm drainage services or create the demand for such service, including but not limited to developed property exempt from ad valorem taxes, bear the cost of such service." Roseburg Ordinance 2803, Finding B (July 15, 1992).

Section 4 of that ordinance also provides:

"The Council hereby classifies the fees imposed by this ordinance a fee not subject to the limits of section 11b, Article XI of the Oregon Constitution. The City Manager is directed to publish notice of this classification as required by ORS 305.583(8)."

9 This is true both under RMC 5.40.050, as amended by Roseburg Ordinance 2755 at 6 (June 10, 1991), quoted supra, 316 Or. at 377 n. 1, 851 P.2d at 597 n. 1, and under RMC 5.40.050B, as amended by Roseburg Ordinance 2803 at 1-2 (July 15, 1992), quoted supra, 316 Or. at 377, 851 P.2d at 597.

10 RMC 5.40.070 was not amended by the July 15, 1992, ordinance.

11 RMC 5.40.080 was not amended by the July 15, 1992, ordinance.

12 RMC 5.40.090 was not amended by the July 15, 1992, ordinance.

13 City represented in oral argument, and we accept, that if the person responsible for a delinquent water bill that has resulted in delivery of water being withheld leaves the premises and a new occupant enters, water services would be

restored on request with no consequence to a new occupant or to the property owner as a result of the prior person's delinquency.

14 RMC 5.40.050E was renumbered by the July 15, 1992, amendment; the phrase "or elimination" was also added, and other changes were made in accordance with that change. The changes do not affect our analysis.

15 Because we hold that the storm drainage utility fee is not a tax within the meaning of that term in Article XI, section 11b, of the Oregon Constitution, we need not and do not consider the exceptions to the meaning of the term "tax" in Article XI, section 11b(2)(b).

REGULAR MEETING Oregon City, Oregon, December 1, 1993

A regular meeting of the City Commission was held in the Commission Chambers of City Hall on the above date at 8:00 p.m.

Roll call showed the following present:

Mayor Daniel W. Fowler
Commissioner Suzanne VanOrman
Commissioner Robert M. Light
Commissioner James R. Ebert

Charles Leeson, City Manager
Edward J. Sullivan, City Attorney

The flag salute was lead by Mayor Fowler, after which he called for approval of the minutes. It was moved by Light, second by VanOrman, to approve the minutes of November 3 and 17, 1993.

Roll call: Ebert, Aye; VanOrman, Aye; Light, Aye; Fowler, Aye.

On the call for citizen presentations and future agenda items, Sherry Davis, Oregon City, spoke regarding the City's commemorative coin and presented a coin to each member of the Commission.

John Stewart, Deputy Chief of Police, presented the City an award from the Paralyzed Veterans of America in recognition of leadership and participation in the parking for the disabled volunteers enforcement program. He announced that the Oregon City Police Department would be bringing three crime prevention programs to be presented on Willamette Falls TV, Channel 11, at 1:00 PM on Mondays, 8:30 PM on Tuesdays and will be repeated weekly through the month of March.

Commission Report No. 93-259, Request for Comprehensive Plan Amendment Zone Change for 4.71 Acres Located on the South Side of S. Thayer Road, East of Beavercreek Road - Public Hearing, was presented by the Manager. The report noted that on the December 1, 1993 agenda was a request by Pro West, Inc., for a Comprehensive Plan Amendment and Zone Change for property located on the south side of S. Thayer Road, containing approximately 4,71 acres. The request was to change the Comprehensive Plan from "LR", Low Density Residential to "LR/MH", Low Density Residential/Manufactured Home, and a zone change from "R-10", Single-Family Dwelling District to "R-6/MH", Single-Family Dwelling District.

The report continued that the Planning Commission conducted a public hearing on this request on November 23, 1993. The action taken was to recommend approval of the request; no conditions were attached at this time.

Attached for Commission review were the following: 1) Planning Commission minutes from November 23, 1993; 2) staff report; and 3) public notice and map of the property.

