



## CITY OF OREGON CITY CITY COMMISSION WORK SESSION AGENDA

Hanlon Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City  
Tuesday, July 7, 2026 at 6:00 PM

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

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

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

### 1. CONVENE MEETING AND ROLL CALL

### 2. GENERAL BUSINESS

- a. Flavored Nicotine Ban Follow Up
- b. Presentation of ADA Transition Plan for the Right-of-Way
- c. Oregon City Municipal Code Chapter 17.44 - Geologic Hazards Code Commission Discussion

### 3. FUTURE AGENDA ITEMS

- a. List of Future Work Session Agenda Items

### 4. CITY MANAGER'S REPORT

- a. Project Updates

#### COMMITTEE REPORTS

- a. **Commissioner Wilson**
  - Citizen Involvement Committee Liaison
  - Homeless Solutions Coalition
- b. **Commissioner Smith**
  - Clackamas Heritage Partners
  - Destination Management Marketing Organization
  - South Fork Water Board
- c. **Commissioner Marl**
  - Citizen Involvement Committee Liaison
  - Clackamas County Coordinating Committee (C4)
  - Clackamas County Coordinating Committee (C4) – Metro Subcommittee (alternate)
  - Metro Policy Advisory Committee (MPAC) (alternate)
  - Youth Advisory Commission
- d. **Commissioner Mitchell**
  - Clackamas County Coordinating Committee (C4) (alternate)
  - Clackamas County Coordinating Committee (C4) – Metro Subcommittee
  - Downtown Oregon City Association Board (alternate)
  - South Fork Water Board
- e. **Mayor McGriff**
  - Clackamas Heritage Partners (alternate)
  - Clackamas Water Environment Services Policy Committee
  - Destination Management Marketing Organization (alternate)
  - Downtown Oregon City Association Board
  - Metro Policy Advisory Committee (MPAC)
  - South Fork Water Board

- Willamette Falls and Landings Heritage Area
- Willamette Falls Locks Authority

## **6. ADJOURNMENT**

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### **ADA NOTICE**

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

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

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



## CITY OF OREGON CITY

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

### Staff Report

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**To:** City Commission **Agenda Date:** July 7, 2026  
**From:** Carrie Richter, City Attorney  
Alexandra Troutman, Assistant City Manager

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### **SUBJECT:**

Flavored Nicotine Ban Follow Up

### **STAFF RECOMMENDATION:**

Staff requests that the City Commission provide feedback on the attached documents and direction related to a potential flavored nicotine ban. Specifically, whether the Mayor should communicate with interested cities and Clackamas County to move forward adoption of a flavor ban pursuant to the draft letter attached. Staff also suggests that the Commission have a general discussion about some implementing details, whether they are implemented by the County or the City.

### **EXECUTIVE SUMMARY:**

At the June 9, 2026 City Commission work session, staff provided an overview of the current state of flavor ban regulation throughout the Metro area and a recent Supreme Court case ruling on the same. Staff was instructed to move forward with encouraging Clackamas County to implement a flavor ban and adopting one in Oregon City, assuming that Clackamas County is unwilling to move forward.

### **BACKGROUND:**

At the June 9, 2026 City Commission work session, staff provided an overview of the current state of flavor ban regulation throughout the Metro area and a recent Supreme Court case ruling on the same. Staff was instructed to move forward with encouraging Clackamas County to implement a flavor ban and adopting one in Oregon City, assuming that Clackamas County is unwilling to move forward.

Since that meeting, City staff has met with representatives of the Clackamas County Health, Housing, Human Services Department and a Senior Attorney at the Washington County Counsel's office who was involved in the *Schutz* litigation. From these conversations, staff has put together a draft letter to other cities and Clackamas County urging the adoption of a flavor ban. The cities selected in the memo are not intended to be an exclusive list. Happy Valley and Lake Oswego adopted a resolution in support of a ban last year, similar to

Oregon City, Milwaukie and Gladstone were included on Clackamas staff recommendation.

As this letter points out:

- In 2022, e-cigarette use by 11th graders in Clackamas County was 12.5%, which is significantly higher than in other tri-county area with Multnomah County at 9.1% and Washington County at 5.6%.
- 20.5% of Oregon City 11th graders use tobacco at nearly twice the rate of their peers across Clackamas County and 84% of these 11<sup>th</sup> graders use flavored products such as mint, fruit, coffee, candy or other flavors.
- There are 35 licensed tobacco retailers in Oregon City plus three additional retailers that are considered tobacco vape shops. All three of these vape shops are located on Molalla Avenue less than one mile from the Red Soils campus and Gardiner Middle School.
- There is one tobacco retailer per 1,000 residents in Oregon City. Lake Oswego, a city of similar population has .45 retailers per 1,000 residents.
- Of the 20.5% of Oregon City 11<sup>th</sup> grade vape users, 6.7% said that they got their tobacco from a local retailer where the minimum age to buy is 21 years old. In 2025, 22% of tobacco retailers failed their minor legal sales age inspection in Oregon City. County-wide only 9% of stores failed.

These conversations also provided further insights about how the tobacco retail licensure program is implemented to better understand how a flavor ban could work in Clackamas County or Oregon City. All conversations included the acknowledgment that Clackamas County – as a local health authority – stands in a much stronger legal position to pursue a ban. Clackamas County Board of Commissioners has not been asked to pursue a ban in recent memory. There are no plans for the Oregon legislature to resume the statewide ban for the 2027 session. For these reasons, it makes sense to formally initiate conversations with Clackamas County.

In addition to outlining and executing on a campaign to get this matter in front of the County Board, there are some additional issues that deserve Commission consideration as we move forward:

1. The scope of any prohibition – See attached Washington County ordinance and FAQ document:
  - a. Should this include all “flavored products” not otherwise authorized by the FDA for smoking cessation use? This would also include “synthetic nicotine products” such a tobacco-less, synthetic nicotine pouches such a Zyn which are similarly highly addictive and are marketed to young people as performance enhancers.
  - b. Any other limitations that should be included? Single cigarette sales, coupon discounts, self-serving vending, movable vending?
2. Enforcement: In Washington County, tobacco retail licensing is done entirely at the

state level and as a result, the flavor ban prohibition will be county-implemented through complaint-driven enforcement through their code compliance officers. Citation will be issued to the owner of the business and not the employee or manager. Multnomah County fully implements the Oregon Health Authority retail tobacco licensing program at the local level. As such, inspection and enforcement will be accomplished as part of the license-inspection and enforcement procedures. Right now, Clackamas County is more akin to Washington County with all regulation going through OHA. If Clackamas County were to implement a flavor ban, perhaps the County would opt back into enforcement similar to Multnomah County. Under that scenario, OHA would issue penalties for violations of the state TRL and minimum age sales requirements. Clackamas County or Oregon City (if that is how it was worked out) would issue penalties for the local flavor ban. Violations would count as strikes against the state license. Acting alone, Oregon City cannot implement the retail licensing program so its only option will be local enforcement through code enforcement with the support of the police department.

3. Program funding: Washington County’s ban will be funded through a surcharge on tobacco retail licenses that will be collected by the Department of Revenue and passed along to the County. Clackamas County or Oregon City could pursue the same surcharge approach but it is not clear if it would be sufficient to cover all program costs. If the County was willing to adopt a ban, additional funding might come from cities or cities could be responsible for enforcement. Clackamas County Public Health staff shared an example of this shared arrangement that exists between Sonoma County, California and the City of Petaluma, which has a flavor ban that includes inspections and the cities of Sebastopol and Sonoma (City) rely on a complaint model to reduce costs. More research is necessary to determine the degree to which this Sonoma County model would work here.

4. Penalty structure: The OHA penalty structure for repeat offenders is as follows:

Civil penalties for violations	
1st penalty	\$1,000 and review training manual
2nd penalty within review period	\$2,000
3rd penalty within review period	\$3,500
4th penalty within review period	\$5,000

\*Review period means the 60-month period from the date the first violation is discovered.

After an initial compliance inspection, if a remediation plan has been created, violations found during future compliance inspections within the review period will result in a penalty.

In addition to a civil penalty issued by Oregon Health Authority (OHA), a license may be suspended or revoked by Department of Revenue (DOR), as described in OAR 150-323-0520 and retailers may be subject to civil penalties issued by DOR. An appeal can be made for any penalty.

**OPTIONS:**

1. Identify revisions and indicate whether there is consensus for the Mayor to pursue communication with cities and the County requesting a formal hearing on adopting a Countywide flavor ban including authorizing County staff to work with interested cities' staff to come up with a shared funding and program enforcement mechanism.
2. Answer these issues for discussion and instruct staff to move forward with a flavor ban ordinance consistent with Commission findings.
3. Take no further action on this matter.



## Washington County Oregon

... > [Public Health](#) > [Tobacco, Vape & Nicotine](#)

# Flavor Ban Ordinance 878

Answers to frequently asked questions about the ordinance prohibiting the sale or advertisement of flavored tobacco or nicotine product.

### Update: May 8, 2026

We are pleased to learn of the Oregon Supreme Court's unanimous decision in favor of Ordinance 878, which, once implemented, will ban the sale of all flavored tobacco products in Washington County. You can read [Washington County Public Health's full statement](#) online.

## Ordinance 878 Overview

The ordinance, which was approved by Washington County voters, prohibits retailers in Washington County from selling any flavored tobacco or flavored synthetic nicotine product. The ordinance also prohibits price promotions, coupons and discounts for all tobacco and synthetic nicotine products.

If you have questions about the ordinance that are not answered below, please email [TobaccoRetail@washingtoncountyor.gov](mailto:TobaccoRetail@washingtoncountyor.gov).

### How will Ordinance 878 work?

Ordinance 878 as enacted by the Washington County Board of Commissioners will:

- A. Prohibit the sale of any tobacco product, synthetic nicotine product or inhalant delivery system to any person under 21. This restriction will also apply to inhalant delivery systems sold by licensed marijuana retail shops. However, the county has clarified that this restriction would not apply to marijuana cartridges sold at licensed marijuana retail shops, as those products are regulated by state law.
- B. Prohibit the sale of any flavored tobacco or flavored synthetic nicotine product. Read the definition of a flavored product in [Ordinance 878](#).
- C. Prohibit any coupon or price promotion for any tobacco product, synthetic nicotine product or inhalant delivery system.
- D. Prohibit the sale of any package of cigarettes containing fewer than 20 cigarettes.
- E. Prohibit self-serve vending of any cigarette, tobacco product, synthetic nicotine product or inhalant delivery system.

F. Prohibit moveable places of business that sell any tobacco product, synthetic nicotine product or inhalant delivery system, such as a kiosk or motor vehicle.

### **Why is Washington County prohibiting the sale of all flavored tobacco products?**

Most young people who start using tobacco products — such as cigarettes, little cigars, or vape — often begin with flavored options. In Washington county, 76% of 8th graders and 75% of 11th graders reported using flavors if they used a tobacco product. Studies show that flavors, particularly menthol, make it harder for users to quit. This law was introduced to limit youth access to flavored tobacco products and support quitting, helping lower the toll of the country's leading cause of death and disease.

The industry aggressively markets to specific communities, and has been successful at getting kids in these communities to start smoking and vaping. There are many short and long-term health consequences of tobacco use, and we believe the ban is a positive step to start addressing this health inequity.

### **Why is Washington County prohibiting price promotions and discounts on all tobacco products?**

Youth and young adults are more price-sensitive than older adults. Lower prices encourage youth to initiate tobacco use and, along with coupons and other price discounts, encourage youth to move from experimentation to regular smoking. Research has estimated that smoking rates would drop by 13% if price promotions were prohibited nationwide.

### **Will Washington County provide a list of products that are prohibited by the ordinance?**

No. Products change frequently. Retailers should work with their distributors and legal teams to determine which products can and cannot be sold.

### **What type of infraction will a violation be under Washington County Ordinance 878?**

A violation under Ordinance 878 would be a civil infraction with a presumptive fine of \$435, and a maximum fine per violation of \$2,000 for individuals and \$4,000 for corporations. Each day in violation would be considered a separate violation under the ordinance.

### **Who does the ordinance apply to?**

The ordinance applies to all businesses that sell tobacco, synthetic nicotine and/or vape products in Washington County, Oregon.

### **How will the ordinance be enforced?**

Ordinance 878 is a complaint-driven law. That means that enforcement activities only take place as a result of a complaint from a member of the public, including employees of the business.

**Note:** All reports of violations regarding Ordinance 878 are a matter of public record and confidentiality is not guaranteed.

Complaints must indicate a violation of the Ordinance. Vague language that lacks specific detail of potential violations might not be investigated.

## **Questions about tobacco retail licensing**

### **What is tobacco retail licensing?**

During the 2021 Legislative Session, Oregon passed statewide tobacco retail licensing. This means that all businesses that sell tobacco, nicotine products and inhalant delivery systems will be required to obtain a license to sell the product to consumers. This is similar to what is already required of businesses that sell alcohol or marijuana.

### How do I get a tobacco retail license?

Retailers can visit the Oregon Department of Revenue [cigarette and tobacco products licensing website](#).

### Have a question not answered here?

Email us at [TobaccoRetail@washingtoncountyor.gov](mailto:TobaccoRetail@washingtoncountyor.gov).

## Related News

### [Washington County Public Health statement on Oregon Supreme Court ruling in favor of flavored tobacco ban ordinance](#)

**May 8, 2026**

Washington County Public Health's statement on the Oregon Supreme Court's unanimous decision in favor of Ordinance 878 on May 7, 2026.

### [Statement on Oregon Court of Appeals Ruling on Ordinance 878](#)

**May 1, 2024**

Although a Washington County Circuit Court ruling in 2022 put the ordinance on hold, today's opinion completely reverses that 2022 ruling. The case is now being sent back to Washington County Circuit Court for further proceedings.

[More public health news & updates](#) >

## Local Public Health Authority Chapter 2

## Chapter 2 - ACCESS TO TOBACCO, SYNTHETIC NICOTINE AND INHALENT DELIVERY SYSTEMS

## 2.10 - Findings.

- A. Despite the efforts of federal, state and local governments, together with various private organizations, tobacco use continues to be a significant issue with negative implications for the health of our community, in addition to impacting the cost of providing both private and public health care services.
- B. It is illegal to sell tobacco products or inhalant delivery systems to a person under 21 years old. In some cases, employers have not adequately trained salesclerks and other employees or otherwise taken responsibility to ensure that the laws prohibiting sales to persons under 21 years of age are complied with rigorously.
- C. Selling tobacco products, flavored tobacco products, synthetically derived nicotine products or inhalant delivery systems to persons under 21 years old is a detriment to the health, safety and welfare of the residents of Washington County. Local governments retain the authority to enact regulations concerning the sale of tobacco if the local regulations are directed at encouraging compliance with existing laws.
- D. Oregon law requires retailers to post a notice informing the public that selling tobacco products and inhalant delivery systems to individuals under 21 is prohibited. Oregon law also prohibits the sale of inhalant delivery systems packaged in a manner attractive to minors.

## 2.20 - Definitions.

- A. **Cigarette.** Any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use and consists or contains:
  - 1. Any roll of tobacco wrapped in paper or in any substance not containing tobacco;
  - 2. Tobacco, in any form, that is functional in the product and that, because of its appearance, the type of tobacco used in the filler or its packaging and labeling, is likely to be offered to or purchased by, consumers as a cigarette; or
  - 3. Any roll of tobacco that is wrapped in any substance containing tobacco and that, because of its appearance, the type of tobacco used in the filler or its packaging and labeling, is likely to be offered to or purchased by, consumers as cigarette described in subsection (a) of this section.
- B. **Flavored Product.** Any synthetic nicotine product or tobacco product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to or during the consumption of the product, including, but not limited to, any taste or smell relating to chocolate, cocoa, menthol, mint, wintergreen, vanilla, honey, molasses, fruit, or any candy, dessert, alcoholic beverage, herb, or spice. A public statement or claim, whether express or implied, made or disseminated by the manufacturer of a synthetic nicotine product or tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements or claims concerning such products, that a synthetic nicotine

product or tobacco product has or produces a taste or smell other than a taste or smell of tobacco will constitute presumptive evidence that the product is a flavored product.

