



City of Oregon City

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

Meeting Agenda City Commission

*Dan Holladay, Mayor
Rocky Smith, Jr., Commission President
Brian Shaw, Nancy Ide, Renate Mengelberg*

Wednesday, September 21, 2016

7:00 PM

Commission Chambers

REVISED

EXECUTIVE SESSION OF THE CITY COMMISSION

Executive Session to immediately follow the regular meeting of the City Commission and will be held in the Oregon Trail Conference Room.

1. Pursuant to ORS 192.660(2)(d): To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

2. Pursuant to ORS 192.660(2)(e): To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

1. Convene Regular Meeting and Roll Call

2. Flag Salute

3. Ceremonies, Proclamations

4. Citizen Comments

Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Commission does not generally engage in dialog with those making comments, but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Commission.

5. Adoption of the Agenda

6. Public Hearings

6a. [16-526](#) First Reading of Ordinance No. 16-1010: Adopting a Ban on Outdoor Cultivation of Marijuana

Staff: Community Development Director Laura Terway

Attachments: [Staff Report](#)

[Ordinance No. 16-1010](#)

[OCMC Nuisances Code 8.08.040](#)

6b. [PC 16-091](#) First Reading of Ordinance 16-1008: Time, Place and Manner Regulations for Marijuana Businesses (Planning File LE-16-0001)

Staff: Community Development Director Laura Terway

Attachments: [Staff Report](#)

[Ordinance No. 16-1008](#)

[Marijuana Business Regulations without Chapter 17.26](#)

[Chapter 17.26 HC Prohibit in Canemah.pdf](#)

[Chapter 17.26 HC Allow in Canemah.pdf](#)

[Karen Blaha Comments](#)

[Canemah Petitioners](#)

[Canemah Zoning Map](#)

7. General Business

7a. [PC 16-092](#) Second Reading of Ordinance No. 16-1009: Annexation of Approximately 0.46 Acres of Property Located at 19358 S. Columbine Court into the City (Annexation File AN-16-0001)

Staff: Community Development Director Laura Terway

Attachments: [Staff Report](#)

[Ordinance No. 16-1009](#)

[AN 16-01 CC Recommended Findings](#)

[Vicinity Map](#)

[Applicant's Submittal](#)

[Applicant's Rezoning Request letter](#)

[Applicant's Traffic Analysis Letter](#)

[Replinger and Associates Comments](#)

[2000 OC CRW IGA South End 2-2-2000](#)

[City Engineer Email re AN 16-01 ACRW IGA Question](#)

[CRW letter](#)

- 7b. [16-514](#) Resolution No. 16-29 Authorizing the Nomination of the Molalla Avenue Project for the Metro Regional Flexible Fund Allocation Program

Staff: Public Works Director John Lewis

Attachments: [Staff Report](#)

[Resolution No. 16-29](#)

[Molalla Avenue Corridor RFFA Application](#)

[Molalla Avenue Corridor RFFA Maps](#)

- 7c. [16-516](#) Personal Services Agreement with KPFF Consulting Engineers for Civil Engineering and Surveying Services for the 12th & Washington Street Traffic Signal Installation Project

Staff: Public Works Director John Lewis

Attachments: [Staff Report](#)

[PSA KPFF 12th & Washington](#)

[Final Scope of Work](#)

[Project Location Map](#)

8. Consent Agenda

This section allows the City Commission to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may only be discussed if it is pulled from the consent agenda.

- 8a. [16-527](#) Purchase and Sale Agreement Due Diligence Extension Request for the Twelfth & Main Street Project

Staff: Economic Development Manager Eric Underwood

Attachments: [Staff Report](#)

[12th & Main Extension Request - 60 day](#)

- 8b. [16-525](#) Personal Services Agreement with DeSantis Landscapes, Inc. for Street Division of Public Works Landscape Maintenance Services

Staff: Public Works Director John Lewis

Attachments: [Staff Report](#)

[Personal Services Agreement](#)

[Contract Ranking Results for Street](#)

- 8c. [16-508](#) Minutes of the August 3, 2016 Regular Meeting

Staff: City Recorder Kattie Riggs

Attachments: [Minutes of 8/03/2016](#)

- 8d. [16-510](#) Minutes of the August 9, 2016 Work Session

Staff: City Recorder Kattie Riggs

Attachments: [Minutes of 8/09/2016](#)

8e. [16-509](#) Minutes of the August 17, 2016 Regular Meeting

Staff: City Recorder Kattie Riggs

Attachments: [Minutes of 8/17/2016](#)

9. Communications**a. City Manager****b. Commission****c. Mayor****10. Adjournment**

Citizen Comments: The following guidelines are given for citizens presenting information or raising issues relevant to the City but not listed on the agenda.

**Complete a Comment Card prior to the meeting and submit it to the City Recorder.*

**When the Mayor calls your name, proceed to the speaker table and state your name and city of residence into the microphone.*

**Each speaker is given 3 minutes to speak. To assist in tracking your speaking time, refer to the timer on the table.*

**As a general practice, the City Commission does not engage in discussion with those making comments.*

**Electronic presentations are permitted, but shall be delivered to the City Recorder 48 hours in advance of the meeting.*

Agenda Posted at City Hall, Pioneer Community Center, Library, City Web site.

Video Streaming & Broadcasts: The meeting is streamed live on Internet on the Oregon City's Web site at www.orcity.org and available on demand following the meeting. The meeting can be viewed live on Willamette Falls Television on channels 23 and 28 for Oregon City area residents. The meetings are also rebroadcast on WFMC. Please contact WFMC at 503-650-0275 for a programming schedule.

City Hall is wheelchair accessible with entry ramps and handicapped parking located on the east side of the building. Hearing devices may be requested from the City Recorder prior to the meeting. Disabled 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.



City of Oregon City

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

Staff Report

File Number: 16-526

Agenda Date: 9/21/2016

Status: Public Hearing

To: City Commission

Agenda #: 6a.

From: Community Development Director Laura Terway

File Type: Ordinance

SUBJECT:

First Reading of Ordinance No. 16-1010: Adopting a Ban on Outdoor Cultivation of Marijuana

RECOMMENDED ACTION (Motion):

Approve first reading of Ordinance No. 16-1010, adopting a ban on outdoor cultivation of marijuana.

BACKGROUND:

Staff has completed the final amendments to the proposed time, place and manner regulations for marijuana businesses. The code revisions are based on extensive public outreach, staff research, and input from a variety of sources including the Oregon Liquor Control Commission, League of Oregon Cities, reviews of various other municipal regulations, and City Attorney legal analysis.

The Planning Commission reviewed the draft regulations at the July 11, 2016 work session, and at the July 25, 2016 and August 8, 2016 Planning Commission hearings. Following the public hearing on August 8, 2016 the Planning Commission amended the draft regulations prior to recommending approval to the City Commission.

As a result of the public hearing process, the City Commission provided direction that outdoor cultivation of marijuana (personal or otherwise) should be prohibited for nuisance reasons. Staff prepared two amendments to the Oregon City Municipal Code including an amendment to Nuisance section in Chapter 8.08 (Ord. 16-1010) and Time, Place and Manner Regulations for Marijuana Businesses (Ordinance No. 16-1008).

ORDINANCE NO. 16-1010

AN ORDINANCE OF THE CITY OF OREGON CITY ADOPTING A BAN ON OUTDOOR CULTIVATION OF MARIJUANA

WHEREAS, the City of Oregon City has worked extensively with residents, businesses, agencies and public advisory groups to develop reasonable time, place and manner regulations for marijuana businesses and personal cultivation; and

WHEREAS, the proposed regulations will allow personal marijuana use and indoor cultivation in accordance with the adopted laws and policies of the Oregon Liquor Control Commission and Oregon Health Authority; and

WHEREAS, the proposed regulations assure that personal marijuana cultivation does not interfere with the character and safety of Oregon City's established residential neighborhoods by creating an attractive nuisance; and

WHEREAS, the proposed ban on outdoor personal cultivation of marijuana is consistent with Statewide Planning Goals, the Goals and Policies of the Oregon City Comprehensive Plan, and Municipal Code; and

WHEREAS, notice was provided in accordance with the requirements for a legislative action; and

WHEREAS, the Planning Commission and the City Commission both held publicly noticed work sessions and public hearings on the proposed amendments.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. Outdoor cultivation of marijuana is hereby declared a Nuisance affecting peace and safety.

Section 2. The amendments to Section 8.08.030 of the Oregon City Municipal Code, as provided in Exhibit 2, are hereby adopted.

Section 3. This ordinance shall be effective from and after 30 days following its adoption by the Commission and approval by the Mayor

Read for the first time at a regular meeting of the City Commission held on the _____ day of _____, and the City Commission finally enacted the foregoing ordinance this _____ day of _____.

DAN HOLLADAY, Mayor

Attested to this _____ day of _____, _____ Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

8.08.040 - Nuisances affecting peace and safety.

The following are declared to be nuisances affecting public peace and safety:

- A. All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached;
- B. All limbs of trees which are less than eight feet above the surface of any street or sidewalk;
- C. All wires which are strung less than fifteen feet above the surface of the ground, except clotheslines;
- D. All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount in violation of any law;
- E. All unnecessary noise and annoying vibrations;
- F. All buildings and alterations to buildings made or erected within the Fire Limits as established in this Code in violation of the regulations concerning manner and materials of construction;
- G. Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds except under such conditions as are provided by law;
- H. Radio aerials strung in any manner in violation of any law;
- I. Any use of property abutting upon a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets and sidewalks;
- J. All hanging signs, awnings and other similar structures over the streets or sidewalks, or situated as to endanger public safety, or constructed and maintained in violation of the provisions of this code pertaining thereto;
- K. The allowing of rain water, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;
- L. All dangerous unguarded machinery in any public place or so situated or operated on private property as to attract the public;
- M. All use of stationary loud speakers in any part of the city in such manner as to annoy any of the inhabitants of the city;
- N. All irrigation water permitted to run in the streets or alleys of the city except such as is confined in irrigation ditches or flumes;
- O. All other conditions or things which are liable to cause injury to the person or property of anyone;
- P. All vehicles, or parts thereof, which are inoperable due to lack of legal requirements, have no currently valid license or registration, safety equipment or the like, or are not capable of being safely operated or driven in the manner for which they were designed and have been on the same parcel of private property for thirty days or longer. This section shall not apply to vehicles enclosed within a building with walls and a roof.
- Q. The cultivation of marijuana shall be deemed a nuisance unless it is located within a legally permitted principal or accessory structure. This section shall be effective on January 1, 2017 and shall apply to all marijuana in place before, on, or after the effective date of this section.

~~(Ord. 95-1029 §1, 1995; Ord. 94-1032 §2, 1994; prior code §8-6-4)~~



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Staff Report

File Number: PC 16-091

Agenda Date: 9/21/2016

Status: Public Hearing

To: City Commission

Agenda #: 6b.

From: Community Development Director Laura Terway

File Type: Land Use

SUBJECT:

First Reading of Ordinance 16-1008: Time, Place and Manner Regulations for Marijuana Businesses (Planning File LE-16-0001)

RECOMMENDED ACTION (Motion):

Staff recommends the City Commission approve the first reading of Ordinance 16-1008.

BACKGROUND:

Staff has completed the final amendments to the proposed time, place and manner regulations for marijuana businesses. The code revisions are based on extensive public outreach, staff research, and input from a variety of sources including the Oregon Liquor Control Commission, League of Oregon Cities, reviews of various other municipal regulations, and City Attorney legal analysis.

The Planning Commission reviewed the draft regulations at the July 11, 2016 work session, and at the July 25, 2016 and August 8, 2016 Planning Commission hearings. Following the public hearing on August 8, 2016 the Planning Commission amended the draft regulations prior to recommending approval to the City Commission.

At the public hearing on August 17, 2016 the City Commission reviewed and resolved several outstanding questions related to the proposed marijuana regulations. The issues that the commission resolved were:

Whether to require a 1000' buffer from Clackamas Community College for marijuana retailers (Yes).

Whether to require a 250' buffer from from public parks, licensed child care and day care facilities, and public transit centers for marijuana retailers (Yes).

Whether to require 1000' separation between marijuana retailers (Yes).

Whether to include code language to allow outdoor temporary ingress and egress of vehicles, persons and materials associated with the permitted marijuana use (Yes).

Whether to require personal cultivation of marijuana be indoors (Yes).

The City Commission provided direction that outdoor cultivation of marijuana (personal or otherwise) should be prohibited. Staff has prepared a separate code amendment to the Nuisance Code in Chapter 8.08 of the Oregon City Municipal Code, and a separate ordinance (Ord. 16-1010) to assure that this will go into effect separately and independent of the Time,

Place and Manner Regulations for Marijuana Businesses.

The final issue for resolution is the decision to allow or prohibit marijuana businesses in the Canemah National Register District, which means the areas that are zoned HC-Historic Commercial on either side of OR 99-E - McLoughlin Boulevard (see attached map). The Canemah Neighborhood Association was contacted for their feedback on this issue. Members of the neighborhood have circulated a petition and provided testimony supporting the prohibition of marijuana businesses in the Canemah Historic Commercial district. Staff prepared two different amendments to Chapter 17.29 (Historic Commercial) depending on whether the Commission determines to either prohibit or allow retail marijuana business in the Canemah National Register Historic District.

The proposed regulations will go into effect if and when the voters of Oregon City decide to lift the current ban on marijuana activities put in place by Ordinance 15-1017. The City Commission passed Ordinance 15-1017 on November 4, 2015 to ban marijuana businesses. The City Commission has referred the question of whether to prohibit recreational marijuana producers, processors, wholesalers and retailers, as well as medical marijuana processors and medical marijuana dispensaries to the voters of Oregon City at the next statewide general election on Tuesday, November 8, 2016. If the citizens of Oregon City vote in favor of these types of businesses, the City would have in place “time place and manner” regulations to provide a legal process for permitting and regulating marijuana businesses. If the voters elect not allow these businesses in the city, these regulations will not go into effect. The proposed regulations do not distinguish between medical and recreational marijuana.

ORDINANCE NO. 16-1008

AN ORDINANCE OF THE CITY OF OREGON CITY ADOPTING TIME, PLACE AND MANNER REGULATIONS FOR MARIJUANA BUSINESSES INCLUDING MEDICAL MARIJUANA PROCESSORS AND DISPENSARIES AS WELL AS RECREATIONAL MARIJUANA PROCESSORS, DISPENSARIES, PRODUCERS, WHOLESALERS, AND RETAILERS

WHEREAS, the City has worked extensively with residents, businesses, agencies and public advisory groups to develop reasonable time, place and manner regulations for marijuana businesses; and

WHEREAS, the proposed code amendments provide a reasonable regulatory framework for the location and operation of marijuana production, processing, warehousing, laboratories, and retailers as authorized in accordance with state law; and

WHEREAS, the proposed regulations will preserve the character and safety of Oregon City's established residential neighborhoods, schools, licensed childcare and daycare facilities and city parks by establishment of minimum separation distances from such areas; and

WHEREAS, the proposed regulations are consistent with Statewide Planning Goals, the Goals and Policies of the Oregon City Comprehensive Plan, and Municipal Code; and

WHEREAS, notice was provided in accordance with the requirements for a legislative action; and

WHEREAS, the Planning Commission and the City Commission both held publicly noticed work sessions and public hearings on the proposed amendments; and

WHEREAS, the Planning Commission and City Commission, based on the oral and written testimony they received at the public hearings, adopted minor revisions to the amendments; and

WHEREAS, the proposed regulations will take effect only when such businesses are allowed to operate in Oregon City.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The Oregon City Municipal Code amendments, as provided in Exhibit 1, are hereby adopted based on the findings contained in the Staff Report.

Section 2. This Ordinance shall take effect on December 31, 2016, on the condition that the voters reject Ballot Measure 3-508, lifting the existing ban on marijuana businesses imposed by Ordinance No. 15-1017, during the November 8, 2016 Election.

Read for the first time at a regular meeting of the City Commission held on the 21st day of September 2016, and the City Commission finally enacted the foregoing Ordinance this 5th day of October 2016.

DAN HOLLADAY, Mayor

Attested to this 5th day of October 2016,

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Attachments:
Exhibit 1 – Municipal Code Amendments

Chapter 17.54 - SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

NEW SECTION

17.54.110 –Marijuana Businesses

For the purpose of zoning regulation pursuant to this section, recreational and medical marijuana facilities are considered the same by Oregon City.

A. Applicability

These standards apply to all marijuana businesses in Oregon City. ~~This section shall not apply to the following:~~

- ~~1. Personal cultivation and use of recreational and/or medical marijuana as permitted under State Law, provided all cultivation activities are conducted indoors.~~
- ~~2. Personal cultivation and use of medical marijuana under the Oregon Medical Marijuana Program (OMMP), provided all activities including production are conducted indoors and subject to compliance with all Standards of Operation herein.~~

B. Restrictions on Location - Zoning

1. Please refer to individual zone districts elsewhere in this title to determine whether marijuana businesses including production, laboratories, processing, wholesale, and retail use are permitted, prohibited or otherwise regulated.
2. Marijuana businesses are prohibited abutting any “R” residentially zoned area, except that this provision shall not apply where the subject property abuts a road that has a freeway, expressway, major arterial, minor arterial, or collector functional classification as shown on Figure 8, Multi-Modal Street System, of the Oregon City Transportation System Plan and;
3. Home Occupation. A marijuana business may not be operated as a home occupation and;
4. The sale or distribution of marijuana is prohibited for mobile vendors and at all special events and outdoor markets.

C. Restrictions on Location: Marijuana Dispensary or Retailer. A marijuana retailer shall not locate:

1. Within 250 feet of any public parks, licensed child care and day care facilities, and public transit centers.
- ~~2. Within 1000 feet of a public elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), a public, private or parochial elementary and secondary school or the property located at Clackamas County Map 3-2E-09C, Tax Lot 800.~~
- ~~2.3. Within 1000 feet of another marijuana retailer.~~

- ~~3.4.~~ If a new protected property or use described in ~~(6) and (7)~~ this section should be established within the aforementioned separation distance of an existing legally established marijuana dispensary or retailer, the existing marijuana dispensary or retailer may remain in place and the separation requirement shall not be applied.
- ~~4.5.~~ The spacing distance specified in this section ~~(7) and (8)~~ is a straight line measurement from the closest points between property lines of the affected properties.

D. Standards of Operation

1. Compliance with Other Laws. All marijuana businesses shall comply with all applicable laws and regulations, including, but not limited to, the development, land use, zoning, building and fire codes.
2. Registration and Compliance with State Law. The marijuana business's state license or authority shall be in good standing with the Oregon Health Authority or Oregon Liquor Control Commission and the marijuana business shall comply with all applicable laws and regulations administered by the respective state agency, including, without limitation those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.
3. No portion of any marijuana business shall be conducted outside, including but not limited to outdoor storage, production, processing, wholesaling, laboratories and retail sale, except for temporary ingress and egress of vehicles, persons and materials associated with the permitted use.
4. Hours of Operation. Operating hours for a marijuana business shall be in accordance with the applicable license issued by the OLCC or OHA.
5. Odors. A marijuana business shall use an air filtration and ventilation system that is certified by an Oregon Licensed mechanical engineer to ensure that all odors associated with the marijuana is confined to the licensed premises to the extent practicable. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.
6. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
7. Secure Disposal. The facility must provide for secure disposal of marijuana remnants or by-products; marijuana remnants or by-products shall not be placed within the marijuana business's exterior refuse containers.
8. Drive-Through, Walk-Up. A marijuana business may not have a walk-up window or a drive-through.
9. The facility shall maintain compliance with all applicable security requirements of the OLCC including alarm systems, video surveillance, and a restriction on public access to certain facilities or areas within facilities.

~~17.54.115 Personal Cultivation of Marijuana~~

~~If grown outside, all portions of marijuana plants shall be setback a minimum of 10 feet from any property line. The setback shall not apply to the root system, or container in which it is planted.~~

Definitions

Chapter 17.04 - Definitions

(Note – The following definitions will added to Chapter 17.04 and the sections will be renumbered following adoption)

17.04.741.050 Marijuana Licensee means a person who holds a business license issued by the city to engage in a marijuana business in accordance with this chapter.

17.04.637 Licensee representative means an owner, director, officer, manager, employee, agent or other representative of a licensee, to the extent that the person acts in a representative capacity.

17.04.741.010 Marijuana means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. “Marijuana” does not include industrial hemp, as defined in state law.

17.04.741.020 Marijuana business means (1) any business licensed by the Oregon Liquor Control Commission to engage in the business of producing, processing, wholesaling, or selling marijuana or marijuana items, or (2) any business registered with the Oregon Health Authority for the growing, processing, or dispensing of marijuana or marijuana items.

17.04.741.030 Marijuana items means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

17.04.741.060 Marijuana processor (processing) means an entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to process marijuana. This includes the manufacture of concentrates, extracts, edibles and or topicals.

17.04.741.070 Marijuana producer (production) means an entity licensed by the Oregon Liquor Control Commission or the Oregon Health Authority to manufacture, plant, cultivate, grow or harvest marijuana. This is the only license able to cultivate marijuana.

17.04.741.040 Marijuana laboratory (laboratories) means an entity which tests or researches marijuana products for THC levels, pesticides, mold, etc. pursuant to applicable Oregon Administrative Rules.

17.04.741.080 Marijuana retailer means an entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to sell marijuana items to a consumer in this state.

17.04.741.090 Marijuana wholesaler means an entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to purchase items in this state for resale to a person other than a consumer. This means an entity that buys and sells at wholesale.

17.04.742 Medical Marijuana dispensary means an entity registered with the Oregon Liquor Control Commission or Oregon Health Authority to transfer marijuana.

Chapter 17.08 - R-10 SINGLE-FAMILY DWELLING DISTRICT

17.08.010 - Designated.

This residential district is designed for areas of single-family homes on lot sizes of approximately ten thousand square feet.

17.08.020 - Permitted uses.

Permitted uses in the R-10 district are:

- A. Single-family detached residential units;
- B. Parks, playgrounds, playfields and community or neighborhood centers;
- C. Home occupations;
- D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
- E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- F. Accessory uses, buildings and dwellings;
- G. Family day care provider, subject to the provisions of Section 17.54.050;
- H. Residential home per ORS 443.400;
- I. Cottage housing;
- J. Transportation facilities.

17.08.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

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

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

17.08.035 – Prohibited uses.

Prohibited uses in the R-10 district are:

A. Any use not expressly listed in Sections 17.08.020 or 17.08.030.

B. Marijuana businesses.

17.08.040 - Dimensional standards.

Dimensional standards in the R-10 district are:

- A. Minimum lot areas, ten thousand square feet;
- B. Minimum lot width, sixty-five feet;
- C. Minimum lot depth, eighty feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum required setbacks:
 - 1. Front yard, twenty feet minimum setback,
 - 2. Front porch, fifteen feet minimum setback,
 - 3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.
 - 4. Interior side yard, ten feet minimum setback for at least one side yard; eight feet minimum setback for the other side yard,
 - 5. Corner side yard, fifteen feet minimum setback,
 - 6. Rear yard, twenty feet minimum setback,

- 7. Rear porch, fifteen feet minimum setback.
- F. Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.
- G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.

Chapter 17.10 - R-8 SINGLE-FAMILY DWELLING DISTRICT

17.10.010 - Designated.

This residential district is designed for areas of single-family homes on lot sizes of approximately eight thousand square feet.

17.10.020 - Permitted uses.

Permitted uses in the R-8 district are:

- A. Single-family detached residential units;
- B. Parks, playgrounds, playfields and community or neighborhood centers;
- C. Home occupations;
- D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
- E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- F. Accessory uses, buildings and dwellings;
- G. Family day care provider, subject to the provisions of Section 17.54.050;
- H. Residential home per ORS 443.400;
- I. Cottage housing;
- J. Transportation facilities.

17.10.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

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

17.10.035 – Prohibited uses.

Prohibited uses in the R-8 district are:

A. Any use not expressly listed in 17.10.020 or 17.10.030.

B. Marijuana businesses.

17.10.040 - Dimensional standards.

Dimensional Standards in the R-8 District are:

- A. Minimum lot areas, eight thousand square feet;
- B. Minimum lot width, sixty feet;
- C. Minimum lot depth, seventy-five feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum Required Setbacks:
 - 1. Front yard fifteen feet minimum setback;
 - 2. Front porch, ten feet minimum setback;
 - ~~3~~2. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas;
 - ~~4~~3. Interior side yard, nine feet minimum setback for at least one side yard, seven feet minimum setback for the other side yard;
 - ~~5~~4. Corner side yard, fifteen feet minimum setback;
 - ~~6~~5. Rear yard, twenty feet minimum setback;
 - ~~7~~6. Rear porch, fifteen feet minimum setback.
- F. Garage Standards: See Chapter 17.20—Residential Design and Landscaping Standards.
- G. Maximum Lot Coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.

Chapter 17.12 - R-6 SINGLE-FAMILY DWELLING DISTRICT

17.12.010 - Designated.

This residential district is designed for single-family homes on lot sizes of approximately six thousand square feet.

17.12.020 - Permitted uses.

Permitted uses in the R-6 district are:

- A. Single-family detached residential units;
- B. Parks, playgrounds, playfields and community or neighborhood centers;
- C. Home occupations;
- D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
- E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- F. Accessory uses, buildings and dwellings;
- G. Family day care provider, subject to the provisions of Section 17.54.050;
- H. Residential home per ORS 443.400;
- I. Cottage housing;
- J. Transportation facilities.

17.12.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

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

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

17.12.035 – Prohibited uses.

Prohibited uses in the R-8 district are:

A. Any use not expressly listed in 17.12.020 or 17.12.030.

B. Marijuana businesses.

17.12.040 - Dimensional standards.

Dimensional standards in the R-6 district are:

- A. Minimum lot areas, six thousand square feet;
- B. Minimum lot width, fifty feet;
- C. Minimum lot depth, seventy feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum required setbacks:
 - 1. Front yard, ten feet minimum setback,
 - 2. Front porch, five feet minimum setback,
 - 3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.
 - 4. Interior side yard, nine feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,
 - 5. Corner side yard, fifteen feet minimum setback,
 - 6. Rear yard, twenty feet minimum setback,
 - 7. Rear porch, fifteen feet minimum setback.
- F. Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.
- G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.

Chapter 17.14 - R-5 SINGLE-FAMILY DWELLING DISTRICT

17.14.010 - Designated.

This residential district is designed for single-family homes on lot sizes of approximately five thousand square feet.

17.14.020 - Permitted uses.

Permitted uses in the R-5 district are:

- A. Single-family detached residential units;
- B. Parks, playgrounds, playfields and community or neighborhood centers;
- C. Home occupations;
- D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
- E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- F. Accessory uses, buildings and dwellings;
- G. Family day care provider, subject to the provisions of Section 17.54.050;
- H. Residential home per ORS 443.400;
- I. Cottage housing;
- J. Transportation facilities.

17.14.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

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

- J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

17.14.035 – Prohibited uses.

Prohibited uses in the R-5 district are:

- A. Any use not expressly listed in 17.14.020 or 17.14.030.
B. Marijuana businesses.

17.14.040 - Dimensional standards.

Dimensional standards in the R-5 district are:

- A. Minimum lot areas, five thousand square feet;
- B. Minimum lot width, thirty-five feet;
- C. Minimum lot depth, seventy feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum required setbacks:
 - 1. Front yard, ten feet minimum setback,
 - 2. Front porch, five feet minimum setback,
 - 3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.
 - 4. Interior side yard, seven feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,
 - 5. Corner side yard, ten feet minimum setback,
 - 6. Rear yard, twenty feet minimum setback,
 - 7. Rear porch, fifteen feet minimum setback.
- F. Garage standards: See Chapter 17.21—Residential Design Standards.
- G. Maximum building coverage: The footprint of all structures two hundred square-feet or greater shall cover a maximum of fifty percent of the lot area.

Chapter 17.16 - R-3.5 DWELLING DISTRICT

17.16.010 - Designated.

This residential district is designed for single-family attached and detached residential units and two-family dwellings on lot sizes of approximately three thousand five hundred square feet per dwelling.

17.16.020 - Permitted uses.

Uses permitted in the R-3.5 district are:

- A. Two-family dwellings (duplex);
- B. Single-family detached residential units;
- C. Single-family attached residential units (Row houses with no more than six dwelling units may be attached in a row);
- D. Parks, playgrounds, playfields and community or neighborhood centers;
- E. Home occupations;
- F. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
- G. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- H. Accessory uses, buildings and dwellings;
- I. Family day care provider, subject to the provisions of Section 17.54.050;
- J. Residential home per ORS 443.400;
- K. Transportation facilities.

17.16.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

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

- I. Religious institutions;
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients;
- K. Live/work units.

17.16.035 - Master plans.

The following are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.65.

- A. Multi-family residential units.
- B. Cottage housing.

17.16.037 – Prohibited uses.

Uses prohibited in the R-3.5 district are:

A. Any use not expressly listed in 17.16.020, 17.16.030 or 17.16.035.

B. Marijuana businesses.

17.16.040 - Dimensional standards.

Dimensional standards in the R-3.5 district are:

- A. Minimum Lot Areas.
 - 1. Residential uses, three thousand five hundred square feet per unit.
 - 2. Non-residential uses, zero minimum;
- B. Minimum lot width, twenty-five feet;
- C. Minimum lot depth, seventy feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum Required Setbacks:
 - 1. Front yard, five feet minimum setback,
 - 2. Front porch, zero feet minimum setback,
 - 3. Interior side yard,
 - Detached unit, five feet minimum setback
 - Attached unit, seven feet minimum setback on the side that does not abut a common property line.
 - 4. Corner side yard, ten-foot minimum setback,
 - 5. Rear yard, fifteen-foot minimum setback,
 - 6. Rear porch, ten-foot minimum setback.

- 7. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet.
- F. Garage standards: See Chapter 17.21—Residential Design Standards.
- G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of fifty-five percent of the lot area.

17.16.050 - Single-family attached residential units and duplex units.

The following standards apply to single-family dwellings, in addition to the standards in Section 17.16.040.

- A. Maintenance Easement. Prior to building permit approval, the applicant shall submit a recorded mutual easement that runs along the common property line. This easement shall be ten feet in width. A lesser width may be approved by the community development director if it is found to be sufficient to guarantee rights for maintenance purposes of structure and yard.
- B. Conversion of Existing Duplexes. Any conversion of an existing duplex unit into two single-family attached dwellings shall be reviewed for compliance with the requirements in Title 16 for partitions, Chapter 17.16 and the State of Oregon One- and Two- Family Dwelling Specialty Code prior to final recordation of the land division replat.

Chapter 17.18 - R-2 MULTI-FAMILY DWELLING DISTRICT

17.18.010 - Designated.

The purpose of this residential district is designed for multi-family residential units on lot sizes of approximately two thousand square feet per dwelling.

17.18.020 - Permitted uses.

Permitted uses in the R-2 district are:

- A. Residential units, multi-family;
- B. Parks, playgrounds, playfields and community or neighborhood centers;
- C. Home occupations;
- D. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- E. Accessory buildings;
- F. Family day care provider, subject to the provisions of Section 17.54.050. (Prior code §11-3-7(A));
- G. Management and associated offices and building necessary for the operations of a multi-family residential development;
- H. Residential care facility per ORS 443.400;
- I. Transportation facilities;
- J. Live/work units, pursuant to Section 17.54.105—Live/work units.

17.18.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

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

J. Live/work units.

17.18.035 - Pre-existing industrial use.

Tax Lot 11200, located on Clackamas County Map #32E16BA has a special provision to permit the current industrial use and the existing incidental sale of the products created and associated with the current industrial use on the site. This property may only maintain and expand the current use, which are the manufacturing of aluminum boats and the fabrication of radio and satellite equipment, internet and data systems and antennas.

17.18.037 – Prohibited uses.

Prohibited uses in the R-2 district are:

A. Any use not expressly listed in 17.18.020, 17.18.030 or 17.18.035.

B. Marijuana Businesses

17.18.040 - Dimensional standards.

Dimensional standards in the R-2 district are:

- A. Minimum lot areas: Two thousand square feet per unit.
- B. Minimum lot width, fifty feet;
- C. Minimum lot depth, seventy-five feet;
- D. Maximum building height, four stories, not to exceed fifty-five feet;
- E. Minimum required setbacks:
 - 1. Front yard, five feet minimum setback (May be reduced to zero through Site Plan and Design Review)
 - 2. Side yard, five feet minimum setback,
 - 3. Corner side yard, ten feet minimum setback,
 - 4. Rear yard, ten feet minimum setback,
 - 5. Buffer area. If a multi-family residential unit in this district abuts R-10, R-8, or R-6 use, there shall be required a landscaped yard of ten feet on the side abutting the adjacent zone in order to provide a buffer area and landscaping thereof shall be subject to site plan review. The community development director may waive any of the foregoing requirements if it is found that the requirement is unnecessary on a case-by-case basis.
 - 6. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet.
- F. Design criteria: See Site Plan and Design Review requirements in Chapters 17.62 and 17.52.

Chapter 17.24 - NC NEIGHBORHOOD COMMERCIAL DISTRICT

17.24.010 - Designated.

The Neighborhood Commercial District is designed for small-scale commercial and mixed-uses designed to serve a convenience need for residents in the surrounding low-density neighborhood. Land uses consist of small and moderate sized retail, service, office, multi-family residential uses or similar. This district may be applied where it is appropriate to reduce reliance on the automobile for the provision of routine retail and service amenities, and to promote walking and bicycling within comfortable distances of adjacent residential infill neighborhoods, such as within the Park Place and South End Concept Plan areas. Approval of a site plan and design review application pursuant to OCMC 17.62 is required.

17.24.020 - Permitted Uses—NC.

The following uses are permitted within the Neighborhood Commercial District:

- A. Any use permitted in the Mixed-Use Corridor, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed ten thousand square feet, unless otherwise restricted in this chapter.
- B. Grocery stores, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed forty thousand square feet.
- C. Live/work units, pursuant to Section 17.54.105—Live/work units.
- D. Multi-family, single-family attached or two-family residential, when proposed along with any nonresidential allowed use in the NC district in a single development application and not exceeding fifty percent of the total building square feet in said application.
- E. Outdoor sales that are ancillary to a permitted use on the same or abutting property under the same ownership.

17.24.025 - Conditional uses.

The following conditional uses may be permitted when approved in accordance with the process and standards contained in Chapter 17.56:

- A. Any use permitted in the Neighborhood Commercial District that has a building footprint in excess of ten thousand square feet.
- B. Emergency and ambulance services;
- C. Drive-thru facilities;
- D. Outdoor markets that are operated before six p.m. on weekdays;
- E. Public utilities and services such as pump stations and sub-stations;
- F. Religious institutions;
- G. Public and or private educational or training facilities;
- H. Gas stations;

- I. Hotels and motels, commercial lodging;
- J. Vet clinic or pet hospital.

17.24.035 - Prohibited uses.

The following uses are prohibited in the NC District:

- A. Distributing, wholesaling and warehousing;
- B. Outdoor storage;
- C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;
- D. Hospitals;
- E. Kennels;
- F. Motor vehicle sales and incidental service;
- G. Motor vehicle repair and service;
- H. Self-service storage facilities;
- I. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment).

J. Marijuana production, processing, wholesaling, research, testing, and laboratories.

17.24.040 - Dimensional standards.

Dimensional standards in the NC district are:

- A. Maximum building height: Forty feet or three stories, whichever is less.
- B. Maximum building footprint: Ten thousand square feet.
- C. Minimum required setbacks if not abutting a residential zone: None.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: Ten feet plus one foot additional yard setback for every one foot of building height over thirty-five feet.
- E. Maximum Allowed Setback.
 - 1. Front yard setback: Five feet (may be extended with Site Plan and Design Review, Section 17.62.055).
 - 2. Interior yard setback: None.
 - 3. Corner side yard setback abutting a street: Thirty feet, provided the site plan and design review requirements of Section 17.62.055 are met.
 - 4. Rear yard setback: None.