The report concluded by noting that it should be noted that the Commission has the responsibility to consider all facts presented and to interpret these facts against the Comprehensive Plan and Zone Change criteria. Upon a decision by the City Commission, a final order and ordinance would be prepared for adoption at a future meeting.

The City Attorney read the cautions which arise out of ORS 197.763 (5). At the beginning of the hearing a statement shall be made to those in attendance that lists the applicable criteria. The criteria is available in the staff report and anyone wanting a copy, they are available. The testimony and evidence must be directed toward those criteria or other criteria in the Plan or regulations which the person believes to apply to the decision and failure to raise an issue with sufficient specificity to afford the decision maker and other parties an opportunity to respond to that issue precludes appeal to LUBA on that issue.

Mayor Fowler opened the public hearing and called for abstentions. None were declared. There were no conflicts or ex parte communications.

Denyse McGriff, Principal Planner, presented the Commission Report. She advised that this property was annexed, along with several others, earlier this year.

Fowler asked if the new law, effective May 1994, would make this zone obsolete. McGriff responded that it would not, this zone will still continue to be a valid zone and was designed to accommodate a range of manufactured housing.

VanOrman asked why manufactured homes are on 6,000 square feet. McGriff responded that this was not a 6,000 square foot lot, it was 6,800 square feet. VanOrman asked if they could be placed on R-10. McGriff responded that our ordinance currently only allows manufactured dwellings on individual lots in the R-6/MH zone.

Jim Hall, 328 Ainsworth, applicant, addressed the Commission noting that he has had this property listed for an extended period of time. He worked for annexation and to have it designated Campus Industrial. It was annexed as R-6/MH and not Campus Industrial. He then met with the property owners to put together a package to accommodate all property owners. Regarding the lot size, the configuration of the particular properties, they will end up with a max of three lots more than under R-10.

On the call for testimony, none was offered. The hearing was closed.

Light expressed concern that R-6/MH exceeds the minimum requirement about 38 percent. McGriff responded this was correct. The City has two parcels of about 25 acres that is being utilized for other than R-6/MH, so that would be removed from the inventory.

It was moved by VanOrman, second by Ebert, to approve the Comprehensive Plan Amendment and zone change request.

Roll call: Light, Aye; Ebert, Aye; VanOrman, Aye; Fowler, Aye.

Commission Report No. 93-255, Proposed Ordinance No. 93-1025, An Ordinance Amending Title 13: Public Services, Chapter 13.16.030: Service Charges, Chapter 13.16.060: Payment Required, Chapter 13.16.080: Recovery of Unpaid Charges, Chapter 13.16.100: Exemptions, Chapter 13.16.110: Appeal, of the Oregon City Municipal Code, 1991, to Require Fees to be assessed for Use of the City's Storm Drainage Services, was presented by the Manager. The report noted that on the December 1, 1993 agenda was proposed Ordinance No. 93-1025 which would amend Title 13: Public Services, Chapter 13.16; Storm Drainage Service Charges.

The report continued that basically the changes were as follows:

13.16.030. Service Charges. This Section now places payment of the service charge on the persons occupying the property as opposed to imposition on the improved property.

13.16.060. Payment Required. This Section now provides for payment by the current occupant or person entitled to possession of the property.

13.16.080. Recovery of Unpaid Charges. This Section removes the placement of a lien against the property for non-payment and provides for collection efforts or other lawful remedies, such as curtailment of City services.

13.16.100. Exemptions. This Section combines exemptions, reductions and appeal and provides for a process for each.

13.16.110 Appeal. This Section will be repealed because it is combined with 13.16.100.

The report concluded by noting that Notice of proposed Ordinance No. 93-1025 was been posted at City Hall, Courthouse and Senior Center by direction of the City Recorder. It is recommended that first reading be approved, second reading be called and approved for final enactment to become effective December 31, 1993.

Fowler asked about 13.16.030, if the change was to move from the owner to the occupant and would that preclude the City from billing the owner. Scott Harper, Finance Officer, responded that a declaration by the Supreme Court is to bill the one who is using the service; if the owner wants the billing to rebill the occupant, this can be done with the owner considered the user of the service. The City cannot make it mandatory that the owner be liable for this fee.