Flavored product does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for any other therapeutic purpose if the product is marketed and sold solely for the approved purpose.

- C. **Inhalant delivery system:** A device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to an individual inhaling from the device, or a component of such a device or a substance in any form sold for the purpose of being vaporized or aerosolized by such a device, whether the component or substance is sold separately or is not sold separately. Inhalant delivery system includes, but is not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.

Inhalant delivery system does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for any other therapeutic purpose if the product is marketed and sold solely for the approved purpose.

- D. **Self-service display.** The display of cigarettes or any tobacco products for sale or consumption at a business that allows the public access to the products without the assistance of the owner or an employee of the business. All licensed products must be stored behind the sales counter, in a locked case, in a storage unit, or in another area not freely accessible to the general public.
- E. **Synthetic Nicotine product.** Any product designed for human consumption where the nicotine was created and produced in a laboratory and not derived from tobacco.
- F. **Tobacco Product.** (1) Any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; (2) Any inhalant delivery system, and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains tobacco or nicotine; or (3) Any component, part, or accessory of (1) or (2), whether or not any of these contains tobacco or nicotine, including, but not limited to, filters, rolling papers, blunt or hemp wraps, hookahs, and pipes.

Tobacco product does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for any other therapeutic purpose, if the product is marketed and sold solely for the approved purpose.

- G. **Vendor-assisted sale.** The sale of cigarettes or any tobacco products to a retail consumer or buyer wherein only the vendor has access to the product until after the completion of the sale.

### 2.30 - Prohibitions.

- A. Prohibited sales to persons under the age of 21. No person or entity shall sell, distribute or offer for sale or distribution any tobacco product, synthetic nicotine product or inhalant delivery system to a person under the age of 21.
- B. Flavored products restricted. No person shall sell, offer for sale, or otherwise distribute any flavored tobacco product or flavored synthetic nicotine product.
- C. Coupon and price promotions prohibited. No person shall accept or redeem any coupon or

other instrument or mechanism, whether in paper, digital, electronic, mobile, or any other form, that provides any tobacco product, synthetic nicotine product or inhalant delivery system to a consumer at no cost or at a price that is less than the non-discounted, standard price listed by a retailer on the item or on any related shelving, posting, advertising, or display at the location where the item is sold or offered for sale, including all applicable taxes.

- D. Minimum package size required. No person shall sell or distribute, or offer for sale or distribution, or permit to be sold or distribution, any container of cigarettes containing fewer than 20 cigarettes. Each sale or distribution or offer to sell or distribute shall be a separate violation.
- E. Vendor-assisted sale of tobacco products required. No person or entity shall offer for sale, sell or permit to be sold any cigarettes, tobacco products, synthetic nicotine product or inhalant delivery system by means of a self-service display or any means other than by a vendor-assisted sale. Each day that the self-service display is accessible shall be a separate violation. Each offer for sale or sale other than vendor-assisted shall be a separate violation.
- F. Moveable Place of Business prohibited. Any form of business that is operated out of a kiosk, truck, van, automobile or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions of any tobacco product, synthetic nicotine product or inhalant delivery system is prohibited.

**2.040 - Non-retaliation.**

It shall be a violation of this ordinance for any employer to discharge, demote, suspend, refuse to hire, or in any manner retaliate against any employee, applicant for employment or customer because such person reports, testifies, assists or participates in any manner in any investigation, proceeding or hearing regarding an alleged violation of this ordinance. To the extent permitted by law, any person claiming to be aggrieved by a violation of this section shall have a cause of action in any court of competent jurisdiction for damage and such other remedies as may be appropriate.

**2.050- Conformity with law.**

This chapter shall not, in any way, be a substitute for, nor eliminate in any way, the necessity for conformity with any and all laws or rules of the federal government, the state of Oregon or its agencies, nor any ordinances or rules and regulations of the county.

**2.060 - Enforcement.**

WCC [Chapter 1.12](#) provides the general enforcement mechanism for this chapter, but does not preclude other enforcement options.

**2.070 - Civil infraction.**

A county enforcement officer, as defined in WCC [Chapter 1.12](#), may issue a Class A civil infraction for failure to comply with this chapter and any rules and regulations adopted pursuant thereto. Civil infractions shall conform to the requirements of the Administrative Enforcement Code, [Chapter 1.12](#). Enforcement of civil infractions shall be through [Chapter 1.12](#). Each day a person is in violation of this chapter shall be deemed a separate violation thereof.

**2.080 - Civil infraction—Other enforcement procedures not excluded.**

The provisions of this chapter are in addition to and not in lieu of any other procedures and remedies provided by law, including equitable relief and damages.

Memo:

From: Mayor Denyse McGriff and Oregon City Commission

To: Chair Robers and the Board of Commissioners of Clackamas County  
Mayor Tom Ellis and Happy Valley City Council  
Mayor Joe Buck and Lake Oswego City Council  
Mayor Milch and Gladstone City Council  
Mayor Batey and Milwaukie City Council

Re: Banning Flavored Tobacco and Synthetic Nicotine Sales in Clackamas County

**Advocate and move forward the adoption of an ordinance banning the sale of all flavored tobacco products in Clackamas County.**

**The Problem:** The use of tobacco products remains the leading cause of preventable death and disease, killing nearly 8,000 Oregonians each year from cancer and cardiovascular and respiratory diseases. 27.5% of cancer deaths in Oregon are attributable to smoking. Studies show that the younger someone is when they start smoking, the harder it is to quit. Nine out of ten adults who smoke report that they started smoking before turning 18. Eight out of ten youth who have ever used a tobacco product initiated with a flavored (vape) product. The popularity of these flavored products has increased four-fold from 5% to 23% from 2013 to 2019, despite a 25-year trend of reduced combustible cigarette sales. Two in three of 11th graders who have ever used tobacco report first using flavored tobacco.

In 2022, e-cigarette use by 11th graders in Clackamas County was 12.5%, which is significantly higher than in other tri-county area with Multnomah County at 9.1% and Washington County at 5.6%. 20.5% of Oregon City 11th graders use tobacco at nearly twice the rate of their peers across Clackamas County and 84% of these 11<sup>th</sup> graders use flavored products such as mint, fruit, coffee, candy or other flavors.

There are 35 licensed tobacco retailers in Oregon City plus three additional retailers that are considered tobacco vape shops. All three of these vape shops are located on Molalla Avenue less than one mile from the Red Soils campus and Gardiner Middle School. There is one tobacco retailer per 1,000 residents in Oregon City. Lake Oswego, a city of similar population has .45 retailers per 1,000 residents. **Add data on unincorporated county areas here when obtained.**

Of the 20.5% of Oregon City 11<sup>th</sup> grade vape users, 6.7% said that they got their tobacco from a local retailer where the minimum age to buy is 21 years old. In 2025, 22% of tobacco

retailers failed their minor legal sales age inspection in Oregon City. County-wide only 9% of stores failed.

Although legislation was introduced during the 2026 legislative session to ban flavored products statewide, SB 702 did not pass and we understand that no such legislation is proposed for the 2027 session.

**The Solution:** In May, 2026, the Oregon Supreme Court issued a decision upholding a Washington County ordinance banning flavored tobacco<sup>1</sup> against challenge by retailers. *Schwartz v. Washington County*, 375 Or 227 (2026).<sup>2</sup> First adopted and challenged in 2021, the retailers secured an injunction barring the ordinance prohibition from taking effect. Now that the Supreme Court has ruled, Washington County, awaiting some final resolution by the lower court, expects to move forward with implementation in the near future. Enforcement will be complaint-driven through its code enforcement department, funded through a tobacco license surcharge collected by the Oregon Department of Revenue and passed along to the County.

In 2024, Multnomah County adopted a similar a flavor ban ordinance, which was challenged and stayed awaiting resolution of the *Schwartz* case, but now should be free to move forward. Multnomah County implements the Oregon Health Authority tobacco licensing program and has health department personnel who handle regular business inspection as well as enforcement. **See if we have any data that shows that with regular inspection, fewer kids have access.**

Clackamas County should partner with the other two Metro counties and similarly move forward with a flavor ban ordinance akin to what is in place in Washington and Multnomah counties. This will not only significantly contribute to curbing youth and young adult access to flavored nicotine products, it will keep youth from other areas from seeking out these products in the only place that they are available – in Clackamas County.

This effort could be funded through a combination of a tobacco license surcharge, collected by the Oregon Department of Revenue, and/or funding of any gaps by

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<sup>1</sup> These bans would affect only the retail sale and distribution of “flavored products” which are cigarettes, cigarillos, pouches or vape that contains a taste or smell other than tobacco that are subject to state tobacco retail licensing. This would not include FDA-approved tobacco cessation such as nicotine replacement therapy.

<sup>2</sup> The *Schwartz* decision is focused on the statewide tobacco licensing scheme under which the Oregon Health Authority (OHA) and a “local public health authority” i.e. a county government, regulates and tracks compliance with Oregon tobacco laws. As a “local public health authority,” Clackamas County would be similarly situated as Washington and Multnomah counties who benefit from this ruling.

affected cities. If County inspection and enforcement is not available, perhaps inspection and enforcement could happen at the municipal level.

**Request:** The Oregon City Commission requests support from other cities and strongly urges Clackamas County to move forward with a flavor ban ordinance.



## CITY OF OREGON CITY

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

### Staff Report

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**To:** City Commission **Agenda Date:** July 7, 2026  
**From:** Alexandra Troutman, Assistant City Manager  
Josh Wheeler, Assistant City Engineer

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#### **SUBJECT:**

Presentation of ADA Transition Plan for the Right-of-Way

#### **STAFF RECOMMENDATION:**

Commission receives presentation of ADA Transition Plan for the Right-of-Way.

#### **EXECUTIVE SUMMARY:**

Since the passage of the Americans with Disabilities Act (ADA) in 1990, the City has systematically implemented its provisions to improve accessibility. Under the 1991 ADA regulations, all public entities regardless of size were required to evaluate their services, policies, and practices and to modify any that did not comply with ADA requirements. Additionally, public entities with 50 or more employees were required to develop a Transition Plan.

The Americans With Disabilities Act Transition Plan for the Public Right-of-Way (ADA Transition Plan) has been developed to ensure compliance with Title II of the Americans with Disabilities Act. This plan outlines the City's approach to identifying and addressing physical barriers with the public right-of-way and provides a framework for bringing these facilities into compliance over time.

The presentation is part of the public input requirement prior to adopting the plan.

#### **BACKGROUND:**

Since the passage of the Americans with Disabilities Act (ADA) in 1990, the City has systematically implemented its provisions to improve accessibility. As federal ADA guidelines have evolved over time, the City has consistently updated its standards and procedures to remain in compliance. These updates have included changes to design elements such as style, color, size, and placement.

Under the 1991 ADA regulations, all public entities regardless of size were required to evaluate their services, policies, and practices and to modify any that did not comply with

ADA requirements. Additionally, public entities with 50 or more employees were required to develop a Transition Plan. This plan had to identify any necessary structural changes to achieve program access and include a schedule for implementation. Public participation was also mandated, requiring entities to provide an opportunity for interested individuals to contribute to the self-evaluation and transition planning process.

The Americans With Disabilities Act Transition Plan for the Public Right-of-Way (ADA Transition Plan) has been developed to ensure compliance with Title II of the Americans with Disabilities Act. This plan outlines the City’s approach to identifying and addressing physical barriers with the public right-of-way and provides a framework for bringing these facilities into compliance over time.

The ADA Transition Plan for the Public Rights-of-Way is limited to evaluating physical barriers specifically within the public right-of-way including, sidewalks, curb ramps, crosswalks, pedestrian signals, and similar features. It does not address ADA barriers that may exist within other City-owned facilities, programs or services.

The presentation is part of the public input requirement prior to adopting the plan. Staff have made this same presentation to the Citizen Involvement Committee (CIC), Transportation Advisory Committee (TAC), and the Parks and Recreation Advisory Committee (PRAC).

The next steps will be to adopt this plan at a future City Commission meeting. Separately, city staff is working on an overall transition plan that includes facilities and other ADA requirements.

**OPTIONS:**

- 1. Proceed with adoption at a City Commission meeting.
- 2. Provide feedback and direction to staff.

# Americans with Disabilities Act Transition Plan for the Public Right-of-Way



Adopted *Month day, 202X*  
Resolution No. [XX]

## Acknowledgements

The City of Oregon City gratefully acknowledges the contributions of the staff and community members who participated in the development of the Americans with Disabilities Act Transition Plan for the Public Right-of-Way. Their expertise, feedback, and dedication were essential in creating a plan that reflects the City's commitment to accessibility and inclusivity for all residents and visitors.

### City Commission

Denyse McGriff	Mayor
Adam Marl	Commissioner
Mike Mitchell	Commissioner
Rocky Smith, Jr	Commissioner
Scott Wilson	Commissioner

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Linda Baysinger	Betty Mum	Amy Wilson
Rita Batchley	Duane Hanson	Tim Powell
<u>Caufield</u>	<u>Hazel Grove</u>	<u>Park Place</u>
Donna Renee Larsen	Chris Nolte	Ryan Richards
John Keis	Mark Beatty	<u>South End</u>
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## Section 1: Introduction & Background

### Section 1.1: Executive Summary

Since the passage of the Americans with Disabilities Act (ADA) in 1990, the City has systematically implemented its provisions to improve accessibility. As federal ADA guidelines have evolved over time, the City has consistently updated its standards and procedures to remain in compliance. These updates have included changes to design elements such as style, color, size, and placement. For example, detectable warnings have transitioned from grid patterns to raised truncated domes, while surface colors have ranged from uncolored concrete to dyed finishes and manufactured materials in various hues. Additionally, ramp design has shifted from diagonally oriented placements to more recent standards that require perpendicular orientations in new developments, while still adapting to existing roadway conditions where feasible.

As a City with nearly 200 years of history, much of Oregon City's infrastructure was constructed long before the adoption of the ADA. Between 1990 and 2020, significant growth further expanded the City's infrastructure, making it challenging to retrofit older areas while also keeping pace with new development. However, with the increasing use of computers in the 2000s and the implementation of GIS and other software tools, the City gained the ability to track both existing and newly constructed ADA ramps within the public right-of-way.

Beginning in 2018, with the introduction of computerized tablets and GIS applications, the City launched a comprehensive inventory of ADA ramps. This effort remains ongoing. As of the most recent data, the City estimates approximately 3,029 ADA ramps exist within its jurisdiction. Of these, 1,329 have been inspected and assigned a pass or fail rating. Among the inspected ramps, 780 are currently classified as failing.

Within the City roadways are regulated and maintained under the jurisdiction of either:

- City of Oregon City
- Clackamas County
- Oregon Department of Transportation (ODOT)

This portion of the ADA Transition Plan focuses solely on improvements within the public right-of-way regulated and maintained by the city. ADA compliance within the public right-of-way falls into the following categories:

- Newly constructed ramps associated with roads built by private development
- Replaced ramps on existing roads improved by private development
- Replaced ramps during Capital Improvement Projects (CIP) transportation projects
- Newly added ramps as part of CIP transportation projects
- Tripping hazards on existing sidewalks

- Pedestrian signals at intersection crosswalks
- Rectangular Rapid Flashing Beacons at non-intersection crosswalks
- Traffic signals
- Sidewalk Width obstructions (i.e. Light Poles, Traffic Poles, Power Poles)

Transit Stops and Shelters are the responsibility of the transit agency.