Chapter 17.29 - "MUC"—MIXED-USE CORRIDOR DISTRICT

17.29.010 - Designated.

The Mixed-Use Corridor (MUC) District is designed to apply along selected sections of transportation corridors such as Molalla Avenue, 7th Street and Beavercreek Road, and along Warner-Milne Road. Land uses are characterized by high-volume establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities, or a similar use as defined by the community development director. A mix of high-density residential, office, and small-scale retail uses are encouraged in this District. Moderate density (MUC-1) and high density (MUC-2) options are available within the MUC zoning district. The area along 7th Street is an example of MUC-1, and the area along Warner-Milne Road is an example of MUC-2.

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

- A. Banquet, conference facilities and meeting rooms;
- B. Bed and breakfast and other lodging facilities for up to ten guests per night;
- C. Child care centers and/or nursery schools;
- D. Indoor entertainment centers and arcades;
- E. Health and fitness clubs;
- F. Medical and dental clinics, outpatient; infirmary services;
- G. Museums, libraries and cultural facilities;
- H. Offices, including finance, insurance, real estate and government;
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- J. Postal services;
- K. Parks, playgrounds, play fields and community or neighborhood centers;
- L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- ~~M~~~~N~~. Residential units, multi-family;
- ~~N~~~~O~~. Restaurants, eating and drinking establishments without a drive through;
- ~~O~~~~P~~. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- ~~P~~~~Q~~. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana pursuant to 17.54.110, and similar, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;
- ~~Q~~~~R~~. Seasonal sales, subject to OCMC Section 17.54.060;
- ~~R~~~~S~~. Assisted living facilities; nursing homes and group homes for over fifteen patients;

- ST. Studios and galleries, including dance, art, photography, music and other arts;
- TU. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- UV. Veterinary clinics or pet hospitals, pet day care;
- VW. Home occupations;
- WX. Research and development activities;
- XY. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- YZ. Residential care facility;
- ZA. Transportation facilities;
- AA BB. Live/work units, pursuant to Section 17.54.105—Live/work units.

17.29.030 - Conditional uses—MUC-1 and MUC-2 zones.

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

- A. Ancillary drive-in or drive-through facilities;
- B. Emergency service facilities (police and fire), excluding correctional facilities;
- C. Gas stations;
- D. Outdoor markets that do not meet the criteria of Section 17.29.020H.;
- E. Public utilities and services including sub-stations (such as buildings, plants and other structures);
- F. Public and/or private educational or training facilities;
- G. Religious institutions;
- H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;
- I. Hotels and motels, commercial lodging;
- J. Hospitals;
- K. Parking structures and lots not in conjunction with a primary use;
- L. Passenger terminals (water, auto, bus, train).

17.29.040 - Prohibited uses in the MUC-1 and MUC-2 zones.

The following uses are prohibited in the MUC district:

- A. Distributing, wholesaling and warehousing;

- B. Outdoor storage;
- C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;
- D. Correctional facilities;
- E. Heavy equipment service, repair, sales, storage or rentals (including but not limited to construction equipment and machinery and farming equipment);
- F. Kennels;
- G. Motor vehicle and recreational vehicle sales and incidental service;
- H. Motor vehicle and recreational vehicle repair/service;
- I. Self-service storage facilities.
- J. Marijuana production, processing, wholesaling, research, testing, and laboratories, pursuant to 17.54.110.

17.29.050 - Dimensional standards—MUC-1.

- A. Minimum lot areas: None.
- B. Maximum building height: Forty feet or three stories, whichever is less.
- C. Minimum required setbacks if not abutting a residential zone: None.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.
- E. Maximum allowed setbacks.
 - 1. Front yard: Five feet (may be extended with Site Plan and Design Review (Section 17.62.055)).
 - 2. Interior side yard: None.
 - 3. Corner side setback abutting street: Thirty feet provided the Site Plan and Design Review requirements of Section 17.62.055 are met.
 - 4. Rear yard: None.
- F. Maximum lot coverage of the building and parking lot: Eighty percent.
- G. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.

17.29.060 - Dimensional standards—MUC-2.

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.25.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Sixty feet.
- E. Minimum required setbacks if not abutting a residential zone: None.

- F. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 - 1. Front yard: Five feet (may be expanded with Site Plan and Design Review Section 17.62.055).
 - 2. Interior side yard: None.
 - 3. Corner side yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
 - 4. Rear yard: None.
- H. Maximum site coverage of building and parking lot: Ninety percent.
- I. Minimum landscaping requirement (including parking lot): Ten percent.

17.29.070 - Floor area ratio (FAR).

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

- A. Standards.
 - 1. The minimum floor area ratios contained in 17.29.050 and 17.29.060 apply to all non-residential and mixed-use building development, except stand-alone commercial buildings less than ten thousand square feet in floor area.
 - 2. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
 - 3. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

Chapter 17.31 - "MUE"—MIXED-USE EMPLOYMENT DISTRICT

17.31.10 - Designated.

The MUE zone is designed for employment-intensive uses such as large offices and research and development complexes or similar as defined by the community development director. Some commercial uses are allowed, within limits. The county offices and Willamette Falls Hospital are examples of such employment-intensive uses.

17.31.020 - Permitted uses.

Permitted uses in the MUE district are defined as:

- A. Banquet, conference facilities and meeting rooms;
- B. Child care centers, nursery schools;
- C. Medical and dental clinics, outpatient; infirmary services;
- D. Distributing, wholesaling and warehousing;
- E. Health and fitness clubs;
- F. Hospitals;
- GH. Emergency service facilities (police and fire), excluding correctional facilities;
- HI. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;
- IJ. Offices;
- JK. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- KL. Postal services;
- LM. Parks, play fields and community or neighborhood centers;
- MN. Research and development offices and laboratories, related to scientific, educational, electronics and communications endeavors;
- NO. Passenger terminals (water, auto, bus, train);
- OP. Utilities. Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, water tanks, telephone exchange and cell towers;
- PQ. Transportation facilities.
- QR. Marijuana processors, processing sites, wholesaling and laboratories, pursuant to 17.54.110 – Marijuana businesses.

17.31.030 - Limited uses.

The following permitted uses, alone or in combination, shall not exceed twenty percent of the total gross floor area of all of the other permitted and conditional uses within the MUE development site or complex. The total gross floor area of two or more buildings may be used, even if the buildings are not all on the same parcel or owned by the same property owner, as long as they are part of the same development site, as determined by the community development director.

- A. Retail services, including but not limited to personal, professional, educational and financial services, marijuana pursuant to 17.54.110, laundry and dry cleaning;
- B. Restaurants, eating and drinking establishments;
- C. Retail shops, provided the maximum footprint for a stand alone building with a single store does not exceed sixty thousand square feet;
- D. Public and/or private educational or training facilities;
- E. Custom or specialized vehicle alterations or repair wholly within a building.
- ~~F. Marijuana retail, pursuant to Section 17.54.110 — Marijuana businesses.~~

17.31.040 - Conditional uses.

The following conditional uses are permitted when authorized and in accordance with the process and standards contained in Chapter 17.56.

- A. Correctional, detention and work release facilities;
- B. Drive-in or drive-through facilities;
- C. Hotels, motels and commercial lodging;
- D. Outdoor markets that do not meet the criteria of Section 17.31.020 LM;
- E. Public utilities and services such as pump stations and sub-stations;
- F. Religious institutions;
- G. Veterinary or pet hospital, dog day care.

17.31.050 - Prohibited uses.

The following uses are prohibited in the MUE district:

- A. Outdoor sales or storage;
- B. Kennels;
- C. Gas/Convenience stations;
- D. Motor vehicle parts stores;
- E. Motor vehicle sales and incidental service;
- F. Heavy equipment service, repair, sales, storage or rental² (including but not limited to construction equipment and machinery and farming equipment);
- G. Recreation vehicle, travel trailer, motorcycle, truck, manufactured home, leasing, rental or storage;
- H. Self-storage facilities.

I. Marijuana production.

17.31.060 - Dimensional standards.

- A. Minimum lot areas: None.
- B. Minimum Floor Area Ratio: 0.25.
- C. Maximum building height: except as otherwise provided in subsection C.1. of this section building height shall not exceed sixty feet.
 - 1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.
- E. Maximum allowed setbacks: No maximum limit provided the Site Plan and Design Review requirements of Section 17.62.055 are met. Development of a campus with an approved Master Plan in the MUE zone is exempt from Section 17.62.055D.1 of Site Plan and Design Review. All other standards are applicable.
- F. Maximum site coverage of the building and parking lot: Eighty percent.
- G. Minimum landscape requirement (including the parking lot): Twenty Percent.

The design and development of the landscaping in this district shall:

- 1. Enhance the appearance of the site internally and from a distance;
- 2. Include street trees and street side landscaping;
- 3. Provide an integrated open space and pedestrian way system within the development with appropriate connections to surrounding properties;
- 4. Include, as appropriate, a bikeway walkway or jogging trail;
- 5. Provide buffering or transitions between uses;
- 6. Encourage outdoor eating areas appropriate to serve all the uses within the development;
- 7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.

17.31.070 - Floor area ratio (FAR).

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

A. Standards.

- 1. The minimum floor area ratios contained in 17.29.050 and 17.29.060 apply to all non-residential and mixed-use building development, except stand-alone commercial buildings less than ten thousand square feet in floor area.
- 2. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be

included in the calculations of floor area ratio to determine conformance with minimum FARs.

3. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

Chapter 17.32 - C GENERAL COMMERCIAL DISTRICT

17.32.010 - Designated.

Uses in the general commercial district are designed to serve the city and the surrounding area. Land uses are characterized by a wide variety of establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities or a similar use as defined by the community development director.

17.32.020 - Permitted uses.

- A. Any use permitted in the MUC - Mixed Use Corridor zone with no maximum footprint size, unless otherwise restricted in Sections 17.24.020, 17.24.030 or 17.24.040;
- B. Hotels and motels;
- C. Drive-in or drove through facilities;
- D. Passenger terminals (water, auto, bus, train);
- E. Gas stations;
- F. Outdoor markets that do not meet Section 17.29.020.H;
- G. Motor vehicle and recreational vehicle sales and/or incidental service;
- H. Motor vehicle and recreational vehicle repair and/or service;
- I. Custom or specialized vehicle alterations or repair wholly within a building.

17.32.030 - Conditional uses.

The following conditional uses are permitted when authorized and in accordance with the standards contained in Chapter 17.56:

- A. Religious institutions;
- B. Hospitals;
- C. Self service storage facilities;
- D. Public utilities, including sub-stations (such as buildings, plants and other structures);
- E. Public and/or private educational or training facilities;
- F. Parking structures and lots not in conjunction with a primary use;
- G. Emergency service facilities (police and fire), excluding correctional facilities.

17.32.040 - Prohibited uses in the General Commercial District.

The following uses are prohibited in the General Commercial District:

- A. Distribution, wholesaling and warehousing.
- B. Outdoor sales or storage (Except secured areas for overnight parking or temporary parking of vehicles used in the business. Sales of products not located under a roof may be allowed if they are located in an area that is architecturally connected to the primary structure, is an ancillary use and is approved through the Site Plan and Design Review process. This area may not exceed fifteen percent of the building footprint of the primary building).
- C. General manufacturing or fabrication.
- D. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment).
- E. Marijuana production, processing, wholesaling, research, testing, and laboratories.

17.32.050 - Dimensional standards.

- A. Minimum lot area: None.
- B. Maximum building height: Sixty feet.
- C. Minimum required setbacks if not abutting a residential zone: None.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- E. Maximum Allowed Setbacks.
 - 1. Front yard setback: Five feet (may be expanded with Site Plan and Design Review Section 17.62.055).
 - 2. Interior side yard setback: None.
 - 3. Corner side yard setback abutting street: None
 - 4. Rear yard setback: None.
- F. Maximum site coverage of building and parking lot: Eighty-five percent
- G. Minimum landscaping requirement (including parking lot): Fifteen percent.

Chapter 17.34 - "MUD"—MIXED-USE DOWNTOWN DISTRICT

17.34.010 - Designated.

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the "north-end" area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. Land uses are characterized by high-volume establishments constructed at the human scale such as retail, service, office, multi-family residential, lodging or similar as defined by the community development director. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes a Downtown Design District overlay for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

17.34.020 - Permitted uses.

Permitted uses in the MUD district are defined as:

- A. Any use permitted in the mixed-use corridor without a size limitation, unless otherwise restricted in Sections 17.34.020, 17.34.030 or 17.34.040;
- B. Hotel and motel, commercial lodging;
- C. Marinas;
- D. Religious institutions;
- E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);
- F. Live/work units.

17.34.030 - Conditional uses.

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

- A. Ancillary drive-in or drive-through facilities;
- B. Emergency services;
- C. Hospitals;
- D. Outdoor markets that do not meet the criteria of Section 17.34.020;
- E. Parks, playgrounds, play fields and community or neighborhood centers;
- F. Parking structures and lots not in conjunction with a primary use;

- G. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding a footprint of sixty thousand square feet;
- H. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
- I. Public utilities and services such as pump stations and sub-stations;
- J. Distributing, wholesaling and warehousing;
- K. Gas stations;
- L. Public and or private educational or training facilities;
- M. Stadiums and arenas;
- N. Passenger terminals (water, auto, bus, train);
- O. Recycling center and/or solid waste facility.

17.34.040 - Prohibited uses.

The following uses are prohibited in the MUD district:

- A. Kennels;
- B. Outdoor storage and sales, not including outdoor markets allowed in Section 17.34.030;
- C. Self-service storage;
- D. Single-Family and two-family residential units;
- E. Motor vehicle and recreational vehicle repair/service;
- F. Motor vehicle and recreational vehicle sales and incidental service;
- G. Heavy equipment service, repair, sales, storage or rental² (including but not limited to construction equipment and machinery and farming equipment);
- H. Marijuana production, processing, wholesaling, research, testing, and laboratories, pursuant to Section 17.54.110.

17.34.050 - Pre-existing industrial uses.

Tax lot 5400 located at Clackamas County Tax Assessors Map #22E20DD, Tax Lots 100 and two hundred located on Clackamas County Tax Assessors Map #22E30DD and Tax Lot 700 located on Clackamas County Tax Assessors Map #22E29CB have special provisions for industrial uses. These properties may maintain and expand their industrial uses on existing tax lots. A change in use is allowed as long as there is no greater impact on the area than the existing use.

17.34.060 - Mixed-use downtown dimensional standards—For properties located outside of the downtown design district.

- A. Minimum lot area: None.

- B. Minimum floor area ratio: 0.30.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Seventy-five feet, except for the following locations where the maximum building height shall be forty-five feet:
 - 1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;
 - 2. Property within five hundred feet of the End of the Oregon Trail Center property; and
 - 3. Property within one hundred feet of single-family detached or detached units.
- E. Minimum required setbacks, if not abutting a residential zone: None.
- F. Minimum required interior side yard and rear yard setback if abutting a residential zone: Fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 - 1. Front yard: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
 - 2. Interior side yard: No maximum.
 - 3. Corner side yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
 - 4. Rear yard: No maximum.
 - 5. Rear yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
- H. Maximum site coverage including the building and parking lot: Ninety percent.
- I. Minimum landscape requirement (including parking lot): Ten percent.

17.34.070 - Mixed-use downtown dimensional standards—For properties located within the downtown design district.

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.5.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Fifty-eight feet.
- E. Minimum required setbacks, if not abutting a residential zone: None.
- F. Minimum required interior and rear yard setback if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every three feet in building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 - 1. Front yard setback: Ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
 - 2. Interior side yard setback: No maximum.

3. Corner side yard setback abutting street: Ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
 4. Rear yard setback: No maximum.
 5. Rear yard setback abutting street: Ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
- H. Maximum site coverage of the building and parking lot: One hundred percent.
- I. Minimum Landscape Requirement. Development within the downtown design district overlay is exempt from required landscaping standards in Section 17.62.050A.1. However, landscaping features or other amenities are required, which may be in the form of planters, hanging baskets and architectural features such as benches and water fountains that are supportive of the pedestrian environment. Where possible, landscaped areas are encouraged to facilitate continuity of landscape design. Street trees and parking lot trees are required and shall be provided per the standards of Chapter 12.08 and Chapter 17.52.

17.34.080 - Explanation of certain standards.

A. Floor Area Ratio (FAR).

1. Purpose. Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.
2. Standards.
 - a. The minimum floor area ratios contained in sections 17.34.060 and 17.34.070 apply to all non-residential and mixed-use building developments.
 - b. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
 - c. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

B. Building height.

1. Purpose.
 - a. The Masonic Hall is currently the tallest building in downtown Oregon City, with a height of fifty-eight feet measured from Main Street. The maximum building height limit of fifty-eight feet will ensure that no new building will be taller than the Masonic Hall.
 - b. A minimum two-story (twenty-five feet) building height is established for the Downtown Design District Overlay sub-district to ensure that the traditional building scale for the downtown area is maintained.

Chapter 17.35 - WILLAMETTE FALLS DOWNTOWN DISTRICT

17.35.010 - Designated.

The Willamette Falls Downtown (WFD) District applies to the historic Willamette Falls site, bordered by 99E to the north and east, and the Willamette River to the west and south. This area was formerly an industrial site occupied by the Blue Heron Paper Mill and is the location of Oregon City's founding. A mix of open space, retail, high-density residential, office, and compatible light industrial uses are encouraged in this district, with retail, service, and light industrial uses on the ground floor and office and residential uses on upper floors. Allowed uses in the district will encourage pedestrian and transit activity. This district includes a downtown design overlay for the historic downtown area. Design guidelines for this subdistrict require storefront facades along designated public streets featuring amenities to enhance the active and attractive pedestrian environment.

17.35.020 - Permitted uses.

Permitted uses in the WFD district are defined as:

- A. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, marijuana pursuant to 17.54.110, and specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed forty thousand square feet (a freestanding building over forty thousand square feet is allowed as long as the building contains multiple tenant spaces or uses).
- B. Industrial uses including food and beverage production, limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, and not to exceed sixty thousand square feet.
- C. Research and development activities.
- D. Offices, including finance, insurance, real estate, software, engineering, design, and government.
- E. Restaurants, eating and drinking establishments without a drive through, and mobile food carts.
- F. Parks, playgrounds, outdoor entertainment space, and community or neighborhood centers.
- G. Museums, libraries, and interpretive/education facilities.
- H. Outdoor markets, such as produce stands, craft markets and farmers markets.
- I. Indoor entertainment centers and arcades.
- J. Studios and galleries, including dance, art, film and film production, photography, and music.
- K. Hotel and motel, commercial lodging.
- L. Conference facilities and meeting rooms.
- M. Public and/or private educational or training facilities.
- N. Child care centers and/or nursery schools.
- O. Health and fitness clubs.
- P. Medical and dental clinics, outpatient; infirmary services.

- Q. Repair shops, except automotive or heavy equipment repair.
- R. Residential units—Multi-family.
- S. Services, including personal, professional, educational and financial services; laundry and dry cleaning.
- T. Seasonal sales, subject to Oregon City Municipal Code Section 17.54.060.
- U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.
- V. Veterinary clinics or pet hospitals, pet day care.
- W. Home occupations.
- X. Religious institutions.
- Y. Live/work units, including an individual residential unit in association with a permitted use.
- Z. Water-dependent uses, such as boat docks.
- AA. Passenger terminals (water, auto, bus, train).
- BB. Existing parking and loading areas, as an interim use, to support open space/recreational uses.

17.35.030 - Conditional uses.

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

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

17.35.040 - Prohibited uses.

The following uses are prohibited in the WFD district:

- A. Kennels.
- B. Outdoor sales or storage that is not accessory to a retail use allowed in Section 17.35.020 or 17.35.030.
- C. Self-service storage.
- D. Distributing, wholesaling and warehousing not in association with a permitted use.
- E. Single-family and two-family residential units.
- F. Motor vehicle and recreational vehicle repair/service.
- G. Motor vehicle and recreational vehicle sales and incidental service.
- H. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment).

[I. Marijuana production, processing, wholesaling, research, testing, and laboratories.](#)

17.35.050 - Temporary uses.

- A. Temporary activities are short-term or seasonal nature and do not fundamentally change the site. Examples of temporary activities include: movie and TV filming, construction and film staging, and general warehousing. Temporary activities are not considered primary or accessory uses and require a temporary use permit be obtained from the city. The city has a right to deny or condition any temporary use permit if it feels the proposal conflicts with the purpose of the district or to ensure that health and safety requirements are met. Temporary use permits are processed as a type II land use action.
- B. The following uses may be allowed in the district on a temporary basis, subject to permit approval:
 - 1. Outdoor storage or warehousing not accessory to a use allowed in Section 17.35.020 or 17.35.030.
 - 2. Movie and television filming. On-site filming and activities accessory to on-site filming that exceed two weeks on the site are allowed with a city temporary use permit. Activities accessory to on-site filming may be allowed on site, and include administrative functions such as payroll and scheduling, and the use of campers, truck trailers, or catering/craft services. Accessory activities do not include otherwise long-term uses such as marketing, distribution, editing facilities, or other activities that require construction of new buildings or create new habitable space. Uses permitted in the district and not part of the temporary use permit shall meet the development standards of the district.
- C. General Regulations for Temporary Uses.
 - 1. The temporary use permit is good for one year and can be renewed for a total of three years.
 - 2. Temporary activities that exceed time limits in the city permit are subject to the applicable use and development standards of the district.
 - 3. These regulations do not exempt the operator from any other required permits such as sanitation permits, erosion control, building or electrical permits.

17.35.060 - Willamette Falls Downtown District dimensional standards.

- A. Minimum lot area: None.
- B. Minimum floor area ratio (as defined in Section 17.34.080): 1.0.
- C. Minimum building height: Two entire stories and twenty-five feet, except for:
 - 1. Accessory structures or buildings under one thousand square feet; and
 - 2. Buildings to serve open space or public assembly uses.
- D. Maximum building height: Eighty feet.
- E. Minimum required setbacks: None.
- F. Maximum allowed setbacks: Ten feet, provided site plan and design review requirements are met.
- G. Maximum site coverage: One hundred percent.
- H. Minimum landscape requirement: None for buildings. Landscaping for parking areas required per Chapter 17.52.
- I. Street standards: Per Section 12.04, except where modified by a master plan.
- J. Parking: Per Chapter 17.52, Off-Street Parking and Loading. The Willamette Falls Downtown District is within the Downtown Parking Overlay District.

Chapter 17.36 - "GI"—GENERAL INDUSTRIAL DISTRICT

17.36.010 - Designated.

The general industrial district is designed to allow uses relating to manufacturing, processing, production, storage, fabrication and distribution of goods or similar as defined by the community development director. The uses permitted in the general industrial district are intended to protect existing industrial and employment lands to improve the region's economic climate and protect the supply of sites for employment by limiting new and expanded retail commercial uses to those appropriate in type and size to serve the needs of businesses, employees, and residents of the industrial areas.

17.36.020 - Permitted uses.

In the GI district, the following uses are permitted if enclosed within a building:

- A. Manufacturing and/or fabrication;
- B. Distributing, wholesaling and warehousing, excluding explosives and substances which cause an undue hazard to the public health, welfare and safety;
- C. Heavy equipment service, repair, sales, rental or storage (includes but is not limited to construction equipment and machinery and farming equipment);
- D. Veterinary or pet hospital, kennel;
- E. Necessary dwellings for caretakers and watchmen (all other residential uses are prohibited);
- F. Retail sales and services, including but not limited to eating establishments for employees (i.e. a cafe or sandwich shop) or marijuana pursuant to 17.54.110, located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of twenty thousand square feet or five percent of the building square footage, whichever is less and the retail sales and services shall not occupy more than ten percent of the net developable portion of all contiguous industrial lands;
- G. Emergency service facilities (police and fire), excluding correctional facilities;
- H. Outdoor sales and storage;
- I. Recycling center and solid waste facility;
- J. Wrecking yards;
- K. Public utilities, including sub-stations (such as buildings, plants and other structures);
- L. Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- M. Kennels;
- N. Storage facilities;
- O. Transportation facilities.

P. Marijuana production, processing, wholesaling, and laboratories pursuant to 17.54.110.

17.36.030 - Conditional uses.

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

- A. Any use in which more than half of the business is conducted outdoors.
- B. Hospitals.

17.36.040 - Dimensional standards.

Dimensional standards in the GI district are:

- A. Minimum lot area, minimum not required;
- B. Maximum building height, three stories, not to exceed forty feet;
- C. Minimum required setbacks:
 - 1. Front yard, ten feet minimum setback;
 - 2. Interior side yard, no minimum setback;
 - 3. Corner side yard, ten feet minimum setback;
 - 4. Rear yard, ten feet minimum setback;
- D. Buffer Zone. If a use in this zone abuts or faces a residential or commercial use, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential use and commercial uses in order to provide a buffer area, and sight obscuring landscaping thereof shall be subject to site plan review. The community development director may waive any of the foregoing requirements if he/she determines that the requirement is unnecessary in the particular case.
- E. Outdoor storage within building or yard space other than required setbacks and such occupied yard space shall be enclosed by a sight-obscuring wall or fence of sturdy construction and uniform color or an evergreen hedge not less than six feet in height located outside the required yard, further provided that such wall or fence shall not be used for advertising purposes.

Chapter 17.37 - (CI) CAMPUS INDUSTRIAL DISTRICT

17.37.010 - Designated.

The campus industrial district is designed for a mix of clean, employee-intensive industries, and offices serving industrial needs. These areas provide jobs that strengthen and diversify the economy. The uses permitted on campus industrial lands are intended to improve the region's economic climate and to protect the supply of sites for employment by limiting incompatible uses within industrial and employment areas and promoting industrial uses, uses accessory to industrial uses, offices for industrial research and development and large corporate headquarters.

17.37.020 - Permitted uses.

The following uses may occupy up to one hundred percent of the total floor area of the development, unless otherwise described:

- A. Experimental or testing laboratories;
- B. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;
- C. Public and/or private educational or training facilities;
- D. Corporate or government headquarters or regional offices with fifty or more employees;
- E. Computer component assembly plants;
- F. Information and data processing centers;
- G. Software and hardware development;
- H. Engineering, architectural and surveying services;
- I. Non-commercial, educational, scientific and research organizations;
- J. Research and development activities;
- K. Industrial and professional equipment and supply stores, which may include service and repair of the same;
- L. Retail sales and services, including but not limited to eating establishments for employees (i.e. a cafe or sandwich shop) or retail sales of marijuana pursuant to 17.54.110, located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of twenty thousand square feet or five percent of the building square footage, whichever is less, and the retail sales and services shall not occupy more than ten percent of the net developable portion of all contiguous industrial lands.
- M. Financial, insurance, real estate, or other professional offices, as an accessory use to a permitted use, located in the same building as the permitted use and limited to ten percent of the total floor area of the development. Financial institutions shall primarily serve the needs of businesses and employees within the development, and drive-through features are prohibited;
- N. Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;

O. Transportation facilities.

P. Marijuana processors, processing sites, wholesalers and laboratories pursuant to 17.54.110.

17.37.030 - Conditional uses.

The following conditional uses may be established in a campus industrial district subject to review and action on the specific proposal, pursuant to the criteria and review procedures in Chapters 17.50 and 17.56:

- A. Distribution or warehousing.
- B. Any other use which, in the opinion of the planning commission, is of similar character of those specified in Sections 17.37.020 and 17.37.030. In addition, the proposed conditional uses:
 - 1. Will have minimal adverse impact on the appropriate development of primary uses on abutting properties and the surrounding area considering location, size, design and operating characteristics of the use;
 - 2. Will not create odor, dust, smoke, fumes, noise, glare, heat or vibrations which are incompatible with primary uses allowed in this district;
 - 3. Will be located on a site occupied by a primary use, or, if separate, in a structure which is compatible with the character and scale or uses allowed within the district, and on a site no larger than necessary for the use and operational requirements of the use;
 - 4. Will provide vehicular and pedestrian access, circulation, parking and loading areas which are compatible with similar facilities for uses on the same site or adjacent sites.

17.37.040 - Dimensional standards.

Dimensional standards in the CI district are:

- A. Minimum lot area: No minimum required.
- B. Maximum building height: except as otherwise provided in subsection B.1. of this section building height shall not exceed forty-five feet.
 - 1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.
- C. Minimum required setbacks:
 - 1. Front yard: Twenty feet minimum setback;
 - 2. Interior side yard: No minimum setback;
 - 3. Corner side yard: Twenty feet minimum setback;
 - 4. Rear yard: Ten feet minimum setback.
- D. Buffer zone: If a use in this zone abuts or faces a residential use, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential or commercial zone in order to provide a buffer area, and landscaping thereof shall be subject to site plan review.

- E. If the height of the building exceeds forty-five feet, as provided in subsection B.1. of this section for every additional story built above forty-five feet, an additional twenty-five foot buffer shall be provided.

17.37.050 - Development standards.

All development within the CI district is subject to the review procedures and application requirements under Chapter 17.50, and the development standards under Chapter 17.62. Multiple building developments are exempt from the setback requirements of Section 17.62.055. In addition, the following specific standards, requirements and objectives shall apply to all development in this district. Where requirements conflict, the more restrictive provision shall govern:

- A. Landscaping. A minimum of fifteen percent of the developed site area shall be used for landscaping. The design and development of landscaping in this district shall:
 - 1. Enhance the appearance of the site internally and from a distance;
 - 2. Include street trees and street side landscaping;
 - 3. Provide an integrated open space and pedestrian system within the development with appropriate connections to surrounding properties;
 - 4. Include, as appropriate, a bikeway, pedestrian walkway or jogging trail;
 - 5. Provide buffering or transitions between uses;
 - 6. Encourage outdoor eating areas conveniently located for use by employees;
 - 7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.
- B. Parking. No parking areas or driveways, except access driveways, shall be constructed within the front setback of any building site or within the buffer areas without approved screening and landscaping.
- C. Fences. Periphery fences shall not be allowed within this district. Decorative fences or walls may be used to screen service and loading areas, private patios or courts. Fences may be used to enclose playgrounds, tennis courts, or to secure sensitive areas or uses, including but not limited to, vehicle storage areas, drainage detention facilities, or to separate the development from adjacent properties not within the district. Fences shall not be located where they impede pedestrian or bicycle circulation or between site areas.
- D. Signs. One ground-mounted sign may be provided for a development. Other signage shall be regulated by Title 15.
- E. Outdoor storage and refuse/recycling collection areas.
 - 1. No materials, supplies or equipment, including company owned or operated trucks or motor vehicles, shall be stored in any area on a lot except inside a closed building, or behind a visual barrier screening such areas so that they are not visible from the neighboring properties or streets. No storage areas shall be maintained between a street and the front of the structure nearest the street;
 - 2. All outdoor refuse/recycling collection areas shall be visibly screened so as not to be visible from streets and neighboring property. No refuse/recycling collection areas shall be maintained between a street and the front of the structure nearest the street.

Chapter 17.39 - [I] INSTITUTIONAL DISTRICT

17.39.010 - Designated.

The purpose of this district is designed to facilitate the development of major public institutions, government facilities and parks and ensure the compatibility of these developments with surrounding areas. The I—Institutional zone is consistent with the public/quasi public and park designations on the comprehensive plan map.

17.39.020 - Permitted uses.

Permitted uses in the institutional district are:

- A. Private and/or public educational or training facilities;
- B. Parks, playgrounds, playfields and community or neighborhood community centers;
- C. Public facilities and services including courts, libraries and general government offices and maintenance facilities;
- D. Stadiums and arenas;
- E. Banquet, conference facilities and meeting rooms;
- F. Government offices;
- G. Transportation facilities.

17.39.030 - Accessory uses.

The following uses are permitted outright if they are accessory to and related to the primary institutional use:

- A. Offices;
- B. Retail (not to exceed twenty percent of total gross floor area of all building);
- C. Child care centers or nursery schools;
- D. Scientific, educational, or medical research facilities and laboratories;
- E. Religious institutions.

17.39.040 - Conditional uses.

Uses requiring conditional use permit are:

- A. Any uses listed under Section 17.39.030 that are not accessory to the primary institutional use;
- B. Boarding and lodging houses, bed and breakfast inns;
- C. Cemeteries, crematories, mausoleums, and columbariums;

- D. Correctional facilities;
- E. Helipad in conjunction with a permitted use;
- F. Parking lots not in conjunction with a primary use;
- G. Public utilities, including sub-stations (such as buildings, plants and other structures);
- H. Fire stations.

17.39.045 – Prohibited Uses

Prohibited uses in the I – Institutional District are:

A. Any use not expressly listed in Section 17.39.020, 17.39.030 or 17.39.040;

B. Marijuana businesses.

17.39.050 - Dimensional standards.

Dimensional standards in the I district are:

- A. Maximum building height: Within one hundred feet of any district boundary, not to exceed thirty-five feet; elsewhere, not to exceed seventy feet.
- B. Minimum required setbacks: Twenty-five feet from property line except when the development is adjacent to a public right-of-way. When adjacent to a public right-of-way, the minimum setback is zero feet and the maximum setback is five feet.

17.39.060 - Relationship to master plan.

- A. A master plan is required for any development within the I district on a site over ten acres in size that:
 - 1. Is for a new development on a vacant property;
 - 2. Is for the redevelopment of a property previously used as a non-institutional use; or
 - 3. Increases the floor area of the existing development by ten thousand square feet over existing conditions
- B. Master plan dimensional standards that are less restrictive than those of the Institutional district require adjustments. Adjustments will address the criteria of Section 17.65.70 and will be processed concurrently with the master plan application.
- C. Modifications to other development standards in the code may be made as part of the phased master plan adjustment process. All modifications must be in accordance with the requirements of the master plan adjustment process identified in Section 17.65.070.

Chapter 17.26 - HC HISTORIC COMMERCIAL DISTRICT

17.26.010 - Designated.

The Historic Commercial District is designed for limited commercial use. Allowed uses should facilitate the re-use and preservation of existing buildings and the construction of new architecturally compatible structures. Land uses are characterized by high-volume establishments such as retail, service, office, residential, lodging, recreation and meeting facilities, or a similar use as defined by the community development director.

17.26.020 - Permitted uses.

- A. Uses permitted in the MUC-1 Mixed-Use Corridor District.
- B. Residential units, single-family detached.
- C. Residential units, duplex.
- D. Accessory uses, buildings and dwellings.

17.26.030 - Conditional uses.

The following conditional uses and their accessory uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

- A. Conditional uses listed in the MUC Mixed-Use Corridor District.

17.26.035 - Prohibited uses.

- A. Single-family attached
- B. ~~Marijuana production, processing, wholesaling, research, testing, and laboratories businesses.~~

17.26.040 - Historic building preservation.

Existing historic buildings (defined as primary, secondary or compatible buildings in a National Register Historic district or are in Oregon City's inventory of Historic Buildings) shall be used for historic commercial or residential use. If, however, the owner can demonstrate to the planning commission that no economically feasible return can be gained for a particular structure, and that such structure cannot be rehabilitated to render such an economic return, the planning commission may grant an exception to the historic building preservation policy. Such an exception shall be the minimum necessary to allow for an economic return for the land, while preserving the integrity of the historic building preservation policy in other structures in the area. The planning commission may condition the grant of any such application to

these ends. The members of the historic review board shall be notified of the application and may request a delay in the decision or the planning commission, of its own volition, may delay a decision on such an application subject to consideration by the historic review board as provided in Chapter 17.40.

17.26.050 - Dimensional standards.

A. Residential unit, single-family detached:

1. Dimensional standards required for the R-6 Single-Family Dwelling District.

B. All other uses:

1. Minimum lot area: None.
2. Maximum building height: Thirty-five feet or three stories, whichever is less.
3. Minimum required setbacks if not abutting a residential zone: None.
4. Minimum required rear yard setback if abutting a residential zone: Twenty feet.
5. Minimum required side yard setbacks if abutting a single-family residential use: Five feet.
6. Maximum front yard setback: Five feet (May be extended with Site Plan and Design Review Section 17.62.055).
7. Maximum interior side yard: None.
8. Maximum rear yard: None.
9. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.