It was moved by VanOrman, second by Light, to approve first reading of proposed Ordinance No. 93-1025, noting a typographical error in the second line of the third "whereas" the word "sue" should be "use".

Roll call: Light, Aye; Ebert, Aye; VanOrman, Aye; Fowler, Aye.

Second reading was called after which it was moved by VanOrman, second by Ebert, to approve second reading for final enactment to become effective December 31, 1993.

Roll call: Light, Aye; Ebert, Aye; VanOrman, Aye; Fowler, Aye.

ORDINANCE NO. 93-1025

AN ORDINANCE AMENDING TITLE 13: PUBLIC SERVICES, CHAPTER 13.16.030: SERVICE CHARGES, CHAPTER 13.16.060: PAYMENT REQUIRED, CHAPTER 13.16.080: RECOVERY OF UNPAID CHARGES, CHAPTER 13.16.100: EXEMPTIONS, CHAPTER 13.16.110: APPEAL, OF THE OREGON CITY MUNICIPAL CODE, 1991, TO REQUIRE FEES TO BE ASSESSED FOR USE OF THE CITY'S STORM DRAINAGE SERVICES

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, Oregon City presently provides for the construction maintenance and reconstruction of storm drainage systems within the City; and

WHEREAS, Oregon City presently imposes certain service charges to implement the City's Drainage Master Plan and storm drainage system; and

WHEREAS, Oregon City wishes to amend and clarify such service charges so that only persons actually using the storm drainage system are charged for its use and so that it is clear that the service charge is not a general or property tax obligation.

Therefore,

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That Title 13: PUBLIC SERVICES, Chapter 13.16.030: SERVICE CHARGES, is hereby amended to read as follows:

13.16.030 Service Charges. There is established and imposed on all persons occupying improved properties utilizing the City's storm drainage system, a just and equitable storm drainage utility service charge to implement the City's Drainage Master Plan and pay for the City's storm drainage system. Charges collected shall be deposited into the storm drainage fund of the City and used only for storm drainage purposes.

Section 2. That Title 13: PUBLIC SERVICES, Chapter 13.16.060: PAYMENT REQUIRED, is hereby amended to read as follows:

13.16.060 Payment Required. Such service charges shall be paid by the current occupant or person entitled to possession of the property from which stormwater discharges (directly or indirectly) to the City storm drainage system.

Section 3. That Title 13: PUBLIC SERVICES, Chapter 13.16.080: RECOVERY OF UNPAID CHARGES, is hereby amended to read as follows:

13.16.080 Recovery of Unpaid Charges. Any charge due hereunder which shall not be paid when due shall be collectable pursuant to collection efforts or other lawful remedies of the City, but no lien may be placed on the property solely for failure to pay the service charges. The City may curtail or cut off the supply of water or other City services to persons who have failed to pay unpaid charges. In no event shall water supply be withheld from any new occupant of property because of the failure of a prior occupant to pay a storm drainage utility service charge.

Section 4. That Title 13: PUBLIC SERVICES, Chapter 13.16.100: EXEMPTIONS, is hereby amended to read as follows:

13.16.100 Exemptions, Reductions and Appeal. Vacant and unimproved properties within the City are exempt from the charges in Section 13.16.050. Any other person seeking an exemption or reduction in the storm drainage fee, or appealing therefrom, may do so pursuant to a demonstration to the City Manager or the Manager's designee that the public storm drain service does not receive stormwater from property used or occupied by that person. Such demonstration shall include evidence of legal disposal of storm water to a private retention system, private storm drain system, public water body, or other receiving facility.

Section 5. That Title 13: PUBLIC SERVICES, Chapter 13.16.110: APPEAL, is hereby repealed.

Read for the first time at a regular meeting of the City Commission held on the 1st day of December, 1993 and the foregoing ordinance was finally enacted by the City Commission this 1st day of December, 1993.

/s/JEAN K. ELLIOTT, City Recorder

ATTESTED this 1st day of December, 1993.