ADA Regulations in the right-of-way on County or State roads are the responsibility of Clackamas County and Oregon Department of Transportation respectively.

ADA Regulations on privately owned and maintained roads are the responsibility of the private land owner(s) or easement designee.

The City requires adjacent property owners to address tripping hazards on public sidewalks; however, this is currently enforced only through a complaint-driven process. The replacement or installation of ADA ramps is performed by the City when a CIP project occurs adjacent to a ramp location or within a crosswalk. In accordance with state law, all new sidewalks constructed by private development must include ADA-compliant corner ramps at any pedestrian crossing.

## Section 1.2: History of the City

Oregon City is the oldest incorporated City west of the Rocky Mountains and was founded in 1829 and incorporated in 1844. Oregon City has a population of approximately 37,000, and the City is characterized by topography that rises sharply from the riverfront and downtown to reach 250 feet above the Willamette River. Oregon City, like many jurisdictions, faces the challenge of accommodating population and employment growth while maintaining acceptable service levels on its transportation network.

## Section 1.3: The Americans with Disabilities Act

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a comprehensive civil rights law prohibiting discrimination on the basis of disability. It protects the rights of individuals with disabilities across various areas, including employment, access to state and local government services, public accommodations, transportation, and other public spaces.

On July 26, 1991, the U.S. Department of Justice (DOJ) issued regulations for Titles II and III of the ADA, which included the 1991 ADA Accessibility Guidelines. Title II specifically prohibits discrimination by public entities, requiring them to ensure that all programs, services, and activities are accessible to individuals with disabilities.

To reflect evolving standards, the DOJ issued revised regulations on September 15, 2010, adopting the 2010 ADA Standards for Accessible Design, which became effective on March 15, 2011. These standards are jointly issued by the Department of Justice (DOJ) and the Department of Transportation (DOT). The DOJ's ADA Standards apply to most facilities,

while public transportation facilities fall under the DOT's jurisdiction. This combined version of the ADA Standards incorporates both sets of requirements and highlights provisions unique to each agency.

The updated standards align with the minimum guidelines issued by the Architectural and Transportation Barriers Compliance Board, commonly known as the Access Board, which is responsible for developing accessibility guidelines and providing technical assistance and training. Under the ADA and the Architectural Barriers Act (ABA), the Access Board has developed guidelines for access to public rights-of-way, including sidewalks, streets, crosswalks, curb ramps, pedestrian signals, and on-street parking. These are outlined in the Public Right-of-Way Accessibility Guidelines (PROWAG).

Under the 1991 ADA regulations, all public entities regardless of size were required to evaluate their services, policies, and practices and to modify any that did not comply with ADA requirements. Additionally, public entities with 50 or more employees were required to develop a Transition Plan. This plan had to identify any necessary structural changes to achieve program access and include a schedule for implementation. Public participation was also mandated, requiring entities to provide an opportunity for interested individuals to contribute to the self-evaluation and transition planning process.

#### Section 1.4: ADA Transition Plan for the Public Right-of-Way

The Americans With Disabilities Act Transition Plan for the Public Right-of-Way (ADA Transition Plan) has been developed to ensure compliance with Title II of the Americans with Disabilities Act. This plan outlines the City's approach to identifying and addressing physical barriers with the public right-of-way and provides a framework for bringing these facilities into compliance over time.

The ADA Transition Plan for the Public Rights-of-Way is limited to evaluating physical barriers specifically within the public right-of-way including, sidewalks, curb ramps, crosswalks, pedestrian signals, and similar features. It does not address ADA barriers that may exist within other City-owned facilities, programs or services.

The purpose of the plan is to establish a structured process for:

- Identifying existing barriers to accessibility
- Prioritizing improvements
- Monitoring ongoing progress
- Engaging the public in identifying areas of concern

Under Title II of the ADA, public entities are required to include the following key elements in their ADA Transition Plans:

- A self-evaluation identifying existing facilities that pose barriers to accessibility

- A description of the methods and steps that will be taken to remove these barriers, along with a budget estimate and implementation schedule based on available resources
- A recommendation for a monitoring program, including an annual progress report to the City Commission and online public updates
- The designation of a responsible official to oversee barrier removal efforts and track compliance
- A process for public input, allowing individuals to request improvements or report deficiencies within the public right-of-way

The appendices of this report serve as a living inventory of identified barriers and proposed improvements. Since the City does not yet have complete data on all right-of-way facilities, these appendices will be updated regularly to reflect new information, infrastructure changes, and progress made in removing barriers.

This ADA Transition Plan is a living document, it will be reviewed and revised as barriers are removed, new infrastructure is constructed, and facilities are added to the City's inventory.

The U.S. Access Board's PROWAG will be used as the technical standard for evaluating and upgrading infrastructure in the public right-of-way. PROWAG provides detailed guidelines for accessible design of sidewalks, streets, curb ramps, crosswalks, pedestrian signals, on-street parking, and other public right-of-way features.

It is important to note that under Title II of the ADA, cities are not required to install curb ramps at every location where a sidewalk meets a curb. In some cases, traffic safety or engineering constraints may make installation impractical or unsafe. These considerations will be taken into account during the planning and implementation process.

### **Section 1.5: Federal Requirements & Guidelines**

The Federal government established various anti-discrimination laws over the years. ADA disabilities were included in anti-discrimination laws in 1990. To implement this law, ADA transition plans were required for compliance.

#### [Title VI of the Civil Rights Act of 1964, \[42 U.S.C. 200d-1\]](#)

Title VI prohibits discrimination based on race, color, or national origin in programs and activities receiving federal assistance.

#### [Section 504 of the Rehabilitation Act of 1973 \[29 U.S.C. 794\]](#)

Section 504 prohibits discrimination against individuals with disabilities under any program or agency receiving federal financial assistance. The head of each such agency shall promulgate such regulations as may be necessary to carry out the amendments to this section made by the Rehabilitation, Comprehensive Services, and Development Disabilities Act of 1978.

[Section 109 of Title I of the Housing and Community Development Act of 1974 \[42 U.S.C. 5309\]](#)

Section 109 prohibits discrimination based on race, color, national origin, sex or religion in programs and activities receiving financial assistance from the U.S. Department of Housing and Urban Development's (HUD) Community Development and Block Grant Programs.

[Americans with Disabilities Act of 1990 \(42 U.S.C. 12101 et seq.\)](#)

The ADA prohibits discrimination against individuals with disabilities, and Title II of the ADA applies specifically to state and local governments.

[Title II of the ADA \[28 CFR Section 35.150\(d\)\]](#)

If structural changes to facilities are required to ensure accessibility compliance, Title II requires that a public entity of 50 or more employees develop a transition plan that establishes the necessary steps to complete the changes. The transition plan should contain, at a minimum, the basic components as follows:

- List of the physical barriers in the right-of-way that limit accessibility of persons with disabilities.
- Description of methods to be utilized to remove the barriers.
- Schedule for taking the necessary steps to achieve compliance. If the plan is longer than one year, identify the steps that will be taken each year over the course of the plan.
- Name of official responsible for transition plan implementation.

An opportunity for public comment on the transition plan shall be made available to interested persons, including those with disabilities or organizations representing individuals with disabilities. A copy of the transition plan shall be made available for public inspection.

[Access Board's Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way \(2011 NPRM, 36 CFR Part 1190, Docket No. ATBCB 2011-04\)](#)

The Access Board's proposed guidelines for the design, construction, and alteration of pedestrian facilities in the public right-of-way are to ensure these facilities are accessible and usable by pedestrians with disabilities. These guidelines were first published for public comment on July 26, 2011, with corrections issued on July 29, 2011, and the comment period was reopened on December 5, 2011 per requests from the National Association of Counties, the National League of Cities, and the U.S. Conference of Mayors. When the guidelines are adopted, with or without additions and modifications, they will become the accessibility standards with mandatory compliance issued by other federal agencies implementing the ADA, section 504 of the Rehabilitation Act, and the Architectural Barriers Act.

The U. S. Department of Transportation's Federal Highway Administration (FHWA) has identified the 2005 draft PROWAG as the current best practice in accessible pedestrian design under the FHWA Federal-aid (504) regulation.

### Section 1.6: Oregon State Law

In Oregon, a crosswalk is defined by ORS 801.220 as the portion of a roadway at an intersection, or elsewhere, that is distinctly indicated for pedestrian use by lines or other markings. If no marked crosswalk exists, it is legally defined as an unmarked crosswalk, typically where sidewalks or shoulders would extend across the street at an intersection, or at least six feet wide if no sidewalks or shoulders exist. This means that every intersection in Oregon is considered a crosswalk, regardless of whether it's marked or not.

ORS 447 provides regulation with respect to the ADA which then must be implemented at these crosswalk locations.

The following is a simplified summary of Oregon Revised Statutes relating to ADA Accessibility within the right-of-way.

#### [Oregon Revised Statutes Chapter 447 – Standards and Specifications for Access by Persons with Disabilities \(sections 447.210 to 447.310\)](#)

The construction standards for curbs on either side of any city street, county road, state highway, or any connecting street, road, or highway for which curbs and sidewalks have been prescribed by the governing body of the city or county or Department of Transportation require at least two (2) curb cuts or ramps per linear block located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least 48 inches wide, where possible, and a minimum of 36 inches wide where 48 inches cannot be accommodated. The slope must not exceed a ratio of 1:12. For cases where a slope of 1:12 is not possible, a slope between 1:10 and 1:12 is allowed for a maximum rise of 6 inches and a slope between 1:8 and 1:10 is permitted for a maximum rise of 3 inches. The slope must never exceed 1:8.

### Section 1.7: Oregon City Municipal Code & Adopted Plans

Oregon City Municipal Code (OCMC) Chapter 12.04 Streets, Sidewalks and Public Places and Chapter 16.12 Minimum Public Improvements and Design Standards for Development include various regulations relating to the maintenance and construction of sidewalks and curb ramps.

The City has adopted a Transportation Systems Plan (TSP) which outlines improvements to be completed with the City over a period of years. This plan is updated periodically. The TSP lists Capital Improvement Projects (CIP). When these projects are implemented, the ADA is implemented as well by retrofitting, modernizing, or adding new ADA ramps where they no longer meet the standards.

The City also has adopted a Pavement Maintenance Utility Fee. This fee is used to fund the annual roadway resurfacing program. When a roadway is repaved adjacent to the ramp or through an intersection, the ADA ramps must be retrofitted, modernized, or added to comply with the ADA. These projects create 'alterations' as defined by the ADA.

Maintenance projects such as slurry sealing, pothole patching, chip seals, crack sealing, and striping do not constitute an alteration and are considered maintenance; therefore, ADA upgrades or additions are not provided with these maintenance projects.

Within the City in right-of-way under the jurisdiction of the City, adjacent property owners are the responsible party for maintenance of public sidewalks. The sidewalk is required to be maintained in 'good repair'. The City defines 'good repair' as ensuring no tripping hazard exists. A tripping hazard is defined by the ADA as a vertical change in elevation of ¼" or more. The City does not include cracking, pitting, aesthetics or other imperfections as 'good repair'. These items must include a tripping hazard to be enforced.

Additionally, the City does not require a private property owner to redo a corner ramp if there are tripping hazards. As long as the existing curb is maintained and not wholly replaced, the repair of a tripping hazard allows the corner to remain out of compliance with ADA. If the curb is wholly replaced or the property is subject to development standards, then the corner must come into compliance with ADA standards.

Lastly, the City ensures accessible routes are available on public sidewalks when requests for closures or temporary obstructions occur. The applicant is responsible for providing a traffic control plan which may include a temporary pedestrian accessible route (TPAR).

The following are various sections of Municipal Code and Adopted Plans which relate to sidewalks, paths, and ADA requirements.

[OCMC Section 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.

[OCMC Section 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.

[OCMC Section 12.04.032 – Required sidewalk repair](#)

A. When the public works director determines that repair of a sidewalk is necessary, written notice shall be provided to the owner of property adjacent to the defective sidewalk.

B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The

notice shall also state that if the repair is not made by the owner, the city may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.

1. All sidewalks hereafter constructed in the city on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan and OCMC 16.12. Sidewalks and curbs are to be constructed according to plans and specifications approved by the city engineer.

#### OCMC Section 12.04.040 – Sidewalk – Enforcement

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

#### OCMC Section 12.04.120 – Obstructions – Permit Required

B.4.d. Handicap accessible route complying with Americans with Disability Act (ADA) standards;

#### OCMC Section 16.12.032 – Public off-street pedestrian and bicycle accessways

E. Accessways shall comply with Americans with Disabilities Act (ADA).

#### Oregon City 2013 Transportation System Plan (TSP): Volume 1 – Section 3: The Vision

Goal 4. Provide an equitable, balanced and connected multimodal transportation system

#### Oregon City 2013 Transportation System Plan (TSP): Volume 2 – Section B: Project Goals and Objectives

Goal 1, Objective A: Ensure that the transportation system provides equitable access to underserved and vulnerable populations. Provide a transportation system that offers people choices, regardless of age, ability, income level and geographic location, and allows them to respond and adapt to changing conditions.

#### Modifications to the Street Standards

Modification requests must be submitted using the ADA Modification Request form (see Appendix B of Oregon City Street Standards) for the following circumstances:

- A. Requests for modifications to waive the requirement for a new ADA accessibility feature as part of private development should be submitted and acted upon before land use approval since land use conditions are typically written with little or no flexibility.
- B. Requests for modifications to requirements for a particular element should be submitted during the first plan review and shall be acted upon before permit issuance.

- C. Requests for modification to requirements may be submitted during construction if physical constraints that were not included in the design are identified. In such situations, the Engineer of Record or City Project Manager shall prepare a revised design that maintains accessibility to the greatest extent practicable, and that modification shall be acted upon before constructing the accessibility feature.
- D. Modifications should not be provided for non-compliant features after construction.

The City Engineer will review all modification requests and approve or deny the requested modification.

### Section 1.8: Designated ADA Coordinator

The City of Oregon City is committed to providing equal access to its public programs, services, facilities and activities for all citizens including those with disabilities. To achieve that end, Oregon City has designated an **ADA Coordinator** to oversee compliance with **Title II of the ADA**. The ADA Coordinator ensures that all individuals can access City facilities and participate in City services and programs.

When requests for programs, services, facilities and activities are made for the public right-of-way, the ADA Coordinator contacts the Public Works Director to implement any requests. Tasks related to the implementation of this ADA Transition Plan for the Public Right of Way may be delegated to qualified staff. The public works department's responsibilities include:

- Maintaining and updating the ADA Transition Plan for the Public Right-of-Way
- Overseeing enforcement of the OCMC related to sidewalk maintenance in existing neighborhoods
- Managing the modernization of existing ADA ramps and addition of ADA-compliant ramps during transportation-related capital improvement projects
- Interpreting ADA laws and technical standards as necessary for implementation
- Coordinating with other City departments, regional partners, and contractors to ensure consistent ADA compliance
- Supporting staff training in ADA compliance and accessible design
- Receiving public input and managing complaints through the ADA grievance process for the public right-of-way

Contact information for the ADA Coordinator is found on the City ADA Webpage.