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SITING CANNABIS DISPENSARIES IN CANEMAH
OREGON CITY COMMISSION TESTIMONY FROM KAREN C. LYTLE BLAHA,
514 4TH AVENUE, CANEMAH, OR 97045
PHONE: 503-557-1969

DEAR COMMISSIONERS:

I am a property owner at 514 4th Avenue in Canemah. I have lived in Canemah for more than two decades. I believe that permitting cannabis dispensaries on Hwy. 99-E in Canemah would adversely impact this neighborhood that has within it a National Historic District. Here are my two main points:

1. Neighbors of Old Canemah Park at the north end of 3rd Avenue suffer from drug users of all types who frequent the park whether it's open or closed, day or night. It has become a chronic problem without an effective solution to date, despite the attention of Oregon City Police. This park may not fall within the park-prohibition boundaries for dispensaries, but it is so close it would offer a convient location for users.

2. Canemah has slowly been undergoing a renaissance since I first became a resident. At that time it was rife with run-down houses and drug problems. A memorable incident was an explosion, the result of a meth lab. Canemah had a negative reputation and I saw, and still ocassionally see, raised eyebrows when I tell folks where I live. However, when they come to visit and see the evolving renovations of historic homes and lovely new homes built under the city's strict codes, negative opinions quickly change. I think that allowing dispenaries in Canemah would tarnish the positive image we are working so hard to establish and maintain.

For these main reasons, among others, I respectfully request that the Commission exempt Canemah as an allowed cannabis dispensary location.

Sincerely,
Karen Blaha

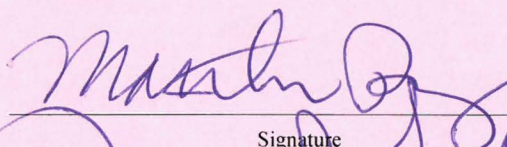
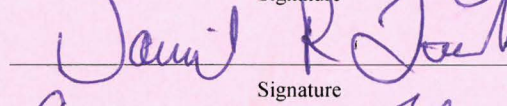
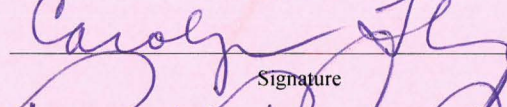
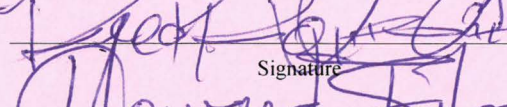
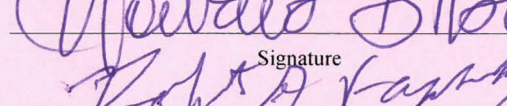
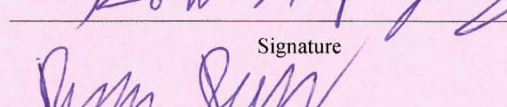
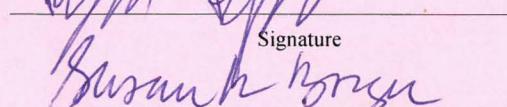
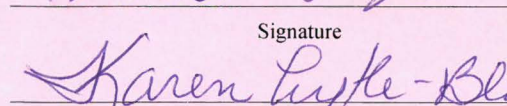
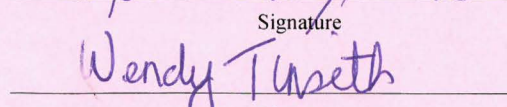
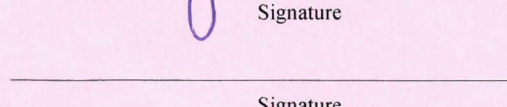
A handwritten signature in cursive script that reads "Karen Blaha". The signature is written in dark ink and is positioned below the typed name.

To: Mayor Dan Holladay
Commissioner Brian Shaw
Commissioner Rocky Smith
Commissioner Renate Mengelberg

From: Residents of Canemah

August 27, 2016

Regarding the proposal to allow cannabis retail stores in the Canemah District of Oregon City, we wish to express our strenuous opposition. Canemah is a very small, primarily residential area, and the siting of cannabis stores in this neighborhood would have an immediate, significant, and negative impact on livability and family life. We respectfully ask that you take our opposition into account when and if you make any decisions regarding this issue. Thank you.

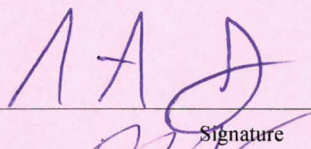
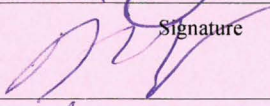
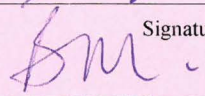
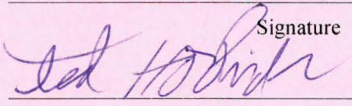
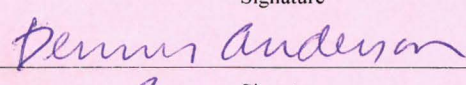
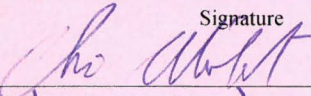
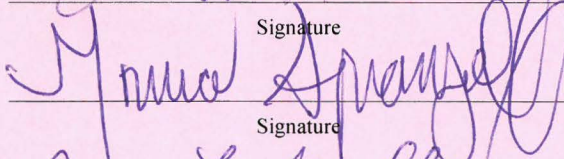
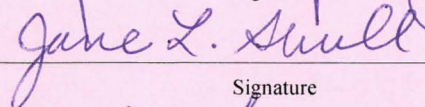
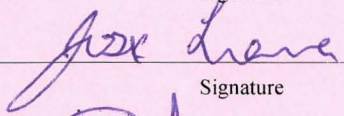

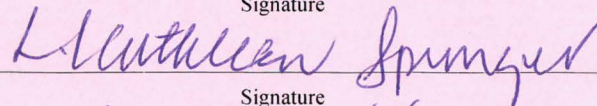
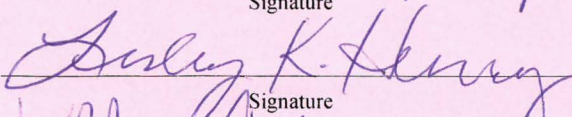
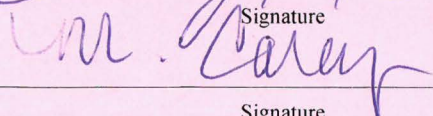
	Matthew Doyonny	421 5 th Ave Oregon City, OR 97045
Signature	Print Name	Address
	Daniel R. Fisch	421 5 th Ave 97045
Signature	Print Name	Address
		408 4 th Ave 97045
Signature	Print Name	Address
		408 4 th Ave 97045
Signature	Print Name	Address
	Howard Biby	210 Hedges Street 97045
Signature	Print Name	Address
	Robert Fagerberg	112 Miller St. 97045
Signature	Print Name	Address
	Ryan Popma	510 1 st Ave 97045
Signature	Print Name	Address
	SUSAN R. BOREEN	804 4 th AVE 97045
Signature	Print Name	Address
	KAREN LITTLE-BLAHA	514 4 th Avenue
Signature	Print Name	Address
	Wendy Tinseth	9035 th Avenue
Signature	Print Name	Address
Signature	Print Name	Address
Signature	Print Name	Address
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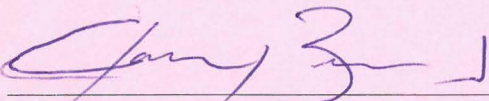
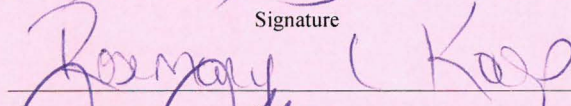
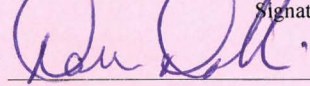
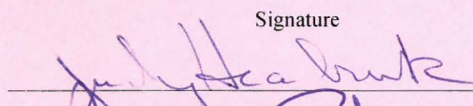
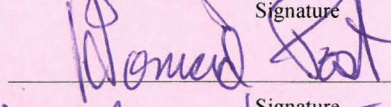
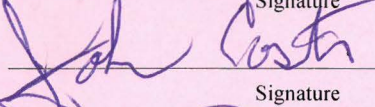

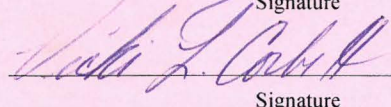
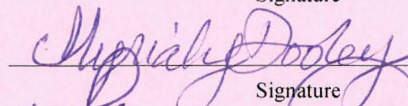
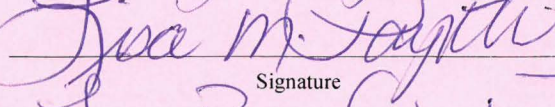
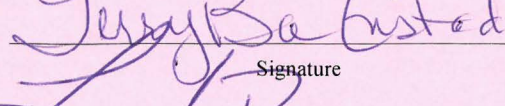
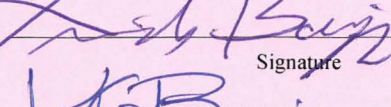
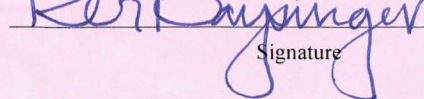
	Ryan A Smith	602 1st Ave
Signature	Print Name	Address
	Debbie Steere	510 3rd Ave.
Signature	Print Name	Address
	Brenda Moore	801 3rd Ave #6
Signature	Print Name	Address
	Ted Hoskins	20028 Berge View Ave
Signature	Print Name	Address
	DENNIS ANDERSON	804 4th Ave
Signature	Print Name	Address
	CARLOS MIERZNIK	74 5th place.
Signature	Print Name	Address
	MONICA SPRAUERT	602 5th PLACE
Signature	Print Name	Address
	Jane L. Shull	713 5th Ave
Signature	Print Name	Address
	JOSE LANG	717 5th Ave
Signature	Print Name	Address
	TRAVIS KULL	713 4th Ave
Signature	Print Name	Address
	K. Kathleen Springer	615 4th Ave 9704 O.C.
Signature	Print Name	Address
	WESLEY K HENRY	611 4th Ave O.C.
Signature	Print Name	Address
	Maureen Carey	416 4th Ave.
Signature	Print Name	Address

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	Jonny Brainard	608 1 st AVE OREGON CITY OR 97045
Signature	Print Name	Address
	Rosemary Koop	607 S McLoughlin Blvd OREGON OR
Signature	Print Name	Address
	DARREN ROBBINS	708 S. McLOUGHLIN 97045
Signature	Print Name	Address
	Judy Headrick	705 3 rd Ave 97045
Signature	Print Name	Address
	Howard Post	302 Blanchard Ave
Signature	Print Name	Address
	John Costa	614 3 RD . AVE
Signature	Print Name	Address
	Annie K Daniels	215 Jerome ST.
Signature	Print Name	Address
	Vicki Corbett	507 3 rd Ave
Signature	Print Name	Address
	Myniah Dooley	408 3 rd ave 308
Signature	Print Name	Address
	LISA Paynter	402 3 rd Ave
Signature	Print Name	Address
	Terry Enstad	316 S McLoughlin Blvd
Signature	Print Name	Address
	Linda Bays	516 First Ave
Signature	Print Name	Address
	KEN BAYSINGER	516 1ST AVE, OREGON CITY
Signature	Print Name	Address

Extent of Commercial Zoning in Canemah



Legend

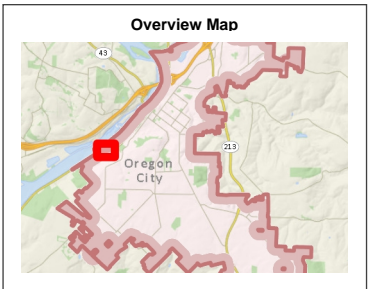
- Taxlots
- Taxlots (Outside UGB)
- Unimproved ROW

Zoning

- R-10 - Single Family Dwelling
- R-8 - Single Family Dwelling
- R-6 - Single Family Dwelling
- RC-4 - McLoughlin Conditional
- RD4-MDP - Manufactured Dwelling Pa
- R-3.5 - Medium Density Residential
- R-2 - Multi-Family Dwelling
- C - General Commercial
- MUC-2 - Mixed Use Corridor 2
- MUC-1 - Mixed Use Corridor 1
- LO - Limited Office
- NC - Neighborhood Commercial
- HC - Historic Commercial
- WFDD - Willamette Falls Downtown Di
- MUD - Mixed Use Downtown

Notes

Based on proposed regulations requiring 1000' separation, max. number of potential retail marijuana facilities would be two (2).



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

Map created 8/30/2016



0 200 400 Feet

1: 2,400

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





City of Oregon City

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

Staff Report

File Number: PC 16-092

Agenda Date: 9/21/2016

Status: Agenda Ready

To: City Commission

Agenda #: 7a.

From: Community Development Director Laura Terway

File Type: Planning

SUBJECT:

Second Reading of Ordinance No. 16-1009: Annexation of Approximately 0.46 Acres of Property Located at 19358 S. Columbine Court into the City (Annexation File AN-16-0001)

RECOMMENDED ACTION (Motion):

Staff recommends that the City Commission approve the second reading of Ordinance No. 16-1009, Annexation of Approximately 0.46 Acres of Property Located at 19358 S. Columbine Court into the City (Annexation File AN-16-0001).

BACKGROUND:

City Commission approved the first reading of Ordinance No. 16-1009 on September 7, 2016.

The Planning Commission recommended approval of Planning File AN-16-0001 on July 11, 2016 by a vote of 4-1-1.

The applicant has prepared a memorandum that responds to the Transportation Planning Rule requirement for re-zoning the property to R-10. Staff has included revised findings to support the re-zoning for the subject property to R-10 Single-Family Residential following approval of the annexation.

Annexation File AN-16-0001 was submitted by Ron and Anastasia Wilson, who are petitioning to annex approximately 0.46 acres of property to the City. The property is located at 19358 S. Columbine Ct, Oregon City, OR 97045 and identified as Clackamas County APN 3-1E-12AC-03700.

ORDINANCE NO. 16-1009

AN ORDINANCE OF THE CITY OF OREGON CITY APPROVING ANNEXATION PROPOSAL NO. AN-16-0001 AND APPROVING THE ANNEXATION OF CERTAIN PROPERTY LOCATED AT 19358 S. COLUMBINE COURT TO THE CITY OF OREGON CITY

WHEREAS, the owners of certain real property adjacent to the City of Oregon City, Ron and Anastasia Wilson, proposed in Annexation Proposal No. AN-16-0001 that their 0.46 acre property located at 19358 S. Columbine Court, Clackamas County map 3S-1E-12AC tax lot 3700, more fully identified in Exhibit 'A' to this Ordinance, be annexed to the City; and

WHEREAS, the City finds that the proposal complies with all applicable legal requirements, as detailed in the findings attached hereto and made a part of this ordinance as Exhibit 'B'; and

WHEREAS, Senate Bill 1573, adopted in 2016, requires annexation of territory without a vote by the people, notwithstanding city charter and regulations to the contrary, and the City finds that the annexed area is within the urban growth boundary, will be subject to an acknowledged comprehensive plan, is contiguous to the city limits and conforms with all other city requirements; and

WHEREAS, the City finds that applicant's proposal for rezoning the property from Clackamas County Future Urban – 10 (FU-10) to Oregon City R-10 Single-Family Residential is consistent with OCMC 17.06.030 Zoning of Annexed Areas, with the Oregon City Transportation System Plan, and has satisfactorily demonstrated compliance with the Statewide Transportation Planning Rule to support such rezoning; and

WHEREAS, the identified property is currently in Clackamas Fire District # 1 (CFD#1); and CFD#1 will continue to provide fire protection service to the identified property when annexed; and

WHEREAS, the identified property is currently within the Clackamas County Service District for Enhanced Law Enforcement; and the Oregon City Police Department will be responsible for police services to the identified property when annexed; and

WHEREAS, the identified property is currently within and served by the Clackamas River Water (CRW) District service area; and the property will continue to be served by CRW per the South End Cooperative Intergovernmental Agreement when annexed; and

WHEREAS, the identified property is not currently within the Tri-City Service District and must petition for annexation into said District with the concurrence of the City; and

WHEREAS, the City Commission concurs that the Tri-City Service District can annex the identified properties into their sewer district.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

- Section 1. That the area further identified in the legal description attached hereto as Exhibit "A", is hereby annexed to and made a part of the City of Oregon City.
- Section 2. That the territory identified in Exhibit "A" shall hereby remain within Clackamas County Fire District # 1.
- Section 3. That the territory identified in Exhibit "A" is hereby withdrawn from Clackamas County Service District for Enhanced Law Enforcement, and henceforth, the Oregon City Police Department will be responsible for police services to the identified property.
- Section 4. That the territory identified in Exhibit "A" shall remain within Clackamas River Water District pursuant to the South End Cooperative Intergovernmental Agreement.
- Section 5. The City hereby concurs with and approves the annexing of the territory identified in Exhibit "A" into the Tri-City Service District by the Clackamas County Board of Commissioners, to the extent allowed by law.
- Section 6. That the territory identified in Exhibit "A" will be rezoned to Oregon City R-10 from County FU-10 within 60-days of annexation pursuant to OCMC 17.06.030.
- Section 7. That the effective date for this annexation is the date this ordinance is submitted to the Secretary of State, as provided in ORS 222.180.

Read for the first time at a regular meeting of the City Commission held on the 7th day of September, 2016, and the City Commission finally enacted the foregoing Ordinance this 21st day of September, 2016.

Dan Holladay, Mayor

Attested to this 21st day of September 2016:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Exhibit A – Map and Legal Description of Proposed Annexation
Exhibit B – Proposed Findings, Reasons for Decision and Conclusions



FILE NO: AN-16-0001

APPLICATION TYPE: Annexation and Zone Change

HEARING DATES: Planning Commission
June 13th, 2016, 7:00 p.m.

City Commission
July 6th, 2016, 7:00 p.m.

615 Center Street
Oregon City, OR 97045

APPLICANT: Ron and Anastasia Wilson
19358 S. Columbine Ct, Oregon City, OR 97045

OWNERS: Same as Applicant

REQUEST: Annexation and zone change of one property of approximately 0.5 acres into the City of Oregon City. The site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of LR – Low Density Residential. The property is zoned Clackamas County FU-10. The applicant seeks to rezone the property to R-10.

LOCATION: The subject site is located at 19358 S. Columbine Ct and identified as Clackamas County APN 3-1E-12AC-03700

REVIEWER: Pete Walter, AICP, Associate Planner
Matt Palmer, EIT, Development Services Division

RECOMMENDATION: Evaluate Annexation against Factors, and Adopt the Staff Report and Proposed Findings, Reasons for Decision, and Recommendations.

PROCESS: Pursuant to OCMC Chapter 14.04. City Boundary Changes and Extension of Services, the procedure for review of annexations is governed by State Law and Oregon City Code Chapter 14.04. The procedure for a zone change is set forth in Oregon City Code Chapter 17.50.

The public hearing process is governed by OCMC 14.04 and 17.50. The planning commission shall conduct a public hearing in the manner provided by OCMC Section 17.50.170(B) to evaluate the proposed annexation and zone change and make a recommendation to the city commission regarding how the proposal has or has not complied with the factors set forth in Section 14.04.060 and compliance with the zone change criteria contained in OCMC 17.68.020. The planning commission shall provide findings in support of its recommendation. Upon receipt of the planning commission's recommendation, the city commission shall hold a public hearing in the manner provided by OCMC Section 17.50.170(C).



The applicant and all documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 221 Molalla Avenue, Oregon City, Oregon 97045, from 8:30am to 3:30pm Monday thru Friday. The staff report, with all the applicable approval criteria, will also be available for inspection 7 days prior to the hearing. Copies of these materials may be obtained for a reasonable cost in advance.

The Planning Commission shall make a recommendation to the City Commission as to whether the application has or has not complied with the factors set forth in section 14.04.060 and 17.68.020 of the Oregon City Municipal Code. The City Commission decision is appealable to LUBA within 14 days of issuance of the Notice of Decision.

PROPOSAL NO. AN-16-0001 - CITY OF OREGON CITY – Annexation and Zone Change

Property Owners / Voters: Ron and Anastasia Wilson

Applicant(s): Same as Owner

Proposal No. AN-16-0001 is a single tax lot annexation initiated by consent petitions of a double majority of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 222.170 (2) (double majority annexation law) and Metro Code 3.09.040 (a) (Metro's minimum requirements for a petition).

Under the City's Code the Planning Commission reviews annexation proposals and makes a recommendation to the City Commission. If the City Commission decides the proposed annexation should be approved, the City Commission may approve this annexation by resolution.

If a necessary party raises concerns prior to or at the City Commission's public hearing, the necessary party may appeal the decision to the Land Use Board of Appeals.

The territory to be annexed is located generally in the South End area of the City near McLoughlin Elementary School. The territory in Proposal No. AN-16-0001 contains approximately 0.5 acres, has one single-family residence with a population of 2, and had a current estimated assessed value in 2015 of \$226,256.00.

Zoning

The applicant wishes to receive the default R-10 zoning following annexation as permitted under OCMC 17.68. Under the proposed R-10 zone, one additional home could be constructed. The R-10 zoning designation will implement the existing Low Density Residential comprehensive plan designation currently in place. The applicant has submitted a transportation impact analysis to support the rezoning, therefore, the property will be rezoned upon recordation of the annexation with the Secretary of State as set forth in OCMC 17.06.030.

Further explanation of staff's recommendation for R-10 zoning is described later in this report under the heading "OREGON CITY ZONING" on page 15.

REASON FOR ANNEXATION

The owner would be able to receive city services, including specifically, sanitary sewer connection, water system connection, and storm water services, as well as the full range of administrative and municipal services provided upon annexation to the City. The property

is within 300 feet of a city sanitary sewer system and by Oregon Revised Statute, it must be connected to the city sewer service if new development is proposed.

LAND USE PLANNING

SITE CHARACTERISTICS

The property gently slopes south at less than 5 percent. The applicant would be able to connect to the city sewer main system that passes along the south edge of the property with a service line. The site is a residential parcel with a few scattered trees around the existing house and outbuilding. The property is in the South End Drainage Basin.

REGIONAL PLANNING

General Information

This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

Metro Boundary Change Criteria – Chapter 3.09

The Legislature has directed Metro to establish criteria that must be used by all cities within the Metro boundary. The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.
2. Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. Consistency with other applicable criteria for the boundary change in question under state and local law.

Consistency with the County and urban service provider planning agreements along with the timely, orderly and economic provision of public services as required by the Metro Code are discussed in greater detail below.

The Metro Code also contains a second set of 10 factors that are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. Those 10 factors are not applicable at this time to this annexation because no necessary party has contested the proposed annexation.

REGIONAL FRAMEWORK PLAN

The law that requires Metro to adopt criteria for boundary changes specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." The Growth Management Functional Plan was reviewed and found not to contain any criteria directly applicable to boundary changes. The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

CLACKAMAS COUNTY PLANNING

The Metro Code states that the Commission's decision on this boundary change should be ". . . consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans, public facility plans, . . ."

The Clackamas County Comprehensive Plan is the currently applicable plan for this area. The plan designation for this site is Low Density Residential (LR) on the County's Oregon City Area Land Use Plan (Map IV-5).

The County Zoning on the property is FU-10. The FU-10 zone means a 10-acre minimum lot size. This is a holding zone to prevent the creation of small parcels in areas within the UGB to preserve the capacity of land to fully develop once a full range of urban services is available. Lands located outside areas having sanitary sewer service available were designated Future Urbanizable.

Clackamas County Zoning and Development Ordinance (ZDO) section 314.02 provides that the Future Urban 10-Acre District is applied to those areas designated as Future Urban by Chapter 4 of the Clackamas County Comprehensive Plan.

The Land Use section of the Plan, Chapter 4, identifies the territory proposed for annexation as future urban, which are defined as:

"Future urban areas are lands within urban growth boundaries but outside immediate urban areas. Future urban areas are planned to be provided with public facilities, but

currently lack providers of those facilities. Future urban areas are substantially underdeveloped and will be retained in their current use to ensure future availability for urban needs. Future urban areas are planned for urban uses but zoned for large-lot, limited development.

Urban Growth Management Agreement

The City and the County have an Urban Growth Management Agreement (UGMA), which is a part of their Comprehensive Plans. The territory to be annexed falls within the Urban Growth Management Boundary (UGMB) identified for Oregon City and is subject to the agreement. The County agreed to adopt the City's Comprehensive Plan designations for this area that is Low Density Residential. Consequently, when property is annexed to Oregon City, it may receive a City planning designation by default, which is R-10 single-family dwelling district.

The applicant wishes to receive R-10 zoning following annexation, however, staff recommends that the property maintain its existing County FU-10 zoning, requiring 10 acre minimum lots, which will serve to preclude any further development or land divisions on the subject property in advance of seeking a zone change. Further explanation of staff's recommendation in this regarding is provided below under the heading "OREGON CITY ZONING" on page 15.

The Agreement presumes that all the urban lands within the UGMB will ultimately annex to the City. It specifies that the city is responsible for the public facilities plan required by Oregon Administrative Rule Chapter 660, division 11. The Agreement goes on to say:

4. City and County Notice and Coordination

* * *

D. The CITY shall provide notification to the COUNTY, and an opportunity to participate, review and comment, at least 20 days prior to the first public hearing on all proposed annexations . . .

* * *

5. City Annexations

A. CITY may undertake annexations in the manner provided for by law within the UGMB. CITY annexation proposals shall include adjacent road right-of-way to properties proposed for annexation. COUNTY shall not oppose such annexations.

B. Upon annexation, CITY shall assume jurisdiction of COUNTY roads and local access roads that are within the area annexed. As a condition of jurisdiction transfer for roads not built to CITY street standards on the date of the final decision on the annexation, COUNTY agrees to pay to CITY a sum of money equal to the cost of a two-inch asphaltic concrete overlay over the width of the then-existing pavement; however, if the width of pavement is less than 20 feet, the sum shall be calculated for an overlay 20 feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of CITY and COUNTY. Arterial roads

will be considered for transfer on a case- by-case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.

C. Public sewer and water shall be provided to lands within the UGMB in the manner provided in the public facility plan . . .

* * *

The required notice was provided to the County at least 20 days before the Planning Commission hearing. The agreement requires that adjacent road rights-of-way be included within annexations. South Columbine Court and Salmonberry Drive are currently within the jurisdiction of Clackamas County and will remain so after this annexation occurs.

CLACKAMAS RIVER WATER

Clackamas River Water (CRW) commented on this proposal in 2014. The tax lot in question is currently a CRW water customer. The existing waterline in S Columbine Ct is a CRW 6-inch ductile iron waterline and currently serves the property.

The City Engineer has recommended that the property continue to be served by CRW per the South End Cooperative Intergovernmental Agreement. CRW requests that the lot not be withdrawn from the CRW Service Boundary.

Pursuant to the South End Waterline IGA between the City and CRW (2000), page 5 of 8, Item 5, Transfer of Jurisdiction and Operation and Maintenance Responsibility:

- At such time as the City annexes over 75% of the frontage on both sides of the Salmonberry Drive waterline, then the jurisdiction, operation, and maintenance responsibility for the line shall be transferred from CRW to the City.
- The City shall notify CRW in writing of its intent to transfer jurisdiction of any waterline when the "75% rule" applies.

Salmonberry Drive is approximately 1,620 feet long from South End Road to Hazel Grove Dr. Per the agreement the City must annex over 75% of the frontage on both sides of the Salmonberry Drive waterline which is approximately 1,215 feet frontage on each side of the road. Currently the City has annexed approximately 885 feet on the southwest side and 511 feet on the northeast side.

The City will not be transferring jurisdiction until the "75% rule" applies on Salmonberry Drive. Once the "75% rule" applies and transfers jurisdiction of Salmonberry Drive, then the City would also likely receive ownership of Columbine Court.

As such, until the surrounding property is entirely annexed to Oregon City the right-of-way of Salmonberry Court and Salmonberry Drive will remain under Clackamas County jurisdiction.

OREGON CITY COMPREHENSIVE PLAN

This territory is designated by the Oregon City acknowledged Comprehensive Plan as LR – Low Density Residential. Portions of the City’s Comprehensive Plan have some applicability and these are covered here.

Section 2 of the Oregon City Comprehensive Plan is entitled Land Use. Several Goals and Policies in this section are pertinent to proposed annexations.

The Public Facilities Section of the Comprehensive Plan contains the following pertinent Goals and Policies.

Goal 11.1: Provision of Public Facilities

Serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

Policies

Policy 11.1.1 Ensure adequate public funding for the following urban facilities and services, if feasible:

- a. Streets and other roads and paths
- b. Wastewater collection
- c. Storm water management services
- d. Police protection
- e. Fire protection
- f. Parks and recreation
- g. Water distribution
- h. Planning, zoning and subdivision regulation

Streets and other roads and paths

S. Columbine Court and Salmonberry Drive are County maintained roads. At some point in the future the City will assume jurisdiction of the streets adjacent to the subject parcel, however this will not occur with the annexation of subject parcel. Pursuant to the current UGMA the current arrangement regarding maintenance situation is satisfactory. Therefore, no additional public expenditures will be necessary to fund the streets, roads or paths.

Wastewater collection

Upon annexation, this one home will start paying the current stormwater utility fee. Therefore, no additional public funds will need to be spent.

Police and Fire Protection

This annexation will immediately add one home to the city’s police and fire protection coverage and withdraw the property from Clackamas County Enhanced Law Enforcement District. However, the Oregon City Police Department has confirmed that it already provides service to this area and it will continue to do so.

Water

As discussed previously, the property is connected to the Clackamas River Water District (CRW) water system. CRW states that the annexation does not conflict with their interests. The following are CRW's general concerns and comments:

- The tax lot in question is currently a CRW water customer. The existing waterline line at S Columbine Ct is a CRW 6-inch ductile iron waterline and currently serves the property.
- CRW requests that the lot not be withdrawn from the CRW Service Boundary.
- CRW recommended that the property continue to be served by CRW per the South End Cooperative Intergovernmental Agreement.

Retaining CRW as the provider of water service will not increase the burden placed on South Fork Water Board or the City to provide service.

Policy 11.1.1 above defines what is encompassed within the term “urban facilities and services” as it pertains to annexation. The City’s plan is more inclusive in its definition of what services are considered an “urban service” than is the Metro Code. The City’s Plan adds fire protection and planning, zoning and subdivision regulation to the list of urban services that are to be considered by the Metro Code. The adequacy of these facilities and services to serve the subject property, containing a single home, is discussed in greater detail below. The Metro Code also includes mass transit in addition to streets and roads.

Policy 11.1.3 Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land use planning goals and regulations. Facilities that serve the general public will be centrally located and accessible, preferably by multiple modes of transportation.

Policy 11.1.4 Support development on underdeveloped or vacant buildable land within the City where urban facilities and services are available or can be provided and where land use compatibility can be found relative to the environment, zoning, and comprehensive plan goals.

Policy 11.1.5 Design the extension or improvement of any major urban facility and service to an area to complement other urban facilities and services at uniform levels.

Policy 11.1.3 and Policy 11.1.4 encourage development on sites within the City where urban facilities and services are either already available or can be provided. This policy implies that lands that cannot be provided urban services should not be annexed. The City has capacity to provide urban services to this existing home.

Policy 11.1.5 requires that the installation of a major urban facility or service should be coordinated with the provision of other urban facilities or services. No major urban facility or service is required here; rather, it requires normal extension of sanitary sewer from the existing sewer main that runs along the rear of the property to the site.

The owner has not proposed to further divide the existing parcel at this time, although this is a future possibility when the property is rezoned to R-10, since the property has sufficient net developable land to allow one additional lot

Read together, these policies suggest that when annexing lands, the City should consider whether a full range of urban facilities or services are available or can be made available to serve the territory to be annexed. Oregon City has implemented these policies with its Code provisions on processing annexations, which requires the City to consider adequacy of access and adequacy and availability of public facilities and services. Overall, it appears that the city can provide urban service capacity to this one home.

Goal 11.2: Wastewater

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's wastewater collection system while protecting the environment and meeting state and federal standards for sanitary sewer systems.

Policies

Policy 11.2.2 Plan, operate and maintain the wastewater collection system for all current and anticipated city residents within the existing urban growth boundary. Strategically plan for future expansion areas.

Since all new development on annexed land is required to connect to the sanitary sewer system, this policy suggests that a measure of the adequacy of the sanitary system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The city's sanitary sewer is available to this property.

Policy 11.2.3 Work with Tri-City Service District to provide enough capacity in its collection system to meet standards established by the Oregon Department of Environmental Quality (DEQ) to avoid discharging inadequately treated sewage to surface waters.

The Tri-City Service District was provided notice of this annexation. The District did not respond to the notice. The District provides sewer collection to the Cities of West Linn, Oregon City and Gladstone. The property owner must initiate the Tri-City Service District annexation after annexation to the City. The City Commission should concur with Tri-City Service District's annexation of the subject property in the enacting ordinance.

Goal 11.3: Water Distribution

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's water distribution system while protecting the environment and meeting state and federal standards for potable water systems.

Policies

Policy 11.3.1 Plan, operate and maintain the water distribution system for all current and anticipated city residents within its existing urban growth boundary and strategically plan for future expansion areas.

Since new development on annexed lands may connect to the city water distribution system, this policy suggests that a measure of the adequacy of the water distribution system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The subject property is zoned FU-10, imposing a 10-acre minimum lot size, which serves to preclude any further land divisions until the land is rezoned to a City zoning designation.

As stated previously, the property is connected to the Clackamas River Water District (CRW) water system. CRW has states that the annexation does not conflict with their interests. The following are CRW's general concerns and comments:

- The tax lot in question is currently a CRW water customer. The existing waterline line at S Columbine Ct is a CRW 6-inch ductile iron waterline and currently serves the property.
- CRW requests that the lot not be withdrawn from the CRW Service Boundary.
- CRW recommended that the property continue to be served by CRW per the South End Cooperative Intergovernmental Agreement.

As the CRW comments explain, CRW can and will continue to serve the subject property containing a single home.

Goal 11.4: Stormwater Management

Seek the most efficient and economical means available for constructing, operating, and maintaining the City's stormwater management system while protecting the environment and meeting regional, state, and federal standards for protection and restoration of water resources and fish and wildlife habitat.

Policies

Policy 11.4.1 Plan, operate, and maintain the stormwater management system for all current and anticipated city residents within Oregon City's existing urban growth boundary and strategically plan for future expansion areas.

Policy 11.4.4 Maintain existing drainageways in a natural state for maximum water quality, water resource preservation, and aesthetic benefits.

Since new development on annexed lands may connect to the city stormwater management system, this policy suggests that a measure of the adequacy of the stormwater management system should be whether the city (or the county stormwater management system in the event that drainage goes to the county) could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. New development may also have opportunities to provide further protection to preserve water quality. This annexation will not result in any changes to the stormwater drainage. No future

development would be allowed under the existing FU-10 zoning designation. Improvement of the existing storm water connections leading to would be in conformance with city stormwater design standards.

Goal 11.9: Fire Protection

Maintain a high level of fire suppression and emergency medical services capacity.

Policies

Policy 11.9.1 Ensure that all areas, including newly annexed areas, receive fire protection and emergency medical services.

The property is already within Clackamas County Fire District #1. Fire protection and emergency services will be unaffected by this proposal. The annexation was transmitted to Clackamas County Sheriff's Department and Oregon City Police Department for comment. OCPD already responds to County emergency calls for the unincorporated area adjacent to Salmonberry Drive. Clackamas County Sheriff's Department was contacted and had no conflicts with the annexation. Upon annexation the area would be removed from the Clackamas County Enhanced Law Enforcement District.

Staff does not anticipate any police service problems due to the annexation of this one home.

The final section of this staff report addresses each urban service to determine whether the services are currently available or can be made available at an adequate level to serve the potential development of the property under the current planning designation and zoning that implements it.

Section 14 of the Plan is entitled Urbanization. Several policies in this section are pertinent to proposed annexations. The following excerpts expand on the City's annexation philosophy and requirements.