/s/DANIEL W. FOWLER
DANIEL W. FOWLER, Mayor

Commission Report No. 93-258, Resolution No. 93-70 - Combined Sewer Separation Program - Sewer Rate Increase, was presented by the Manager. The report noted that on the December 1, 1993 agenda was a resolution that increased the bimonthly sanitary sewer user charge from $16 per equivalent residential unit to $18, effective January 1, 1994, and from $18 to $20 effective January 1, 1995, and from $20 to $22 effective January 1, 1996. The timing of the increase is to coincide with the issuing of $6,000,000 in Sewer Revenue Bonds. The increase is part of the implementation program for the EPA required combined sewer separation program. The original cost of sewer separation phases 4 through 8 was $4.8 million. The final coast is now at $6.9 million, with a loan of $900,000 from the State Revolving Fund. The final rates must provide for debt service and required coverage. It was recommended that Resolution No. 93-70 be adopted.

It was moved by Light, second by Ebert, to adopt Resolution No. 93-70.

Roll call: VanOrman, Aye; Ebert, Aye; Light, Aye; Fowler, Aye.

RESOLUTION NO. 93-70

A RESOLUTION ESTABLISHING THE MINIMUM BIMONTHLY RATE TO BE CHARGED FOR SANITARY SEWER SERVICE FURNISHED EACH USER WITHIN THE CITY LIMITS

WHEREAS, the City has an agreement with Tri-City Service District that allows the City to set its own sewer rates by resolution; and

WHEREAS, the City increased its bimonthly sewer rates from $14 to $16, July 1, 1992 and established a reserve fund for the EPA required combined sewer separation program; and

WHEREAS, the City needs to increase sewer rates over the next three years to fully meet the debt service obligation of the EPA required combined sewer separation program.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Oregon City, a municipal corporation of the State of Oregon, at a regular session held on the 1st day of December, 1993, that:

Section 1. SEWER RATES shall be as set forth below:

Customer Class	Bimonthly Charge		
	Effective Jan. 1, 1994	Effective Jan. 1, 1995	Effective Jan. 1, 1996
Rates per equivalent residential unit (ERU)	$18	$20	$22
Senior/Disabled Citizens (Subject to income eligibility)	$ 9	$10	$11

Adopted, signed and approved this 1st day of December, 1993.

/s/Daniel W. Fowler
Mayor

/s/James R. Ebert
Commissioner

/s/Suzanne VanOrman
Commissioner

/s/
Commissioner

/s/Robert M. Light
Commissioner

Comprising the City Commission of Oregon City, Oregon

Commission Report No. 93-254, Public Works Purchase of a Backhoe/Loader - Bid Award, was presented by the Manager. The report noted that contained within the 1993-94 Water Division of the Public Works budget was funding for the purchase of a Backhoe/Loader. On November 22, 1993, the City received sealed bids for the purchase of this equipment. The Tabulation of Bids is attached for Commission review.

The report continued by noting that the City received four requests for specifications; however, one bid only was submitted from: Triad Machinery, Inc. $67,921.05

Based upon the receipt of the one bid only, it was recommended that the bid be awarded to Triad Machinery, Inc. for the amount of $67,921.05.

It was moved by VanOrman, second by Ebert, to award the bid to Triad Machinery, Inc. for the amount of $67,921.05.

Roll call: Light, Aye; VanOrman, Aye; Ebert, Aye; Fowler, Aye.

CONSENT AGENDA

The following were routine and could be approved in one motion. On the call for discussion of a particular item, none was requested. It was moved by Light, second by VanOrman, to approve the items in the Consent Agenda as recommended on each report.

Roll call: Ebert, Aye; Light, Aye; VanOrman, Aye; Fowler, Aye.

Commission Report No. 93-256, Proposed Ordinance Revising the Business License Fees and Proposed Resolution for New Fees - Request for Continuance, was presented. The report noted that at its November 17, 1993 meeting, the City Commission held a lengthy discussion regarding

proposed Ordinance No. 93-1024 and proposed Resolution No. 93-68. As a result of that discussion, staff was directed to amend the proposed ordinance, meet with the Chamber of Commerce and members of the business community for their input. Both the ordinance and resolution were continued to the December 1, 1993 agenda.