## Section 2: Self-Evaluation

### Section 2.1: Overview

Title II of the ADA Technical Assistance Manual states *“when choosing a method of providing program access, a public entity must give priority to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities.”*

In alignment with this principle, the city has undertaken an ongoing self-evaluation of its pedestrian infrastructure with the public right-of-way. There is currently 3,368 ADA ramps located within the city limits, of which 3,029 are located on roadways under the jurisdiction of the City. Over the past several years, the city has inspected 1,329 ramps. Initial inspections were conducted on a neighborhood-by-neighborhood basis, as staff resources allowed. More recently, the City has implemented a priority-based approach to guide the inspection of the remaining ramps.

In addition to assessing existing infrastructure, the City also tracks new ADA ramps installed through CIP and private development projects. These new ramps are inspected to ensure compliance with current ADA standards before the City releases final retainage or bond funds on a project.

Currently, the City has the capacity to inspect approximately 20 existing ADA ramps or corners per month. As of the initial adoption of this Transition Plan, approximately 1,700 ramps remain uninspected. At the current pace and staff capacity, full inspection of all city ramps will take an estimated 85 months, or just over 7 years.

Beyond ramps, the City also owns and maintains 38 signalized locations, including vehicle traffic signals, pedestrian signals, Rectangular Rapid Flashing Beacons (RRFBs), and intersection flashers. All pedestrian-related signals must meet ADA accessibility standards. Signal maintenance is provided under contract by Clackamas County.

An inventory of existing signals is included in Exhibit B: ADA Inspection Maps. While the inventory documents equipment type and location, it does not currently assess compliance with ADA features such as appropriate mounting height, reach range, or level landing surfaces. To meet ADA standards, pedestrian signals must be Accessible Pedestrian Signals (APS). At present, 11 of the City’s signals are APS-compliant.

As signal upgrades are implemented, either through standalone signal projects, as part of paving or CIP work, non-compliant signals will be retrofitted with appropriate APS devices, proper push-button height, and accessible landings to bring them into full ADA compliance.

## Section 2.2: Prioritization Framework

Given limited funding and resources, the City cannot immediately eliminate all accessibility barriers within the public right-of-way. To ensure a systematic and equitable approach, City staff working closely with stakeholders and incorporating community feedback have developed a prioritization strategy that guides both the self-evaluation process and the implementation of improvements.

This prioritization focuses first on barriers that present the greatest challenges to accessibility, especially in areas with high pedestrian activity and public importance. The highest priority is given to locations adjacent to or serving state, county, and local government buildings, public hospitals and health clinics, public housing projects, homeless shelters, city parks, and public schools including community colleges, high schools, and elementary schools with programs specifically for children with disabilities. It also includes state and local district offices with high public traffic such as transportation hubs, Department of Motor Vehicles offices, state parks, and correctional facilities.

The next level of priority includes areas adjacent to or serving places of public accommodation, such as private medical offices, senior living facilities, major shopping centers, large housing complexes, employment centers, supermarkets, retail strip centers, smaller apartment complexes, disability service organizations, and rehabilitation centers.

Finally, lower priority is assigned to areas within single-family residential neighborhoods, industrial zones, and other locations not encompassed by the previous categories.

### Use Priority 1: State and Local Government and Public Use

Priority 1 areas include high-traffic, public-facing facilities and infrastructure that are integral to the daily functioning of government, education, health, and social services. Ensuring accessibility in these locations is essential to promoting public participation, civic engagement, and equal access to core community services and resources.

- State, county, and local government buildings within the City
- Public hospitals, health clinics, medical clinics, mental health clinics, and therapy centers
- Public housing developments and homeless shelters
- City owned parks and recreational areas
- Public educational institutions, including community colleges, high schools, middle, and elementary schools, especially those offering specialized programs for children with disabilities
- High-traffic government offices such as Department of Motor Vehicles (DMV) locations, major transportation hubs, regional service centers, state parks, and correctional facilities

These facilities often represent essential services that residents cannot opt out of or delay using. Accessibility at these locations is necessary to uphold civil rights and ensure compliance with Title II of the ADA.

### Use Priority 2: Essential Community Services and Commerce

Priority 2 areas include facilities and corridors that provide goods, services, and community opportunities essential to independent living, economic participation, and social inclusion. These areas are key connectors between residential neighborhoods and critical destinations such as medical care, employment centers, and retail hubs.

- Private hospitals, doctors' offices, and mental health providers
- Senior living facilities and assisted living centers
- Major shopping malls and retail strip centers
- Supermarkets and grocery stores
- Large housing complexes and small apartment communities
- Major employment centers and job access corridors
- Service sites operated by disability and social service organizations
- Physical rehabilitation centers and outpatient care facilities

Accessibility in these areas supports community inclusion, access to healthcare and housing, economic opportunity, and the ability of people with disabilities to engage in community life independently. These corridors often serve as the connective tissue between homes, workplaces, and services.

### Use Priority 3: Low-Density Residential and Other Uses

Priority 3 areas are characterized by lower pedestrian activity and primarily serve local, residential, or industrial functions. Although these zones experience less traffic, ensuring long-term accessibility in these areas is vital to maintaining comprehensive network connectivity and supporting the daily lives of all residents.

- Single-family residential neighborhoods
- Industrial and warehouse areas
- Other areas not included in Priorities 1 or 2

## **Section 2.3: Implementation and Mapping**

This prioritization framework informs not only the order of barrier removal but also the planning of future capital improvement projects, routine maintenance schedules, and the integration of accessibility into other city initiatives such as roadway reconstruction, streetscape redesigns, or zoning updates.

A comprehensive visual representation of the prioritization zones is provided in Appendix C: ADA Priority Corridors Map, which serves as a working tool for project planning and public transparency.

## Section 2.4: Data Collection

The city addresses ADA compliance for public sidewalks in the right-of-way in two ways:

- Tripping hazards on sidewalks
- ADA curb ramps at intersections or pedestrian crossings

The city maintains an inventory of sidewalk locations; however, it does not proactively evaluate all sidewalks for ADA compliance related to tripping hazards. According to ADA, a tripping hazard is defined as a vertical elevation difference of  $\frac{1}{4}$ " or more.

The OCMC Section 12.04.030 requires, *"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."* In practice, the City responds to sidewalk hazards on a complaint-driven basis. Community members may report tripping hazards, and the Public Works Department and Code Enforcement collaborate to notify the responsible property owner of the required repairs, in accordance with City code.

### ADA Curb Ramp Evaluation

City staff inspect existing curb ramps for compliance with the PROWAG. Evaluations are conducted based on a prioritized self-evaluation list and documented in the City's GIS-based ADA Dashboard.

Each curb ramp is assessed using the following PROWAG criteria:

- Ramp Location: Identifies if the ramp is a corner ramp, directional ramp, or mid-block location
- Ramp Running Slope: Must not exceed 8.3%
- Cross Slope: Must not exceed 2%
- Detectable Warning Surface: Must be present and properly sized
- Vertical Surface Discontinuities: Must not exceed  $\frac{1}{4}$  inch in height
- Curb Ramp Width: Must be at least 4 feet wide
- Counter Slope at Gutter: The slope at the gutter or road must not exceed 5%
- Clear Space: Must be a minimum of 4' x 4', or 5 feet wide at the back of the walk if constrained at the sidewalk edge; slope must not exceed 2%
- Vertical Edge: Must meet the PROWAG requirement of  $\frac{1}{4}$  inch maximum

A summary of the facilities evaluated through the self-evaluation process is provided in Appendix B: ADA Inspection Maps.

Appendix C: ADA Priority Corridors Map highlights high-priority corridors identified for inspection and improvement throughout the city.

### Section 3: Action Plan

The Action Plan outlines a long-term strategy to achieve compliance with the ADA’s program accessibility requirements in the public right-of-way. This plan serves as a working framework to guide the city in identifying, prioritizing, and implementing improvements to pedestrian infrastructure.

The ADA Transition Plan establishes a process for ongoing evaluation, public engagement, and phased implementation of accessibility upgrades. The prioritized list of projects and improvements has been reviewed by the City Commission, the Citizen Involvement Committee, and the Transportation Advisory Committee, ensuring broad community input and oversight.

The following types of improvements are typically necessary to bring existing infrastructure into compliance with ADA standards:

- Barrier removal, including adjustment of noncompliant driveways and relocation of obstructing utilities
- Upgrades to accessible pedestrian signals (APS)
- Reconstruction or upgrade of existing ADA curb ramps
- Installation of new ADA-compliant curb ramps
- Reconstruction of existing sidewalks or pedestrian pathways
- Installation of new sidewalks or pedestrian infrastructure

This Action Plan will be implemented incrementally, as resources allow, and updated periodically to reflect progress, changing priorities, and community needs.

#### Section 3.1: Project Prioritization

The criteria for prioritizing and ranking these routes align with ADA guidelines outlined in 28 CFR Part 35, Section 35.150(d), which requires that a public entity’s transition plan prioritize “walkways serving entities covered by the Act, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.” The routes identified by the City and Committees reflect these priorities.

Project priorities mirror those established in the Prioritization Framework, found in the Self-Evaluation, with one key exception: CIP and PMUF Projects affecting ADA corners or crossings are given top priority, ahead of Priority 1 areas. As long as funding is available for CIP and PMUF projects annually, any deficient corners or crossings within the project scope will be upgraded each year. Should additional funds become available for ramps in areas without planned paving, upgrades will be guided by this Project Prioritization.

## Section 3.2: Monitoring

The Public Works Department is responsible for leading the removal of accessibility barriers and tracking the City's progress toward ADA compliance in the public right-of-way.

To ensure consistent progress, Public Works inspectors will continue to monitor ADA compliance by performing regular self-evaluations and updating the ADA Inspection Maps found in Appendix B as staffing and resources allow. Monitoring activities will focus on:

- Evaluating slopes and other compliance features of existing curb ramps
- Identifying physical barriers such as utility poles or other obstructions that limit the required minimum 3-foot clearance or prevent adequate turnaround areas
- Verifying newly constructed or reconstructed ramps from Capital Improvement Projects (CIP) and private development

Once the initial self-evaluation of all existing ramps is completed (estimated in approximately eight years), the City will continue to:

- Track the construction of new ramps through development and CIP projects
- Update inspection records and maps as new ramps are installed or reconstructed
- Expand inspection efforts to include barriers within sidewalk corridors (beyond ramp areas) and ADA compliance at signalized pedestrian crossings, as resources allow

Suggested Monitoring Schedule Overview:

- Years 0-8      Inspections of existing ramps, verification of newly built ramps
- Year 3          Update of Appendix B: ADA Inspection Maps
- Year 6          Update of Appendix B: ADA Inspection Maps
- Year 9          Update of Appendix B: ADA Inspection Maps
- Years 9-12     Inspections of existing signalized pedestrian crossings
- Year 12         Update of Appendix B: ADA Inspection Maps
- Years 12-20    Inspection of public sidewalk barriers
- Year 15         Update of Appendix B: ADA Inspection Maps
- Year 18         Update of Appendix B: ADA Inspection Maps

This ongoing monitoring process ensures that the City can assess progress, prioritize improvements, and adapt to new developments or changes in ADA standards. The ADA Transition Plan will remain a living document, updated regularly to reflect the most current conditions and compliance status within the public right-of-way. The process is dependent on staffing and resources available and may not be able to follow the suggested schedule. The purpose of this is to provide a guideline rather than a hard schedule or mandate.

### Section 3.3: Funding

ADA improvements within the public right-of-way are funded through a combination of local, regional, and federal sources. These include capital improvement allocations, grant programs, development-related contributions, and maintenance utility funds. Due to the scale of identified accessibility needs and the significant cost of compliance, available funding remains a critical factor in determining the pace and scope of implementation.

The City uses a multifaceted funding strategy to ensure steady progress toward ADA compliance while maximizing the efficiency of available resources. Key funding sources include:

#### [Sidewalk Replacement Assistance Program](#)

Launched in 2022, the Sidewalk Replacement Assistance Grant Program provides direct financial support to property owners for repairing sidewalks along private frontages, particularly where ADA tripping hazards have been caused by street trees. The program originally had an annual budget of \$200,000. However, for Fiscal Years 2025–2027, the City has reduced this allocation to \$125,000 annually, based on revised funding priorities and demand.

#### [Capital Improvement Projects \(CIP\)](#)

Capital Improvement Projects (CIP) are large-scale, planned infrastructure projects such as road reconstruction, streetscape enhancements, or corridor upgrades that present valuable opportunities to incorporate ADA improvements. Curb ramps, sidewalks, and pedestrian crossings within project boundaries are evaluated and upgraded to meet current ADA standards.

CIP projects are typically funded through a mix of local, state, and federal sources and are selected through the City's multi-year capital planning and budgeting process. This coordinated approach ensures that accessibility upgrades are integrated into broader infrastructure investments, improving efficiency and long-term compliance.

#### [Pavement Maintenance Utility Fund \(PMUF\)](#)

The Pavement Maintenance Utility Fund (PMUF) supports the City's annual roadway resurfacing program. As streets are repaved, ADA-compliant curb ramps and sidewalk corners within the resurfacing limits are reconstructed as necessary to meet current accessibility standards.

This approach, pairing pavement rehabilitation with accessibility upgrades, maximizes cost-effectiveness and ensures compliance with ADA requirements. PMUF projects are identified in the City's adopted 5-Year PMUF Plan and are funded through the City budget.

#### [Rehabilitation vs. Self-Evaluation](#)

The City implements ADA improvements through two complementary strategies:

- **Rehabilitation-Based Improvements:** These are tied to the 5-Year PMUF Plan, with ADA features upgraded in conjunction with street resurfacing projects. Improvements occur on a street-by-street basis, based on pavement condition and maintenance priorities.
- **Self-Evaluation-Based Improvements:** Guided by the ADA Transition Plan, these projects are prioritized using a citywide inventory and assessment of pedestrian infrastructure. Criteria include proximity to schools, transit, public services, and the level of pedestrian usage. This allows the City to proactively address barriers across the network, independent of street resurfacing schedules.

### Funding Sources for Capital Improvement Projects

In addition to local revenues, ADA improvements through Capital Improvement Projects may be supported by a variety of funding sources, including:

- State Highway Fund (City’s share)
- Clackamas County Vehicle Registration Fees
- Pavement Maintenance Utility Fee (PMUF)
- Transportation System Development Charges (SDCs)
- Federal and state infrastructure grants
- Private development contributions (land use conditions)
- Public-private partnerships

### Strategic Funding and Reprioritization

The City actively pursues competitive grants and new funding opportunities to accelerate ADA compliance. As new funds become available, planned projects may be reprioritized using the ADA Transition Plan’s self-evaluation findings and project ranking system. This adaptive approach ensures that resources are directed to areas where they will have the greatest impact, particularly for individuals with disabilities.

The City remains committed to implementing diverse and sustainable funding strategies that support long-term ADA compliance while upholding fiscal responsibility. By coordinating accessibility improvements with other capital and maintenance projects, and by proactively seeking additional funding, the City aims to create a more inclusive, accessible public right-of-way network for all residents.

### Section 3.4: Cost of Compliance

As of 2025, the City is responsible for maintaining 3,029 curb ramps within its jurisdiction. Of the ramps inspected to date, 58.7% have been found to be non-compliant with current ADA standards. If this failure rate remains consistent across the entire inventory, it is estimated that approximately 1,778 ramps will require reconstruction or significant upgrades.

On average, 10–20 ramps are reconstructed per year through CIP and PMUF projects. At a reconstruction cost of approximately \$10,000 per ramp, this equates to an annual expenditure of roughly \$200,000. Given the current inventory and replacement rate, it would take approximately 89 years to fully replace all non-compliant ramps, assuming no inflation and no additional funding sources are secured.

Based on the average reconstruction cost, the total estimated investment needed to achieve full ADA compliance for the non-compliant ramps is approximately \$17.78 million. This estimate does not include engineering design and assumes the ramps would be constructed as part of a larger road project’s design. This estimate does not account for future inflation or potential increases in construction costs. Given the scale of this financial commitment, securing adequate funding and strategically prioritizing projects will be critical to advancing accessibility improvements throughout the City.