The City is required to refer all proposed annexations to the voters. Rather than having voter approval of individual property owners' requests to annex, the City should prepare and implement an annexation plan and program. The City could then annex large blocks of properties (with voter approval) at one time, rather than in a piecemeal fashion. Annexation would be tied more directly to the City's ability to provide services efficiently, maintain regular city boundaries, and help the city meet Metro targets for housing and employment. The zoning of the property should be decided at the time the Planning Commission and City Commission review and approve the annexation request.

Applications for annexation, whether initiated by the City or by individuals, are based on specific criteria contained in the City's municipal code. Metro and state regulations promote the timely and orderly provision of urban services, with which inappropriate annexations can conflict. Therefore, an annexation plan that identifies where and when areas might be considered for annexation can control the expansion of the city limits and services to help avoid those conflicts and provide predictability for residents and

developers. Other considerations are consistency with the provisions of this comprehensive plan and the City's public facility plans, with any plans and agreements of urban service providers, and with regional annexation criteria.

The requirement for voter approval in section 14 of the Plan is taken from the Oregon City Charter, which requires voter approval for all annexations "unless mandated by law." SB 1573 mandates that, so long as a territory meets four criteria, the territory must be annexed by the City. Because this territory meets those criteria, no voter approval may be required by the city.

The City has not completed an annexation plan and program for this area. This annexation is still sufficiently tied directly to the City's ability to provide services efficiently with the logical extension of physical utility lines as it is adjacent to several city subdivisions, that have utilities and street improvements. The lot is dividable under R-10 zoning if annexed and a zone change is approved, since it is approximately 20,000 sf in size. This annexation could help the city meet Metro targets for housing.

The following Plan annexation policies are approval criteria for annexations under Criteria 3 of the Metro Code. They provide that the City's Comprehensive Plan designations will apply upon annexation, how zoning will be changed (either automatically or after annexation) and that annexations are to be processed according to quasi-judicial procedures.

Goal 14.4: Annexation of Lands to the City

Annex lands to the city through a process that considers the effects on public services and the benefits to the city as a whole and ensures that development within the annexed area is consistent with the Oregon City Comprehensive Plan, City ordinances, and the City Charter.

The city annexation process is set out in Chapter 14 of the Municipal Code. By requiring compliance with that code, the Metro code, and the statewide planning rules, the city is identifying the effects the full build-out of these annexed properties will have on public services and any benefits to the city as a whole.

Policies

Policy 14.4.1 In order to promote compact urban form to support efficient delivery of public services, lands to be annexed must be within the City's Urban Growth Boundary, and must be contiguous to the existing City limits. Long linear extensions, such as cherry stems and flag lots, shall not be considered contiguous to City limits.

The proposed annexation is contiguous to the city limits along the side and rear property lines for approximately 500 feet. No long linear extensions are proposed. The annexation would not create any islands.

Policy 14.4.2 Concept Plans and Sub-area Master Plans for unincorporated areas within the Urban Growth Boundary shall include an assessment of the fiscal impacts of providing public services to the area upon annexation, including the costs and benefits to the city as a whole.

The property is within the area of the South End Concept Plan (SECP), which was adopted in 2014. The SECP includes an applicable assessment of fiscal impacts. This property is part of the pre-2002 UGB Expansion area, and was previously part of the city's existing Comprehensive Plan with a Low Density Residential land use designation. The subject property would remain largely unaffected by the SECP since the majority of infrastructure planning in the immediate area preceded the adoption of the concept plan.

Policy 14.4.3 When an annexation is requested, the Commission may require that parcels adjacent to the proposed annexation be included to:

- a) avoid creating unincorporated islands within the city;
- b) enable public services to be efficiently and cost-effectively extended to the entire area;
- or
- c) implement a Concept Plan or Sub-area Master Plan that has been approved by the Commission.

This proposed annexation does not create an unincorporated island within the city. There is no development proposed at this time. No additional parcels are anticipated to be annexed to enable more efficient public services at this time. The area is part of the South End Concept Plan, adopted in May 2014.

Policy 14.4.4 The City may, as provided by state law, provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system; the Commission may expedite the annexation of the subject property into the city, subject to any voter approvals of annexations.

This policy does not apply to this annexation because the proposal does not include a public health hazard due to a failing septic system. State law pre-empts this annexation from voter approval requirements.

LAND USE

Section 2, of the City's Comprehensive Plan identifies land use types. This application has one residential land use type:

1. Low Density Residential [LR]: Areas in the LR category are primarily for single-family detached homes.

The City/County urban growth management agreement specifies that the County's acknowledged Comprehensive Plan and implementing regulations shall apply until annexation and the City adopts subsequent plan amendments.

OREGON CITY ZONING

The Oregon City Code requires the City Planning Department to review the final zoning designation within sixty days of annexation, utilizing the chart below and some guidelines laid out in Section 17.06.030.

CITY LAND USE CLASSIFICATION

<u>Residential Type</u>	<u>City Zone</u>
Low-density residential	R-10, R-8, R-6
Medium-density residential	R-3.5, R-5
High-density residential	R-2

That section goes on to say:

“In cases where only a single city zoning designation corresponds to the comprehensive plan designation . . . Section 17.68.025 shall control.”

Section 17.68.025, Zoning changes for land annexed into the city, says:

“Notwithstanding any other section of this chapter, when property is annexed into the city from the city/county dual interest area with any of the following comprehensive plan designations, the property shall be zoned upon annexation to the corresponding city zoning designations as follows:”

<u>Plan Designation</u>	<u>Zone</u>
Low-density residential	R-10
Medium-density residential	R-3.5
High-density residential	R-2

The subject property is designated Low-density residential on the City’s Comprehensive Plan, and the owner has indicated a request to rezone the land to R-10. A concurrent requirement for rezoning is to show compliance with the Statewide Transportation Planning Rule (TPR). The applicant has included a Traffic Analysis Letter that also provides an analysis of the impact of the proposed rezoning for compliance with the Transportation Planning Rule (TPR). The City’s Transportation Consultant has reviewed the applicant’s analysis and concurs with his conclusion, recommending that that the city find the application to be in compliance with the TPR. .

The City’s Code contains provisions on annexation processing. Section 6 of Chapter 14 requires the City Commission “to consider the following factors, as relevant”:

1. Adequacy of access to the site;

The site access is discussed below in the Facilities and Services section. Any future development of the property will need to include half-street/full street improvements to new interior streets, as appropriate.

2. Conformity of the proposal with the City's Comprehensive Plan;

As demonstrated in this section of the staff report, the City's Comprehensive Plan is satisfied.

3. Adequacy and availability of public facilities and services to service potential development;

The Facilities and Services discussion of this report demonstrates that public facilities and services are available and are adequate to serve the potential development that could occur under the existing low density plan designation.

4. Compliance with applicable sections of Oregon Revised Statutes Chapter 222, and Metro Code 3.09;

The only applicable criterion in ORS 222 is that annexed lands be contiguous to the City. The site is contiguous at its border with city property for about 500 feet along the property boundary. The Metro Code criteria are set out on page 2 of this report. This report considers each factor and the Conclusions and Reasons in the Findings and Reasons demonstrate that these criteria are satisfied.

5. Natural hazards identified by the City, such as wetlands, floodplains, and steep slopes;

No natural hazards are identified on the property.

6. Any significant adverse effects on specially designated open space, scenic historic or natural resource areas by urbanization of the subject property at the time of annexation;

No such designated areas or resources are identified for the property, and no significant adverse effects have been indicated.

7. Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of annexation."

No significant adverse effects have been identified by any necessary party.

The Commission interprets the "community" as including the City of Oregon City and the lands within its urban service area. The City will obtain a small increase in property tax revenues from adding additional assessed value to its tax roll as a result of annexing the territory. The City will also obtain land use jurisdiction over the territory. Finally it will have service responsibilities including fire, police, and general administration. The City delivers police service to the unincorporated area in the course of patrolling to deliver service to the incorporated area. The increases in service responsibilities to the area that result from the annexation are insignificant.

Once annexed, the property owner could apply to the City for land use permits. Any impacts on the community that result from approval of development permits are a direct consequence of the permit approval, not of the annexation. Before any urban development can occur, the property needs to be rezoned, and the territory must also be annexed to the Tri-City Service District. The City Commission must concur with Tri-City Service District's annexation of the subject property in the enacting ordinance.

As noted above, SB 1573 requires the city to annex property that meet the four requirements of that act. Because this territory does so, the city is precluded from setting this matter for election even though it is otherwise consistent with a positive balance of the factors in section 6.

ZONE CHANGE

In addition to the requirements for zoning of annexed areas in OCMC 17.06.030 and 17.68.025, the following findings for compliance with the zone change criteria of OCMC 17.68.020 are provided:

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

As discussed on above under Oregon City Comprehensive Plan on pages 5 through 11, the proposed annexation is consistent with the applicable public facilities goals 11.1, 11.2, 11.3, 11.4 and applicable policies, and Goal 14.4 and applicable policies regarding annexation of lands to the City.

B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.

The Facilities and Services discussion of this report demonstrates that public facilities and services are available and are adequate to serve the potential development that could occur under the existing low density plan designation. All necessary public facilities required to service the annexed area are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy for any new development.

C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.

As discussed below under Transportation, the annexation, if approved, would not create any impact on the transportation system. No impact would occur unless or until the property proposed to be annexed was developed in the future to include one additional residential home. The applicant included a Traffic Analysis Letter and also an analysis of compliance with the State Transportation Planning Rule. The transportation impacts attributable to the proposed annexation, zone change and subsequent development of the

subject property are anticipated to be nominal and are not expected to cause any significant operational or safety issues on the nearby transportation facilities.

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.

All applicable goals and policies controlling the zone change are addressed by specific policies of the Comprehensive Plan as shown earlier in this report.

FACILITIES AND SERVICES

ORS 195 Agreements. ORS 195 requires agreements among providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit.

Sanitary Sewers. The City of Oregon City provides sanitary sewer service. A public 10-inch sewer line runs along the rear of the property. The individual home connection in the area required the line be extended to serve the requested area.

The Tri-City Service District provides sewage transmission and treatment services to the cities of Oregon City, West Linn and Gladstone. Each city owns and maintains its own local sewage collection system. The District owns and maintains the sewage treatment plant and interceptor system. The three cities are in the District and as provided in the intergovernmental agreement between the District and the City, the District does not serve territories outside Oregon City, with one exception.

Before January 1, 1999, state statute (ORS 199) provided that when territory was annexed to a city that was wholly within a district, the territory was automatically annexed to the district as well. That statute no longer applies in this area. Therefore, each annexation to Oregon City needs to be followed by a separate annexation of the territory to the Tri-City Service District. The City Commission must concur with Tri-City Service District's annexation of the subject property in the enacting ordinance.

The Tri-City Service District plant is along Interstate 205 in Oregon City just east of the junction of the Willamette and the Clackamas Rivers. The plant has an average flow capacity of 11 million gallons per day (mgd) and a design peak flow capacity of 50 mgd. The available average capacity is 4.4 mgd. The plant was designed to serve a population of 66,500 in the year 2001; however, the facility was recently expanded to increase the available average dry weather capacity to 11.9 mgd.

Water. The water service provider for this territory is Clackamas River Water.

The annexation proposal does not conflict with CRW's interests. CRW is a domestic water supply district organized under ORS Chapter 264 and is therefore a necessary party to this proceeding. The following are CRW's general concerns and comments:

- The tax lot in question is currently a CRW water customer. The existing waterline is a CRW 6-inch ductile iron waterline and currently serves the property.
- CRW requests that the lot not be withdrawn from the CRW Service Boundary.
- It is recommended that the property continue to be served by CRW per the South End Cooperative Intergovernmental Agreement. The City Engineer concurs.

Stormwater. No additional development has been proposed. On-site stormwater drainage or discharge to a city or county facility will be required upon future development. Any future development would have to convey site stormwater runoff to the appropriate stormwater system in the area.

Fire Protection. This territory is currently within Clackamas County Fire District #1 which serves portions of Clackamas County as well as Oregon City. Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from the District upon approval of the annexation. Staff recommends that the territory not be withdrawn from CCFD#1.

Police Protection. The Clackamas County Sheriff's Department currently serves the territory. The proposed annexation was forwarded for comment to the Sheriff's Department as well as Oregon City Police Department. Neither entity indicated that there is inadequate capacity to serve the property.

The area to be annexed lies within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. Due to the location being surrounded by Oregon City, Oregon City Police Department already responds to County emergency calls for the unincorporated area adjacent to Salmonberry Drive. The impact to police services upon annexation will be negligible. Clackamas County Sheriff's Department was contacted and had no conflicts with the annexation.

According to ORS 222.120 (5) the City may provide in its approval ordinance for the automatic withdrawal of the territory from the District upon annexation to the City. If the territory were withdrawn from the District, the District's levy would no longer apply to the property.

Upon annexation the Oregon City Police Department will officially serve the property.

Parks, Open Space and Recreation. The site's nearest developed park is Chapin Park about $\frac{3}{4}$ miles from the proposed annexation area. The undeveloped Filbert Run park is about 500 feet from the site. If development is proposed following annexation of the property the applicant is responsible for paying Parks System Development Charges.

Transportation.

Availability and Access

Safe access to the site is available on two frontages, from Salmonberry Court and Salmonberry Drive, and from S. Hazelnut Court. Future access to a newly-created lot could

be taken via either street. The subject property is equal distance from South End Road and Central Point Road, streets which are under Oregon City jurisdiction.

Capacity

The annexation, if approved, would not create any impact on the transportation system. No impact would occur unless or until the property proposed to be annexed was developed in the future to include one additional residential home.

Re-Zoning and the Transportation Planning Rule

Per OCMC 17.68.025 (A), annexed properties receive a default City zoning designation as a single process. This procedure has historically served the city well for annexing county land.

The applicant has submitted a traffic impact analysis (TIA) study that indicates compliance with the Transportation Planning Rule. The applicant seeks to annex to the City now and receive the default zoning of R-10 for the subject property.

The applicant's Traffic Engineer concluded that the proposed annexation and zone change is projected to result in a maximum of 1 additional peak hour trip and 10 additional daily trips on area roadways and intersections. The proposed zone change will not have a significant effect on the surrounding transportation system as defined under the Transportation Planning Rule. The transportation impacts attributable to the proposed annexation, zone change and subsequent development of the subject property are anticipated to be nominal and are not expected to cause any significant operational or safety issues on the nearby transportation facilities. Accordingly, the applicant's Traffic Engineer recommends no mitigation in association with the proposed zone change to R-10.

The new TPR regulations in Section 9 provide that under OAR 660-012-0060 Plan and Land Use Regulation Amendments;

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

The existing City of Oregon City comprehensive plan map shows the subject property is designated "LR". The proposed zoning is R-10 and is one of the City's zoning districts that is consistent with the low-density comprehensive plan designation. This criterion is satisfied.

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

The City of Oregon City's current TSP is adopted and acknowledged. The parcel's frontage on S Hazelnut Court appears to be fully developed and appears to be developed in accordance with city standards and is consistent with the policies, planned projects, and standards in the TSP. The parcel's frontage on Columbine Court appears to lack sidewalks, but otherwise appears consistent with city standards and the TSP. In connection with the annexation and rezoning or the development of the parcel, the frontage of both parcels can be brought into compliance with city standards for a local street...

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

There were no special exemptions or other provisions made affecting this property at the time of inclusion within the Urban Growth Boundary. This criterion is satisfied.

TPR Conditions (a), (b), and (c) above are all met for the annexation proposal.

The City's Transportation Engineer, Replinger and Associates, has reviewed the applicant's TAL and TPR analysis and concurs with the applicant's conclusions (Exhibit _). Based on this analysis, the property may be automatically rezoned to R-10 upon annexation.

Other Services. Planning, building inspection, permits, and other municipal services will be available to the territory from the City upon annexation.

STAFF RECOMMENDATION

Based on the findings made in this report and the applicant's petition, staff recommends that the City Commission approve Planning File AN-16-0001, and adopt as its own this Staff Report and Exhibits. Staff makes the following recommendations, which have been included in the attached findings, reasons for decision and recommendations attached hereto.

- As required by State Statute, The City Commission should find that this annexation is consistent with a positive balance of the factors set forth in OCMC Section [14.04.060](#) and complies with ORS 222.170(2).
- Recommend withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute.
- Recommend that the City Commission concur with Tri-City Service District's annexation of the subject property in the enacting ordinance.
- Concur with the re-zoning to R-10 based on compliance with adopted applicable city and state requirements, plans, codes and policies, including but not limited to, Oregon City Municipal Code 17.68.020, the Oregon City Comprehensive Plan, and the Statewide Transportation Planning Rule.

EXHIBITS (On File)

1. Annexation - Vicinity Map – Sewer and Water Map
2. Annexation Application
3. Public Notices

4. CRW Comments
5. Replinger and Associates Comments
6. Approved South End Water Line IGA, 2000

The complete record and application is available for inspection at the Planning Division.

PROPOSED FINDINGS, REASONS FOR DECISION, AND RECOMMENDATIONS

Based on the Findings, the Commission determines the following:

1. The Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. The Commission concludes the annexation is consistent with this criterion because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan, or the Regional Transportation Plan.
2. Metro Code 3.09.050(d)(1) requires the Commission's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted pursuant to ORS 195. As noted in the Findings, there are no such plans or agreements in place. Therefore the Commission finds that there are no inconsistencies between these plans/agreements and this annexation.
3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The County Plan also identifies the property as Immediate Urban lands, which should ensure the "orderly, economic provision of public facilities and services." The property owner has demonstrated that the City can provide all necessary urban services. Nothing in the County Plan speaks directly to criteria for annexation. Therefore the Commission finds this proposal is consistent with the applicable plan as required Metro Code 3.09.050 (d)(3).
4. The Commission concludes that the annexation is consistent with the City Comprehensive Plan that calls for a full range of urban services to be available to accommodate new development as noted in the Findings above. The City operates and provides a full range of urban services. Specifically with regard to water and sewer service, the City has both of these services available to serve the area from existing improvements in Salmonberry Drive and via the gravity sewer line that runs along the rear of the property. The existing home will continue to be serviced by Clackamas River Water.

With regard to storm drainage to the South End Basin, the city has the service available in the form of regulations to protect and control stormwater management.

5. The Commission notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in the Findings, the Oregon City-Clackamas County Urban Growth Management Agreement specifically provides for annexations by the City.
6. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly, and economic provision of public facilities and services." Based on the

evidence in the Findings, the Commission concludes that the annexation will not interfere with the timely, orderly, and economic provision of services.

7. The Oregon City Code contains provisions on annexation processing. Section 6 of the ordinance requires that the City Commission consider seven factors if they are relevant. These factors are covered in the Findings and the Commission finds that this proposal is consistent with a positive balance of those factors.
8. The City Commission concurs with Tri-City Service District's annexation of the subject property in the enacting City ordinance.
9. The Commission determines that the property should be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon annexation.
10. The Commission determines that the property should not be withdrawn from the Clackamas County Fire District #1.
11. The City finds that applicant's proposal for rezoning the property from Clackamas County Future Urban – 10 (FU-10) to Oregon City R-10 Single-Family Residential is consistent with OCMC 17.06.030 Zoning of Annexed Areas, with the Oregon City Transportation System Plan, and has satisfactorily demonstrated compliance with the Statewide Transportation Planning Rule to support such rezoning.

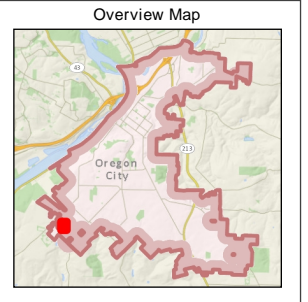
Oregon City GIS Map



Legend

- Taxlots
- Taxlots (Outside UGB)
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.



0 100 Feet
1: 1,200

AN 16-01

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





LAND USE APPLICATION FORM

APR 11, 2016

Type I (OCMC 17.50.030.A)	Type II (OCMC 17.50.030.B)	Type III / IV (OCMC 17.50.030.C)
<input type="checkbox"/> Compatibility Review	<input type="checkbox"/> Extension	<input checked="" type="checkbox"/> Annexation
<input type="checkbox"/> Lot Line Adjustment	<input type="checkbox"/> Detailed Development Review	<input type="checkbox"/> Code Interpretation / Similar Use
<input type="checkbox"/> Non-Conforming Use Review	<input type="checkbox"/> Geotechnical Hazards	<input type="checkbox"/> Concept Development Plan
<input type="checkbox"/> Natural Resource (NROD) Verification	<input type="checkbox"/> Minor Partition (<4 lots)	<input type="checkbox"/> Conditional Use
	<input type="checkbox"/> Minor Site Plan & Design Review	<input type="checkbox"/> Comprehensive Plan Amendment (Text/Map)
	<input type="checkbox"/> Non-Conforming Use Review	<input type="checkbox"/> Detailed Development Plan
	<input type="checkbox"/> Site Plan and Design Review	<input type="checkbox"/> Historic Review
	<input type="checkbox"/> Subdivision (4+ lots)	<input type="checkbox"/> Municipal Code Amendment
	<input type="checkbox"/> Minor Variance	<input type="checkbox"/> Variance
	<input type="checkbox"/> Natural Resource (NROD) Review	<input type="checkbox"/> Zone Change

File Number(s): AN - 16 - 01

Proposed Land Use or Activity: ANNEXATION OF ONE (1) PROPERTY

Project Name: _____ Number of Lots Proposed (If Applicable): _____

Physical Address of Site: 19358 S Columbine Ct

Clackamas County Map and Tax Lot Number(s): 3-2E-12AC-3700

Applicant(s):

Applicant(s) Signature: [Signature]

Applicant(s) Name Printed: Ron Wilson Date: 29 March 16

Mailing Address: PO Box 3202

Phone: (503) 349-2768 Fax: _____ Email: _____

Property Owner(s):

Property Owner(s) Signature: [Signature]

Property Owner(s) Name Printed: Ron Wilson Date: 29 March 16

Mailing Address: PO Box 3202

Phone: (503) 349-2768 Fax: _____ Email: _____

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: _____ Date: _____

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.

**PETITION OF OWNERS OF MAJORITY OF LAND
AND PETITION OF A MAJORITY OF REGISTERED VOTERS**

PETITION FOR ANNEXATION TO THE CITY OF OREGON CITY, OREGON

TO: The City Commission of the City of Oregon City, Oregon:

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Oregon City.

The property to be annexed is described as follows:

(Insert Legal Description here OR attach it as Exhibit "A")

Legal Description:

31E-12AC-03700

SE Terminus of Columbine Ct.
Asquith Estates subdivision

Address:

19358 Columbine Ct.
Oregon City, OR 97045

**PETITION OF OWNERS OF 100 % OF LAND
AND PETITION OF A MAJORITY OF REGISTERED VOTERS**

PETITION FOR ANNEXATION TO THE CITY OF OREGON CITY, OREGON

TO: The City Commission of the City of Oregon City, Oregon:

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Oregon City.

The property to be annexed is described as follows:

(Insert Legal Description here OR attach it as Exhibit "A")

Legal Description:

31E-12AC-03700
SE Terminus of Columbine Ct.
Asquith Estates subdivision

Address:

19358 Columbine Ct.
Oregon City, OR 97045

**CERTIFICATION OF PROPERTY OWNERSHIP OF
AT LEAST ONE-HALF LAND AREA
(City Double Majority Method)**

I hereby certify that the attached petition for a proposed boundary change involving the territory described in the petition contains the names of the owners* of at least one-half of the land area within the annexation area described in the petition, as shown on the last available complete assessment roll.

NAME DS Storm
TITLE GIS CARTOGRAPHER 2
DEPARTMENT A&T
COUNTY OF Clackamas
DATE 9-8-14

- * "Owner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

CERTIFICATION OF PROPERTY OWNERSHIP OF

100% OF LAND AREA

(City 100% Ownership Method)

I hereby certify that the attached petition for a proposed boundary change involving the territory described in the petition contains the names of the owners* of 100% of the land area within the annexation area described in the petition, as shown on the last available complete assessment roll.

NAME DT Storm
TITLE GIS Cartographer 2
DEPARTMENT A&T
COUNTY OF Clark
DATE 9-8-14

- * "Owner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.



CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 31E-12AC-03700) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME DT Storm
TITLE GIS Cartographer 2
DEPARTMENT A&T
COUNTY OF Clackamas
DATE 9-8-14



CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition for annexation of territory described herein to the City of Oregon City contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME PAUL HANES *Paul Hanes*
TITLE DEPUTY CLERK
DEPARTMENT CLERK/ELECTIONS
COUNTY OF CLACKAMAS
DATE 9/5/14

CLACKAMAS COUNTY ELECTIONS
SHERRY HALL, COUNTY CLERK
1710 RED SOILS CT, SUITE 100
OREGON CITY, OR 97045



NOTICE LIST

(This form is NOT the petition)

ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTERS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA. ALL OWNERS OF PROPERTY WITHIN 300 FEET OF THE OUTSIDE BOUNDARY OF THE AREA TO BE ANNEXED.

Ronald Wilson 19358 Columbine Ct 31E12AC03700

NAME OF OWNER/VOTER

ADDRESS

PROPERTY DESIGNATION

(Indicate tax lot, section number, Township and Range)

Provided by city \$15-

(1) _____

(2) _____

(3) _____

(4) _____

(5) _____

(6) _____

(7) _____

(8) _____

(9) _____

(10) _____

(11) _____

(12) _____

(13) _____

(14) _____

(15) _____

(16) _____

(17) _____

(18) _____

BOUNDARY CHANGE INFORMATION SHEET

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED

- A. General location Asquith Estates - Columbine Ct
- B. Land Area: Acres 0.5 Acres approx or Square Miles _____
- C. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).
The property is generally 0 to 2 % sloped. Most of the property is grass with a few fir, walnut, and cedar trees
- D. Describe land uses on surrounding parcels. Use tax lots as reference points.
- North: 19353 Columbine Ct - SFR 0.25 Acres approx
- East: 19328 Columbine Ct - SFR 0.5 Acres approx
Annexed
- South: 19348 South End Rd - SFR 2.0 Acres approx
forested - Annexed
- West: "Same as South"
- E. Existing Land Use:
- Number of single-family units 1 Number of multi-family units 0
- Number commercial structures 0 Number industrial structures 0
- Public facilities or other uses N/A
- What is the current use of the land proposed to be annexed: SFR - FU-10
- F. Total current year Assessed Valuation \$ \$ 213,268
- G. Total existing population 2

II. REASON FOR BOUNDARY CHANGE

A. The City Code (Section 6) and the Metro Code (3.09.050 (d) & (e)) spell out criteria for consideration (see copies attached). Please provide a narrative which addresses these criteria. With regard to the City criteria, please provide a narrative statement explaining the conditions surrounding the proposal and addressing the factors in Section 6, as relevant, including:

1. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;
2. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
3. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
4. Statement outlining method and source of financing required to provide additional facilities, if any;
5. Statement of overall development concept and methods by which physical and related social environment of the site, surrounding area and community will be enhanced;
6. Statement of potential physical, aesthetic and related social effects of the proposed or potential development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;
7. Statement indicating the type and nature of any Comprehensive Plan text or map amendments or Zoning text or map amendments that may be required to complete the proposed development.

B. Please submit 25 copies of a site plan, drawn to scale (not greater than 1" = 50') indicating:

1. The location of existing structures (if any);
2. The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed.
3. The location and direction of all water features on and abutting the subject property. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flooding data showing elevations of all property subject to inundation in the event of one-hundred year flood shall be shown;
4. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of State Lands) wooded areas, isolated preservable trees (trees with trunks over 6" in diameter - - as measured 4 feet above the ground) and significant areas of vegetation.
5. General land use plan indicating the types and intensities of the proposed or potential development;

III. LAND USE AND PLANNING

- A. What is the applicable County Planning Designation? LR
What City Planning Designation is being sought? LR

- B. What is the zoning on the territory to be served? FU-10

What zoning designation is being sought? R-10

- C. Is the subject territory to be developed at this time? N/A

- D. Generally describe the anticipated development (building types, facilities, number of units).

Divide property and add a second SFR

- E. Can the proposed development be accomplished under current county zoning?

☐ Yes

☐ No

No development proposed

If No,---has a zone change been sought from the county either formally or informally.

☐ Yes

☒ No

Please describe outcome of zone change request if answer to previous questions was Yes. Default zoning of R-10 per

Oregon City Code

- F. Is the proposed development compatible with the city's comprehensive land use plan for the area?

☒ Yes

☐ No

☐ City has no Plan for the area.

Has the proposed development been discussed either formally or informally with any of the following? (Please indicate)

☐ City Planning Commission

☐ City Council

☒ City Planning Staff

☐ City Manager

Please describe the reaction to the proposed development from the persons or agencies indicated above.

See pre application conference.

PA14-14

- G. Please indicate all permits and/or approvals from a City, County, or Regional Government which will be needed for the proposed development. If already granted, please indicate date of approval and identifying number:

APPROVAL	PROJECT FILE #	DATE OF APPROVAL	FUTURE REQUIREMENT
Metro UGB Amendment			
City or County Plan Amendment			
Pre-Application Hearing (City or County)	PA14-14	8/19/14	
Preliminary Subdivision Approval			
Final Plat Approval			
Land Partition			
Conditional Use			
Variance			
Sub-Surface Sewage Disposal			
Building Permit			

Please submit copies of proceedings relating to any of the above permits or approvals which are pertinent to the annexation.

- H. Does the proposed development comply with applicable regional, county or city comprehensive plans? Please describe.

No development proposed at this time.

- I. If a city and/or county-sanctioned citizens' group exists in the area of the annexation, please list its name and address of a contact person.

City = Hazel Grove - Westling Farm Neighborhood assoc.
Currently County = Central Pt / Leland / New Era cpo.

IV. SERVICES AND UTILITIES

- A. Please indicate the following:

1. Location and size of nearest water line which can serve the subject area.

Salmon Berry Dr / Columbine Ct - 6"

2. Location and size of nearest sewer line which can serve the subject area.

Salmon Berry Dr / Hazelnut Ct - 12"

3. Proximity of other facilities (storm drains, fire engine companies, etc.) which can serve the subject area _____

Storm drain in Salmon Berry Dr - CCFD #1

4. The time at which services can be reasonably provided by the city or district.

upon annexation

5. The estimated cost of extending such facilities and/or services and what is to be the method of financing. (Attach any supporting documents.)

See public works pre-app notes, 29 April 2014

6. Availability of the desired service from any other unit of local government. (Please indicate the government.)

See above. No development proposed at this time.

- B. If the territory described in the proposal is presently included within the boundaries of or being served extraterritorially or contractually by, any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved.

City _____

Rural Fire Dist CCFD #1

County Service Dist. _____

Sanitary District For

Hwy. Lighting Dist. _____

Water District CRW

Grade School Dist. McLaughlin

Drainage District Clack WES

High School Dist. OCSD

Diking District _____

Library Dist. C.C. Library

Park & Rec. Dist. Clack County

Special Road Dist. _____

Other Dist. Supplying Water Service _____

- C. If the territory is proposed to be served by any of the above units or any other units of government please note. CCFD, OCSD

- D. If any of the above units are presently servicing the territory (for instance, are

residents in the territory hooked up to a public sewer or water system), please so describe.

N/A

APPLICANT'S NAME

Ron Wilson

MAILING ADDRESS

19358 Columbine Ct

Oregon City, OR 97045

TELEPHONE NUMBER

(503) 349-2768

(Work) Cell

(Res.)

REPRESENTING

self

DATE:

18 Aug 2014

DOUBLE MAJORITY WORK SHEET

Please list all properties/registered voters included in the proposal. (If needed, use separate sheet for additional listings).

PROPERTY OWNERS

Property Designation (Tax Lot #s)	Name of Owner	Acres	Assessed Value	Signed Petition (Y/N)
21E-12AC-03700	Ronald Wilson	0.5	213,268	Y
31E-12AC-03700	St Anastasia Wilson	0.5	213,268	Y
TOTALS		0.5	213,268	

Worksheet (continued)

REGISTERED VOTERS

Name of Registered Voter	Address of Registered Voter	Signed Petition (Y/N)
Ronald Wilson	PO Box 3202, Oregon City, OR 97045	Y
Anastasia Wilson	PO Box 3202, Oregon City, OR 97045	Y

SUMMARY

TOTAL NUMBER REGISTERED VOTERS IN THE PROPOSAL 2

NUMBER OF REGISTERED VOTERS WHO SIGNED 2

PERCENTAGE OF REGISTERED VOTERS WHO SIGNED 100%

TOTAL ACREAGE IN PROPOSAL 0.5

ACREAGE SIGNED FOR 0.5

PERCENTAGE OF ACREAGE SIGNED FOR 100%

10
22 29
36



After recording return to:
Ronald C. Wilson and Anastasia R.
Wilson
19358 South Columbine Court
Oregon City, OR 97045

Until a change is requested all tax statements
shall be sent to the following address:

Ronald C. Wilson and Anastasia R.
Wilson

19358 South Columbine Court
Oregon City, OR 97045

File No.: 7034-1293032 (AC)

Date: October 09, 2008

Recorded By
First American Title Insurance Company of Oregon
No. 1293032-UT

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records
Sherry Hall, County Clerk

2008-073046



\$36.00

01257734200800730460020022

10/23/2008 03:08:54 PM

D-D Cnt=1 Stn=4 KANNA
\$10.00 \$10.00 \$16.00

STATUTORY WARRANTY DEED

Scott T. Maggi and Rachel C. Maggi, as tenants by the entirety, Grantor, conveys and warrants to Ronald C. Wilson and Anastasia R. Wilson, as tenants by the entirety, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

31E12AC03700

Lots 9 and 9A, Block 2, ASQUITH ESTATES, in the County of Clackamas and State of Oregon.

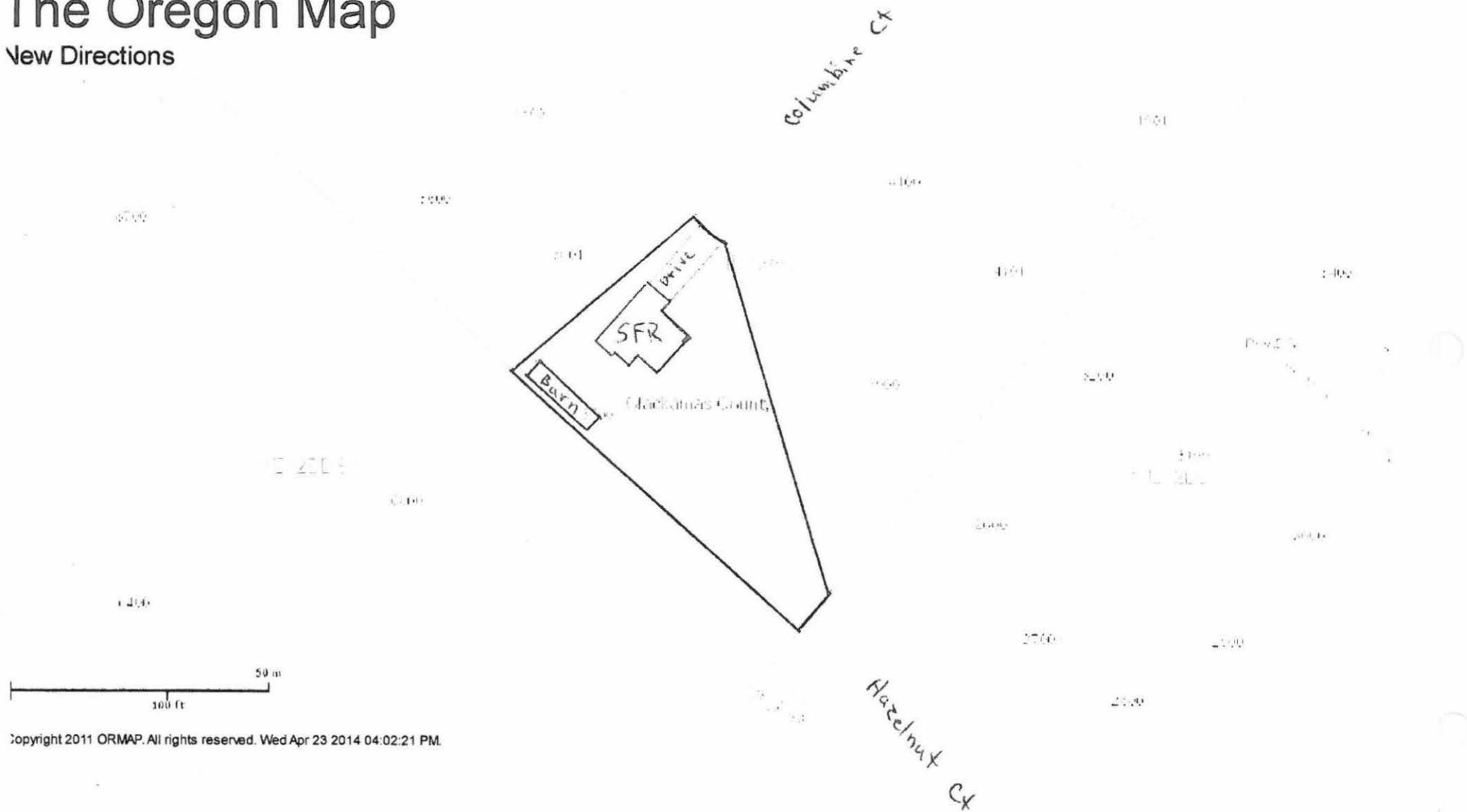
Subject to:

1. Fiscal year real property taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is \$275,000.00. (Here comply with requirements of ORS 93.030)

The Oregon Map

New Directions



Copyright 2011 ORMAP. All rights reserved. Wed Apr 23 2014 04:02:21 PM.