In order to properly communicate with the Chamber of Commerce and members of the business community, it is requested that this matter be continued until next spring. Since the end of the business year is upon us, it is not possible to present the Commission with a report that contains what was directed.

Delaying action until next year would provide the time to schedule a work session to properly receive input from the Chamber and the business community and will allow for the business license process to be completed for 1994.

If the Commission agrees with this proposal, staff should be directed to delay this matter to next spring for implementation in 1995.

* * * * *

Commission Report No. 93-257, Liquor License Application - Trail's End Saloon, 1320 Main Street - Greater Privilege, was presented. The report noted that at a Special meeting of the City Commission held March 28, 1983, Commission Policy 1-7 entitled, "Approval of Liquor License Renewals" was adopted. Commission Policy 1-7 states as follows: "The Mayor is authorized to approve all liquor license renewals if these renewals are approved and recommended by the Fire and Police Department. The approval by the Mayor can be made without City Commission authorization. However, all new liquor licenses shall be submitted to the City Commission for consideration."

On the December 1, 1993 agenda was an application for an OLCC liquor license for Greater Privilege for the Trail's End Saloon, 1320 Main Street. The requested change was from a Retail Malt Beverage to Class A Dispenser License which allows service of by-the-drink of distilled spirits in addition to the beer and wine currently licensed.

Fire and Police Department investigation revealed no information that would warrant denial of the application. Based upon the information provided, it was recommended that the application be approved.

* * * * *

Commission Report No. 93-253, Intergovernmental Agreement - Community Development Block Grant - Front Avenue Drainage and Road Improvements, was presented. The report noted that Oregon City obtained Community Development Block Grant funding for design and construction of street, drainage and water facility connection improvements on Front Avenue from Holcomb Boulevard to Forsythe Road in the Park Place neighborhood. This street was selected because sewer and water improvements have been completed and improvement would greatly enhance safety in the area of Park Place Elementary School. The grant provides up to $200,000 for design and construction of roadway reconstruction and widening, drainage, and water facility connection improvements. The City's 20 percent match will include $29,000 of road transfer funds and $21,000 of street funds for a total of $250,000 in project funding. Due to the limited funding, roadway

improvements will include two twelve foot travel lanes and two bikelanes, but not curb and sidewalks at this time.

Attached was the standard City/County Intergovernmental Agreement for Community Development Block Grants. It was recommended that the agreement be approved and the City Manager authorized to sign them on behalf of the City.

* * * * *

The Manager advised of the receipt of the approval of the HUD funding in the amount of $3 million for the construction and design of the Preview Center. He believed that staff had the authority up to date. He asked again to direct probably the Mayor to execute the agreement subject to review by the City Attorney's office. You will have the final form before you, the grant is just exactly as explained in work sessions.

The City Attorney advised he read the agreement and has no disagreement with the form and you are not going to be able to do much with it anyway. He had no objection to its form.
The Manager requested that the Mayor be authorized to execute the agreement.

It was moved by VanOrman, second by Ebert, to authorize the Mayor to execute the agreement.

Roll call: Light, Aye; Ebert, Aye; VanOrman, Aye; Fowler, Aye.

At this time, Mayor Fowler re-appointed Doug Neeley to a vacant position on the Library Board with term expiring December 31, 1997.

VanOrman advised she was called by Mary Whiteside Buol regarding attending a meeting to discuss with Metro councilors the transfer station. VanOrman advised she did not feel comfortable discussing the transfer station and the Wilsonville transfer station. VanOrman asked what the opinion of the Commission with the Commission deciding who should attend a meeting. The Manager noted that they had their opportunity this evening to discuss that or make their presentation. They did not mention the transfer station. Fowler noted the City has an agreement and that should be respected by both parties under the approved terms of the agreement. When it expires, the City should raise concerns during negotiations. Ebert wanted a work session before the discussions are held.