### Section 3.5: Transition Plan Review

ADA states that a public entity is required to make available to applicants, participants, residents and other interested parties information regarding the ADA Transition Plan and its applicability to the services, programs or activities of the public entity, and to apprise the public of the protections against discrimination afforded to them by the ADA. The city provided an opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the ADA Transition Plan by submitting comments and making specific recommendations by way of public meetings and the City website.

A public entity that employs 50 or more people is required to seek public input on its ADA Transition Plan. Beyond the legal requirements, public input is vital to assure that those affected by the City’s programs, services, and facilities understand the scope and nature of the City’s responsibilities for providing equal access to the public.

Between January 2026 and April 2026, the Draft ADA Transition Plan was put out for public review and comment. During the comment period, staff posted the plan to the website, placed an ad in the Oregonian, and updated the City’s Facebook and Instagram page in order to obtain as much public input as possible. The City also presented the plan to the Transportation Advisory Committee on March 12, 2026, Parks and Recreation Advisory Committee on March 26, 2026. and the Citizen Advisory Committee on February 2, 2026.

A City Commission hearing was held for the draft ADA Transition Plan on July 7, 2026.

See Appendix E: Public Outreach Materials and Comments in this plan for a complete list of comments and materials regarding each public outreach period.

## Section 3.6: Programs Resulting in ADA Improvements

The City advances accessibility within the public right-of-way through a coordinated combination of regulatory enforcement, capital improvement projects, and infrastructure upgrades required through private development. These ongoing programs include roadway maintenance, infrastructure planning, code enforcement, and land use permitting.

By integrating ADA improvements into these operational and regulatory frameworks, the City is able to incrementally reduce barriers and work toward long-term ADA compliance. This multifaceted approach ensures consistent progress, guided by identified priorities and available funding.

### Enforcement of Sidewalk Tripping Hazards

As of 2025, all violations of the Oregon City Municipal Code, excluding parking enforcement, are addressed through a complaint-driven process. Sidewalk hazard complaints are typically submitted electronically, specifying the location of concern.

- Complaints are initially reviewed by the Code Enforcement Division of the Oregon City Police Department.
- If the issue involves a potential sidewalk tripping hazard, the complaint is forwarded to the Engineering Division of the Public Works Department for inspection.

A Public Works representative assesses whether the reported hazard meets the ADA definition—a vertical elevation difference of ¼ inch or more. If a hazard is confirmed, the City initiates a formal notification and compliance process, requiring the adjacent property owner to make necessary repairs.

Approved repair methods include:

- Grinding the hazard to eliminate the elevation change
- Removing and replacing the affected sidewalk section

If the repair is not completed within the timeframe specified in the Municipal Code, the issue is returned to Code Enforcement. A formal case is then opened, offering a final opportunity for compliance. Continued non-compliance may result in court proceedings. If the City ultimately performs the repairs, cost recovery may include billing the property owner or placing a lien on the property.

### Annual Pavement Maintenance Utility Fund (PMUF) Program

Since 2008, Oregon City has collected fees through the Pavement Maintenance Utility Fund (PMUF) to support roadway resurfacing and related improvements. Every five years, the City adopts a new PMUF plan identifying road segments scheduled for resurfacing based on pavement condition, usage, and funding.

Recent PMUF plans explicitly include ADA ramp upgrades as part of resurfacing projects. The process includes:

- Initiating project design roughly 12 months before construction
- Hiring consultants to prepare detailed plans
- Reviewing sidewalk conditions and verifying ADA ramp compliance using the City's ADA inventory
- Adding uninspected or non-compliant ramps to the project scope

Bid packages for PMUF projects typically include both pavement resurfacing and ADA ramp construction or reconstruction. Following project completion, staff or consultants update the ADA inventory and verify that new ramps meet all applicable standards.

### Capital Improvement Projects

CIP projects such as road replacements, widening, new road construction, or streetscape improvements occur less frequently and are generally dependent on securing grant funding. Recent examples include the Molalla Avenue Streetscape, Meyers Road Extension, and Main Street intersection improvements. Upcoming projects include the Main Street Streetscape and Washington Street widening.

CIP projects routinely incorporate ADA improvements by installing or upgrading pedestrian infrastructure to meet current design standards, with a focus on curb ramps, crossings, and sidewalks.

### Signal Upgrades

Installing Accessible Pedestrian Signals (APS) involves specialized design, electrical upgrades, and coordination with existing signal infrastructure. While not typically cost-prohibitive, APS installations are technically complex and require careful planning to ensure ADA compliance.

Currently, there are no dedicated local funding sources for APS upgrades. The City typically:

- Seeks external grant funding
- Includes APS installations as components of larger CIP projects

APS upgrades are prioritized at intersections with high pedestrian volumes, near transit stops, or in response to specific public requests, particularly from individuals with disabilities.

### Private Development Contributions

Private development plays a key role in expanding and upgrading ADA-compliant public infrastructure, particularly in growing or redeveloping areas of the city. As properties are redeveloped, adjacent public improvements are often required to meet current ADA standards.

The City requires developers to complete ADA-related improvements as a condition of land use approval or building permit issuance, including:

- Repairing or replacing non-compliant sidewalks
- Upgrading existing curb ramps
- Installing new ADA-compliant curb ramps at adjacent intersections

This ensures that accessibility upgrades occur incrementally over time without relying solely on public funding. As development continues, these improvements help the City achieve broader ADA compliance goals by addressing barriers at the site level and integrating accessible design into the built environment.

### Section 3.7: 3-Year Action Plan

For Calendar Year 2026, 2027, and 2028, the City anticipates providing the following improvements to public sidewalks.

January 1, 2026-December 31, 2026

1. Annual PMUF Project including ramps along Molalla Avenue from Warner Milne Road to Division Street
2. Private Development: TriMet Transit Center Reconstruction at 11<sup>th</sup> and Main
3. Private Development: Clackamas Heights (Clackamas Housing Authority) Reconstruction impacting Apperson Street and Gain Street
4. Miscellaneous Private Development

January 1, 2027-December 31, 2027

1. Annual PMUF Project including ramps along Boynton Street, Ed Street, Tina Street, Jackson Street, 13<sup>th</sup> Street, Pierce Street, Prescott Street and Lincoln Street
2. Main Street Streetscape from 10<sup>th</sup> Street to 15<sup>th</sup> Street (may finish in 2028)
3. Private Development: Park Place ELD Subdivision (new construction)
4. Miscellaneous Private Development

January 1, 2028-December 31, 2028

1. Annual PMUF Project including ramps along 1<sup>st</sup> Street, 3<sup>rd</sup> Street, 4<sup>th</sup> Street, 6<sup>th</sup> Street, Washington Street, John Adams Street, Buchanan Street, and 8<sup>th</sup> Street
2. Washington Street widening from Abernethy Road to Prairie Schooner Way
3. Miscellaneous Private Development

### Section 3.8: Construction Standards & Specifications

The City implements the Oregon Standard Specifications for Construction, as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of the American Public Works Association (APWA). These specifications provide uniform guidance for materials, construction methods, and quality control to ensure durable and accessible

infrastructure. For ADA-related facilities, including curb ramps, sidewalks, and pedestrian crossings, the City also follows the most current version of PROWAG. All public right-of-way construction projects must meet these standards to ensure full compliance with federal and state accessibility requirements.

### Section 3.9: Exceptions

While the City is committed to providing accessible infrastructure throughout the public right-of-way, there are instances where full ADA compliance may not be immediately achievable. In some cases, improvements may be implemented incrementally, with subsequent upgrades incorporated into future capital improvement projects. This phased approach allows the City to work toward full accessibility while balancing physical constraints, funding limitations, and project timelines.

In certain locations, existing site conditions may limit the City's ability, or make it technically infeasible or structurally impractical, to construct fully compliant ADA facilities. Examples include:

- Ramps obstructed by immovable structures, such as buildings or utility infrastructure
- Steep terrain that prevents the installation of compliant curb ramps
- Limited right-of-way or space constraints that make compliant designs unworkable

Additionally, some neighborhoods are protected under local, state, or federal historic preservation laws. In these areas, modifications that would alter or compromise historically significant features may be restricted. When accessibility upgrades cannot be made without jeopardizing these features, the City may pursue a historical significance exception.

In cases where full compliance is not feasible, the City documents the condition using the Americans with Disabilities Act (ADA) Modification Request Form, as referenced in Section 2.1 of the Oregon City Street Standards. This ensures a formal record of exceptions and provides transparency in the decision-making process.

## Section 4: Public Outreach

Public participation is a key requirement in the development of the ADA Transition Plan. To ensure meaningful community involvement, the City shared information and gathered feedback by presenting the draft plan to the Citizen Involvement Committee, the Transportation Advisory Committee, the Parks & Recreation Advisory Committee and the City Commission. A summary of the outreach efforts completed is provided in the following section.

### Citizen Involvement Committee (CIC)

On February 2, 2026 staff presented the draft ADA Transition Plan for the Public Right-of-Way to the Citizen Involvement Committee. At the meeting staff provided a general summary of the plan and answered any questions.

### Transportation Advisory Committee (TAC)

On March 12, 2026 staff presented the draft ADA Transition Plan for the Public Right-of-Way to the Citizen Involvement Committee. At the meeting staff provided a general summary of the plan and answered any questions.

### Parks & Recreation Advisory Committee (PRAC)

On March 26, 2026 staff presented the draft ADA Transition Plan for the Public Right-of-Way to the Citizen Involvement Committee. At the meeting staff provided a general summary of the plan and answered any questions.

### Public Comment Period

On March 17, 2026, the City placed the Americans with Disabilities Act Transition Plan for the Public Right-of-Way out for public comment. The plan was posted to the website and an opportunity was posted on the city's social media channels. Comment cards for the plan were made available on the website, however the public was also able to send their comments in via email or letter until July 7, 2026.

No comments were received.

### City Commission

A public hearing was held on July 7, 2026 to discuss the ADA Transition Plan. Attendees were presented with information about the ADA Transition Plan. Oregon City residents and businesses owners were provided opportunity to address the City Commission directly with questions, concerns, or other input regarding the program.

Refer to Appendix D: Public Outreach Materials & Comments for a summary of feedback received during the community engagement process.

## Section 5: Grievances

The City recognizes that not all ADA compliance needs or barriers can be identified solely through internal reviews. Some issues will arise through public input, where community members can report accessibility concerns, barriers, or hazards. To support this process,

the City has adopted an ADA Grievance Procedure that provides clear instructions for submitting requests online or by email. Submitted grievances are automatically routed to the appropriate staff member for review and action.

For more information on ADA Grievances, please see the City website:

<https://www.orcity.org/3459/ADA-Grievance>

## Appendix A: Definitions

Some words used in the Transition Plan have meanings unique and specific when included in the context of the ADA and accessibility requirements. Please refer to the Americans with Disabilities Act for the full text of definitions and explanations <https://www.access-board.gov/prowag> Chapter R1 – R105.

**Accessible** – Describes a facility in the public right-of-way that complies with this document.

**Alteration** – A change to a facility in the public right-of-way that affects or could affect pedestrian access, circulation, or use. Alterations include, but are not limited to, resurfacing, rehabilitation, reconstruction, historic restoration, or changes or rearrangement of structural parts or elements of a facility.

**Blended Transition** – A raised pedestrian street crossing, depressed corner, or similar connection between the pedestrian access route at the level of the sidewalk and the level of the pedestrian street crossing that has a grade of 5 percent or less.

**Cross Slope** – The grade that is perpendicular to the direction of pedestrian travel.

**Curb Line** – A line at the face of the curb that marks the transition between the curb and the gutter, street, or highway.

**Curb Ramp** – A ramp that cuts through or is built up to the curb. Curb ramps can be perpendicular or parallel, or a combination of parallel and perpendicular ramps.

**Element** – An architectural or mechanical component of a building, facility, space, site, or public right-of-way.

**Detectable Warning Surfaces** – Tactile surface consisting of truncated domes aligned in a square or radial grid pattern per R305 of the PROWAG.

**Facility** – All or any portion of buildings, structures, improvements, elements, and pedestrian or vehicular routes located in the public right-of-way.

**Grade Break** – The line where two surface planes with different grades meet.

**Pedestrian Access Route** – A continuous and unobstructed path of travel provided for pedestrians with disabilities within or coinciding with a pedestrian circulation path.

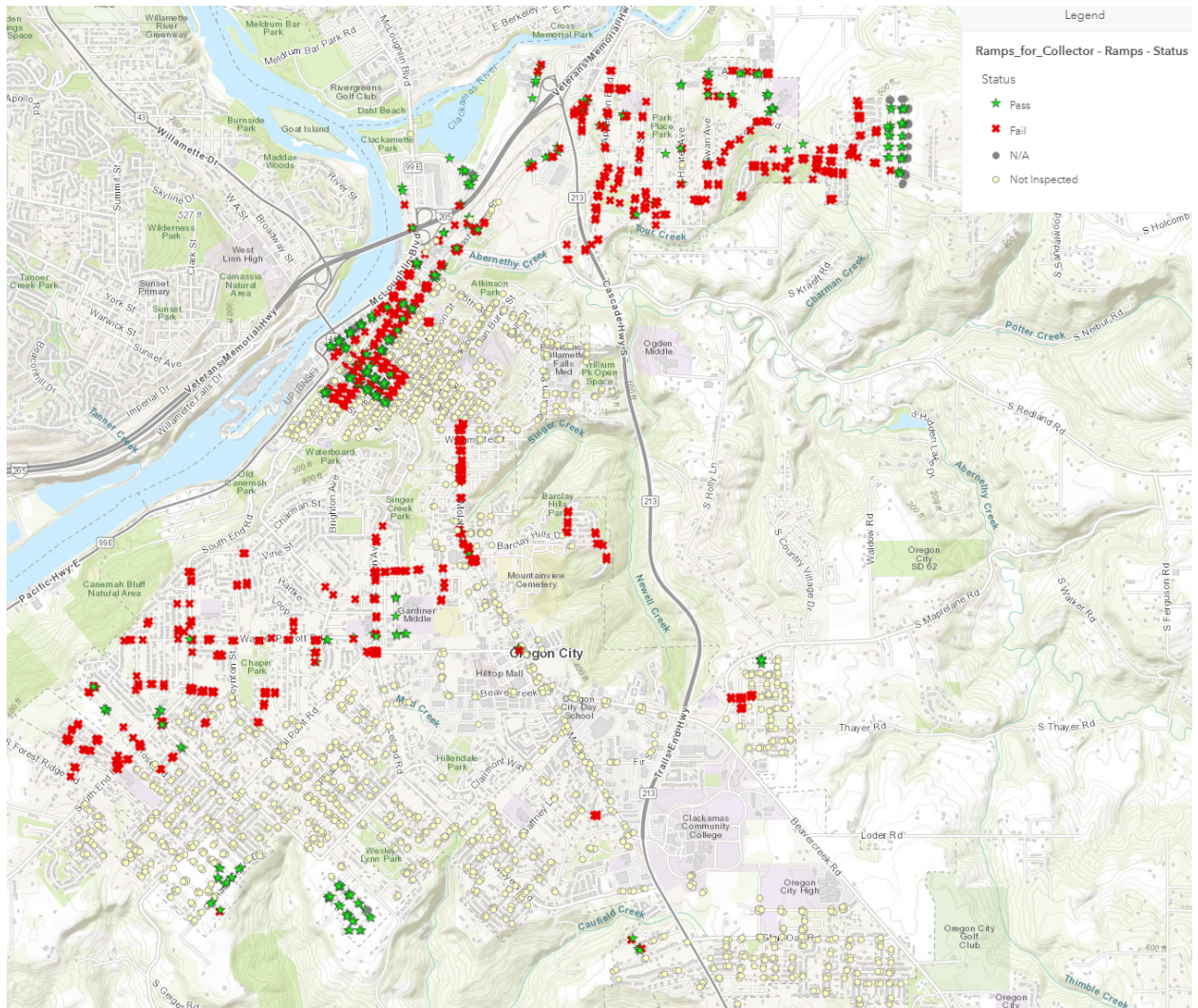
**Pedestrian Circulation Path** – A prepared exterior or interior surface provided for pedestrian travel in the public right-of-way.