Recorded By
First American Title Insurance Company of Oregon
No. 1293032-UT



After recording return to:
Ronald C. Wilson and Anastasia R.
Wilson
19358 South Columbine Court
Oregon City, OR 97045

Until a change is requested all tax statements
shall be sent to the following address:

Ronald C. Wilson and Anastasia R.
Wilson
19358 South Columbine Court
Oregon City, OR 97045

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Clackamas County Official Records
Sherry Hall, County Clerk

2008-073046



\$36.00

01257734200800730460020022

10/23/2008 03:08:54 PM

D-D Cnt=1 Stn=4 KANNA
\$10.00 \$10.00 \$16.00

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LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

Lots 9 and 9A, Block 2, ASQUITH ESTATES, in the County of Clackamas and State of Oregon.

Subject to:

1. Fiscal year real property taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$275,000.00**. (Here comply with requirements of ORS 93.030)

From the County Clerk's office

EXHIBIT "A"

LOTS 9 AND 9A, BLOCK 2, ASQUITH ESTATES, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON.



ASQUITH ESTATES

IN THE M.M. McCARVER D.L.C. NO. 41 IN THE N. 1/2, SEC. 12
T.3S., R.1E., W.M.
CLACKAMAS COUNTY, OREGON

SHEET 1 OF 2

COMPASS CORP.
MILWAUKIE, OREGON

AUGUST, 1979

SCALE: 1" = 60'



THIS IS A TRUE COPY OF THE ORIGINAL
PLAT OF "ASQUITH ESTATES" *CRC*

LEGEND

- DENOTES 5/8" x 30" IRON ROD SET W/ YELLOW CAP STAMPED "COMPASS CORP." OR MONUMENTS FOUND AS NOTED.
- DENOTES 5/8" x 30" IRON ROD WITH YELLOW CAP STAMPED "COMPASS CORP." TO BE POST MONUMENTED.

SEE P.S. 16803 FOR BOUNDARY SURVEY.

* PARENT LOT

NO	DELTA	CURVE DATA	CHART
1	91° 41' 29"	32.01'	20'
2	88° 18' 31"	30.83'	20'
3	90°	78.54'	50'
4	90°	117.81'	75'
5	153° 40' 01"	27.34'	100'
6	28° 54' 53"	50.47'	100'
7	31° 56' 18"	55.74'	100'
8	13° 28' 48"	23.53'	100'
10	90° 08' 22"	78.66'	50'
11	90° 08' 22"	177.99'	75'
12	22° 17' 10"	38.90'	100'
13	14° 28' 38"	25.27'	100'
14	14° 28' 38"	25.27'	100'
15	153° 41' 31"	27.39'	100'
16	23° 12' 23"	40.30'	100'
17	90°	31.42'	20'
18	52° 01' 12"	18.16'	20'
19	57° 03' 50"	44.82'	45'
20	45° 04' 44"	35.41'	45'
21	33° 44' 56"	26.51'	45'
22	36° 52' 44"	28.97'	45'
23	47° 36' 28"	37.39'	45'
24	52° 01' 12"	18.16'	20'
25	90°	31.42'	20'
26	31° 49' 52"	23.00'	45'
27	31° 49' 52"	23.00'	45'

NOTES:

- LOTS IN THIS SUBDIVISION ARE DESIGNED FOR REDIVISION WHEN SANITARY SEWERS ARE AVAILABLE. AT THE TIME SEWERS ARE AVAILABLE, LOT OWNERS WILL BE REQUIRED TO APPLY TO THE APPROPRIATE GOVERNMENT BODY FOR APPROVAL OF LAND DIVISION. LOTS CANNOT BE DIVIDED UNTIL THE NECESSARY ZONE CHANGE IS APPROVED TO ALLOW FOR FUTURE LOT PARTITIONS. LOCATIONS OF ALL INITIAL STRUCTURES SHALL CONFORM WITH THE DRAINFIELD PLAN ON FILE WITH THE COUNTY DEVELOPMENT SERVICES DIVISION AND SHALL NOT BE CLOSER THAN TEN (10) FEET TO PROPOSED FUTURE LOT PARTITION BOUNDARIES AS INDICATED BY THE LONGER DASHED LINES. HOUSES SHALL BE LOCATED IN SUCH A MANNER AS NOT TO PRECLUDE FUTURE REDIVISION. THE INITIAL HOUSE SHALL BE LOCATED ON THE PARENT PORTION OF EACH LOT AND MEET THE MINIMUM SETBACKS OF THE ZONE USING THE DASHED LINE AS IF IT WERE A PROPERTY LINE.
- AT THE TIME OF FUTURE PARTITIONING OF LOT NO. 4, BLOCK 2, THE STORM DRAINAGE CROSSING LOT 4B MAY NEED TO BE RELOCATED TO ALLOW FOR BUILDING CONSTRUCTION.

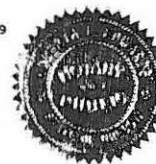
CERTIFICATE

I, CARL R. CLINTON, SAY THAT "ASQUITH ESTATES" SUBDIVISION WAS CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS AS REPRESENTED ON THE ANNEXED MAP, AND AT THE INITIAL POINT A GALVANIZED IRON PIPE 2-INCHES IN DIAMETER AND 36-INCHES IN LENGTH WAS DRIVEN 6-INCHES BELOW THE SURFACE OF THE GROUND, SAID INITIAL POINT BEING LOCATED S. 44° 10' 53" W., 1616.29 FEET AND S. 47° 22' 14" E., 280.01 FEET FROM THE MOST SOUTHERLY CORNER OF THE ABSOLOM F. HEDGES D.L.C. NO. 40 (WHICH IS ALSO THE MOST EASTERLY CORNER OF THE SAMUEL D. POMEROY D.L.C. NO. 39) IN SEC. 12 T.3S., R.1E., W.M., THENCE FROM SAID INITIAL POINT RUNNING N. 44° 10' 53" E., 217.00 FEET TO A 5/8-INCH IRON ROD, THENCE S. 47° 22' 14" E., 915.01 FEET TO A 3/4-INCH IRON PIPE, THENCE S. 40° 05' 46" W., 457.47 FEET TO A 5/8-INCH IRON ROD, THENCE N. 47° 30' 36" W., 1197.69 FEET TO A POINT, THENCE N. 44° 10' 53" E., 243.10 FEET TO A 5/8-INCH IRON ROD, THENCE S. 47° 22' 14" E., 250.00 FEET TO THE INITIAL POINT, AND THAT POST MONUMENTATION WILL BE COMPLETED WITHIN ONE YEAR OF THE RECORDING DATE IN COMPLIANCE WITH O.R.S. 92-070 (2).

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 14th DAY OF September, 1979

Hebron A. Edwards
NOTARY PUBLIC FOR THE STATE OF OREGON

July 30, 1982
MY COMMISSION EXPIRES



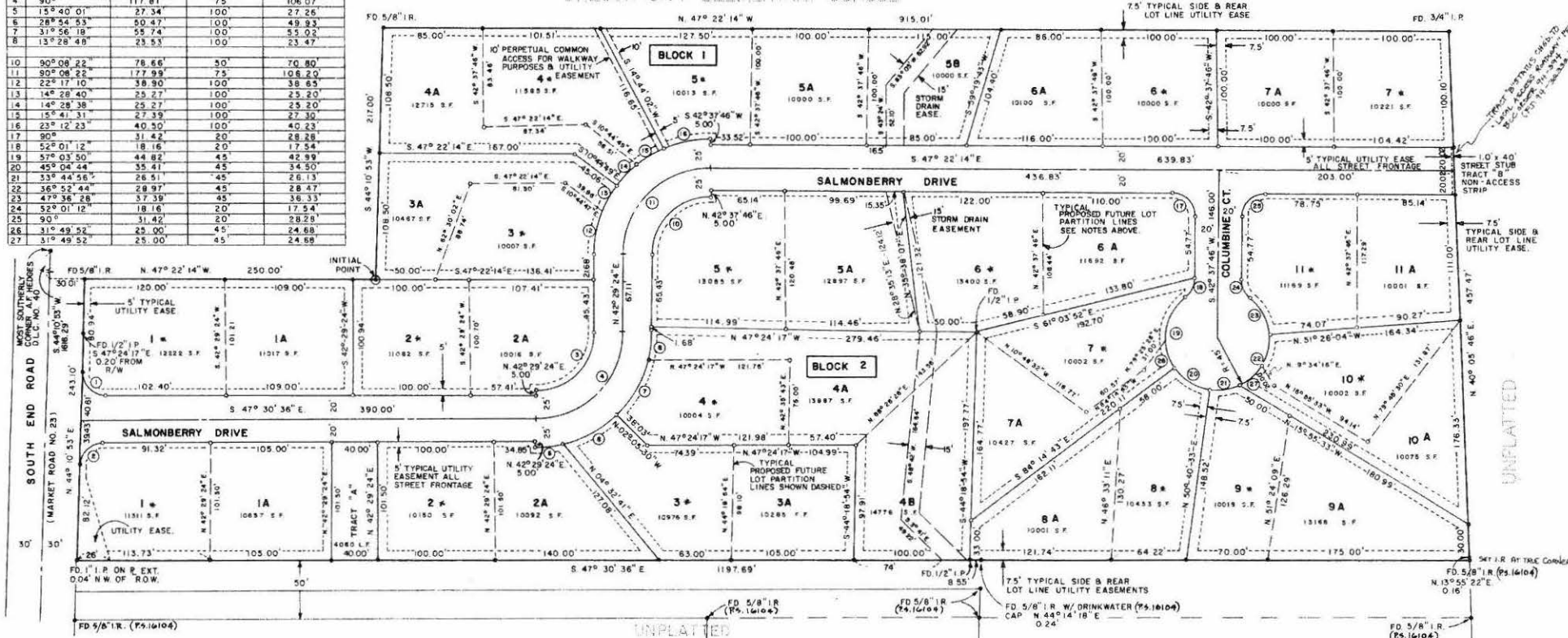
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Carl R. Clinton
O.R.S. 92-070
CARL R. CLINTON
1110

NOTES (CONT)

- DIRECT VEHICULAR ACCESS FROM LOT 1, BLK. 1 AND LOT 1, BLK. 2 ONTO SOUTH END ROAD IS PROHIBITED.
- VEHICULAR ACCESS FROM LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10 ONTO THE PRIVATE DRIVEWAY ADJOINING THE SOUTHWEST PLAT BOUNDARY IS PROHIBITED UNTIL THE ROUTE HAS BEEN DEDICATED AND IMPROVED AS A COUNTY ROAD.
- EASEMENTS ARE HEREBY RESERVED UNDER AND UPON A STRIP 7.5 FEET IN WIDTH ADJOINING ALL SIDES AND REAR LOT LINES OF ALL LOTS FOR THE PURPOSES OF INSTALLING, CONSTRUCTING, OPERATING, AND MAINTAINING UTILITIES AND DRAINAGE FACILITIES, EXCEPT WHERE SHOWN OTHERWISE, AND A 5' STRIP ON FRONT OF ALL LOT LINES ADJOINING DEDICATED STREETS.

OREGON CITY ELEMENTARY SCHOOL



81/10

ASQUITH ESTATES
IN THE M.M. McCARVER D.L.C. NO. 41 IN THE N.E. 1/4, SEC. 12
T.3S, R.1E., W.M.
CLACKAMAS COUNTY, OREGON

SHEET 2 OF 2

THIS IS A TRUE COPY OF THE ORIGINAL PLAT
OF "ASQUITH ESTATES" CRC

AUGUST, 1979

COMPASS CORP.
MILWAUKIE, OREGON**DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT JOE T. LIENERT AND IRENE M. LIENERT, HUSBAND AND WIFE, ROBERT A. BIGEJ, MARY A. SCHOENBORN, CAROL J. WROLSTAD, THOMAS L. KNUDSON AND STEVE R. SMELSER, PRESIDENT OF SMELSER, INC., AN OREGON CORPORATION, OWNERS OF SAID LAND DESCRIBED IN THE ATTACHED SURVEYORS CERTIFICATE (SHEET 1 OF 2) HEREON WRITTEN AND SHOWN ON THE ACCOMPANYING MAP OF "ASQUITH ESTATES" SUBDIVISION DOES HEREBY PLAT AND LAYOUT SAID PARCEL OF LAND INTO LOTS AS SHOWN ON SAID MAP AND DEDICATE TO THE USE OF THE PUBLIC FOREVER THE STREETS AND EASEMENTS AS SHOWN OR NOTED ON SAID MAP. THE PUBLIC IS HEREBY GRANTED THE RIGHT TO MAINTAIN, REPLACE OR ENLARGE STORM SEWER FACILITIES ALONG THESE EASEMENTS AND WILL NOT BE IN ANY WAY RESPONSIBLE FOR REPLACING LANDSCAPING, FENCING OR OTHER STRUCTURES, SHRUBS OR TREES THAT MAY EXIST OR BE PLACED WITHIN THESE STORM DRAINAGE EASEMENTS. THE PUBLIC IS REQUIRED TO GIVE ADEQUATE NOTICE BEFORE SUCH ACTIVITIES ARE COMMENCED AND SHALL LIMIT ACTIVITIES TO THAT NECESSARY TO ACHIEVE A PURPOSE OF MAINTAINING THE STORM DRAINAGE EASEMENTS.

DATED THIS 15th DAY OF November, 1979

S. R. Smelser pres.
S. R. SMELSER, PRESIDENT
SMELSER, INC.

Thomas L. Knudson
THOMAS L. KNUDSON

Carol J. Wrolstad
CAROL J. WROLSTAD

Mary A. Schoenborn
MARY A. SCHOENBORN

Robert A. Bigej
ROBERT A. BIGEJ

Joe T. Lienert and Irene M. Lienert
JOE T. LIENERT and IRENE M. LIENERT

ACKNOWLEDGEMENTSTATE OF OREGON
COUNTY OF CLACKAMAS

BE IT REMEMBERED THAT ON THIS 15th DAY OF November, 1979, BEFORE ME, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED S.R. SMELSER, THE PRESIDENT OF SMELSER, INC., AN OREGON CORPORATION, AND THOMAS L. KNUDSON, CAROL J. WROLSTAD, MARY A. SCHOENBORN, ROBERT A. BIGEJ, AND JOE T. LIENERT AND IRENE M. LIENERT, HUSBAND AND WIFE, WHO ARE KNOWN BY ME TO BE THE IDENTICAL INDIVIDUALS DESCRIBED WITHIN AND WHO EXECUTED THIS INSTRUMENT AND WHO PERSONALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME VOLUNTARILY FOR THE USE AND PURPOSES HEREIN NAMED.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL.

Richard D. Knudson
NOTARY PUBLIC FOR THE STATE OF OREGON
MY COMMISSION EXPIRES 11/21/80

**SECOND CERTIFICATE**STATE OF OREGON
COUNTY OF CLACKAMAS

I, CARL R. CLINTON, CERTIFY THAT I AM THE SURVEYOR OF THIS PLAT OF "ASQUITH ESTATES", A SUBDIVISION PLAT RECORDED IN BOOK 81, PAGE 10, CLACKAMAS COUNTY PLAT RECORDS; THAT INTERIOR MONUMENTATION WHICH WAS DELAYED AT THE TIME OF SAID RECORDING IS NOW COMPLETED AND IN COMPLIANCE WITH APPLICABLE STATUTES; THAT ALL INTERIOR MONUMENTS CONSIST OF 5/8" x 30" IRON RODS, EXCEPT WHERE OTHERWISE DESCRIBED UPON THE PLAT.

DATED THIS 27 DAY OF May, 1979

Carl R. Clinton
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 1110

ENDORSEMENT

UPON NOTICE OF THE ABOVE MENTIONED INTERIOR MONUMENTATION, I HAVE DIRECTED A FIELD INSPECTION AND HAVE FOUND THEM TO BE PROPERLY PLACED.

Doris E. Miles 5-27-80
CLACKAMAS COUNTY SURVEYOR
John Knudson Deputy

APPROVALS

Carl R. Clinton 2/13/1980
COUNTY PLANNING COMMISSION
By Winston Kest 3/13/1980
DIRECTOR OF PUBLIC WORKS

ALL TAXES PAID TO 6-30-81
COUNTY SHERIFF John Renfro
DEPUTY SHERIFF Ellen Pappas 4-10-80
COUNTY ASSESSOR Jugita Orr
DEPUTY ASSESSOR Pat Brest 4-10-80

Doris E. Miles 4-8-80
COUNTY SURVEYOR
DEPUTY SURVEYOR
George D. Pappas 4-11-80
COUNTY CLERK
Susan Bennett
DEPUTY CLERK
John Knudson
COMMISSIONER
John Knudson
COMMISSIONER
Ralph Groener
COMMISSIONER

2498

Taxlot Detail Report

Taxlot: 3-1E-12AC-03700



Overview Map

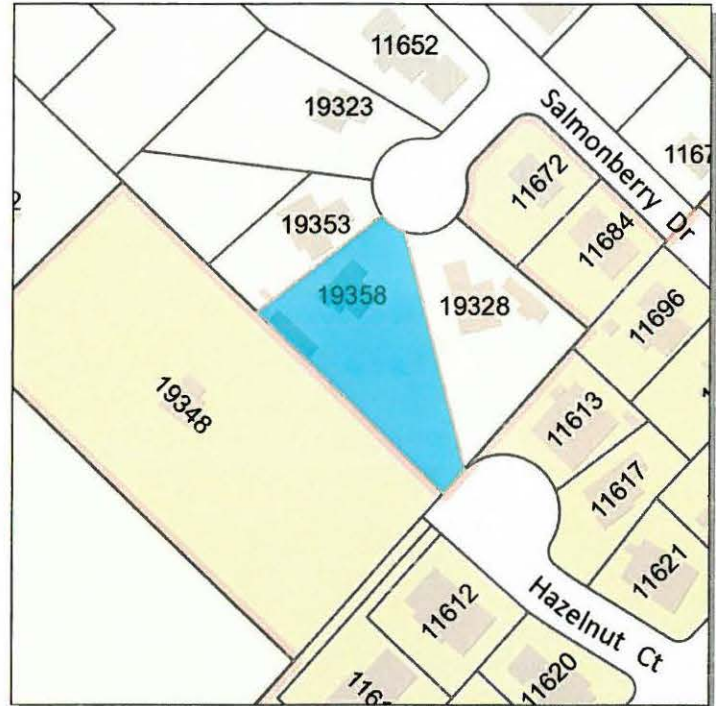
Taxlot Information

APN: 3-1E-12AC-03700

Alt ID: 00760830

Site Address: 19358 S COLUMBINE CT
OREGON CITY, OR 97045

Year Built: 1986



Taxlot highlighted in blue

Taxpayer Information

Taxpayer: RONALD C & ANASTASIA WILSON

Address: PO BOX 3202
OREGON CITY, OR 97045

Reference Information

Parcel Area (acres - approx): 0.5

Parcel Area (sq. ft. - approx): 23,086

Twn/Rng/Sec: 03S 01E 12

Tax Map Reference: 31E12AC

Values

Values as of: 12/20/2013

Land Value (Mkt): \$104,468

Building Value (Mkt): \$108,800

Exempt Amount: \$0

Net Value (Mkt): \$213,268

Note: The values above are Market, NOT Assessed values.

Assessed Value: \$213,268

Planning Designations

Zoning: County
- County

Comprehensive Plan: Ir
- Residential - Low Density

Subdivision: ASQUITH ESTATES

PUD (if known):

Neighborhood Assn:

Urban Renewal District:

Historic District:

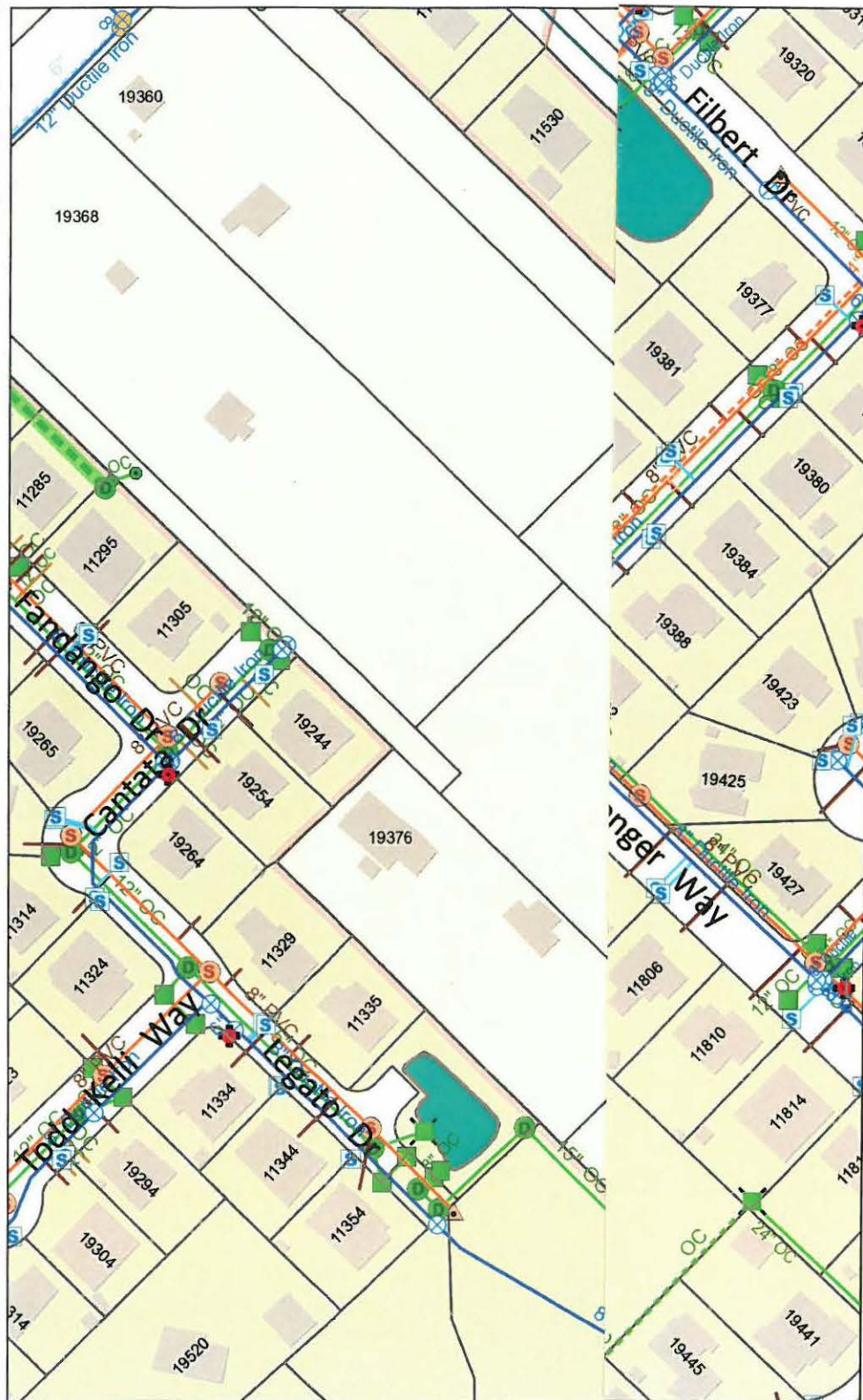
Historic Designated Structure? N

In Willamette Greenway? N

In Geologic Hazard? N

In Nat. Res. Overlay District (NROD)? N

In 1996 Floodplain? N



Legend

- Taxlots
- Taxlots (Outside UGB)
- Unimproved ROW
- Water Hydrants**
 - (Other owner)
 - OC
 - CRWD
 - Private
- Water Service Meters**
 - (Other owner or Type not defined)
 - OC
 - CRWD
- Water Master Meters**
 - (Other owner)
 - OC
- Water Irrigation Meters**
 - (Other owner)
 - OC
 - CRWD
- Water Valves (non PRV)**
 - (Other owner)
 - OC - Open
 - OC - Closed

Notes

Overview Map

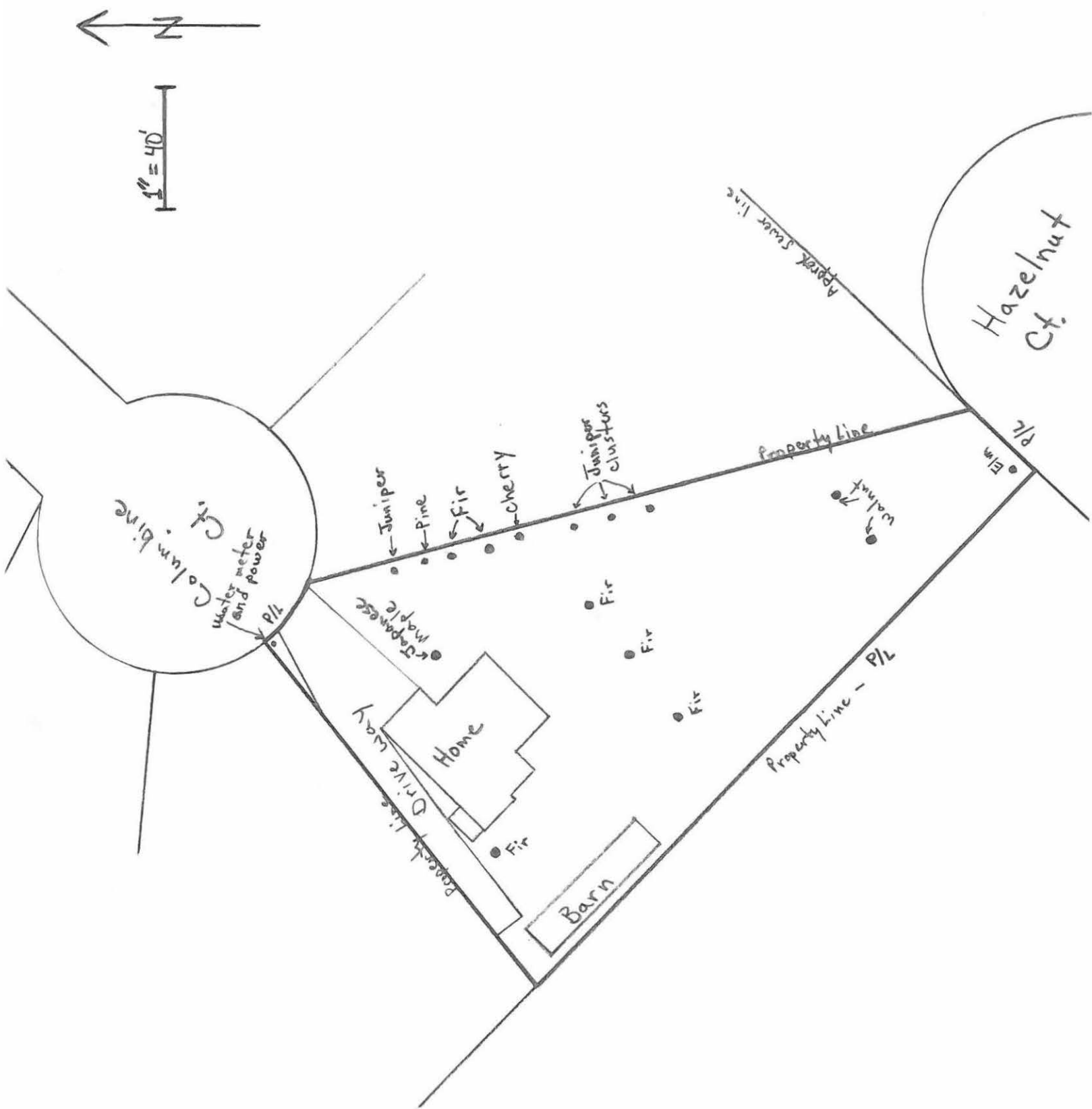


The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

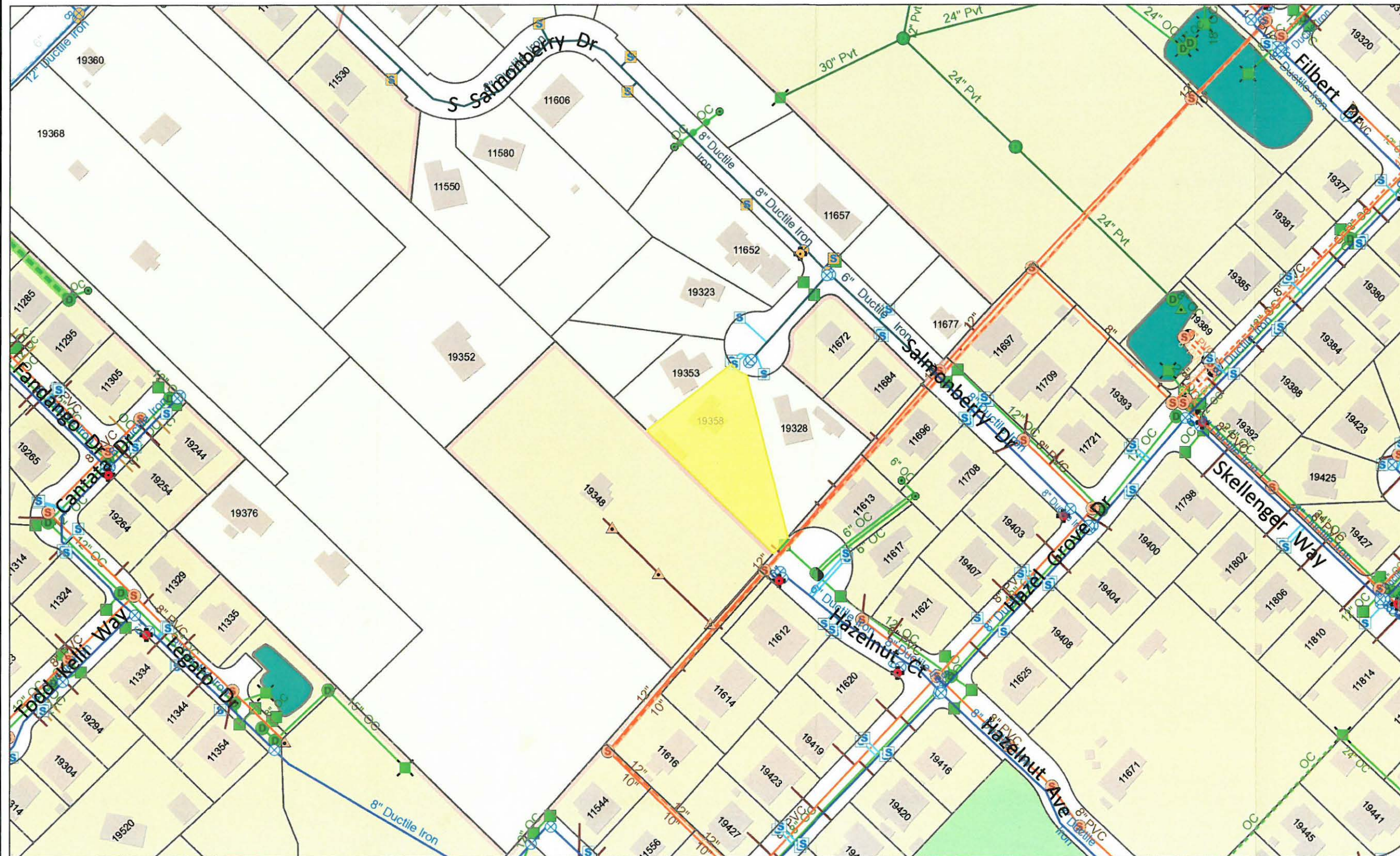
Map created 5/6/2014



















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





Oregon City GIS Map



-  Taxlots
 Taxlots (Outside UGB)
 Unimproved ROW
Water Hydrants
 (Other owner)
 OC
 CRWD
 Private
Water Service Meters
 (Other owner or Type not defined)
 OC
 CRWD
Water Master Meters
 (Other owner)
 OC
Water Irrigation Meters
 (Other owner)
 OC
 CRWD
Water Valves (non PRV)
 (Other owner)
 OC - Open
 OC - Closed

Notes

Overview Map

Map created 5/6/2014



0 277 554 Feet

1: 1,662

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



From: [Tom](#)
To: [Pete Walter](#)
Cc: [Kathy Hogan](#)
Subject: Ron Wilson
Date: Friday, April 17, 2015 10:16:33 AM

Good Morning Pete,

I wanted to let you know that Ron Wilson attended the Hazelgrove Westling Farms Neighborhood Association meeting last evening Thursday 16 April 2015.

Ron discussed what he has been working with you on regarding the annexation of his property located at 19358 Columbine Court, Oregon City, OR 97045.

Those present had no problem and agreed with his plan to annex based upon his desire to add a room on to his home and connect to a city sewer line.

Tom O'Brien - Co Chair
Kathy Hogan - Co Chair

Hazelgrove - Westling Farm Neighborhood Association

Date _____

Event _____

NAME(S)	ADDRESS	E-Mail	TELEPHONE
Kathy Hogan	19721 S. Central Park Rd	HoganSbLuff@AOL.com	503 657-9435
Tom + Marguerite O'Brien	19364 Hazelgrove Dr	Tom.O'Brien4@comcast.net	503 723-3334
Mari Lyn Natall	19388 Vincent Dr		503-657-7057
Gregg + Jean Howard	19372 Hazelgrove Dr	goghoward@gmail.com	503 503 4340
LEE + SUE MULLER	11953 HAZEL PARK DR	harleylee@juno.com	503-388-7929
Jim + Cathy Elting	19531 S. Central Point	cjeltin@aol.com	503-656 9434
MATT LYSAGHT	320 WARNER MILNER Rd	MLYSAGHT@ORCITY.ORG	503-793 6999
Vern + Velma Emra	19428 Hazel Grove Dr.	v2emra@msn.com	502-659-6650
ANDY HOLTHOUSE	19341 HAZEL GROVE DR.	ANDY@OREGON@COMCAST.NET	(503) 550-6532
Chris Engelle	19525 Hummingbird Loop	chrisengelles@gmail.com	503 740 5309
Dora Meeley	11614 Parrish Rd	intstats@bcbglobal.net	503 503-5035
MARK NOLL	10835 S. NAVAJO	msnoll@a.com	503 804-2138

Hazelgrove - Westling Farm Neighborhood Association
Date 7/17/2015 Event _____

Event _____

[illegible]

From: [Tom](#)
To: [Pete Walter](#)
Cc: [Kathy Hogan](#)
Subject: Re: Ron Wilson HGWFNA Attendance sheet
Date: Friday, April 17, 2015 10:35:41 AM
Attachments: [4-16-2015 Sign In Sheets.pdf](#)

Pete and Kathy,

I forgot to attach the attendance sheet to the last message.