With no further business, the meeting adjourned at 9:20 p.m. with the Commission meeting in Executive Session pursuant to ORS 192.661 (1)(h) Legal Counsel.

CHARLES LEESON, Recording Secretary

jke

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

CITY OF OREGON CITY

Staff Report

To:	City Commission	**Agenda Date:**	June 3, 2026
From:	Shaun Davis, Police Chief		

SUBJECT:
Item 9.e. - Second Reading of Ordinance 26-1009 to Enact Amendment to Municipal Code Chapter 10.08.120 - Raising Parking Fines

STAFF RECOMMENDATION:

Staff recommends the second reading of Ordinance 26-1009 to enact amendment to Municipal Code Chapter 10.08.120

EXECUTIVE SUMMARY:
Parking fines are intended to improve compliance with City parking regulations and promote access to limited parking resources throughout the City. Current parking fine amounts have not been updated since 2011 and have not kept pace with inflation. OCMC Chapter 10.08.120 has not been updated since 2008. The proposed Ordinance in conjunction with the parking fine increase aligns with comparable jurisdictions, supports consistent enforcement efforts, and encourages voluntary compliance while maintaining accountability for offenders.

BACKGROUND:

Staff has reviewed current police and code fines and fees. During the review staff found that the current parking fines have not been updated since 2011. Staff also compared our fines to neighboring jurisdictions and determined our current parking fines are below our neighboring jurisdictions. If the Commission approves the parking fine resolution, OCMC 10.08.120 would also need to be amended to accurately reflect the updated parking fines. OCMC 10.08.120 was last adopted on 12-3-2008.

Staff consulting with the Municipal Judge is recommending the maximum fine be raised from $100 to $500.

Ordinance 26-1009 will amend the language to Chapter 10.08.120:

Violation of any provision of this chapter shall be punishable by a fine not to exceed ~~one~~ five hundred dollars for each violation.

Commission approved the first reading of Ordinance 26-1009 at the May 20, 2026 regular City Commission meeting.

Attached is redline exhibit of the code change and clean version of the code change.

OPTIONS:

1. Approve Second Reading of Ordinance 26-1009 to Enact Amendment to Municipal Code Chapter 10.08.120 - Raising Parking Fines.
2. Approve Second Reading of Ordinance 26-1009 to Enact Amendment to Municipal Code Chapter 10.08.120 - Raising Parking Fines with Amendments.
3. Deny Second Reading of Ordinance 26-1009 to Enact Amendment to Municipal Code Chapter 10.08.120 - Raising Parking Fines and provide further direction.

BUDGET IMPACT:

N/A

ORDINANCE NO. 26-1009

AN ORDINANCE OF THE CITY OF OREGON CITY, AMENDING MUNICPAL CODE TITLE 10.08.120 – VIOLATION-PENALTY

WHEREAS, the citizens of Oregon City value a safe a livable community; and

WHEREAS, the current chapter's violation-penalty has not been increased since 2008; and

WHEREAS, amending language to the existing ordinance would assist in regulating, enforcing parking violations, and will improve the business districts, neighborhoods, and overall livability within Oregon City.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The Oregon City Municipal Code is hereby amended to include Chapter 10.08.120 attached as Exhibit A to this ordinance, by adding double underlined language and removing all struck through language.

Read for the first time at a regular meeting of the City Commission held on the 20th day of May 2026, and the City Commission finally enacted the foregoing ordinance this 3rd day of June 2026.

DENYSE C. MCGRIFF
Mayor

Attested to this day of ,

Jakob Wiley, City Recorder

Approved as to legal sufficiency:

City Attorney

Ordinance 26-1009 – Exhibit A

10.08.120 Violation-Penalty Red Lined Version

10.08.120 - Violation—Penalty.

Violation of any provision of this chapter shall be punishable by a fine not to exceed ~~one~~ five hundred dollars for each violation.

Ordinance 26-1009 – Exhibit A

10.08.120 Violation-Penalty Clean Version

10.08.120 - Violation—Penalty.

Violation of any provision of this chapter shall be punishable by a fine not to exceed five hundred dollars for each violation.