**Public Right-of-Way** – Public land acquired for, or dedicated to, transportation purposes, or other land where there is a legally established right for use by the public for transportation purposes.

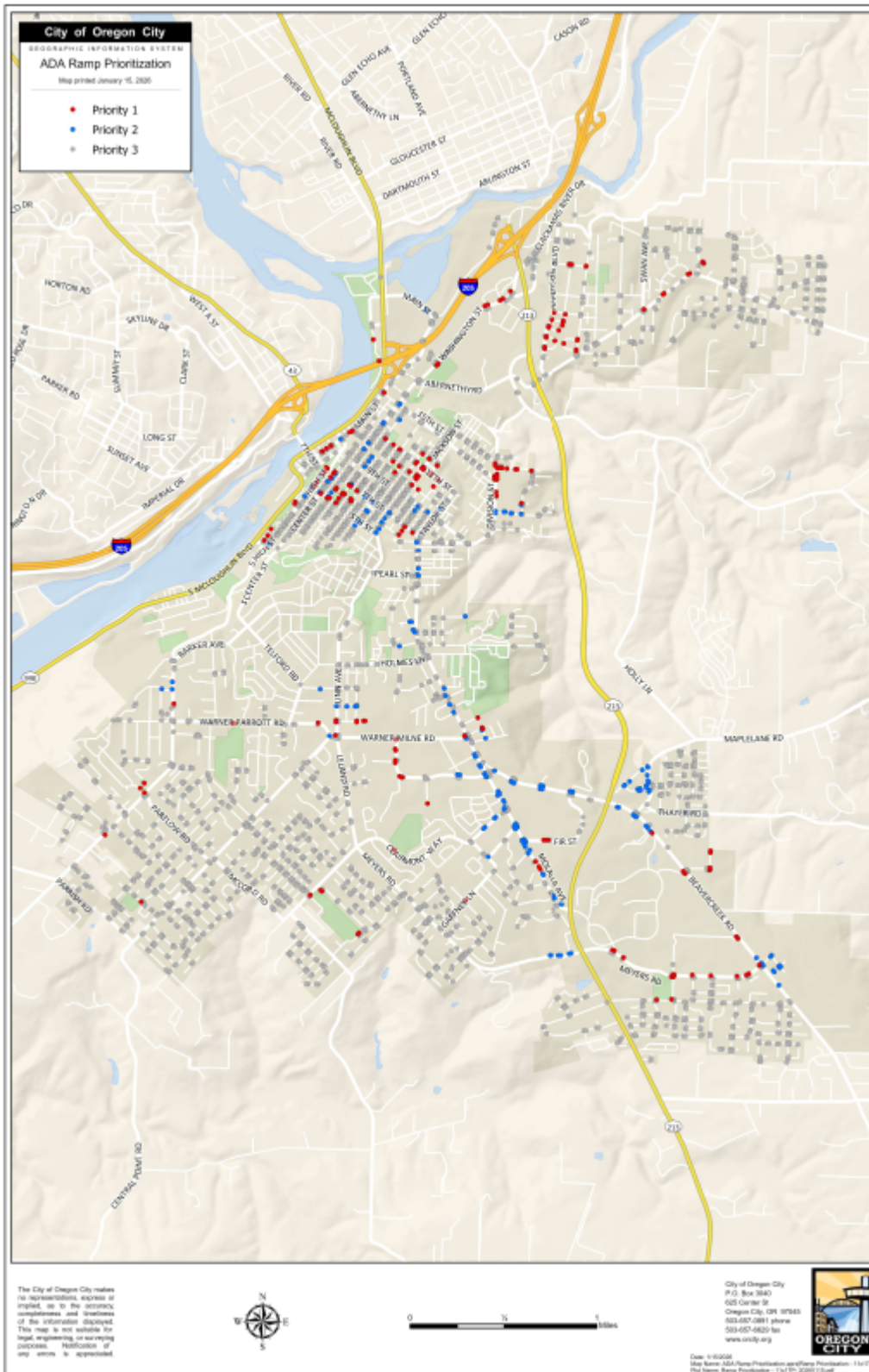
## Appendix B: ADA Inspection Maps

As of March 17, 2026, 3,368 ADA ramps were found within Oregon City. Oregon City has jurisdiction of 3,029 of the ramps.

- 787 failed inspections
- 635 passed inspections



# Appendix C: ADA Priority Corridors Map



Appendix D: Public Outreach Materials & Comments



## CITY OF OREGON CITY

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

### Staff Report

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**To:** City Commission **Agenda Date:** July 7, 2026  
**From:** Dayna Webb, Public Works Director  
Kurt Krueger, City Engineer  
Josh Wheeler, Assistant City Engineer

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#### **SUBJECT:**

Oregon City Municipal Code Chapter 17.44 - Geologic Hazards Code Commission Discussion

#### **STAFF RECOMMENDATION:**

Commission receives presentation and provides direction to staff concerning any revisions to Oregon City Municipal Code (OCMC), Chapter 17.44 - Geologic Hazards.

#### **EXECUTIVE SUMMARY:**

Earlier this year, the City Commission approved an appeal of the land use application for the property commonly known as the, "Wal-Mart property", located adjacent to Mollala Ave south of Hilltop Ave. The approval was based on the language within OCMC Chapter 17.44.060 L and the applicant's reasoning that this section of code gives the applicant the ability to propose alternative analysis to Chapter 17.44.060, subsection A through K, if it can establish a similar threshold of safety.

Staff will provide a history of the Geologic Hazards code for information and is requesting direction from Commission whether or not to make any revisions to existing code.

#### **BACKGROUND:**

The Geologic Hazards code is found within Oregon City Municipal Code (OCMC) Section 17.44. The code was significantly revised in 1994, 2010 and 2021.

Prior to 1994, the regulations were titled the "Unstable Slopes Overlay District." In 1994, the chapter was comprehensively revised and renamed the "Unstable Soils and Hillside Constraint Overlay District." In 2010, the chapter was renamed "Geologic Hazards," its current title.

The 1994 amendments established the City's current 25% slope criterion. The 25% slope criteria was determined by research of geologic hazard science at the time, a review of neighboring municipality standards, and a review with the Department of Land Conservation District (DLCD). The 25% threshold was also consistent with the Metropolitan Housing Rule's use of that slope as a benchmark for determining buildable land.

In 2010, the code was substantially revised, and an exemption code was added. Several

other portions of the code were reworded or added to. Density and disturbance standards remained unchanged. While the definition of a geologic hazard included landslide deposits and buffers and steep slopes and buffers, the only constrained areas included 25% slopes and greater.

In 2021, the code was substantially revised once again. Exemptions were clarified and additional clarifications were added. Code amendments were made that further constrained sites. Historic landslides and their associated buffers became constrained by density and disturbance.

Section 17.44.060(L) was adopted as part of the 1994 comprehensive revision through Ordinance 94-1001. The provision was originally codified as Section 17.44.060(K) before being renumbered during subsequent code revisions. Although the chapter has been amended several times since 1994, the substantive language of Section 17.44.060(L) has remained unchanged.

Section 17.44.060(L) provides that an applicant may propose an alternative geotechnical analysis if it demonstrates a level of safety equivalent to the standards established in Section 17.44.060(A) through (K). The subsection further provides that the review authority shall determine whether the proposed analysis demonstrates an equivalent level of safety, allows the City to recover the costs of outside technical review, and authorizes the City to impose conditions of approval when appropriate.

The legislative history does not include discussion of the purpose or intended application of Section 17.44.060(L). Although the provision was adopted as part of Ordinance No. 94-1001, the City Commission meeting minutes and other available legislative records do not specifically address the subsection. Historically, staff has interpreted Section 17.44.060(L) as providing authority to evaluate circumstances not specifically addressed in Section 17.44.060(A) through (K), while allowing development to proceed when the applicable approval criteria have been satisfied.

Earlier this year, the City Commission approved an appeal of a land use application for the property commonly known as the "Wal-Mart property," located adjacent to Molalla Avenue south of Hilltop Avenue. During the appeal, the applicant argued that Section 17.44.060(L) authorizes an alternative geotechnical analysis in lieu of the standards contained in Section 17.44.060(A) through (K), provided the analysis demonstrates an equivalent level of safety. The code provides that the "review authority" shall determine whether the geotechnical report demonstrates an equivalent level of safety; however, the code does not define the term "review authority." In the original Type II decision, staff served as the review authority. Upon appeal, the City Commission became the review authority.

The appeal highlighted differing interpretations of Section 17.44.060(L) among staff, the applicant, and the City Commission. Staff is seeking direction on whether the City Commission would like amendments prepared to clarify the purpose, scope, and application of this subsection. If directed, staff will return with proposed code amendments for the Commission's consideration.

**OPTIONS:**

Provide feedback and direction about making revisions to the City Code.

ORDINANCE NO. 94-1001

AN ORDINANCE AMENDING TITLE 17: ZONING, CHAPTER 17.06: ZONING DISTRICT CLASSIFICATIONS, SECTION 17.06.020: CLASSIFICATION OF ZONING DISTRICTS, DELETING TITLE 17: ZONING, CHAPTER 17.44: US UNSTABLE SLOPES OVERLAY DISTRICT, OF THE OREGON CITY MUNICIPAL CODE, 1991, AND ENACTING A NEW TITLE 17: ZONING, CHAPTER 17.44: US UNSTABLE SOILS AND HILLSIDE CONSTRAINT OVERLAY DISTRICT, AND DECLARING AN EMERGENCY

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the City's Comprehensive Plan policy regarding Landslides, Weak Foundation Soils and Erosion provides, among other things, that "Landslide-prone areas should be evaluated on a site specific basis and should be protected from excavations and/or major vegetation clearing activity that would result in increased slide activity," and

WHEREAS, the City zoning ordinance, implementing this plan policy, applies the Unstable Slopes Overlay designation on all property with a slope of 25 percent or more, and this designation requires an applicant to obtain a permit prior to development on land so designated; and

WHEREAS, the City Commission recognizes the significant hazards to life, property and natural resources and public facilities posed by development on steep slopes or unstable areas, regardless of whether such land is designated by an unstable slopes overlay; and

WHEREAS, in many instances, development on hillsides less steep than 25 percent, nonetheless pose significant threats of damage to life, property, natural resources and public facilities, especially sewer and storm drainage systems; and

WHEREAS, development on such hillsides and unstable areas must be regulated or prohibited in order to minimize or eliminate the threat which development on such lands poses to the public's health, safety and general welfare.

Therefore,

OREGON CITY ORDAINS AS FOLLOWS:

**Section 1.** That Title 17: ZONING, Chapter 17.06: ZONING DISTRICT CLASSIFICATIONS, Section 17.06.020: CLASSIFICATION OF ZONING DISTRICTS, of the Oregon City Municipal Code, 1991, is hereby amended to delete "US Unstable Slopes Overlay District" and to add the following:

US Unstable Soils and Hillside Constraint Overlay District

**Section 2.** That Title 17: ZONING, Chapter 17.44: US UNSTABLE SLOPES OVERLAY DISTRICT, of the Oregon City Municipal Code, 1991, is hereby repealed in its entirety and replaced with a new Title 17: ZONING, Chapter 17.44: US UNSTABLE SOILS AND HILLSIDE CONSTRAINT OVERLAY DISTRICT, to read as follows:

## Chapter 17.44

### US UNSTABLE SOILS AND HILLSIDE CONSTRAINT OVERLAY DISTRICT

#### Sections:

17.44.010	Purpose.
17.44.020	Definitions.
17.44.030	Applicability and procedures.
17.44.040	Fee.
17.44.050	Development Standards.
17.44.060	Development permit - application - information.
17.44.070	Access to property.
17.44.080	Utilities.
17.44.090	Storm water drainage.
17.44.100	Construction standards.
17.44.110	Approval of development.
17.44.120	Liability.
17.44.130	Compliance.
17.44.140	Appeal.

17.44.010 Purpose. The purpose of this chapter is to provide safeguards in connection with development on or adjacent to steep hillside and landslide areas and other identified known or potential hazard areas, thereby preventing undue hazards to public health, welfare and safety. Such hazards include landslides, mud flows, high ground water tables, soil slump and erosion, which, in turn, may cause siltation or other degradation of quality of waters of the State and damage to public and private property and public facilities. The direct and indirect costs of these effects, in economic and noneconomic terms, can be high and warrant a conservative approach both in the review of land use applications for development of sites with steep and unstable soils and in the imposition of development conditions and restrictions.

17.44.020 Definitions. For the purpose of this Chapter, the following definitions are applicable:

"Geotechnical remediation" means construction designed to increase the factor of safety against earth movement.

"Hillside" refers to any area with a slope of 25 percent or more.

"Landslide areas" means those areas identified as known or potential landslide or mass movement geological hazard areas:

1. By 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; or

2. By Portland State University in a study entitled "Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon" (1992).

"Slope" shall be calculated as follows:

1. For lots or parcels individually or cumulatively greater than 10,000 square feet in size, between grade breaks, obtain the vertical distance, divide by the horizontal distance and multiply by 100. The minimum horizontal distance to be used in determining the location of grade breaks shall be 50 feet.
2. For lots or parcels 10,000 square feet or smaller in size, obtain the vertical distance across the lot or parcel, divide by the horizontal distance and multiply by 100.
3. The resulting number is the slope expressed as a percentage.

"Unstable slopes" or "unstable soils" includes:

1. Any area identified on the City's Unstable Soils and Hillside Constraint Overlay District map.
2. Any other area that is identified on official City, county or federal or state agency maps as being subject to soil instability, slumping or earth flow, high ground water level, landslide or erosion, or for which field investigation, performed by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession, confirms the existence of or potential for a severe hazard.

17.44.030 Applicability and procedures: The provisions of this Chapter shall apply to all applications for new development and for the expansion of existing development on landslide areas, hillsides or unstable slopes. 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 a land use permit application, review shall occur in the manner established in Section 17.50 for review of land use decisions.

B. Where the development is part of a limited land use permit application, review shall occur in the manner established in Section 17.50 for review of limited land use decisions.

C. For any other proposed development not otherwise subject to review as a land use or limited land use permit application, review shall occur in the manner established in Section 17.50 for limited land use decisions.

17.44.040 Fee: Where the development is part of a land use or limited land use permit application, no additional fee is required. Where the development is not part of a land use or limited land use permit application, a nonrefundable application fee, equivalent in amount to the fee for site and design review, shall accompany the application for review against the requirements of this Chapter.

17.44.050 Development Permit - application - information: Except as provided by Subsection I, of this Section, the following plans shall be required of all development proposals subject to this Chapter:

A. A scale-drawing site plan of the property, showing all natural physical features, topography at two or five foot contour intervals, steepness of slopes, location of all test excavations or borings, watercourses both perennial and intermittent, ravines and all existing and manmade structures or features all fully dimensioned, trees six inch caliper or greater measured four feet from ground level, rock outcroppings and drainage facilities.