Tom

On 4/17/2015 10:17 AM, Pete Walter wrote:

> Tom,
>
> Thanks for the email. I will keep a copy for the file.
>
> Pete
>
> -----Original Message-----
> From: Tom [<mailto:tom.obrien4@comcast.net>]
> Sent: Friday, April 17, 2015 10:17 AM
> To: Pete Walter
> Cc: Kathy Hogan
> Subject: Ron Wilson
>
> Good Morning Pete,
>
> I wanted to let you know that Ron Wilson attended the Hazelgrove Westling Farms Neighborhood Association meeting last evening Thursday 16 April 2015.
>
> Ron discussed what he has been working with you on regarding the annexation of his property located at 19358 Columbine Court, Oregon City, OR 97045.
>
> Those present had no problem and agreed with his plan to annex based upon his desire to add a room on to his home and connect to a city sewer line.
>
> Tom O'Brien - Co Chair
> Kathy Hogan - Co Chair
>

City of Oregon
Planning Department
221 Molalla Ave. Suite 200
Oregon City, OR 97045

2016 AUG 29 10 3:45

1535-177

Re: AN15-01
Annexation:
19358 Columbine Ct
Oregon City, OR 97045

The zoning of the subject property is currently FU-10 under Clackamas County Zoning. As the property is annexed into Oregon City, I am asking the zoning to be set as R-10.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ron Wilson', with a large, sweeping loop at the end.

Ron Wilson
PO Box 3202
Oregon City, OR 97045



City of Oregon City
Permit Receipt
RECEIPT NUMBER 00033897

Account Number: 017194

Date: 8/29/2016

Applicant: RONALD C & ANASTASIA WILSON

Type: check # 3920

Permit Number	Fee Description	Amount
AN-16-0001	4346 Traffic Impact Study Fee	464.00
Total:		\$464.00



**LANCASTER
ENGINEERING**

321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

August 23, 2016

Ron Wilson
19358 S Columbine Court
Oregon City, OR 97045

RE: 19358 S Columbine Court, Transportation Analysis Letter

Dear Mr. Wilson,

This transportation analysis letter (TAL) addresses the traffic impacts for the proposed annexation and resulting development of your property located at 19358 S Columbine Court in Oregon City, Oregon. This TAL addresses the proposed annexation, which includes a change in zoning on the property from Clackamas County *Future Urban 10-Acre* (FU-10) zoning to City of Oregon City R-10 zoning. There is currently one single-family home on the property, and under the City's R-10 zone, one additional home could be constructed. The project site consists of tax lot 3700, which encompasses an approximate total of 0.53 acres.

Location and Project Description

The project site is located southwest of Salmonberry Drive and northwest of Hazel Grove Drive in Oregon City, Oregon. The northern section of the site currently has an existing single-family home which takes access to S Columbine Court. The remaining developable portion of the project site is located within the southern portion of the lot. The subject property has frontage on both S Columbine Court and S Hazelnut Court, and future access to the newly-created lot could be taken via either street.

The subject site is located in a predominately residential area with single-family detached homes surrounding the site in all directions. Notable development within a half-mile walking/biking distance of the site includes John McLoughlin Elementary School to the north.

Hazel Grove Drive is classified by the City of Oregon City as a Local Street. The roadway has a two-lane cross-section, without centerline striping, and has a statutory residential speed of 25 mph. On-street parking is permitted along both sides of the roadway. Curbs and sidewalks are provided along both sides of the roadway.

Salmonberry Drive is classified by the City of Oregon City as a Local Street. The roadway has a two-lane cross-section, without centerline striping, and has a posted speed of 25 mph. On-street parking



if permitted along both sides of the roadway. Curbs and sidewalks are intermittently provided along both sides of the roadway.

S Columbine Court is a cul-de-sac and is classified by the City of Oregon City as a Local Street. The roadway has a two-lane cross-section, without centerline striping, and has a statutory residential speed of 25 mph. On-street parking is permitted along both sides of the roadway. Curbs are in place along both sides of the roadway, but there are no sidewalks.

S Hazelnut Court is classified by the City of Oregon City as a Local Street. The roadway has a two-lane cross-section, without centerline striping, and has a statutory residential speed of 25 mph. On-street parking is permitted along both sides of the roadway. Curbs and sidewalks are provided along both sides of the roadway.

The intersection of S Columbine Court at Salmonberry Drive is an uncontrolled three-legged intersection, with all approaches yielding to conflicting traffic. Each of the three intersection approaches has a single, shared lane for all turning movements. Crosswalks are unmarked across all intersection legs.

The intersection of Salmonberry Drive at Hazel Grove Drive is a three-legged intersection that is stop-controlled for the southeast bound approach of Salmonberry Drive. The three intersection approaches each have one shared lane for all turning movements. Crosswalks are unmarked across all intersection legs.

The intersection of S Hazelnut Court at Hazel Grove Drive is an uncontrolled four-legged intersection, with all approaches yielding to conflicting traffic. Each of the four intersection approaches has one shared lane for all turning movements. Crosswalks are unmarked across all intersection legs.

Figure 1 presents an aerial image of the nearby vicinity (image from Google Earth) with the project site highlighted.



Figure 1: Aerial Image of Project Site - Image from Google Earth

Trip Generation & Distribution

Under existing conditions with the Clackamas County FU-10 zoning, a single home is permitted on the subject property. Upon approval of the proposed annexation and zone change to Oregon City R-10 zoning, the subject property can be developed with up to two single-family homes. To estimate the number of trips that could be generated under the proposed zoning, trip rates from the *TRIP GENERATION MANUAL*¹ were used. Data from land-use code 210, *Single-Family Detached Housing*, was used to estimate the trip generation based on the number of dwelling units.

¹ Institute of Transportation Engineers (ITE), *TRIP GENERATION MANUAL*, 9th Edition, 2012.



Ron Wilson
August 23, 2016
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The trip generation calculations show that the reasonable worst-case development under the proposed zoning would result in one additional site trip during the morning peak hour and one additional site trip during the evening peak hour, with ten additional trips during a typical weekday. The trip generation estimates are summarized in Table 1 on the following page. Detailed trip generation calculations are included as an attachment to this letter.

Table 1 - Trip Generation Summary

	ITE		Morning Peak Hour			Evening Peak Hour			Weekday
	Code	Size	In	Out	Total	In	Out	Total	Total
Single-Family Detached Housing									
Proposed Development	210	1 units	0	1	1	1	0	1	10

Based on the projected trip generation, the transportation impacts attributable to the proposed annexation, zone change and subsequent development of the subject property are anticipated to be nominal and are not expected to cause any significant operational or safety issues on the nearby transportation facilities. Safe access to the site is available on the two frontages. Based on the analysis, no significant operational or safety concerns are projected in conjunction with the proposed annexation, zone change and future development. Accordingly, no mitigation is recommended.

Transportation Planning Rule Analysis

A Transportation Planning Rule (TPR) analysis is required for the proposed development since annexation of the subject property into the City of Oregon City will result in a change in zoning. The TPR is intended to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land-use regulations.

The applicable portions of the TPR are quoted in *italics* below, with responses directly following.

660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9), or (10) of this rule.

...



Ron Wilson
August 23, 2016
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- (9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.*
- (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;*
 - (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and*
 - (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.*

The proposed zoning is consistent with the existing *Low Density Residential* (LR) comprehensive plan map designation and will not change the comprehensive plan map. The City of Oregon City has an acknowledged Transportation System Plan (TSP) and the proposed zoning is consistent with future growth assumptions that are accounted for in the TSP. The property proposed for annexation is within the urban growth boundary and was not exempted from OAR 660-012-0060(9) when it was included in the urban growth boundary.

The proposed zone change is in conformance with the City of Oregon City's Comprehensive Plan and the levels of development allowable under the proposed R-10 zoning are consistent with the surrounding area zoning located within City limits. Accordingly, the City of Oregon City may find that the proposed zone change does not significantly affect an existing or planned transportation facility, and the TPR is satisfied.

It should also be noted that due to the minimal impacts associated with the addition of one single-family home, the proposed zone change would also not be projected to result in degradation to the performance of area roadways and intersections. Accordingly, the Transportation Planning Rule would be satisfied even if the city's Comprehensive Plan and Transportation System Plan had not accounted for the potential redevelopment of the subject property.

Conclusions

The impact to the existing transportation network near the project site vicinity created by trips resulting from the proposed annexation and zone change will be minimal. The added site trips are not expected to significantly alter the operation or safety of existing transportation facilities. In addition, the annexation and subsequent zone change of the subject property does not significantly affect an existing or planned transportation facility and the TPR is satisfied.

le

Ron Wilson
August 23, 2016
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With Best Regards,

Daniel Stumpf

Daniel Stumpf, EI
Transportation Analyst



RENEWS: 12/31/2016



Ron Wilson
August 23, 2016
Page 7 of 7

Attachments



TRIP GENERATION CALCULATIONS

Land Use: Single-Family Detached Housing
Land Use Code: 210
Variable: Dwelling Units
Variable Value: 1

AM PEAK HOUR

Trip Rate: 0.75

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	0	1	1

PM PEAK HOUR

Trip Rate: 1.00

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	1	0	1

WEEKDAY

Trip Rate: 9.52

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	5	5	10

SATURDAY

Trip Rate: 9.91

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	5	5	10

REPLINGER & ASSOCIATES LLC
TRANSPORTATION ENGINEERING

August 25, 2016

Mr. Pete Walter
City of Oregon City
PO Box 3040
Oregon City, OR 97045

**SUBJECT: REVIEW OF TRANSPORTATION ANALYSIS LETTER – COLUMBINE
COURT ANNEXATION – AN16-01**

Dear Mr. Walter:

In response to your request, I have reviewed the materials submitted in support of the proposed annexation and rezoning of a parcel located on Columbine Court. The relevant materials consist of the Transportation Analysis Letter (TAL). The TAL is dated August 23, 2016 and was prepared under the direction of Todd Mobley, PE of Lancaster Engineering.

The parcel subject to this annexation and rezoning is located at 19358 S Columbine Court. The parcel also has frontage on S Hazelnut Court. The parcel currently has one single-family, detached residence on it. With the rezoning of the parcel, two lots could be created, allowing a second single-family residence to be constructed. Depending on the configuration of the lots, access could be on either cul-de-sac.

The TIA provides a basis upon which the annexation and rezoning can be evaluated for transportation impacts.

Comments

- 1. Trip Generation.** The TAL presents information on trip generation from the construction of one additional single-family dwelling on a site currently occupied by one. The trip generation rates were taken from the Institute of Transportation Engineers' *Trip Generation Manual*. The parcel is 0.53 acres and is calculated to allow the creation of one additional dwelling. The additional dwelling is predicted to produce 1 new AM peak hour trip; 1 new PM peak hour trip; and 10 new weekday trips.
- 2. Access Locations.** The TIA indicates frontage is available on both Columbine Court and Hazelnut Court. Depending on the lot configuration, access could be provided on either or both culs-de-sac. Neither configuration for site access would have a detrimental traffic operations impact on either cul-de-sac or on any connecting street.
- 3. Driveway Width.** The TAL does not indicate any impediments to meeting driveway width standards.

- 4. *Intersection Spacing.*** The proposal would not create any new intersections. Access would be provided using existing streets and intersections.
- 5. *Sight Distance.*** Since the proposal does not involve any new streets or intersections, it does not create any sight distance concerns.
- 6. *Safety Issues.*** The engineer did not identify any safety issues associated with the subdivision. The engineer concludes that the added site trips will not significantly alter the traffic operations or safety of existing transportation facilities. I concur.
- 7. *Consistency with the Transportation System Plan (TSP).*** The parcel's frontage on S Hazelnut Court appears to be fully developed and appears to be developed in accordance with city standards and is consistent with the policies, planned projects, and standards in the TSP. The parcel's frontage on Columbine Court appears to lack sidewalks, but otherwise appears consistent with city standards and the TSP. In connection with the annexation and rezoning of the development of the parcel, the frontage of both parcels should be brought into compliance with city standards for a local street.
- 8. *Transportation Planning Rule Evaluation.*** The TAL also provides an analysis of the impact of the proposed rezoning for compliance with the Transportation Planning Rule (TPR). Based on the proposal to rezone the property from Future Urban (FU 10-acre) zoning to R-10, one additional single-family dwelling can be constructed on the parcel. The engineer concludes that it would not significantly affect any existing or planned transportation facility; it is consistent with the comprehensive plan designation; the zoning is consistent with the TSP; it was not exempt when included within the urban growth boundary. In addition, the engineer concludes that it does not result in the degradation of area roadways or intersections. I concur with his conclusion and recommend that the city find it to be in compliance with the TPR.

Conclusion and Recommendations

I find that the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The annexation and rezoning will result in minimal additional traffic. The construction of one additional single-family dwelling will have no measurable impact on any transportation facility. It appears to me that the development assumptions in the TSP anticipated traffic from the rezoning of the property. I conclude that the proposal is in compliance with the TPR.

I conclude that the parcel can be developed using access to either Columbine Court or Hazelnut Court for either or both parcels created from the existing parcel. The proposal will not adversely impact any existing or planned transportation facility.

Mr. Pete Walter
August 25, 2016
Page 3

In connection with the annexation and rezoning or with development of a second dwelling, frontage of the parcel or parcels on Columbine Court and Hazelnut Court should be brought up to city standards, including the provision of sidewalks in any location where they currently do not exist.

Other than frontage improvements that may need to be constructed, there are no transportation-related issues associated with this proposal requiring mitigation.

If you have any questions or need any further information concerning this review, please contact me at replinger-associates@comcast.net.

Sincerely,

A handwritten signature in cursive script that reads "John Replinger". The signature is written in dark ink on a light-colored background.

John Replinger, PE
Principal

Oregon City\2016\AN16-01

COOPERATIVE INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is made and entered into by and between CLACKAMAS RIVER WATER, a domestic water supply district created pursuant to ORS Chapter 264 ("CRW") and the CITY OF OREGON CITY, an Oregon municipal corporation ("City").

WITNESSETH:

RECITALS.

WHEREAS, the City and CRW operate municipal water systems and are engaged in the supply of water service for domestic purposes to the residents in its respective jurisdictions; and

WHEREAS, the parties and customers will derive mutual benefit from the joint construction and operation of these pipelines in the form of water quantity and pressure from such joint usage of pipelines as well as efficiencies in construction; and

WHEREAS, the parties share a common boundary or other service areas, and the parties intend this Agreement to fix present and future water service delivery boundaries and designate providers of water service in conformance with ORS 195.060 through 195.085, and that this Agreement shall be adopted and submitted for acknowledgement as part of the City's next periodic review of its Comprehensive Plan and Land Use Regulations; and

WHEREAS, in negotiating this Agreement, the parties have considered the factors of ORS 195.070, and that this Agreement will assure continuance of an appropriate and adequate level of water service; and

WHEREAS, the parties desire to designate service providers within the South End Road area and deliver water service in an orderly, efficient, non-duplicative manner as provided for within the City's public facility plan and CRW's master plan; and

WHEREAS, the parties have identified several water pipelines located in the South End Road area which are presently located within CRW boundaries and within the Urban Growth Management Boundary (UGMB); and

WHEREAS, the parties desire to jointly fund several South End-area water line connections and the construction of a water transmission line on S. South End Road from the current master meter location near McLoughlin School to Navaho Lane/Impala Lane area to avoid redundant construction of new water pipelines; and

WHEREAS, once the facilities are jointly constructed, this agreement will provide a means for the joint usage, ultimate transfer of jurisdiction, and maintenance responsibility of these lines to City in those areas noted herein; and

WHEREAS, the parties are also desirous of entering a rate setting methodology establishing a water rate for residents served by these lines; and

WHEREAS, the parties acknowledge that they have the authority to execute this

intergovernmental cooperative agreement pursuant to ORS 190.003 to 190.030; and

WHEREAS, the parties represent that the persons signing this agreement on each party's behalf are duly authorized to bind it to the terms of this agreement.

NOW, THEREFORE, IT IS AGREED by and between the parties hereto as follows:

1. **Effective Date.** This agreement shall be effective when the last party enters into the same and shall be effective for a period of twenty years from that date. The parties shall review the terms of this agreement every five years and, unless one of the parties requests amendment or termination of this agreement 90 days prior to the expiration of that five year period, the agreement shall remain in full force and effect for an additional five year period, but, in the aggregate, no more than twenty years. If a party requests amendment or termination, the parties shall use the dispute resolution process provided by section 9 herein to resolve any disputes, including those related to division of assets or territory, provided that the non-requesting party shall be deemed the party charged with the default under Step Three of section 9. Any action by Metro or other authority with jurisdiction over matters affecting this Agreement shall trigger a review of the Agreement by the parties. No such actions, however, shall affect this Agreement unless it is so amended by mutual written consent of the parties.

2. **Identification of Joint Usage Lines.** The parties agree that the following water lines shall be jointly funded, connected, and used by the parties pursuant to the terms of this section and this agreement.

a. **South End Road:** Approximately 4,000-foot ductile iron water transmission line in South End Road as further described in Section 3. Includes appropriate 8-inch tees and gate valves at connecting streets and individual service reconnects by both parties on existing 12-inch line and new line. The amount of work to be completed for this line under this agreement may be decreased based on future development requirements to loop water lines in South End Road. Development would only be responsible for a basic 8-inch water line. As a minimum, the parties to this agreement must fund for oversizing the water line and the cross street connections and reconnects.

b. **Salmonberry Drive:** Appropriate connection at the east end of street as described in Section 3.

c. **Maywood Street:** Appropriate connection at the north end of street as described in Section 3.

d. **Finnigan's Way:** City shall connect new development off Parrish Road to CRW water line in Finnigan's Way and CRW shall approve connection details and activate the connection at the appropriate time.

e. **Longstanding Court:** CRW shall install a new 8-inch connection in the existing City 12-inch line in South End Road and connect this service subject to City connection detail approval.

f. **Rose Road:** CRW shall install a new 8-inch connection in the existing

City 12-inch line in South End Road and connect this service subject to City connection detail approval.

g. **Beutel Road:** CRW shall install and connect 8-inch tee in new South End Road transmission line subject to City connection detail approval.

h. **Parrish Road:** CRW shall install 8-inch tee in new South End Road transmission line. CRW shall make connection to 8-inch line in Parrish Road if City has provided for said line by way of development. Alternatively, the parties may agree in writing to other types of connection details when the Parrish Road line is developed to South End Road.

i. **Parkland Court:** CRW shall install and connect 8-inch tee in new South End Road transmission line subject to City connection detail approval.

j. **South End Court:** CRW shall install and connect 8-inch tee in new South End Road transmission line subject to City connection detail approval.

k. **Forest Ridge Lane:** CRW shall install and connect 8-inch tee in new South End Road transmission line subject to City connection detail approval.

l. **Proposed Merchant Meadows Subdivision Development Loop Line:** City shall provide for connection to Forest Ridge Lane subject to CRW approval of connection details in the event of future development of 3-1 E 12BA, Tax Lot 1800. CRW shall activate the connection if the future development of Tax Lot 1800 is completed. CRW shall activate the connection promptly in that event.

m. **Impala Lane:** CRW shall install and connect 8-inch tee in new South End Road transmission line subject to City connection detail approval.

n. **Navaho Way:** CRW shall install and connect 8-inch tee in new South End Road transmission line subject to City connection detail approval.

o. The following lines are also joint usage lines and do not require any connections:

- 1) Columbine Court
- 2) Elizabeth Court
- 3) Sunnyridge Court
- 4) Allen Court
- 5) Shamrock Lane
- 6) Turquoise Way
- 7) Deer Lane

The City, at its own cost, may extend and interconnect from the aforesaid water

lines to allow City extension of water lines to adjacent areas. If the extension of the City lines constitutes an extraterritorial water line extension beyond then existent City Limits, CRW reserves its right to object to such extraterritorial extension on a case by case basis.

Where connection detail approval by either party is mentioned in this agreement, it includes the installation of required valves.

3. **Joint Construction of Connections and Transmission Line.** CRW and City shall jointly and equally fund the cost of making two connections of existing City and CRW water lines to be completed by CRW as part of the South End line construction effort as mentioned in Section 2b and 2c of this agreement. The parties shall also jointly and equally fund the construction of the ductile iron water transmission line, subject to pipe diameter determination, along S. South End Road and connections as outlined in Section 2a of this agreement. The transmission line is approximately 4,000 feet from McLoughlin School to the southerly terminus. CRW and the City shall jointly agree upon the final southerly terminus of this new transmission line between Impala Lane and the UGMB.

CRW will be responsible for the engineering, construction, and construction management of the transmission line and shall serve as the primary contracting public agency. CRW and the City shall jointly prepare and review, design and construction documents prior to bid. The City shall be invited to project meetings and shall be given progress reports by CRW with opportunity for comment. Change orders that increase the City's share by more than \$10,000 per change or \$50,000 aggregate must be approved by the City prior to authorization by CRW. CRW shall transmit any other progress payment information if requested. Payment shall be due within 30 days of invoice. At the completion of the project, CRW shall provide a final project accounting to ensure that the financial allocations set forth in this agreement are met with respect to final project construction costs. All performance and payment bonds and guarantees shall be for the benefit of CRW and the City. City and CRW shall each be responsible for one-half (1/2) of all costs associated with the engineering, construction, construction management, and other appropriate administrative fees of the aforesaid connections and the transmission line. CRW will bill City on a monthly basis for the City's share of these costs. Once this transmission line is placed in service, CRW shall abandon the existing CRW line in South End Road in place. CRW will use its best efforts to construct this transmission line during calendar year 2000.

4. **Master Meter.** The work provided for in this Agreement includes the installation of one master meter station located as shown on Figure 1, attached hereto and incorporated by reference.

a. **Meter Operation and Maintenance Costs.** The parties shall jointly share installation, operation, and maintenance costs for the master meter in even proportions. CRW will exercise best efforts in designing and constructing the master meter station during calendar year 2000. The City will perform operation and maintenance of the master meter station and shall account for costs on an annual basis.

b. **Meter Station Ownership.** The City shall be the owner of the master meter station proposed in this Agreement.

c. **Meter Reading and Billing.** The City shall be responsible for meter

reading, billing, and annual accounting. The meter shall be calibrated and inspected annually. CRW shall have the right to inspect and test the meter at its cost upon seven day's written notice to the City.

d. **Future Master Meter Relocations.** The Master Meter shall be sized, located, and installed to minimize the need for future relocations. In the event the master meter must be moved due to expanding or shifting service territories or as land is annexed, the meter may only be moved after seventy five (75%) of the area is annexed to the City.

5. **Transfer of Jurisdiction and Operation and Maintenance Responsibility.** At such time as City annexes over seventy-five percent (75%) of the frontage on both sides of any of the water lines described in Section 2 of this agreement, jurisdiction, operation, and maintenance responsibility for the line shall be transferred from CRW to City. City shall notify CRW in writing of its intent to transfer jurisdiction of any line under this Section. CRW shall acknowledge the notification and cooperate with the City in completing any administrative transfer documents. Until such time, jurisdiction, operation, and maintenance responsibility will remain with CRW. In the event City extends its own water lines from the lines identified in Section 2, City shall be solely responsible for all operation and maintenance, and any connections to its own extended lines and shall receive all revenues therefrom.

After transfer of jurisdiction as described above, CRW may retain non-annexed properties as customers of CRW. On those properties that CRW retains, CRW is responsible for water services billing, meter reading, and collection. CRW will also retain all water service fees, related connection fees, system development fees and all miscellaneous water service fees, including water turn off and turn on fees and meter repair and replacement fees. The rights and responsibilities described above remain with CRW even though the responsibility for operation and maintenance has been transferred to the City. Upon annexation to the City, those properties retained by CRW will be transferred to the City and the City shall thereafter be responsible for water services billing, meter reading and collection and the City shall receive all water service fees, related connection fees, system development fees and all miscellaneous water service fees.

6. **Assumption of Bonded Debt Responsibility.** CRW shall retain bonded debt responsibility for all properties serviced by the aforesaid lines until those properties are annexed into City. When the properties are annexed into City, the City shall become responsible for the bonded debt obligation of the annexed property as provided for in ORS 222.520.

7. **Establishment of Volume Rate.** The volume rate consists of a wheeling rate portion and the South Fork wholesale rate portion.

a. **Wheeling Rate For Properties Connected To The Water Lines Identified In Section 2 Of This Agreement.** CRW shall pay to the City a wheeling rate of \$0.8932 per hundred cubic feet for water used by the properties connected to the water lines identified in Section 2 of this agreement until these properties are annexed to City. The rate will be effective until a jointly funded economic study is completed to determine an appropriate rate. If the study is not completed within one year of the effective date of this agreement, the parties will update the rate set forth above based on the factors set forth in subsection 7c below.

b. **Wheeling Rate For Properties Connected To The Water Lines**

Identified In Section 2 Of This Agreement Where Jurisdiction, Operation, And Maintenance Responsibility Has Been Transferred To City.

CRW shall pay to the City a wheeling rate of \$1.0667 per hundred cubic feet of water used by properties connected to the water lines identified in Section 2 of this agreement when jurisdiction over the line serving the property has been transferred to the City under Section 5 of this agreement. The rate will be effective until a jointly funded economic study is completed to determine an appropriate rate. If the study is not completed within one year of the effective date of this agreement, the parties will update the rate set forth above based on the factors set forth in subsection 7c below.

c. **Volume Rate and Updates.** The two parties shall update the two wheeling rates in Section 7a and 7b every fifth year. This update is intended to account for variances in the number of customers within CRW served by the respective lines, metered usage, and variations of continuing costs and bonded indebtedness. Both parties agree to jointly fund an economic study update every five years. Between study updates, each year on the anniversary date of this agreement, the wheeling rate portion of the volume rate shall be increased by 75% of the Portland, Oregon Consumer Price Index based on the previous December 31 index. The South Fork wholesale portion of the volume rate will be adjusted annually to reflect the City's then current South Fork wholesale rate. CRW shall pay the City a volume water rate that includes the City's South Fork Water Board wholesale rate. City will then remit that portion of the volume rate directly to the South Fork Water Board.

8. **Amendment Provision.** The terms of this agreement may be amended or supplemented only by the mutual agreement of the parties. Any amendments or supplements must be in writing, refer to this agreement, and be executed by the parties.

9. **Dispute Resolution.**

a. Subject to extensions of time by mutual consent in writing, failure or unreasonable delay by any party to substantially perform any provision of this agreement shall constitute default. In the event of an alleged default or breach of any term or condition of this agreement, the party alleging such default or breach shall give the other party not less than 30 days notice in writing specifying the nature of the alleged default and the manner in which the default may be cured satisfactorily. During this 30-day period, neither party shall be considered in default for purposes of termination or instituting legal proceedings.

b. The parties shall first attempt to resolve the dispute by negotiation, followed by mediation, if negotiation fails to resolve the dispute.

Step One: (Negotiation). The City Manager and CRW General Manager, or other persons designated by each of the disputing parties will negotiate on behalf of the entities they represent. The Managers, or their representatives, shall then meet with each other and attempt to resolve the issue. If the dispute is resolved at this step, there shall be a written determination of such resolution, signed by each Manager and ratified by the governing bodies that shall be binding upon the parties.

Step Two: (Mediation). If the dispute cannot be resolved within thirty (30) days at Step One, the parties shall submit the matter to non-binding mediation. The parties shall attempt to agree on a mediator. If they cannot agree, the parties shall request a list of five (5)

mediators from an entity or firm providing mediation services. The parties will attempt to mutually agree on a mediator from the list provided, but if they cannot agree, each party shall select one (1) name. The two selected shall select a third person. The dispute shall be heard by a panel of three (3) mediators and any common costs of mediation shall be borne equally by the parties who shall each bear their own costs and fees therefor. If the issue is resolved at this step, a written determination of such resolution shall be signed by each Manager and approved by the governing bodies.

Step Three (Legal Action). After exhaustion of the preceding processes, if the parties agree, any dispute or claim shall be settled by arbitration under the jurisdiction of the Circuit Court of the State of Oregon for Clackamas County pursuant to ORS Chapter 36 or by arbitration provided by the Department of Land Conservation and Development, at the election of the party charged with the default. In the absence of such an agreement, that same court shall have jurisdiction over any dispute.

10. **Applicable Law.** This agreement shall be construed and enforced in accordance with the laws of the State of Oregon.

11. **Attorneys' Fees.** In the event any legal action or proceeding is commenced to construe or enforce a provision of this Agreement, the losing party, as determined by the judge, shall pay the prevailing Party's reasonable attorneys' fees, paralegal fees, expert fees and costs as determined by the judge at trial, or upon any appeal, petition or arbitration, or any combination of the foregoing.

12. **Nonwaiver.** Failure by any party in time to require performance by any other party or parties of any of the provisions hereof shall in no way affect such party's rights to enforce the same, nor shall any waiver by any party or parties of any breach of this agreement be held to be a waiver of any succeeding breach or a waiver of this Agreement.

13. **Binding Effect.** The covenants, conditions, and terms of this agreement shall extend to, be binding upon, and inure to the benefit of any personal representatives, successors, and assigns of the parties hereto.

14. **Severability.** In case any one or more of the provisions contained in this agreement shall be invalid, illegal, or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions shall remain.

15. **Notices.** Any notice herein required or permitted to be given, shall be given in writing and shall be effective when actually received and may be given by hand delivery or by United States mail, first class postage prepaid, addressed to the parties as follows:

FOR OREGON CITY:

City of Oregon City

Attention: City Manager

320 Warner Milne Road

Oregon City, Oregon 97045

FOR CLACKAMAS RIVER WATER:

Clackamas River Water

Attention: General Manager

16770 SE 82nd Drive, Suite 100

P.O. Box 2439

Clackamas, Oregon 97015

IT IS SO AGREED:

FOR OREGON CITY by and through its
officials:

By:

John F. Williams, Jr.
John F. Williams, Jr., Mayor

By:

Paul E. Rogers
Paul Rogers, President

Date:

Feb. 2, 2000

Date:

2-8-00

By:

Leilani Bronson-Crelly
Leilani Bronson-Crelly, City Recorder

By:

Lowell Hanna
Lowell Hanna, Secretary

Nancy Ide

STATE OF OREGON)

COUNTY OF CLACKAMAS) ss

I, Leilani Bronson-Crelly, City recorder of the City of Oregon City do

hereby certify that the foregoing copy of the cooperative

Intergovernmental Agreement between

Clackamas River Water and the City of Oregon City,

has been by me compared with the original and that it is a
correct transcript therefrom, and the whole of such original, as
the name appears on file and of record in my office and in my
care and custody. IN TESTIMONY WHEREOF I have hereunto
set my hand this 3rd day of January, 20 00

Nancy Ide
City Recorder

From: [Aleta Froman-Goodrich](#)
To: [Pete Walter](#)
Cc: [Matthew Palmer](#); [Wendy Marshall](#)
Subject: AN 16-01 Annexation CRW IGA Question - RE: Notice of Annexation Public Hearing - AN 16-01
Date: Monday, June 06, 2016 2:06:32 PM
Attachments: [image001.png](#)
[2000 OC CRW IGA South End 2-2-2000.pdf](#)

Hello Pete,

Following up on your question about current IGAs with CRW in the South End Rd area.

The attached 2000 OC-CRW IGA for South End Road is effective for 20 years from execution. IGA was executed in the year 2000, therefore the IGA is effective through 2020.

Thanks,
Aleta

From: Pete Walter
Sent: Friday, June 3, 2016 10:38 AM
To: Aleta Froman-Goodrich; baldwinb@tri-met.org; 'Betty Johnson'; Bob George; 'Boll, Heather'; Boumann, Mike; BRUMLEY Seth A; Central Point/Leland Road CPO; Central Point/Leland Road CPO 2; Chris Wadsworth; Dawn Hickson; ddehart@onemain.com; Denise Conrad; Eric Underwood; Gail Curtis (region1devrevapplications@odot.state.or.us); Ginger.Redlinger@orecity.k12.or.us; Grant O'Connell (o'connelg@trimet.org); Hamlet of Beaver Creek; Holcomb Outlook CPO; intstats@sbcglobal.net; James Band; Jeffrey Raker; Jennifer Stephen (jennifer.stephens@pgn.com); jerry.herrmann@birdlink.net; Jim Williams; John Collins; John Knapp; John M. Lewis; John Replinger (replinger-associates@comcast.net); Katie Durfee; Kent, Ken; Martin Montalvo; Matthew Palmer; Mike Boumann; Mike Roberts; Mike.Livingston@pgn.com; Neighborhood Association Chairs; ODOT Development Review (region1devrevapplications@odot.state.or.us); richard.e.craven@gmail.com; salmoclarki@stinkingdesert.com; Scott Archer; TAYAR Abraham * Avi; Tim Finlay (timfin@co.clackamas.or.us); Ugo DiLullo (ugodil@co.clackamas.or.us); Wendy Marshall; Wes Rogers, OC School District; BROOKING Joshua C
Subject: Notice of Annexation Public Hearing - AN 16-01

NOTICE OF ANNEXATION APPLICATION (SECOND NOTICE)

First Notice Mailed to all Owners within 300 feet of the Subject Property on: May 16, 2016

Second Notice Mailed to all Owners within 300 feet of the Subject Property on: June 6, 2016

COMMENT DEADLINE:	(Public Hearing Continued) On Monday, July 11, 2016, the Planning Commission will conduct a public hearing at 7:00 pm in the Commission Chambers at City Hall, 625 Center Street, Oregon City, Oregon 97045, and; On Wednesday, July 20, 2016, the City Commission will conduct a public hearing at 7:00 pm in the Commission Chambers at City Hall, 625 Center Street, Oregon City, Oregon 97045 on the following annexation application. Any interested party may testify at either or both of the public hearings or submit written testimony at the Planning Commission or City Commission hearings prior
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	to the close of the hearing.
FILE NUMBER:	AN 16-01: Annexation
APPLICANT/ OWNER:	Ron and Anastasia Wilson 19358 S. Columbine Ct, Oregon City, OR 97045
REPRESENTATIVE:	Same as Owner
REQUEST:	Annexation of approximately 0.46 acres into the City of Oregon City. The site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of LR – Low Density Residential.
WEBPAGE:	http://www.orcity.org/planning/project/16-0001
LOCATION:	19358 S. Columbine Ct, Oregon City, OR 97045 Clackamas County APN 3-1E-12AC-03700
STAFF CONTACT:	Pete Walter, AICP, Associate Planner, (503) 496-1568. Email: pwalter@orcity.org
NEIGHBORHOOD ASSOCIATION:	Hazel Grove / Westling Farms (South End) N.A.
CRITERIA:	Metro Code 3.09, Oregon City Municipal Code Title 14 and Subsection 17.68.025, the Land Use Chapter of the Clackamas County Comprehensive Plan, the City/County Urban Growth Boundary Management Agreement and Sections 11 and 14 of the Oregon City Comprehensive Plan.

The applicant and all documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 221 Molalla Avenue, Oregon City, Oregon 97045, from 8:30am to 3:30pm Monday thru Friday. The staff report, with all the applicable approval criteria, will also be available for inspection 7 days prior to the hearing. Copies of these materials may be obtained for a reasonable cost in advance.

Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the Planning Commission hearing, in person or by letter, with sufficient specificity to afford the Planning Commission and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. The Planning Commission shall make a recommendation to the City Commission as to whether the application has or has not complied with the factors set forth in section 14.04.060 of the Oregon City Municipal Code. The City Commission shall only set for an election annexations consistent with a positive balance of the annexation factors.



Pete Walter, AICP, Planner
pwalter@orcity.org
Community Development Department
Planning Division
 221 Molalla Avenue, Ste. 200
 Oregon City, Oregon 97045
 503-496-1568 Direct
 503-722-3789 Front Desk
 503-722-3880 Fax
Website: www.orcity.org
New Hours(Sept 2): 8:30 AM – 3:30 PM, M-F



Need Zoning and other Tax Lot Information? - [Generate a Property Report](#)

Online Mapping is available at [OCWebMaps](#)



Please consider the environment before printing

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.