B. A scale-drawing grading plan, including 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. An architectural site plan of the proposed development, showing the location, height and width of proposed structures other than detached single family dwellings and duplexes, including all important dimensions such as property lines, easement locations, setbacks and other appurtenances related to the development such as, but not limited to, parking and circulation. The architectural site plan shall identify the location of areas proposed to be stripped of top soil, paved or covered by structures (including impermeable surfaces or embankments).

D. A cross-section diagram, drawn to scale and indicating depth, extent and approximate volume of all excavation and fills.

E. A soil erosion control plan, based on Clackamas County's Erosion/Sedimentation Control Plans Technical Guidance Handbook (1991 or as subsequently amended) and containing:

1. A description of existing topography and soil characteristics.
2. Specific descriptions or drawings of the proposed development and changes to the site which may affect soils and create an erosion problem.
3. Specific methods of soil erosion and sediment control, incorporating the following features, to be used before, during and after construction:
  - a. The land area to be grubbed, stripped, used for temporary placement of soil, or to otherwise expose soil shall be confined to the immediate construction site.
  - b. The duration of exposure of soils to erosion shall be kept to the minimum practicable.
  - c. Wet weather measures as required in Clackamas County's Erosion/Sedimentation Control Plans Technical Guidance Handbook.
  - d. Prior to grading, clearing, excavating or construction, temporary diversions, sediment basins, barriers, check dams or other methods shall be provided as necessary to hold sediment and erosion. During construction, water runoff from the site shall be controlled, and sediment resulting from soil removal or disturbance shall be retained on site per Clackamas County's Erosion/Sedimentation Control Plans Technical Guidance Handbook.

e. Topsoil removed for development shall be retained and reused on site to the degree necessary to restore disturbed areas to their original condition, or to assure a minimum of six inches of stable topsoil for revegetation. Additional topsoil shall be provided if necessary.

f. Cleanup and removal of all sediment washed off of the site into streets or adjacent property is the responsibility of the developer.

g. A regular maintenance schedule and procedures for maintaining all permanent on-site erosion control facilities.

F. 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 storm water drainage pattern of flow; the impact of the proposed development upon downstream areas and upon wetlands and water resources; and the effect upon the ground water supply.

G. A preliminary engineering geology report, prepared by a suitably qualified and experienced engineering geologist who is registered in the State of Oregon and who derives his or her livelihood principally from that profession, containing a description of geologic formations, bedrock and surficial materials including artificial fill; location of any faults, folds, etc.; structural data including bedding, jointing, and shear zones; off-site geologic conditions that may pose a hazard to the site or that may be affected by on-site development; cross sections showing subsurface structure, logs of subsurface explorations and analysis if necessary to evaluate the site; and signature and certification number of the engineering geologist. The report shall also contain a statement as to whether any hazard areas should not be disturbed because of the potential for damage to the site or neighboring properties.

H. A preliminary soil engineering report, prepared by a suitably qualified and experienced civil or geotechnical engineer who is licensed in Oregon and who derives his or her livelihood principally from that profession, discussing the engineering feasibility of the proposed development and addressing strength properties of surface and subsurface soils with regard to stability of slopes; appropriate types of foundations together with bearing values and settlement criteria for foundation design; soil erosion potential, permeability and infiltration rates; excavation, filling and grading criteria including recommended final slopes; surface and subsurface drainage; planting and maintenance of slopes; other identified soil or subsurface constraints together with geotechnical remediation and other recommendations to alleviate or minimize their effects; and signature and seal of the geotechnical engineer. The report shall also contain a statement as to whether the proposed development, constructed in accordance with the recommended methods, is reasonably likely to be safe and prevent landslide or other damage to other properties over the long term, and whether any specific areas should not be disturbed by construction.

I. The City Engineer may waive one or more requirements of subsections E. through H. of this Section if under Oregon City Policy Guideline Manual No. 25, "Geological/Geotechnical - Level of Reports", effective May 27, 1993 or as subsequently amended, 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 is 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.

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:

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 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. Temporary protective fencing shall be established around all trees and vegetation designed for protection prior to the commencement of grading or other soil disturbance.

B. Designs shall minimize the number and size of cuts and fills.

C. Toes of cuts and fills shall be set back from boundaries of separate private ownerships at least three feet, plus one-fifth of the vertical height of the cut or fill. An exception to this requirement may be granted so long as the review authority determines there is a negligible risk of landslide, slump or erosion and a slope easement is provided.

D. Except in connection with geotechnical remediation plans approved in accordance with this Chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than 25 percent.

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.

F. Retaining walls shall be constructed in accordance with the Uniform Building Code adopted by the State of Oregon.

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.

H. Unless the property is developed as a Planned Development pursuant to Title 17, Chapter 17.64, density shall be determined as follows:

1. For those areas with slopes less than 25 percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district.

2. For those areas with slopes of 25-35 percent between grade breaks, the density shall not exceed two (2) dwelling units per acre except as otherwise provided in subsection I. of this Section.

3. For those areas with slopes over 35 percent between grade breaks, development shall be prohibited except as otherwise provided in subsection J. of this Section.

I. For those portions of the property with slopes of 25 - 35 percent between grade breaks:

1. The maximum residential density shall be limited to two (2) 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. No more than 50 percent or 4,000 square feet of the surface area of an individual lot or parcel, whichever is smaller, shall be graded or stripped of vegetation or covered with structures or impermeable surfaces.

J. For those portions of the property with slopes over 35 percent between grade breaks:

1. 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.

2. 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 35 percent.

K. 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.

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.

17.44.080 Utilities: All new service utilities, both on-site and off-site, shall be placed underground and under roadbeds where practicable. Every effort shall be made to minimize the impact of utility construction.

17.44.090 Storm water drainage: The applicant shall submit a permanent and complete storm water 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 Clackamas County's Surface Water Quality Facilities Technical Guidance Handbook or other adopted standards subsequently adopted by the City Commission. Drainage design shall be approved by the City Engineer before construction, including grading or other soil disturbance, has begun.

17.44.100 Construction standards: During construction on, or within 50 feet of, 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.

B. No grading, clearing or excavation of any land shall be initiated prior to approval of the grading plan, except that the City Engineer may authorize brush clearing and test pit digging prior to approval of such plan to the extent needed to complete preliminary and final engineering and surveying. The 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.

C. Measures shall be taken to protect against landslides, mud flows, 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 Clackamas County's Technical Guidance Handbook.

D. In no event shall construction activities aggravate existing conditions. All disturbed soil shall be replanted with suitable vegetation as soon as possible during or after completion of construction activities.

E. Existing vegetative cover shall be maintained to the maximum extent practicable.

F. 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.

G. 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.

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 1, and March 31.

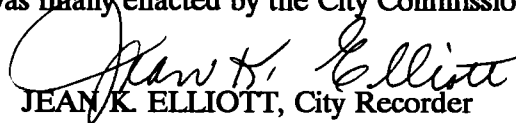
17.44.120 Liability: Approval of an application for development on land subject to this Chapter shall not imply any liability on the part of the City for any subsequent damage due to earth slides. Prior to the issuance of a building permit, a waiver of damages and an indemnity and hold harmless agreement shall be required which releases the City from all liability for any damages resulting from the development approved by the City's decision.

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.

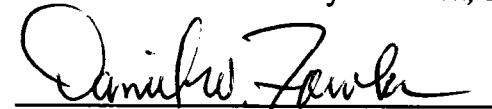
17.44.140 Appeal: The review authority's decision may be appealed in the manner set forth in Chapter 17.50.

**Section 3.** Because this ordinance is necessary for the immediate preservation of the public health, safety and welfare of Oregon City, and because any delay in the effective date of this ordinance after its announcement may result in land use applications being submitted for areas which would otherwise be subject to this new regulation, and because any such applications would then not be subject to this ordinance, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect immediately upon its passage by the Commission and approval by the Mayor.

Read for the first time at a regular meeting of the City Commission held on the 2nd day of March, 1994, and the foregoing ordinance was finally enacted by the City Commission this 2nd day of March, 1994.

  
JEAN K. ELLIOTT, City Recorder

ATTESTED this 2nd day of March, 1994.

  
DANIEL W. FOWLER, Mayor

ORDINANCE NO. 94-1001  
Effective Date: March 2, 1994



# CITY OF OREGON CITY

INCORPORATED 1844

## COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

March 2, 1994

1 of 1

Page

**Subject:** Proposed Ordinance No. 94-1001  
An Ordinance Amending Section 17.06.020:  
Classification of Zoning Districts,  
Deleting Title 17: Zoning, Chapter 17.44:  
US Unstable Slopes Overlay District, of the  
Oregon City Municipal Code, 1991, and Enacting  
A New Title 17: Zoning, Chapter 17.44: US  
Unstable Soils and Hillside Constraint Overlay  
District, and Declaring An Emergency -  
Continued Public Hearing

Report No. 94-44

On the March 2, 1994 City Commission agenda is a continued public hearing on the revisions to the Unstable Slopes Overlay District, Chapter 17.44 of the Zoning Code.

The Commission held a public hearing on January 26, 1994 and a work session on February 16, 1994 to review and receive input on the revisions. One of the changes was to change the name to Unstable Soils and Hillside Constraint Overlay District.

Attached for Commission review is the revised Ordinance No. 94-1001, enacting the changes from the previous public hearings, submitted written testimony, and comments from the work session.

Notice of proposed Ordinance No. 94-1001 has been posted at City Hall, 320 Warner-Milne Road, Courthouse, 807 Main Street, and, Senior Center, 615 Fifth Street, by direction of the City Recorder. It is recommended that first and second readings be unanimously approved, for final enactment to become effective March 2, 1994.

**CHARLES LEESON**  
City Manager

attach.

cc - Max Talbot, Director, Community Development  
- Denyse C. McGriff, Principal Planner

## ORDINANCE NO. 21-1012

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### AN ORDINANCE OF THE CITY OF OREGON CITY AMENDING THE OREGON CITY MUNICIPAL CODE TITLE 17: ZONING AND DECLARING AN EMERGENCY

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

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

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

**WHEREAS**, the proposed code revisions generally address the need for clarifications in technical development review and will provide greater certainty for developers and property owners; and

**WHEREAS**, as there are multiple chapters involved with this proposal, the larger package of amendments will be divided into a series of smaller amendments, which will each be considered independently through separate Ordinances at multiple City Commission Hearings. This approach will allow the City Commission and public the ability to review each package closely while moving efficiently through the review process; and

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

**WHEREAS**, the proposed amendments to the Oregon City Municipal Code Chapter 17.44 – US – Geologic Hazards is the last remaining package (#3) and with its adoption, the Public Works Code Amendments File GLUA 20-33, LEG 20-01 will be complete.

### **NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:**

**Section 1.** The City hereby amends the portions of the existing Oregon City Municipal Code, Title 17: Zoning of The Oregon City Municipal Code; which are attached hereto as Exhibit 'A'.

**Section 2.** 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 3.** Emergency Effectiveness. As these amendments provide safeguards to prevent undue hazards to property, the environment and further the public health, welfare, and safety within geologic hazard areas, this ordinance shall take effect immediately upon the date of adoption.

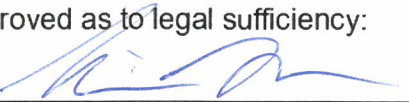
Read for the first and second time at a regular meeting of the City Commission held on the 21st day of July 2021 and enacted by the City Commission this 21st day of July 2021.

  
\_\_\_\_\_  
RACHEL LYLES SMITH, Mayor

Attested to this 21st day of July 2021:

  
\_\_\_\_\_  
Kattie Riggs, City Recorder

Approved as to legal sufficiency:

  
\_\_\_\_\_  
City Attorney

Attachment:  
Exhibit A – Amended Sections of the Oregon City Municipal Code

# Oregon City Municipal Code

GLUA 20-33 (LEG 20-01)

## **Public Works**

# **Code Amendments Package #3**

Ordinance No. 21-1012

OCMC 17.44 US-Geologic Hazards



## **Version: Clean Copy**

**Oregon City  
Municipal Code  
Chapter 17.44 Geologic Hazards**

Footnotes:

--- (21) ---

**Editor's note**— Ord. No. 08-1014, adopted July 1, 2009, repealed Chapter 17.44 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.44 pertained to similar subject matter. See Ordinance Disposition List for derivation.

**17.44.10 - 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.

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

**17.44.25 - 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.

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

**17.44.30 - Procedures.**

Oregon City Municipal Code

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.

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

#### 17.44.35 - 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 25 percent or greater where canopy area removal is less than 25 percent of the portion of the lot which contains 25 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.

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

#### 17.44.50 - 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 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.
2. Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;
3. Comprehensive information about site topography;
4. Opinion as to the adequacy of the proposed development from an engineering standpoint;
5. Opinion as to the extent that instability on adjacent properties may adversely affect the project;
6. Description of the field investigation and findings, including logs of subsurface conditions and laboratory testing results;
7. Conclusions regarding the effect of geologic conditions on the proposed development, tree removal, or grading activity;
8. Specific requirements and recommendations for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable site;
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 drainage and/or management of groundwater seepage;
  - g. Foundations;
  - h. Embedded/retaining walls;
  - i. Management of surface water and irrigation water;
  - 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
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 manmade 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.
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.
- 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.
  - 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.
  - 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.
- 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.

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

17.44.60- 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.
- 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.

When allowed by the City Engineer, the modification of dates shall be the minimum necessary, based upon the evidence provided by the applicant, to accomplish the necessary project goals. Temporary protective fencing shall be established around all trees and vegetation designed for protection prior to the commencement of grading or other soil disturbance.

- C. Designs shall minimize the number and size of cuts and fills.
- 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.
- 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.
- 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



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.
- 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.
- 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.
- 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.

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

#### 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.

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

#### 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.

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

#### 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 10 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 25 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.

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

#### 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.
- 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 99-1013). Erosion control measures shall be in place at all times during construction to the maximum extent practicable.
- C. All disturbed vegetation shall be replanted with suitable vegetation upon completion of the grading of the steep slope area.
- 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.
- 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.

- 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. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 94-1001 §2(part), 1994)
- G. All newly created lots, either by subdivision or partition, shall contain building envelopes with a slope of thirty-five percent or less.
- 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 ½ inch or greater.
- 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.

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

#### 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.

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

#### 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.

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

#### 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.

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

#### 17.44.140 - Appeal.

The review authority's decision may be appealed in the manner set forth in Chapter 17.50.

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



**CITY OF OREGON CITY**  
**Staff Report**

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

**To:** City Commission  
**From:** City Manager Tony Konkol

**Agenda Date:** 07/07/2026

**SUBJECT:**

List of Future Work Session Agenda Items

**BACKGROUND:**

August 5, 2026

Legislative affairs preparation

August 11, 2026

City Commission Goals Update Retreat at the Museum of the Oregon Territory  
Community Survey Questions

August 19, 2026

SDC Code Amendments: Most intense use definition to determine last use for SDC calculations

TBD

Tentative meeting with Confederated Tribes of Grand Ronde

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

Marijuana zoning code review

Center Street Properties zoning designation

Discussion about a City Commission liaison for city boards and committees

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

Clackamas County Water Environmental Services (WES) Rate Differential

Climate Action Plan Presentation (City of Milwaukie)

Frog Ferry Informational Update

Inclusionary Zoning, Vertical Housing Tax credit, and Opportunity Zone options

South Fork Water Board - Mountain Line Easements Vacation

Urban Growth Management Agreement

# CITY OF OREGON CITY

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

## Staff Report

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**To:** City Commission

**Agenda Date:** 07/07/2026

**From:** City Manager Tony Konkol

### **SUBJECT:**

Update on City Projects

### **BACKGROUND:**

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

1. Public Works relocation from Center Street  
**7/7/26: On July 1, 2026, the City Commission approved the Phase II Environmental Site Assessment and requested an additional work session to discuss the proposed zoning for the property. Work on the Comprehensive Plan amendment and zone change has been paused pending City Commission direction on the preferred zoning designation.**

6/9/26: The draft Phase 1 Environmental Assessment of the 4 properties is in review and a contract amendment to move forward with a Phase 2 Environmental Assessment for 2 of the properties is being negotiated. Staff is preparing to come to the Commission to begin the comprehensive plan amendment and zone changes process for the 2 vacant parking lots.

5/12/26: The environmental consulting firm is completing the work on the Phase 1 Environmental Assessment of the 4 properties within the Old Center Street Public Works site. The construction of the winter response material storage is in process as Fir Street to accommodate the relocation of the materials from Center Street to Fir Street.

4/7/25: There is no update related to this project.

On February 18, 2026 the City Commission approved a contract with Tikka Masonry to complete the Bulk Bin and Magnesium Chloride project at Fir Street. The City was successful in receiving a 50/50 grant from Business Oregon, up to \$33,000, for the phase 1 environmental review on the Center Street property. A scope of work for the environmental review has been created.

The City Commission will be reviewing a contract for the winter response material construction project at Fir Street, which will allow the material located at Center Street to be relocated.

Staff is submitting a Business Oregon Grant request for funding to complete a phase 1 environmental assessment of the properties.

Staff is contacting environmental consulting firms to understand the process to complete an environmental assessment of the property and the best approach to address the existing buildings.

Staff has started the permitting process for the relocation of the winter response material to Fir Street and started developing an IGA with WES for the long term use of their facility for sewage decanting.

Staff will be preparing the bid package for the Magnesium Chloride & Sanding Rock being relocated to Fir Street and continue working with WES staff to develop an IGA for long-term use of their facility for decanting raw sewage.

Design is underway for the relocation of the Magnesium Chloride (De-Icer) and Sanding Rock from Center Street to Fir Street. The scope and cost of this project is currently projected to require sealed bids to be submitted. Staff are working to confirm final locations on site and preparing the bid package. Winter weather work will continue out of the Old Center Street property this winter, with relocation of the facilities anticipated to be complete by Summer 2026.

City staff have met with Water Environment Services staff and WES has verbally agreed they can accept our raw sewage materials for decant. City staff have visited the WES decant site and been trained on using their facility.

Staff is finalizing design and location for the winter response tanks at Fir Street and has entered into discussions with Water Environmental Services to receive sewage materials at the treatment plant to be processed.

Staff is in the process of ordering new tanks for the winter response materials, which will be moved from Center Street to Fir Street. Locating the decant facility at the Mt. View yard has been challenging. Staff is investigating alternative locations and/or trucking the sewage materials to an off site location.

Staff continues to work with the consultant on the location and space planning for the relocation of the remaining assets at Center Street. Staff continues to work to final design for relocation of services from Center Street to other sites. The proposed 25-27 budget includes funding for the decant facility and magnesium chloride and sanding rock facility to be relocated.

Staff have hired a consultant that has prepared preliminary yard layouts and cost estimates to design and construct a decant facility at the Mountain View Reservoir site. The construction of the decant facility and relocation of existing winter response materials from the Center Street facility to the Mountain View and Fir Street facilities will allow for the Center Street facility to be vacated and a potential new use for the site to occur, which will be determined by the City Commission.

2. Quiet Zone

**7/7/26: The URC was informed that the property at 10<sup>th</sup> and Main Street will potentially be utilized as a staging area for the construction project and utility locate work necessary for the project. The Executive Director will negotiate a lease for the use of the property with the contractor that is selected. The final specifications for the project are being finalized and additional project costs are expected.**

6/9/26: The project is scheduled to go out to bid in the fall of 2026 with construction starting in January/February 2027. This schedule is tentative pending final approval of a Maintenance Agreement with the Union Pacific Railroad.

5/12/26: Staff continue to negotiate with Union Pacific Railroad on the Quiet Zone crossing improvements final design and maintenance. The project is anticipated to go out to bid in the fall of this year.

4/7/26: The City continues to work with the railroad to finalize the design of the quiet zone. The railroad has requested additional changes to the design to accommodate maintenance of the crossing arms at the base of Singer Hill.

On February 18, 2026 the Urban Renewal Commission approved the dedication of a portion of property (10<sup>th</sup> and Main Street) for the construction of the project. The City Commission received an update on the same day indicating that the project is scheduled to go to bid in October 2026, construction is anticipated to begin in early 2027, and that there is currently a \$1.69 million dollar funding gap due to railroad related work, state delivery requirements, federal reviews, and higher anticipated construction costs.

The Urban Renewal Commission will be providing directions to staff concerning the property acquisition process for a portion of Urban Renewal property necessary for the project. Additional property acquisition to complete the process of other properties is currently under way.

The design process continues and is nearing a point to provide updated acquisition and construction costs. Property acquisition will include Urban Renewal Property and a discussion will occur to determine if the necessary property should be donated or acquired.

Mailers outlining the property acquisition process has been sent to the three impacted property owners and the right-of-way agent will work directly with the property owners to complete the property acquisition process.

The project team continues to refine design and right-of-way impacts. Once right-of-way impacts are finalized, staff will bring the list of questions to City Commission, requesting authorization to acquire property and property interested through Eminent Domain (if necessary) related to the Downtown Quiet Zone Project.

Staff continues to work with ODOT, the railroad and the consultant on revised cost estimates, design work and any necessary exceptions to standards.

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

The consultant team, in coordination with ODOT and the City, are preparing property acquisition documents that will be brought before the City Commission at the December 18, 2024 meeting. Survey crews have been performing field work and surveying the project area. Staff has been meeting with property owners, including Dutch Brothers to try and address the concerns they have about potential driveway closures and access to increase safety near the railroad crossing.

The ODOT consultant team is acquiring right of entry agreements from property owners to complete the survey work and will be preparing 30% plans for the project which will include an updated and more accurate cost estimate to complete the work. The selection committee identified a preferred consultant for the Quiet Zone project and ODOT is in the process of negotiating the consultant contract.

ODOT received 2 responses to the Quiet Zone request for proposals. The proposals are being reviewed and scored by staff and a team selection meeting is scheduled for March 8, 2024. ODOT has released the consultant solicitation request for proposals and a date has been set to review the proposals once they have been submitted.

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

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

### 3. Charter Parks

**7/7/26: Staff inspected the Promenade and forwarded properties that are non-compliant with the terms of the agreements to code enforcement for follow-up. Property owners have been notified about removing vehicles from the Park and code enforcement will be assisting to monitor parking compliance.**

6/9/26: The boundary survey is nearly complete, and the implementing ordinance is being drafted.

5/12/26: The survey to create the boundary survey of Promenade Park is in process. The finalized boundary survey will be adopted as the legal description identifying Promenade Park as a Charter Park. Survey crews have been onsite performing the survey work and completing the title research. Letters have been sent to the property owners with an update about the closure of vehicle access through the park. Public Works staff are preparing cost estimates and plans for the public parking restriping and installation of bollards.

4/7/26: The Commission provided directions on the remaining properties and to limit vehicular access into Promenade Park. Staff is preparing letters to the property owners and working with a surveyor for the property description to be adopted as a Charter Park.

This item is scheduled to be brought back to the City Commission for review at the April 1, 2026 meeting.

The City Commission review the last remaining properties at the January 21, 2026 work session and provided staff direction. Staff is reaching out to Clackamas County Fire District #1 and Oregon City Garbage to understand any impacts associated with installing bollards to restrict vehicular access in the park at several existing locations.

The first reading of the ordinance vacating Promenade property to the Yates properties has been approved. The parking options available in the Promenade and High Street area is scheduled for a work session on January 21, 2026.

Staff is working to complete the on-street parking design alternatives as requested by the Commission.

The City Commission reviewed this item at the September 3, 2025 meeting and requested that staff review potential on-street parking options on the public rights-of-way on the street stubs adjacent to the Promenade.

The City Commission approved several letter to properties owners addressing the existing encroachments. There are 7 properties remaining to be addressed, all of which including parking on the Promenade. It is anticipated that this item will be brought back to the City Commission for review at the September 3, 2025 meeting.

The City Commission has reviewed the properties and has directed staff to prepare letters to each property owner addressing the encroachments. Staff is preparing the letters and will be bringing them to the City Commission for review and approval at the August 6, 2025 meeting.

The City Commission completed a site visit of the McLoughlin Promenade to review the outstanding encroachments. Staff is anticipating bringing the topic back to the Commission discussion on June 4<sup>th</sup>.

Based on the January 15<sup>th</sup> meeting, this item will be brought back for a work session on March 11<sup>th</sup>. An updated on the status of the properties encroaching into McLoughlin Promenade will be brought to the City Commission at the January 15, 2025 meeting for an update and direction on how to proceed.

Staff continues to contact and meet with property owners that have encroachments into the McLoughlin Promenade to review and explain the license agreement. Staff anticipate bringing an update to the Commission for direction in January/February of 2025. The City Commission reviewing the draft license agreement at the June 11, 2024 meeting.

Staff is working with the City Attorney to finalize draft license agreements to address encroachments that have been identified with the McLoughlin Promenade. A site tour of the McLoughlin Promenade is scheduled for January 8<sup>th</sup>. Staff is preparing additional options, such as temporary easements, to address existing structural encroachments onto the Promenade property.

Staff has categorized encroachments by type, with associated pictures of the encroachment, and is working to determine options to address the

encroachments for the Commission to consider. The McLoughlin Promenade survey has been completed. The survey identified several potential existing encroachments into the Promenade property which will be discussed during a work session. Ermatinger House was approved as a Charter Park by the City Commission. The City Commission voted to not designate Dement Park as a Charter Park.

4. Cayuse 5 Memorial

**4/7/26: There is no update related to this project.**

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

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

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

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

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

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

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

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

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

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

5. Courthouse

**7/7/26: The property owner has submitted a land use application for the redevelopment of the property, which is currently in the completeness stage. Staff has reached out to the property owner to provide an update on the eligibility of Liberty Plaza to receive SDC credits and will be following up with a meeting to determine the best path forward for improvements to the Plaza.**

6/9/26: It appears that the Liberty Plaza improvements would be System Development Charge eligible since the addition of the Liberty Plaza would be new to and expand the parks system for the City of Oregon City. Staff will continue to work to finalize the next steps for using SDC's for any Liberty Plaza redevelopment.

5/12/26: Staff is meeting with the system development charge consultant to review the applicability and methodology to add Liberty Plaza to the City's Parks and Recreation capital improvement plan and to determine the project eligibility to use SDC's.

4/7/26: There is no update related to the project.

The developer of the Courthouse project provided an update to the Commission at the March 4, 2026 meeting. Staff has been asked to bring an update to the Commission concerning the potential design and applicability/availability of Parks System Development Charges for the Liberty Plaza construction.

Staff have met with the developer to discuss the design, transfer, and potential funding for Liberty Plaza and any improvements that may be made. A presentation was provided to the Parks and Recreation Advisory Committee by the developer on January 22, 2026 outlining the proposed design and improvements.

The developer of the Courthouse project will be providing an update to the City Commission at the November 19<sup>th</sup> meeting.

The County Commission received one proposal for the downtown courthouse redevelopment and will be moving forward with drafting an agreement for the sale and disposition of the property.

The County Commission is reviewing the proposal for the reuse of the courthouse and is currently accepting public comment. The County has provided the following information: *The Clackamas County Board of Commissioners will hear public testimony on Thursday, May 15 regarding a selection advisory committee's recommendation on a proposal to redevelop the old county courthouse in Oregon City.*

*Level Development NW's proposal was the only one received during an extensive Request for Expressions of Interest process. The proposal to replace the 87-year-old courthouse with a mixed-use commercial building, which includes approximately 80 residential units, won the committee's approval.*

*The county expects the current courthouse on Main Street to be fully vacated by September 2025. The [replacement county courthouse](#) on the County's Red Soils Campus is set to open the public on May 19.*

*To learn about the submission and the advisory committee's recommendation, please visit [Main Street Courthouse RFEI | Clackamas County](#).*

*Public comment on the recommendation will begin shortly after the Board's Business Meeting begins on Thursday, May 15 at 10:00 a.m.*

A joint Board of County Commissioner / City Commission meeting to discuss the courthouse is tentatively scheduled for the April 8<sup>th</sup> City Commission work session night. Oregon City will host the joint meeting. Staff will be contacting County staff to schedule a joint Board of County Commissioner / City Commission meeting and to discuss securing the courthouse once it is vacated.

The Courthouse committee has met multiple times to discuss the disposition of the Courthouse. The Mayor will provide an update on the committee meetings and next steps. A Courthouse committee has been created by the County and a site visit of the Courthouse has occurred. The first meeting of the committee is scheduled for October 15<sup>th</sup>.

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

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

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

6. tumwata village

**7/7/26: One proposal was submitted in response to the Block 2 request for proposals. Staff from the Confederated Tribes of Grand Ronde and the City reviewed the proposal and found it to be satisfactory, a contract is currently being negotiated for the design, engineering, and permitting of the project.**

6/9/26: The Confederated Tribes of Grand Ronde signed the IGA with the City of Oregon City on May 12, 2026. On May 28<sup>th</sup>, CTGR held a groundbreaking event at tumwata village for the infrastructure improvements on the first block of the site, which includes McLoughlin Boulevard, Eel Road, Heron Place, and ikanum Road.

5/12/26: The City Commission approved the proposed IGA with the Confederated Tribes of Grand Ronde. The CTGR Tribal Council is reviewing the proposed IGA for approval. Staff from the City and CTGR have finalized the RFP for the phase 2 riverwalk project. Once the IGA is signed by both parties the RFP will be released.

4/7/26: The proposed IGA between the Confederated Tribes of Grand Ronde and the City is scheduled to be before the Commission for consideration on May 20, 2026.

The Confederated Tribes of Grand Ronde are preparing revised language to the proposed IGA. The next meeting is scheduled for February 11, 2026.

The next meeting with Confederated Tribes of Grand Ronde is scheduled for January 23, 2026.

A draft agreement and easement language has been provided to the Confederated Tribes of Grand Ronde. Staff is awaiting additional comments from Grand Ronde.

Staff met with Confederated Tribes of Grand Ronde staff to begin the process of formalizing an agreement to determine how to move forward with a project on the property.

The City Commission approved a grant agreement with the State of Oregon for the city to receive the \$12.5 million dollars. Staff is working to complete the transfer of the funds to the City and will begin discussions with the Confederated Tribes of the Grand Ronde on a potential project.

Staff is currently in discussion with the State to receive the \$12.5 million dollars that were allocated for public access/viewing along the Willamette River several years and has been returned to the State by Metro. It is anticipated that a formal agreement with the State will be brought to the Commission for consideration in August or September.

In discussions with the staff from the Confederated Tribe of the Grand Ronde, it was recommended that the joint meeting with the elected representatives from each organization occur in September/October to accommodate the elections that occur in September.

The Police Department worked with the Confederated Tribe of the Grand Ronde to remove the homeless camp located on the property. Demolition of the buildings damaged by the fire is on-going.

The Police Department has been in contact with the Confederated Tribes of the Grand Ronde to address a homeless camp that appears to be located on the property. Staff continues to work with staff from the Confederated Tribes of the Grand Ronde to address the impacts from the fire that occurred on the site and the demolition that is occurring.

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

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

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

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

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

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

7. Canemah ROW issues

**4/7/26: There has been no change in the project since the May 2023 update.** The Canemah ROW issues will be brought before the City Commission at a future work session to discuss how to move forward with this project.