Date: May 5, 2014 **SENT VIA EMAIL**

To: Pete Walter
City of Oregon City

From: Betty Johnson, Engineering Associate
Clackamas River Water

Subject: Completeness Review: **File:** PA 14-14

Applicant: Ron Wilson
19358 S Columbine Ct
Oregon City, Oregon 97045

Site Address: 19538 S Columbine Ct, Oregon City, Oregon 97045

Legal Description: 31E12AC03700

Completeness Review Comments:

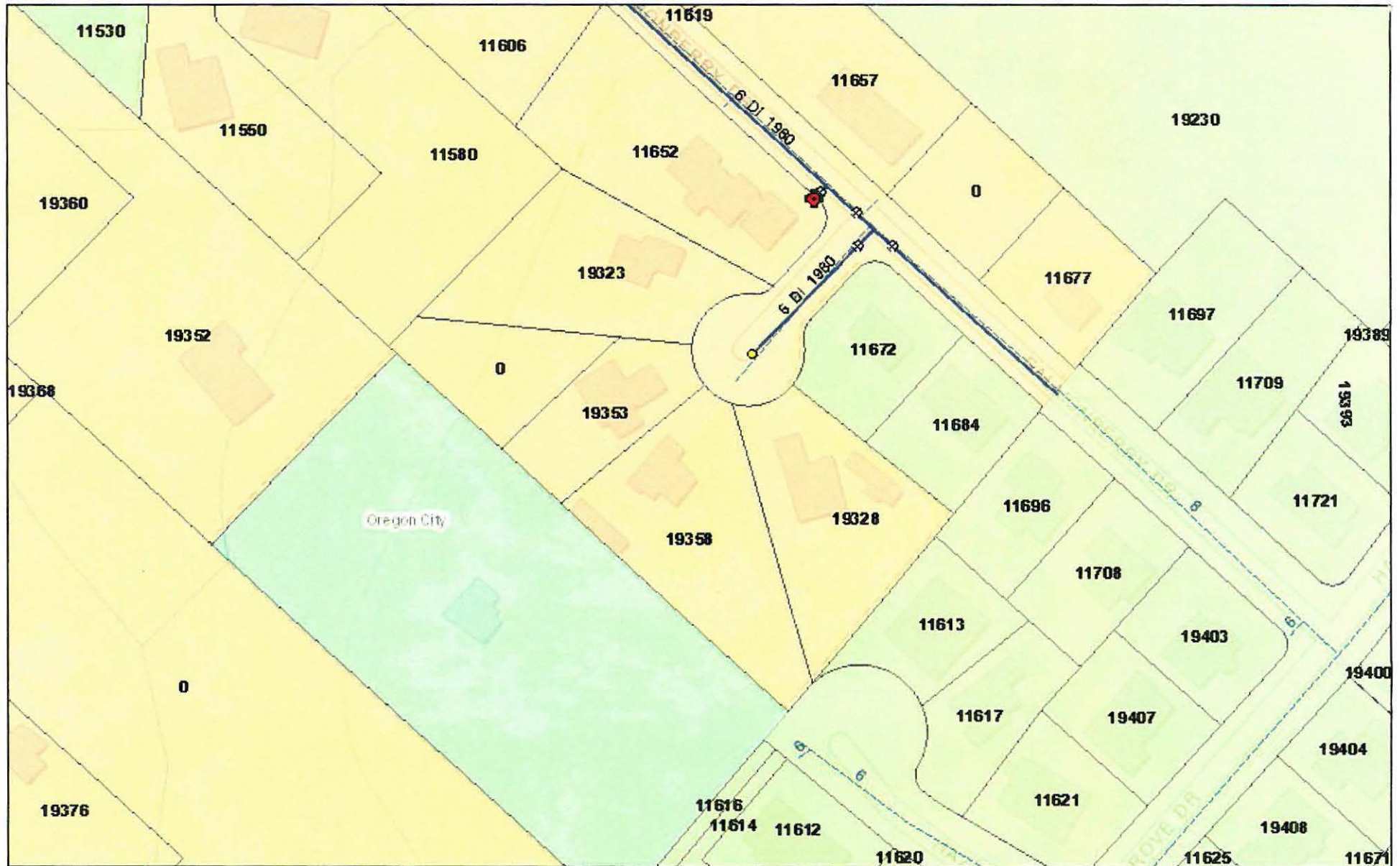
1. The tax lot in question is currently a CRW water customer. The existing waterline in S Columbine Ct is a CRW 6-inch ductile iron waterline and currently serves the property.
2. It is recommended that the property continue to be served by CRW per the South End Cooperative Intergovernmental Agreement.
3. CRW request that the lot not be withdrawn from the CRW Service Boundary.

CRW has no objections to this application, however these comments are introductory and may change based on the preliminary/final design.





For further information regarding application please contact Betty Johnson, 503-723-2571.

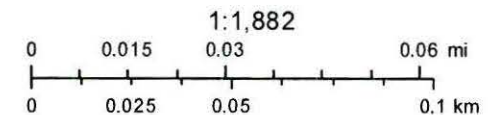
cc: Applicant
file

19358 S Columbine Ct - PA 14-14



April 24, 2014

-  Hydrants - 1:50,000
-  Waterlines
-  Valves - 1:24,000
-  Blowoffs - 1:24,000



Sources: Esri, DeLorme, HERE, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL



City of Oregon City

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

Staff Report

File Number: 16-514

Agenda Date: 9/21/2016

Status: Agenda Ready

To: City Commission

Agenda #: 7b.

From: Public Works Director John Lewis

File Type: Resolution

SUBJECT:

Resolution No. 16-29 Authorizing the Nomination of the Molalla Avenue Project for the Metro Regional Flexible Fund Allocation Program

RECOMMENDED ACTION (Motion):

Adopt Resolution No. 16-29 authorizing the Nomination of the Molalla Avenue project for the Metro Regional Flexible Fund Allocation Program.

BACKGROUND:

Every three years the Joint Policy Advisory Committee on Transportation (JPACT) and Metro Council decide how to spend federal transportation money known locally as the Regional Flexible Funds. This process allocates money both to region-wide investments that make communities more livable and give people choices in how they travel, and to individual projects planned and built by local transportation agencies.

Metro solicited project nominations from local agencies for the 2019-21 Regional Flexible Fund Allocation (RFFA). Approximately \$25.81 million has been allocated to design and construct active transportation and complete street projects within the Metro region. Active transportation projects include projects that improve facilities for bicycles, pedestrians and transit. Eligible applicants include Washington County and its cities, Clackamas County and its cities, Multnomah County and its eastern cities, the City of Portland, Oregon DEQ, TriMet, ODOT, Port of Portland and Recreation Districts.

After review of the application criteria, Oregon City staff identified the Molalla Avenue project as the most fitting project candidate for the RFFA funds. Molalla Avenue is a key corridor for all travel modes connecting the Oregon City Regional Center with Clackamas Community College and Clackamas County Red Soils Campus; as well as connecting the residential areas on the west side to the commercial areas on the north & east sides. Currently, the corridor is uncomfortable, unwelcoming and unaccommodating for those walking, biking or accessing transit. With some of the highest population and employment densities in Oregon City adjacent to the Molalla Avenue corridor, we would like to encourage non-auto modes by creating a right of way that better accommodates all users. The project would include continuous bike lanes along the entire corridor; 10 foot wide continuous ADA compliant sidewalks, street trees and pedestrian level street lighting along the west side of this developed corridor; ADA compliant ramps along both the east & west sides of the corridor; transit amenities along both sides of the corridor; street furnishings; improved access

management; and more convenient and safer street crossings. With these items lacking, Molalla Avenue currently functions as a barrier to pedestrian, bicycle and transit users.

RFFA project nomination proposals were due August 26, 2016. Proposals will be scored and evaluated by the Transportation Policy Alternatives Committee (TPAC) work group in September, and a recommendation of TPAC will be presented to JPACT. Public comment will be accepted for the list of projects submitted, including their technical evaluative scores during the month of October. Metro Council is expected to approve the final project list on January 26, 2017.

There are no current year budget impacts associated with applying for RFFA funds other than staff overhead to prepare and present the project proposal. If the Project is awarded RFFA funds, the City would include our match funds beginning in the 2017-2019 biennial budget. The City's Molalla Avenue project proposal includes a total project cost estimate of \$7,985,379.00 and the City is proposing a \$4 million dollar match using a combination of funding sources including transportation (driving/bike/pedestrian) SDC funds, fuel tax revenues, and pavement maintenance utility funds. The current plan if awarded the grant would be that annual allocations to help support the grant match will be set aside for budget years 2017, 2018, 2019, and 2020.

BUDGET IMPACT:

Amount:

FY(s):

Funding Source:

RESOLUTION NO. 16-29

**A RESOLUTION AUTHORIZING THE NOMINATION OF THE MOLALLA AVENUE CORRIDOR
PROJECT FOR THE METRO REGIONAL FLEXIBLE FUND ALLOCATION PROGRAM**

WHEREAS, Metro is soliciting projects for the Region Flexible Fund Allocation (RFFA) program through the 2019-2021 Metropolitan Transportation Improvement Program (MTIP); and

WHEREAS, \$25.81 million of the available funding for the region has been designated for active transportation and complete streets; and

WHEREAS, design and construction of the Molalla Avenue project is consistent with the long range City objectives as set forth in the Transportation System Plan; and

WHEREAS, the project will improve the safety of the Molalla Avenue corridor for pedestrians and bicyclists, and vehicles; and

WHEREAS, the City desires to participate in the program and will commit to provide the indicated match should the project be awarded the requested grant funds; and

WHEREAS, the City has submitted an application for Molalla Avenue as the submission deadline was August 26, 2016; and

WHEREAS, the lead agency policy body support of the project is due prior to beginning of public comment period, beginning October 1, 2016.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1: Staff is authorized to submit to Metro an application for Regional Flexible Funding for design and construction of the Molalla Avenue Project in response to Metro's solicitation for projects for the 2019-2021 Metropolitan Transportation Improvement Program.

Section 2: This resolution becomes effective upon adoption.

Approved and adopted at a regular meeting of the City Commission held on the 21st day of September 2016.

DAN HOLLADAY, Mayor

Attested to this 21st day of September 2016:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney



Active Transportation & Complete Streets Projects

Name of Project Molalla Avenue: Beaver Creek Road to Hwy 213

(project name will be adjusted to comply with ODOT naming convention if necessary)

Project application

The project application provides in depth process, location and project definition details and serves as the nomination form for project funding consideration. **Project applications should be kept to 12 pages total per project.** The application form is available electronically at: <http://www.oregonmetro.gov/rffa>. Please complete the following:

Project Definition

Project Description

- Facility or area: street(s), intersection(s), path or area. Molalla Avenue
- Beginning facility or milepost. Beaver Creek Road
- Ending facility or milepost. Hwy 213
- Provide a brief description of the project elements.

Molalla Avenue is a key corridor for all travel modes connecting the Oregon City Regional Center with Clackamas Community College and Clackamas County Red Soils Campus; as well as connecting the residential areas on the west side to the commercial areas on the north & east sides. Currently, the corridor is uncomfortable, unwelcoming and unaccommodating for those walking, biking or accessing transit. With some of the highest population and employment densities in Oregon City adjacent to the Molalla Avenue corridor, we would like to encourage non-auto modes by creating a right of way that better accommodates all users. The project would include continuous bike lanes along the entire corridor; 10 foot wide continuous ADA compliant sidewalks, street trees and pedestrian level street lighting along the west side of this developed corridor; ADA compliant ramps along both the east & west sides of the corridor; transit amenities along both sides of the corridor; street furnishings; improved access management; and more convenient and safer street crossings. With these items lacking, Molalla Avenue currently functions as a barrier to pedestrian, bicycle and transit users.

- City (ies). Oregon City
- County (ies). Clackamas County

Base project information

- Corresponding RTP project number(s) for the nominated project.
10125: Molalla Avenue Streetscape Improvements Phase 4 addresses a gap including widening sidewalks, sidewalk infill, ADA accessibility, bike lanes, reconfigure travel lanes, and add bus stop amenities.
10121: Molalla Avenue Frequent Bus Service relieves congestion including improve sidewalks, lighting, crossings, bus shelters & benches.
- Attach a completed Public Engagement and Non-discrimination checklist (Appendix A).

- Purpose and need statement (The purpose and need statement should address the criteria as they apply to the project, for example: increase non-auto trip access to essential services in the X town center, particularly for the high concentration of Y and Z populations in the project area).

Molalla Avenue is a key route for all travel modes providing connections between the essential services along the Molalla Avenue corridor. The east side of the Molalla Avenue corridor includes commercial development where much of Oregon City's services are provided. Fred Meyer, Goodwill, Bi-Mart, U.S. Post Office, fast food restaurants and several banks are just examples of the service providers that reside on the east side of Molalla Avenue. Across the street to the west are 90 acres of high to medium density residential, an elementary school, seven multifamily residential developments and assisted living facilities, plus a 189 unit mobile home park. Clackamas Community College and its over 11,000 students at the Oregon City campus to the southeast and the County's Red Soils Campus to the northwest anchor the ends of the project area. The Oregon City Transit Center is located in the heart of our Regional Town Center in historic downtown Oregon City, and is easily accessible by transit.

Molalla Avenue from Beavercreek Road to Hwy 213 is a challenge for non-motorized users. Excessive driveways reduce the efficiency and safety of the street, sidewalk and bike lanes, coupled with few, inconvenient and unsafe street crossings, putting non-motorized users in adverse conditions. Because of this Molalla Avenue currently functions as a barrier between residential areas and essential services. Existing sidewalks are barely 5 feet wide, curb-tight and often obstructed by utility poles, traffic signals or signage, further narrowing the sidewalk to widths inaccessible to wheelchairs and strollers. Street crossing opportunities are inconveniently spaced in relation to transit stops and other mid-block service locations. Project improvements will increase pedestrian and bike traffic by addressing safety and access issues for the elderly, disabled, and families with small children, bicyclists, and low income families that don't have automobiles. They will also increase availability of services for the residential areas that include currently underserved populations. Finally, improvements to Molalla Avenue will increase non-auto trip access to essential services by completing the "last mile" connection to essential services and employment in the corridor. The Clackamas County Red Soils Campus is home to nearly all the County's offices and services. The high employment provided by the Red Soils Campus and other employers in the area, combined with the mix of commercial uses, makes this a good location for active transportation investments.

- Attach a completed Active Transportation Design checklist (Appendix C).
- Description of post implementation measurement of project effectiveness (Metro staff is available to help design measurement methodologies for post-construction project criteria performance). The City will work with TriMet to review ridership both before and after improvements are complete. Pedestrian and bicycle counts will be gathered at key intersections to demonstrate an increase in bike and pedestrian travel throughout the project area. We will gather and compare crash data to show a decrease in crashes overall, specifically, between pedestrians and freight. Additionally, a neighborhood & business survey will be conducted before and after the improvements are constructed to get feedback from the local community.

Project Cost and Funding Request Summary

- Attach a completed Cost Methodology workbook (Appendix E) or alternative cost methodology. Describe how the project cost estimate was determined, including details on project readiness and ability for project funding to be obligated within the 2019-21 timeframe. Reference availability of local match funds, status of project development relative to the requirements of federal-aid projects, and indicators of political and community support. The project cost estimate was determined based on a review of the existing corridor for right of way width and for improvements needed to create a safe and comfortable corridor encouraging active

transportation modes. Oregon City prepares a biennial budget and would commence allocating the local match funds beginning in the 2017-2019 Biennial Budget. In the previous RFFA funding cycle the Molalla Avenue project was well supported by the community, and received many comments that the improvements would be appreciated and valued by the public.

- Total project cost (Include and describe any cost elements beyond those funded by the request + match):
\$7,985,379
- RFFA funding request by project phase:
(e.g. Project Development, P.E., Environmental, ROW acquisition, Construction)
Preliminary Engineering: \$1,401,389
ROW: \$521,023
Construction: \$6,062,967
- Local match or other funds (minimum match = 10.27% of funds requested + match): \$4,000,000

Map of project area

- Provide a map of the project consistent with GIS shapefile standards found in Appendix B

Project sponsor agency

- Contact information (phone # & email) for:
- Application lead staff: John Lewis, 503-496-1545 jmlewis@orccity.org
- Project Manager (or assigning manager): Aleta Froman-Goodrich, 503-496-1570 afroman-goodrich@orccity.org
- Project Engineer (or assigning manager): Dayna Webb, 503-974-5508 dwebb@orccity.org
- *Describe the agencies record in delivering federal aid transportation projects on time and budget or whether the lead agency has failed to deliver a federal aid transportation project and if so, why.* The City of Oregon City public works department has an excellent track record of delivering successful federal aid transportation projects. The projects include:
 - 2006 to 2010 McLoughlin Blvd. Phase 1 – Project Cost: \$10 million
Federal-aid \$4.5 million, State STIP \$2.4 million, City local funds \$3.1 million
 - 2009 to 2010 McLoughlin Promenade – Project Cost: \$1.5 million
ARRA \$1.4 million, City local funds \$0.1 million
 - 2009 to 2011 Warner Milne – Project Cost: \$3.1 million
ARRA \$0.9 million, City local funds \$2.2 million
 - 2011 to 2013 Main Street 5th -10th Street – Total Cost: \$4 million
Federal-aid \$2.7 million, City local funds \$1.3 million
 - 2009 to 2013 Jughandle Project – Project Cost: \$26.8 million
Federal-aid \$2.5 million, 2009 Oregon JTA \$22 million, City local funds \$2.3 million
 - 2013 to 2015 McLoughlin Blvd. Phase 2 – Project Cost: \$4.5 million
MTIP \$3.4 million, State Stormwater \$0.24 million, City local funds \$0.9 million

The City of Oregon City delivered the six (6) federal aid transportation projects listed above on time and budget within the past 10 years. The City's success in delivering these projects included assigning the projects to one of the City of Oregon City Public Works Engineering Group's registered professional engineers. The project engineer managed the agreements, project prospectus, scoping and planning, design and construction phases, budget and schedule to deliver the projects successfully, including the federal aid project close-out.

- *Describe how the agency currently has the technical, administrative and budget capacity to deliver the project, with an emphasis on accounting for the process and requirements of federal aid transportation projects.*

The City of Oregon City Public Works Engineering Group has five (5) registered professional engineers. The federal aid projects are assigned to one of the project engineers that specializes in transportation projects and has received ODOT training specifically for “Local Agency Federal-Aid Project Delivery”. This engineer will oversee the project planning and federal aid grant application process. When the City is successful in obtaining the federal aid transportation grant, then the project engineer will manage all aspects of the project from the scoping and prospectus, through the design and construction phase, monitoring the budget and schedule to the final completion and successful delivery of the project, including the federal aid project close-out. With one transportation project engineer that oversees all aspects of the federal aid project, this ensures consistency and good project administration and management, with good oversight of the budget and schedule to deliver the project successfully.

The City of Oregon City has identified specific transportation capital improvement projects in the City’s Transportation System Plan for funding through the City’s Transportation Capital Improvement Program. The City allocates transportation funds to these projects through biennial budgets, including allocations of potential grant matching funds in anticipation of federal-aid projects. The City’s Finance Department assists the Public Works Engineering Group with 6-month audits of projects to ensure that funding and budgets are on target as allocated. The City’s Public Works Director and City Engineer have also received training on the process for “Local Agency Project Delivery” of federal-aid transportation projects and the City Engineer delivered 4 of the 6 projects listed above.

Highest priority criteria

1. *What communities will the proposed project serve? What are the estimated totals of low-income, low-English proficiency, non-white, elderly and young, and persons with disabilities populations that will benefit from this project, and how will they benefit?*

The Oregon City School District has three schools which serve the project area: Gaffney Lane Elementary with 584 students (located on Gaffney Lane, to the west of Molalla Avenue) which is a Title 1 designated school, Gardiner Middle School with 779 students (located northwest of the project) and Oregon City High School (located southeast of the project) with 2,137 students.

The Clackamas Community College Oregon City Campus is located at the southeast end of the Molalla Avenue Corridor, just across Hwy 213, with over 11,000 students utilizing this facility.

ACS Census data referenced is from 2010-2015.

Low Income: Of the students within the project area schools 41.69% at Gaffney Lane Elementary, 43.5% at Gardiner Middle School, and 38% at Oregon City High School are eligible to receive free/reduced lunches. ACS Census data shows that 13.1% of Oregon City is considered persons in poverty, which is higher than Clackamas County at 9.5% and Washington County at 12.5%. TriMet’s Title VI Report 2013 identifies the area along the Molalla Avenue corridor as low-income population greater than or equal to the average for their district.

Taking into account the immediate project area is served by a Title 1 elementary school, Census data shows a higher % of poverty in Oregon City than Clackamas County & Washington County, and TriMet identifies the corridor as greater than the average low income for their district clearly shows the Molalla Avenue corridor has a higher than average relative population of low-income families.

Non-white: The Oregon City School District schools which serve this area are Gaffney Lane Elementary (18.5% ethnic minority), Gardiner Middle School (26.3% ethnic minority) and Oregon City High School (21.3% ethnic minority).

Clackamas Community College's *Clackamas at a Glance* document identifies in the 2014-2015 enrollment statistics that 23% of the student body identifies as racial/ethnic known minorities. Although these students may not reside in the immediate area, they are repeatedly in the area utilizing services in the Molalla Avenue corridor.

Elderly & Young: ACS data shows that Oregon City has 25.5% under 18 years old, which is greater than Clackamas County at 23.7%, Multnomah County at 20.5% & Oregon at 22.6%. With a higher than average youth population, we are offered the ability to create an environment where selecting walking, biking and non-auto modes of transportation can become a way of life by proving our youth with safe choices as they travel to and from school, work and commercial destinations.

The Oregon City Pioneer Adult Community Center Meals on Wheels Coordinator reports there are five routes in the Molalla Avenue corridor that serve daily meals to seniors. Many of the seniors in this area are low-income and dependent on State and County programs such as food benefits and rental assistance. They serve about 1,000 meals per month in that area due to the inability of these residents to access grocery and nutrition services.

Numerous elderly services are located nearby the Molalla Avenue corridor, which means that even though Oregon City may not have a higher than average permanent elderly population, we experience a higher than average population influx of elderly accessing services in the corridor daily at both the Clackamas County Red Soils Campus (north and west of the corridor) and at the Social Security Administration offices (just north of the corridor off Molalla Avenue). These people may not reside here, but they are visiting the corridor, and need to be able to easily & safely get around. These services include information and resources about long-term support, in-home care, long term care planning, how to arrange for home delivered meals, how to apply for Medicaid, transportation assistance, money management program and much more.

Disability: ACS Census data shows that 9.6% of Oregon City identified as a person with a disability under age 65. This is higher than Clackamas County at 8.0%, Multnomah County at 9.4% & Washington County at 6.9%. Various disability services are available nearby through Clackamas County's social services, these include housing assistance, energy assistance, transportation assistance, as well as behavioral health services & developmental disability services. People with disabilities are coming to the area, seeking assistance with disability services. Although these people may not reside here, because of the services available to them in the corridor, they are often in the area. The Metro Equity Analysis – Disability map shows that there is an above average concentration of LIFT Paratransit events in the corridor and that several stops in the Molalla Avenue Corridor experience 16+ monthly bus ramp deployments. Spring 2016 ridership numbers from TriMet show that the Molalla Avenue/Gaffney Lane stop experiences 68 monthly ramp deployments.

Oregon City has a higher percentage of people under 65 years old identifying as disabled than each of the 3 metro area counties, numerous Clackamas County social services located in the area and a higher than average LIFT events, as well as several stops in the Molalla Avenue corridor that experience 16+ monthly bus ramp deployments. Based on this, the Molalla Avenue corridor is actively used by mobility disadvantaged populations as well as disabled populations, and desperately needs to provide a safe, secure experience for those needing to get around.

The Molalla Avenue project area will serve a higher than average number of historically underserved populations including low-income, non-white, elderly & young, as well as persons with disabilities. The project will assist them by removing barriers to safely traveling the corridor and providing safe, continuous ADA accessible sidewalks with adequate lighting and pedestrian actuated mid-block

crossings. With these amenities, pedestrian, bicycle and non-auto travelers can safely and comfortably move between their neighborhoods, places of employment, commercial services, social services, and the essential services they require.

2. *What safety problem does the proposed project address in an area(s) with higher-than-average levels of fatal and severe crashes? How does the proposed project make people feel safer in an area with high walking and bicycling demand by removing vehicle conflicts?*

The Metro provided crash data for all crashes 2007-2013 indicates that the intersections of Molalla Avenue/Beavercreek Road and Molalla Avenue/Hwy 213 are both areas of significant vehicular accidents. Additionally, these areas are also prone to bicycle & pedestrian crashes, as is the intersection of Molalla Avenue/Gaffney Lane. Oregon City's 2014 crash data also shows additional crashes along Molalla Avenue at both Gaffney Lane & Clairmont Way, where updated signal controls are proposed, and at Char Diaz Drive & Garden Meadow Drive where pedestrian actuated crossings are proposed.

Overall, Oregon City experiences a much higher city-wide accident and injury rate per capita than any of its neighboring cities. According to ODOT's 2014 Oregon Traffic Crash Summary (and using certified 2014 population estimates available from PSU), Oregon City has an overall crash rate of 1.79% per capita followed in order by Gladstone (1.48%), Wilsonville (1.02%), Happy Valley (.98%), Milwaukie (.92%), West Linn (.86%) and Lake Oswego (.85%). Oregon City is tied with Happy Valley for the most fatalities per capita at .012% (Fatalities: 4 – Oregon City; 2 – Happy Valley) with Gladstone being the only other city with a fatality. As for injuries, Oregon City has the highest overall accident injury rate of 1.2% per capita followed in order of worst to best by Gladstone, Happy Valley, Wilsonville, West Linn, Milwaukie and Lake Oswego. This ODOT data also identifies Molalla Avenue & Gaffney as ranking 20th in the city for highest number of crashes.

The Molalla Avenue corridor experiences a large number of vehicle crashes, which would be alleviated with better pedestrian crossings, street lighting & more consistent lane widths. From Beavercreek Road to Hwy 213, Molalla Avenue is approximately 4,500 lf and currently includes only 6 marked crossing opportunities. The project would increase safety for pedestrians and bicyclists wanting to cross Molalla Avenue by providing marked, pedestrian activated crossings as close to 530 feet intervals along the corridor, as safety allows. Mid-block pedestrian activated crossings are planned to be installed at high-demand locations, such as near transit stops. Lengthy segments of sidewalk are missing, existing sidewalks are narrow and obstructed, driveway access is excessive and unmanageable, lighting is poor, and travel lane widths are wide and inconsistent. Most pedestrian ramps do not comply with current ADA standards, and the existing intersection signalization is outdated and will be upgraded to meet today's standards. Lane configurations will be modified through striping, and median treatments added resulting in efficient and safer travel ways. Throughout the project, 6 foot bike lanes will be striped, and signage and bicycle signal detection added. Sidewalks will be 10 feet wide with improved provisions at transit stops and crossing locations. Two intersections, Molalla Avenue/Clairmont Way and Molalla Avenue/Gaffney Lane, would be reconstructed with updated signalization meeting today's standards and three mid-block crossing facilities, including pedestrian activated flashing beacons, signage and center median pedestrian refuges would be constructed.

There are many conflicts between freight and active transportation in this corridor. Within the project area there exists a high level of freight traffic daily with industrial uses off Fir Street and commercial uses along both sides of the corridor. This mixed with medium/high density residential uses on the west side of the corridor, creates a corridor that projects a treacherous feeling. The proposed project design elements will reduce the number of conflicts through access management. We have identified a number of driveways that could be closed, narrowed or combined with others,

reducing the potential for conflict. Lane configurations will be modified through striping, and landscaped median treatments installed resulting in more efficient and safe use of the travel lanes.

Oregon City periodically does traffic counts throughout the city (2014, 2011 & 2008), which includes bicycle counts. The number of bicycles along the Molalla Avenue Corridor has decreased over time, presumably from bicyclists not feeling safe traveling on the roadway. With the addition of pedestrian level street lighting, wider more comfortable sidewalks and amenities such as street trees providing a safer feeling sidewalk, it is expected that the volume of pedestrians and bicycles will increase.

3. *What priority destinations will the proposed project will serve? How will the proposed project improve access to these destinations?*

Six priority destinations exist in and around the Molalla Avenue corridor. These destinations range from grocery stores to public service buildings, and provide education, government services and everyday commerce.

Improving accessibility to the **Clackamas County Red Soils Campus** not only provides better connections to a large employment area but also an area that provides essential health & social services for historically underserved communities. **Clackamas Community College**, also a large employment area, provides not only access to higher education with transfer degrees & technical programs, but also community education, GED and adult diplomas. Residents looking for grocery, banking, cinema, retailers, and food services, can find what they need at the **Hilltop Shopping Center**, a 22 acre commercial development. The Metro Active Transportation Plan Regional Destinations include the **Molalla Avenue Corridor Employment Lands** that currently provide nearly 10,000 jobs and are anticipated to add an additional 2,250 jobs by 2040. The **Oregon City Transit Center**, located downtown in our **Regional Center**, is accessible via a short bus ride from the Molalla Avenue corridor. Operations at the Transit Center include 428 bus arrivals and departures each weekday, with over 15,000 weekly passenger boardings and deboardings. From the Oregon City Transit Center you can easily reach destinations such as Clackamas Town Center, Portland City Center, Clackamas Community College, University of Portland, Canby Area Transit, MAX Orange Line, and West Linn, Gladstone, Milwaukie, SE Portland, North Portland, and Canby from the 7 TriMet lines and Canby Area Transit services provided at the Transit Center.

The Metro Equity Analysis shows barriers to non-auto travel and points to below average proximity to sidewalks, transit facilities, and active transportation along the Molalla Avenue corridor. This project would provide continuous, accessible sidewalks for underserved communities, residents, and families walking with small children and strollers and those visiting the area for specialty services. In doing so it provides seamless connections, north and south, between the adjacent neighborhoods, transit services, and local services such as grocery, post office, education, faith organizations, and medical/dental services. By removing the barriers to non-auto travel we are creating the ability to safely & comfortably walk to priority destinations in the Molalla Avenue corridor.

4. *How will the proposed project support the existing and planned housing/employment densities in the project area?*

This project is part of an overall streetscape plan for the Molalla Avenue corridor. Completion of this project will result in a boulevard that extends from Clackamas Community College, through the hilltop region of Oregon City and into the downtown area, thereby connecting residents from previously disjointed areas, creating a greater sense of community and providing a direct link to our Regional Center in downtown Oregon City.

In November 2014 voters approved a \$90 million bond measure for Clackamas Community College. With this funding they will construct an Industrial Technical Center, DeJardin Science Addition, Student Services & Community Commons Building, and general facilities and campus upgrades.

These will expand facilities in manufacturing, machining, technology programs and career technical education programs, as well as for Biology, Chemistry and other STEM programs.

The Clackamas County Red Soils Campus is a 68 acre site, with a Master Plan that identifies approximately 1,120,852 square feet of development on the site. The Red Soils Campus Master Plan envisions a 20-year build-out period with completion by 2030. A number of buildings were completed as part of Phase 1, and additional building & services are proposed for the future.

The Oregon City TSP shows an increase of 500-1,000 jobs are expected in the industrial area off of Fir Street, and an increase of 1,000+ jobs to the east in the Beavercreek Road Concept Plan area. Oregon City also anticipates 1,000+ jobs in our Regional Center, easily accessible via transit from the Molalla Avenue corridor. The highest density of Oregon City's existing employment is focused in the Red Soils Campus area and along the Molalla Avenue Corridor. The 2040 Employment Forecast shows nearly 10,000 existing jobs along the Molalla Avenue Corridor, with a projection of an additional 2,250 jobs by 2040. This area includes the Fir Street Industrial area, shown as one of the areas with the highest increase in employment which includes an increase of nearly 1,000 jobs in that area alone.

ACS Census data shows the percent population change between 2010 and 2015 for Oregon City was 9.8%, this percent increase is higher than each of the metro area county's growth percentages (Clackamas 6.8%, Multnomah 7.5%, and Washington 8.4%). Oregon City has seen high growth rates recently and expects to continue to see growth in the coming years based on the number of land use inquiries and applications that are being reviewed and building permits issued. Additionally, the Oregon City TSP anticipates over 1,000 new households in the residential areas to the west of the Molalla Avenue Corridor.

Higher priority criteria

5. *How does the proposed project complete a gap or improve a deficiency in the Regional Active Transportation network? (See Appendix 1 of the Regional ATP: Network Completion, Gaps and Deficiencies).*

The Molalla Avenue corridor is identified as both a Pedestrian Parkway & Regional Bikeway in the Regional Active Transportation Plan (ATP). The ATP also identifies Molalla Avenue as one of the project investment areas that by 2035 and upon completion of improvements, will have increased access to destinations within a 1 mile walk. Appendix 1 of the ATP identifies Molalla Avenue as P26, on the pedestrian network, with RTP projects 10121 (Oregon City) OC transit center to CCC – improve access to transit & 10125 (Oregon City) Molalla Avenue: Beavercreek to Hwy 213, Phase 4 streetscape improvements.

The Oregon City TSP identifies the project as W74 Molalla Avenue Streetscape Improvements, Phase 4 and W34 Molalla Avenue Sidewalk Infill, to address the areas in the corridor where no sidewalk currently exists.

With the addition of safe, ADA compliant and comfortable sidewalks this project will complete Molalla Avenue as the Pedestrian Parkway the ATP envisioned it to be, thereby removing pedestrian's concerns for their safety and providing pedestrians safe locations to cross Molalla Avenue.

6. *What design elements of the proposed project will lead to increased use of Active Transportation modes by providing a good user experience/increasing user comfort? What barriers will be eliminated or mitigated?*

This project includes many design elements that will enhance the user experience and increase user comfort, thereby increasing non-auto trips. The design elements included in the project are:

Pedestrian Design Elements:

- **Add sidewalk:** Three sections (~1,315 lf) on the west side of the corridor currently lack sidewalks completely, those areas will be provide 10' sidewalks with street trees & pedestrian level lighting.
- **Add width to provide 10 foot sidewalks & provide a sidewalk clear zone of 6 or more feet:** The existing sidewalk on the west side that is only 5 feet wide (~ 2,700 lf) and not ADA accessible as it has many obstructions in the sidewalk including street signs, power poles and bus stop signs, will be widened to 10 feet.
- **Remove obstructions from primary pedestrian way or add missing curb ramps:** By widening the sidewalk we can remove the obstructions from the clear pedestrian zone and place them in the furnishing zone with the street trees and street lighting.
- **Raised pedestrian refuge median, including Rectangular Rapid Flashing Beacons (RRFB's):** The project is proposing 3 new raised pedestrian refuges with RRFB's, located at Adrian Way, Garden Meadow Drive and Char Diaz Drive. These are generally spaced within the 530 foot guideline, except at the south end of the project, as the sight distance around the horizontal curve creates safety concerns.
- **Lighting:** 4,015 lf of pedestrian scale lighting will be provided along the west side of the corridor.
- **Countdown heads & shortened cycle lengths:** Providing countdown heads & shortened cycle lengths creates a more pedestrian friendly corridor.
- **Access Management:** Along the corridor there are currently locations where driveways are very wide and excessive. The project will work to clearly define driveways and also provide the appropriate number & size of driveways.
- **Arterial Traffic Calming:** Inclusion of raised medians in appropriate locations, and a gateway feature at the south end provides traffic calming.
- **Transit stop amenities:** Benches, shelters, trash receptacles and lighting.
- **Add crosswalk at transit stop:** Project includes adding RRFB's near two transit stops along the corridor.

Bicycle Design Elements:

- **Medians with crossing treatments:** By including medians limiting left turns, we provide a safer corridor bicycles, but limiting their conflicts with turning vehicles.
- **Lighting:** 4,015 lf of pedestrian scale lighting is provided along the corridor.
- **Bicycle detection:** The project proposes bicycle detection at the 2 updated traffic signals.

Other Complete Street Features:

- **Gateway Feature:** The project proposes a gateway feature at the south end of the project.
- **Street Trees:** The project includes street trees along the west side of the corridor.

This extensive list of design elements provided by the Molalla Avenue corridor project will remove the many barriers to non-auto travel in this highly used corridor by providing a safe, well-lit clear pedestrian zone & ADA accessible sidewalks; enhanced pedestrian crossings; street trees that provide a feeling of separation between pedestrians and vehicles; transit stop amenities; fewer/reduced size driveways; and medians to limit the number of conflict locations between pedestrians, bicycles & vehicles.

7. *How does the proposed project complete a so-called 'last-mile' connection between a transit stop/station and an employment area(s)?*

Within the project area we have identified several locations that lack sidewalks, biking facilities, and the ability to cross Molalla Avenue safely. Discontinuous sidewalks and narrow widths create barriers to those with wheelchairs and families with strollers and small children traveling north/south. The lack of adequate crossing sites and safety issues also create barriers for

pedestrians and bicyclists alike going east/west. The project will create a new section of "boulevard" for the community and encourage active transportation along this corridor, providing a safe alternative to both Beaver Creek and Hwy 213. By upgrading the sidewalks, transit stops and pedestrian crossings, this project completes the "last mile" for non-auto travel to Clackamas Community College (and the transit hub there), the Clackamas County Red Soils Campus and encourages increased travel to downtown Oregon City and its connections with the heart of the metro area. This project completes the "last mile" between the local neighborhoods and the services the citizens require to maintain their health, fitness, and sense of community. As these improvements are made, the safety and comfort level for non-auto traveling will increase. This increase will also enhance the neighborhoods outside of the project zone.

Clackamas Community College has received a \$1,762,950 *ConnectOregon* grant to update the Transit Center located on the campus, with a total project cost of \$2,555,000. The project will improve transit connections for Canby Area Transit, South Clackamas Transit District, and TriMet fixed route and paratransit vehicles through new designated sawtooth bus bays for safer vehicle maneuvering and passenger boarding. Pedestrians and bicycles will have improved access to transit through the new shared use path on the campus that will provide a "last mile" connection to Molalla Avenue, Oregon City High School and future industrial properties to the east & south of the campus.

Clackamas Community College has also been awarded an ODOT Transit Network Discretionary Grant for \$98,000 to build a shared use path that will complete the on-site pedestrian and bicycle network at the campus's entrance on Hwy 213, directly across from south end of the Molalla Avenue corridor project.

Additionally, Oregon City High School recently received a \$25,000 Nature in Neighborhoods grant for a CCC Shared Use Path that will significantly improve and pave an existing gravel pathway between Oregon City High School and Clackamas Community College. This will provide a safe direct connection from the High School property, through CCC to the Molalla Avenue corridor.

Priority criteria

8. *How the public will be engaged relative to the proposed project? Include description of engagement during project development and construction, as well as demand management efforts to increase public awareness and utilization of the project post-construction. (Metro Regional Travel Options staff is available to help design an effective and appropriate level of education and marketing for your project nomination).*

The City performed outreach to local residents regarding this project during the 2001 Molalla Avenue Boulevard and Bikeway Plan development, during the 2012 TSP update, and during the previous RFFA grant process. For the Molalla Avenue corridor project the City would build on the successful techniques from our Main Street Two-Way Conversion Project outreach. This includes:

- Public meetings, both formal open houses and drop-in events will be held during preliminary engineering & construction phases, including a design workshop
- Easily accessible project staff, being available by phone and email, as well as checking in regularly at the impacted business
- Periodic updates including construction notifications, and weekly construction schedules provided to adjacent property owners, residents, business owners and property managers
- Project website providing timely construction updates and photos, articles in the Oregon City Newsletter Trail News, direct mailings to impacted parties
- Accommodations for public access will be important, as will coordination with TriMet for temporary bus stop locations

- Open & regular communication with interest groups will be maintained, this includes, but is not limited to: neighborhood associations, Transportation Advisory Committee, Citizen Involvement Committee, Oregon City Business Alliance, Oregon City Chamber of Commerce
- The City would also work closely & collaboratively with other impacted agencies including ODOT, Clackamas Community College, Clackamas County, TriMet, Metro to ensure the highest quality project is delivered.

Working with the adjacent property owners prior to preliminary engineering and developing the ability to more efficiently & effectively move forward with a project that not only builds partnerships, but allows working together to create a project that benefits everyone. Providing a safe & comfortable way for non-auto travelers to utilize the corridor is a win-win for the Molalla Avenue corridor and active transportation.

9. *What additional sources of funding, and the amounts, will be leveraged by an investment of regional flexible funds in the proposed project?*

The City is committed to the success of this project and will commit funding from pavement maintenance utility fees, transportation system development charges, gas taxes and right of way fees . Oregon City prepares a biennial budget and would be able to begin allocating the local match funds beginning in the 2017-2019 Biennial Budget. Oregon City is proposing to provide a total of \$4.0 million in match funds, with an estimated project cost of \$7.98 million, thereby leveraging more than 50% of the total project cost with local funds.

If successful with this grant, the City will work with our local partners & interest groups to pursue a Metro Enhancement Grant Program to provide wayfinding signage along the corridor, thereby enhancing the art & culture within the City.

Many other recent grant awards at the south end of the project can be leveraged and compounded by this project, creating the ability to provide an even more connected, safe, comfortable active transportation network in the area:

- Clackamas Community College has received a \$1,762,950 *ConnectOregon* grant to update the Transit Center located on the campus, with a total project cost of \$2,555,000.
- Clackamas Community College has also been awarded an ODOT Transit Network Discretionary Grant for \$98,000 to build a shared use path that will complete the pedestrian and bicycle network at the campus's entrance on Hwy 213, directly across from south end of the Molalla Avenue corridor.
- Oregon City High School recently received a \$25,000 Nature in Neighborhoods grant for a CCC Shared Use Path that will significantly improve and pave an existing gravel pathway between Oregon City High School and Clackamas Community College.

10. *How will the proposed project provide people with improved options to driving in a congested corridor?*

The Oregon City to Willamette Valley mobility corridor 9 encompasses Hwy 213 south of I-205, parallel arterials as well as transit service and bicycle routes that support movement in and through the corridor. Hwy 213 supports both intraregional and interregional travel between the Oregon City regional center and neighboring communities. Beaver Creek Road and Molalla Avenue are identified as parallel arterials to Hwy 213. Hwy 213 does not currently accommodate safe walking and biking, and improvements could not be cost-effectively implemented due to environmental and topographic constraints. Improving the existing walking and biking facilities along the Molalla Avenue corridor would be the most cost-effective means of providing safer and more accommodating connections to and through this mobility corridor. These improvements would also provide a continuous multi-modal connection between the Oregon City Transit Center downtown, Clackamas Community College, the Clackamas County Red Soils Campus and areas further south along Hwy 213.

Process

- *Describe the planning process that led to the identification of this project and the process used to identify the project to be put forward for funding consideration. (Answer should demonstrate that the process met minimum public involvement requirements for project applications per Appendix A)*

The Molalla Avenue Boulevard and Bikeway Plan began the process of looking closely at the Molalla Avenue corridor with its adoption in January 2001. This plan accomplished the goal of creating a corridor plan to guide the management and development of the roadway and surrounding land use and transportation systems. Shortly after completion of the plan, the Corridor Safety & Enhancement Plan was completed in May 2001. This supplement to the original study outlined solutions to identify accessibility and mobility issues along the corridor in order to provide for the safe and efficient movement of people and goods throughout the corridor.

The most recent public involvement input related to this project comes from the City's efforts through the process of creating a Transportation System Plan Update (TSP). During the 2012 TSP update City staff and citizens worked together evaluating our transportation system. The TSP studied how we get around Oregon City and where problems with travel in Oregon City exist. The TSP then identified improvement opportunities for all modes of travel (auto, bicycles, pedestrians, freight and transit) through 2035. The plan incorporates community comments into an equitable and efficient transportation system plan. The project stakeholders (including the public) were provided opportunities to create and weigh transportation goals, objectives, and evaluation criteria in order to select and prioritize projects. This project is listed in the TSP as W74 Molalla Avenue Streetscape Improvements, Phase 4 and W34 Molalla Avenue Sidewalk Infill, both scored very well during the evaluation process.

In the previous RFFA funding cycle the Molalla Avenue project scored well and was greatly supported by the community. The project received numerous comments that the improvements would be appreciated and valued by the public, that in its current state it is dangerous for pedestrians & bicyclists, and essentially discourages people from using the corridor for active transportation.

- *Describe how you coordinated with regional or other transportation agencies (e.g. Transit, Port, ODOT, Metro, Freight Rail operators, ODOT Region 1, Regional Safety Workgroup, and Utilities if critical to use of right-of-way) and how it impacted the project location and design.*

TriMet is in support of this project. TriMet has identified the Red Soils Campus as one of 10 key areas in the region with the highest need for pedestrian and transit improvements in their Pedestrian Network Analysis that was completed in 2012. The Pedestrian Network Analysis states that Molalla Avenue provides motor vehicle and transit service access to a variety of regional and local destinations, in its current state, it also acts as barrier to pedestrians and bicyclists, who are moving around the area and accessing destinations. The report also concludes that both Beaver Creek Road & Molalla Avenue have posted speed limit of 35 mph, however Beaver Creek Road has 85th percentile speeds above the posted limit and Molalla Avenue has 85th percentile speeds below the posted limit. Based on this, Molalla Avenue would provide a safer, more comfortable experience once complete than Beaver Creek Road does now. It also notes that Molalla Avenue has more driveways which pedestrians must contend with. By consolidating & narrowing driveways, we will provide a more enjoyable active transportation experience.

Oregon City will work with ODOT during design. The project does not anticipate any modifications to the Hwy 213 & Molalla Avenue intersection, as there are already marked pedestrian crosswalks and ADA compliant curb ramps. The project would look to widen sidewalks, and add pedestrian level lighting and street trees along Molalla as it approaches the intersection with Hwy 213.

Map 1 - Vicinity Map

Regional Map



Map 2 - Site Map / Air Photo

Photos show representative examples of locations that need attention and upgrade



Replace outdated signal systems. Add medians, improve channelization / access management, and increase transit solutions to improve corridor safety



Replace existing non-conforming ADA ramps with compliant ramps and updated ADA facilities



Replace narrow and obstructed sidewalks with new wider pedestrian friendly sidewalks including furnishings, trees and improved transit facilities



Add 1315 linear feet of sidewalks currently missing from the corridor and increase safe pedestrian crossing opportunities using mid-block pedestrian activated rapid flashing beacons





0 250 500 Feet



Map 3 - Site Map / Construction Area

Project Major Improvements

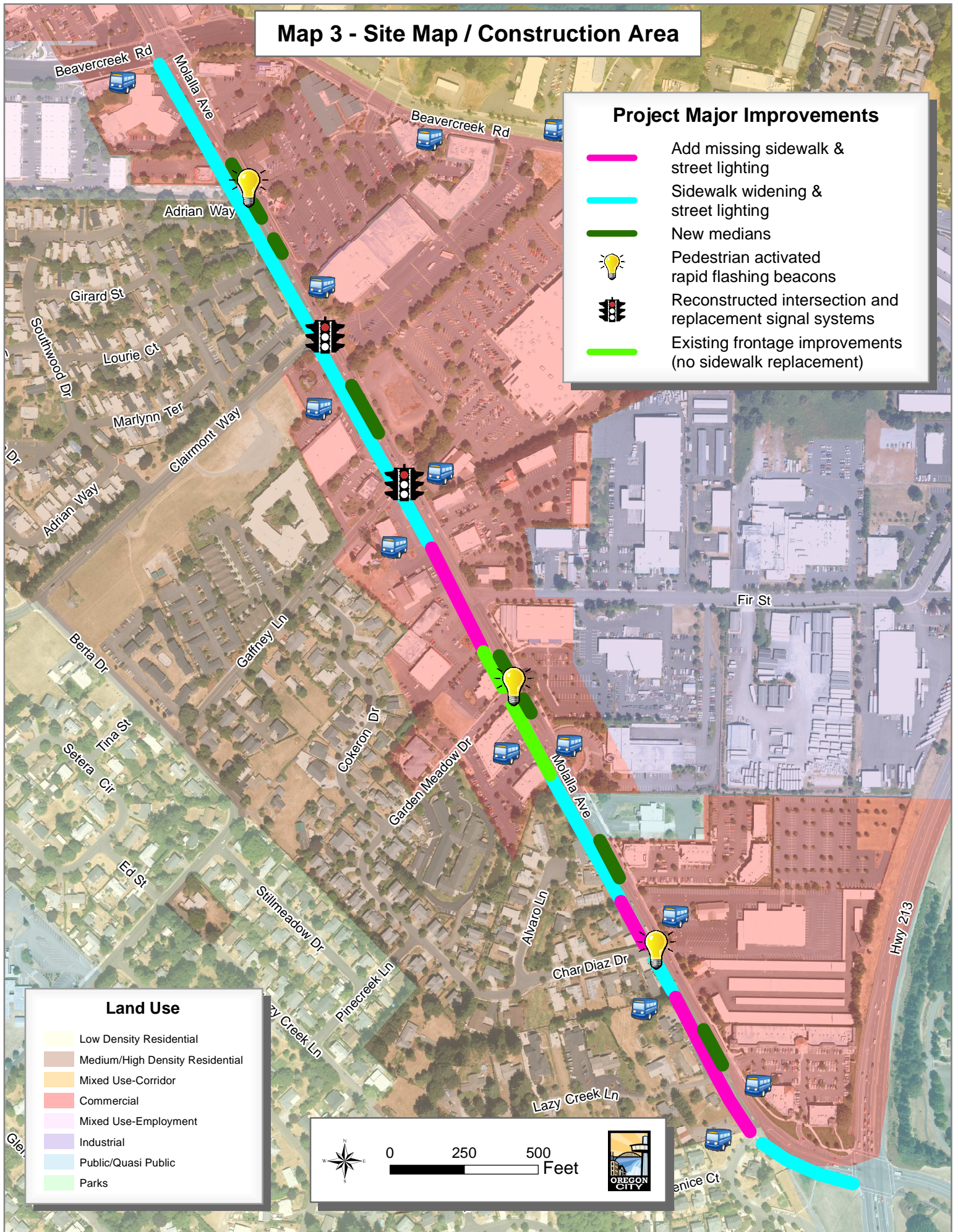
- Add missing sidewalk & street lighting
- Sidewalk widening & street lighting
- New medians
-  Pedestrian activated rapid flashing beacons
-  Reconstructed intersection and replacement signal systems
- Existing frontage improvements (no sidewalk replacement)

Land Use

- Low Density Residential
- Medium/High Density Residential
- Mixed Use-Corridor
- Commercial
- Mixed Use-Employment
- Industrial
- Public/Quasi Public
- Parks



0 250 500 Feet





City of Oregon City

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

Staff Report

File Number: 16-516

Agenda Date: 9/21/2016

Status: Agenda Ready

To: City Commission

Agenda #: 7c.

From: Public Works Director John Lewis

File Type: Contract

SUBJECT:

Personal Services Agreement with KPFF Consulting Engineers for Civil Engineering and Surveying Services for the 12th & Washington Street Traffic Signal Installation Project

RECOMMENDED ACTION (Motion):

Award the contract and authorize the City Manager to execute the Personal Services Agreement in the amount of \$68,162.00 with KPFF Consulting Engineers to provide consultation and engineering services to provide 90% design plans for the 12th Street & Washington Street Traffic Signal Installation project.

BACKGROUND:

Earlier this year the intersection of 12th Street & Washington Street experienced a large number of crashes in a short period of time. The City hired DKS Associates to evaluate the intersection, and provide both short and long term solutions for the intersection. Their analysis included a field review and safety audit of the existing conditions, traffic signal warrant analysis, and evaluation of the impact on turn restrictions at the intersection if a permanent median was installed. The field review and safety audit provided a list of low cost, near term items that the City implemented immediately to create a safer intersection. As part of the traffic signal warrant analysis, DKS reviewed the previous work they have done at this intersection in 2010 & 2014 for signal warrants. Each time the signal warrants were closer to being met. The updated analysis of the intersection shows that the intersection meets 2 warrants now (Crash Experience and Four-Hour Volume), and is expected to meet 2 additional warrants in 2017 (Eight-Hour Volume and Peak Hour). Given these results, the installation of a traffic signal is warranted.

Based on the DKS analysis, staff is recommending moving forward with the design work necessary to implement the traffic signal installation. Under this contract KPFF Consulting Engineers will provide the consultation and engineering services necessary to complete 90% design plans for the installation of a traffic signal at the 12th Street & Washington Street intersection. This work will include project management, civil and structural engineering and surveying services, as well as oversight of the traffic and geotechnical engineering services necessary for this project.

KPFF Consulting Engineers is one of five firms currently on the City's prequalified consultant

short list for Transportation Infrastructure. The City has negotiated the attached fee proposal with KPFF Consulting Engineers.

BUDGET IMPACT:

Amount: \$68,162.00

FY(s): 2016/2017

Funding Source: Transportation Fund

OREGON CITY PUBLIC WORKS PERSONAL SERVICES AGREEMENT

12th & Washington Traffic Signal Installation (CI 16-014)

This PERSONAL SERVICES AGREEMENT ("Agreement") is entered into between:

CITY OF OREGON CITY ("City")

City of Oregon City
PO Box 3040
625 Center Street
Oregon City, OR 97045
Attention: John Lewis, PE

and

KPFF, INC. ("Consultant")

KPFF, INC.
111 SW 5TH Avenue, Suite 2500
Portland, Oregon 97204
Attention: Curt Vanderzanden, PE

RECITALS

A. City requires services that Consultant is capable of providing under the terms and conditions hereinafter described.

B. Consultant is able and prepared to provide such services as City requires under the terms and conditions hereinafter described.

The parties agree as follows:

AGREEMENT

1. Term. The term of this Agreement shall be from the date the contract is fully executed until **6/30/2017**, unless sooner terminated pursuant to provisions set forth below. However, such expiration shall not extinguish or prejudice City's right to enforce this Agreement with respect to (i) breach of any warranty; or (ii) any default or defect in Consultant's performance that has not been cured.

2. Compensation. City agrees to pay Consultant on a time-and-materials basis for the services required. Total compensation, including reimbursement for expenses incurred, shall not exceed **(\$68,162.00)**.

3. Scope of Services. Consultant's services under this Agreement shall consist of services as detailed in Exhibit A, attached hereto and by this reference incorporated herein.

4. Standard Conditions. This Agreement shall include all of the standard conditions as detailed in Exhibit B, attached hereto and by this reference incorporated herein.

5. Schedule. The components of the project described in the Scope of Services shall be completed according Term, above.

6. Integration. This Agreement, along with the description of services to be performed attached as Exhibit A and the Standard Conditions to Oregon City Personal Services Agreement attached as Exhibit B, contain the entire agreement between and among the parties, integrate all the terms and conditions mentioned herein or incidental hereto, and supersede all prior written or oral discussions or agreements between the

parties or their predecessors-in-interest with respect to all or any part of the subject matter hereof.

7. Notices. Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United States mail, by hand delivery or by electronic means. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

Consultant shall be responsible for providing the City with a current address. Either party may change the address set forth in this Agreement by providing notice to the other party in the manner set forth above.

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

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers on this _____ day of _____, 2016.

CITY OF OREGON CITY

KPFF, INC.

By: _____

John M. Lewis, PE
Title: Public Works Director

By: _____

Title: _____

DATED: _____, 2016.

DATED: _____, 2016.

By: _____

Anthony J. Konkol III
Title: City Manager

ORIGINAL CITY COMMISSION APPROVAL (IF
APPLICABLE):

DATED: _____, 2016.

DATE: _____

APPROVED AS TO LEGAL SUFFICIENCY:

By: _____

City Attorney

PDX_DOCS:309433.2 [34758-00100]
2/19/2016 3:02 PM

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

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

2. Payment.

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

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

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

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

3. Independent Contractor Status.

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

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

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

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

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

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

4. Early Termination.

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

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

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

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

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

5. No Third-Party Beneficiaries. City and Consultant are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide, any benefit or right, whether directly or indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

6. Payment of Laborers; Payment of Taxes.

(a) Consultant shall:

(i) Make payment promptly, as due, to all persons supplying to Consultant labor and materials for the prosecution of the services to be provided pursuant to this Agreement.

(ii) Pay all contributions or amounts due to the State Accident Insurance Fund incurred in the performance of this Agreement.

(iii) Not permit any lien or claim to be filed or prosecuted against City on account of any labor or materials furnished.

(iv) Be responsible for all federal, state, and local taxes applicable to any compensation or payments paid to Consultant under this Agreement and, unless Consultant is subject to back-up withholding, City will not withhold from such compensation or payments any amount(s) to cover Consultant's federal or state tax obligation.

(v) Pay all employees at least time and one-half for all overtime worked in excess of forty (40) hours in any one week, except for individuals excluded under ORS 653.100 to 653.261 or under 29 U.S.C. §§ 201 to 209 from receiving overtime.

(b) If Consultant fails, neglects or refuses to make prompt payment of any claim for labor or services furnished by any person in connection with this Agreement as such claim becomes due, City may pay such claim to the person furnishing the labor or services and shall charge the amount of the payment against funds due or to become due Consultant by reason of this Agreement.

(c) The payment of a claim in this manner

shall not relieve Consultant or Consultant's surety from obligation with respect to any unpaid claims.

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

7. Subconsultants and Assignment.

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

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

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

10. Compliance With Applicable Law.

Consultant shall comply with all federal, state, and

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

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

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

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

13. Indemnity and Insurance.

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

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

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

(c) Comprehensive General and Automobile Insurance. Consultant shall maintain comprehensive general and automobile liability insurance for protection of Consultant and City and for their directors, officers, agents, and employees, insuring against liability for damages because of personal injury, bodily injury, death, and broad-form property damage, including loss of use, and occurring as a result of, or in any way related to, Consultant's operation, each in an amount not less than \$1,000,000 combined, single-limit, per-occurrence/annual aggregate. Such insurance shall name City as an additional insured, with the stipulation that this insurance, as to the interest of City, shall not be invalidated by any act or neglect or breach of this Agreement by Consultant.

(d) Errors and Omissions Insurance. Consultant shall provide City with evidence of professional errors and omissions liability insurance for the protection of Consultant and its employees, insuring against bodily injury and property damage arising out of Consultant's negligent acts, omissions, activities or services in an amount not less than \$500,000 combined, single limit. Consultant shall maintain in force such coverage for not less than three (3) years following completion of the project. Such insurance shall include contractual liability.

Within ten (10) days after the execution of this Agreement, Consultant shall furnish City a certificate evidencing the dates, amounts, and types of insurance that have been procured pursuant to this Agreement. Consultant will provide for not less than thirty (30) days' written notice to City before the policies may be revised, canceled, or allowed to expire. Consultant shall not alter the terms of any policy without prior written authorization from City. The provisions of this subsection apply fully to Consultant and its Consultants and agents.

14. Legal Expenses. In the event legal action is brought by City or Consultant against the other to

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

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

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

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

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

18. Hierarchy. The conditions contained in this document are applicable to every Personal Services Agreement entered into by the City of Oregon City in the absence of contrary provisions. Should contrary provisions be included in a Personal Services Agreement, those contrary provisions shall control over these conditions.

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

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

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

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

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

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

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

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

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

person of recognized competence, and the three arbitrators shall, as promptly as possible, determine such matter, provided, however, that:

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

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

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

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

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



August 24, 2016
(Revised September 9, 2016)

Dayna Webb
City of Oregon City
Public Works Department
PO Box 3040
Oregon City, Oregon 97045

Via Email: dwebb@ci.oregon-city.or.us

RE: Proposal for Civil Engineering and Surveying Services
12th and Washington Traffic Signal Project

Dear Dayna:

We are pleased to provide you with this Civil Engineering and Surveying Services proposal for the 12th and Washington Traffic Signal Project in Oregon City.

The proposed project will address the incorporation of a new traffic signal at the intersection of 12th and Washington in Oregon City. This intersection has experienced a recent grouping of crashes, and a recent analysis completed for the City by DKS Associates shows that the intersection currently meets 2 signal warrants with another 2 warrants projected in the near future. Due to these factors, the City has decided to move forward with the installation of signalization at this time.

We thank you for the opportunity to propose on this project. If this proposal is acceptable, we will finalize our agreement through a mutually approved contract. If you have any questions or require additional information, please contact me at (503) 543-5745 or Ryan Milkowski at (503) 542-3867.

Sincerely,
KPFF Consulting Engineers

A blue ink signature of Curtis C. Vanderzanden, written in a cursive style.

Curtis C. Vanderzanden
Principal

*Attachments: Scope of Services and Fee
Exhibit A – Detailed Cost Breakdown*

10101600251-pk



SCOPE OF SERVICES AND FEE
12th and Washington Traffic Signal Project
August 24, 2016
Revised September 9, 2016

PROJECT UNDERSTANDING

The existing Washington Street/12th Street intersection is a two-way stop controlled intersection, with stop control on 12th Street. There is also a flashing signal showing yellow on Washington Street and red on 12th Street. There are vertical curves on both Washington Street and 12th Street. Curb extensions were installed on the west side of Washington Street in 2003 in order to move the stop bar on 12th Street closer to the intersection and provide additional sight distance for vehicles on 12th Street. In 2014 the curb extension at the southwest corner was removed to accommodate turning movements.

The Washington Street Improvements work completed in 2003 included the signal underground work, 1 signal pole & base (NE corner) and interconnect conduits between 12th & 15th. If feasible, the intent will be to utilize the existing signal pole, bases & foundation constructed in 2003. Since this has not been confirmed at this point, the following proposal is based on the assumption that the existing base will not be suitable and that 4 new signal pole foundations will be needed, with the hope that this number can be reduced to 3 in the preliminary design phase.

Traffic signal warrants were evaluated at this intersection on several occasions, including in 2010 and 2014. Each time, the traffic signal warrants were closer to being met. In the 2010 analysis, no warrants were met. However, in the 2014 analysis one warrant was met and four warrants were anticipated to be met by 2035 (eight-hour warrant, four-hour warrant, peak-hour warrant and crash experience warrant).

Recently, six collisions occurred at the intersections within a six week period. These events prompted further attention to the intersection. DKS Associates was directed to prepare a field review and safety audit, update the traffic signal warrant analysis, and assess an alternative traffic control treatment. Based on updated traffic counts, the 12th Street/Washington Street intersection meets two traffic signal warrants in 2016 and is expected to meet two more by next year (2017). Given these results, the installation of a traffic signal is warranted.

As a result of the analysis above, the City has requested that KPFF provide the following proposal for engineering and surveying services to prepare construction documents for implementation of a new traffic signal installation at this intersection. The anticipated improvements include:

- Removal of existing flashing yellow signal equipment.
- Removal of an existing curb extension at the NW corner of the intersection and associated curb ramp improvements.
- Installation of a new traffic signal system and associated signage and striping.

Based on preliminary input from GeoDesign, we anticipate that the project site likely has bedrock at shallow depths. If this is indeed the case, then standard details for signal pole foundations will not be

SCOPE OF SERVICES AND FEE

RE: 12th and Washington Traffic Signal Project

August 24, 2016

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suitable for use in this project. For this reason, we are also including structural engineering effort for site specific design of up to 4 separate signal pole foundations in the following scope of work and fee estimate.

As requested, this proposal covers the scope of work necessary to prepare construction documents to a 90% level of completion. An amendment to this work order will be necessary if the decision is made to carry the project to Final PS&E and construction.

Our proposed team for the effort described below includes the following firms:

- **KPFF** will provide project management, civil and structural engineering, and surveying services identified in the following scope of work.
- **DKS Associates** will provide traffic engineering services.
- **GeoDesign** will provide geotechnical engineering services.

SUMMARY OF CITY RESPONSIBILITIES

The City will be responsible for the following elements of work:

- Review of Consultant invoices for payment authorization.
- Provide as-built documentation of existing facilities in the project area.
- Provide internal City communication and project coordination.
- Designate a Project Manager for this WOC. The City's Project Manager for this project is Dayna Webb, PE.
- Provide review and comments on deliverables.
- Coordinate the work of City staff involved in the project.
- Attend project meetings as indicated in the following SOW.
- Provide a template title block, cover sheet, and details in AutoCAD format for consultant's use in assembling the drawing set.
- Provide City standard special provisions to the 2015 Oregon Standard Specifications for Construction.
- Provide right-of-way acquisition services for potential right-of-way and or temporary construction easements, including appraisals and property owner negotiations if needed.

TASKS, DELIVERABLES and SCHEDULE

TASK 1: PROJECT MANAGEMENT AND ADMINISTRATION: Consultant shall provide the management, coordination, and direction to the Project Team that includes the Consultant team and City staff throughout the duration of the Project.

- 1.1 Project Coordination:** Consultant shall coordinate with City Project Manager and City staff as needed throughout the duration of the project. Coordination will occur via telephone communication, written correspondence, e-mail and meetings.

Task 1.1: Deliverables: Records of coordination activities and decisions made.

- 1.2 Project Schedule:** Consultant shall develop and monitor the project schedule.

SCOPE OF SERVICES AND FEE

RE: 12th and Washington Traffic Signal Project

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Task 1.2: Deliverables: Project schedule.

- 1.3 Monthly Invoices:** Consultant shall prepare and submit monthly invoices and progress reports to the City, including updated project schedules that reflect any changes in the project and that track progress on work completed. Consultant shall prepare monthly billing invoices in a format approved by the City.

Task 1.3: Deliverables: Monthly invoices.

- 1.4 Meetings:** Consultant shall schedule, prepare for, attend, and document meetings through the Project duration. The following meetings are included in the scope of services: Project Kick-off Meeting with City Project Manager to familiarize the Consultant Team; up to 3 additional meetings during design this phase of design.

Task 1.4: Deliverables: Agenda and meeting minutes.

TASK 2: RESEARCH AND DATA GATHERING: This task will focus on identification of design criteria and acquisition of base mapping from City for design. Specific elements of work under this task include:

- 2.1 Site Visit:** Conduct a site visit *(to be completed in conjunction with the kick-off meeting identified in Task 1.4 above)* to identify existing conditions that may affect the design and photograph existing conditions.
- 2.2 Review Available Information:** Obtain and review as-built drawings of existing facilities in the project area.
- 2.3 Predesign Survey:** This project consists of a control, boundary, and topographic survey for design purposes. We are prepared to begin the field work immediately upon notice to proceed. Our surveying services described below will accomplish this work in two tasks, as follows:

Field Control and Boundary Survey: Field and office efforts necessary to control topographic mapping and resolve public right-of-ways including:

- Establish horizontal and vertical control.
 - Horizontal datum will be based on Oregon Coordinate Reference System (OCRS).
 - Vertical datum will be based on NAVD88.
- Resolve public right-of-ways for the intersection of 12th and Washington.

Topographic Survey: Field and office efforts to complete the topographic mapping for use as a design base map.

- Locate and map existing above ground features within the public right-of-way intersection and extend 75 feet in each direction along 12th and Washington.
- Locate and map all trees within the mapping limits. Graphically represent DBH size and tree canopy drip lines.
- Map a 1-foot contour interval.

SCOPE OF SERVICES AND FEE

RE: 12th and Washington Traffic Signal Project

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- Map underground utilities within the above-defined limits based on above ground evidence; locate paint marks; and available as-built information. Locate paint marks are limited to those areas within public right-of-way.

Task 2.3: Deliverables: *Final signed boundary and topographic survey.*

Task 2.3: Assumptions: *Access to the site is provided to KPFF Survey crews.*

2.4 Geotechnical Investigation: The purpose of our geotechnical engineering evaluation is to provide the project team with signal design specific subsurface properties for the proposed signal installation at 12th and Washington in Oregon City. The specific scope of the geotechnical study to be conducted by GeoDesign is summarized below:

- Review GeoDesign reports and documentation associated with previous investigations in the project vicinity.
- Prepare traffic control plans and obtain right-of-way permits from Oregon City.
- Complete two signal pole borings at opposite ends of the intersection to a depth of up to 25 feet below ground surface.
 - Based on our experience, shallow bed rock may be encountered at this location.
 - Exploration will extend at least 10 feet into bedrock, if encountered.
 - If explorations are on paved surfaces, the surface of the borings will be patched with a polymer modified cold patch material.
- Maintain a detailed log of each exploration, visually classify the soil encountered, obtain soil samples as appropriate for the soil conditions encountered, and observe groundwater conditions in each exploration.
- Conduct the following laboratory tests using soil samples obtained from the explorations. Testing may include one or more of the following:
 - Moisture Content tests in general conformance with American Society for Testing and Materials (ASTM) D 2216.
 - Atterberg limit tests in general conformance with ASTM D 4318.
 - Grain size determinations, combined sieve and hydrometer, in general conformance with ASTM D422.
- Provide geotechnical engineering soil properties for use in signal pole foundation design.
- Provide a geotechnical memorandum summarizing our findings and recommendations.

TASK 3: PRELIMINARY DESIGN (30% Design): KPFF will develop the design to a 30% level of completion for City staff review, including:

- Develop plans to a 30% level of completion. Plans to include;
 - Cover Sheet
 - Existing Conditions Plan
 - Sections and Details
 - Construction Plan
 - Signal Pole Foundation Details

SCOPE OF SERVICES AND FEE

RE: 12th and Washington Traffic Signal Project

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- Develop 30% level engineer's estimate of probable construction costs.
- Develop outline specification identifying special provisions to the 2015 Oregon Standard Specifications for Construction needed for the proposed construction.
- Conduct QC review of deliverables prior to submittal.
- Submit 30% documents to City for review.
- Coordinate with the local franchise utility providers to identify potential conflicts within the project area and document correspondence, including conflict map and matrix.
- Identify potential temporary and/or permanent impacts to private properties adjacent to the proposed work.

Task 3: Deliverables: 30% Plans, Specifications and Estimate (PS&E), Utility conflict tracking map and matrix.

- 3.1 Preliminary (30%) Traffic Signal Design:** DKS shall prepare 30% traffic signal plans and engineer's cost estimate for the intersection of 12th Street/Washington Street, which will include a layout of the traffic signal poles, signal heads, and traffic signal controller cabinet. The design shall meet Clackamas County and MUTCD standards. DKS will locate poles to minimize conflicts with utilities.

DKS shall provide a complete quality control review of all DKS work products using a quality control checklist, prior to submittal to the City.

It is assumed that all required survey and basemaps will be provided by others, and no traffic signal interconnect is included.

Task 3.1 Deliverables: 30% traffic signal plans including: Signal legend and Signal plan; 30% Engineer's cost estimate for traffic signal bid items; Identification of required special provisions sections; One (1) site visit to verify existing signal equipment (combined with kick-off meeting).

- 3.2 Preliminary (30%) Signing & Pavement Marking Design:** DKS shall prepare a signing and pavement marking narrative and engineer's cost estimate for the intersection of 12th Street/Washington Street, including roadway approaches. The narrative will discuss the proposed design concept, and identify anticipated modifications required to the existing signing and pavement markings required to install a new traffic signal.

Task 3.2 Deliverables: 30% signing and pavement marking narrative; 30% Engineer's cost estimate for signing and pavement marking items; Identification of required special provisions section

TASK 4: FINAL DESIGN: This task will focus on the development of construction drawings, technical specifications and cost estimates to a 90% level of completion. Specific elements of work under this task include:

SCOPE OF SERVICES AND FEE

RE: 12th and Washington Traffic Signal Project

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- Log will include identification of actions taken to resolve comments.
- Develop 60% PS&E for City staff review including:
 - Maintain log of comments received from City staff and address city review comments on 30% PS&E submittal.
 - Plans as identified above under Task 3.2 above.
 - Incorporate additional details to the plans.
 - Special provisions to the 2015 Oregon Standard Specifications for Construction. *(Note: Bid document production to be completed by the City.)*
 - Construction cost estimate and bid schedule.
 - Conduct QC review of deliverables prior to submittal.
 - Submit 60% PS&E for City staff review.
- Develop 90% PS&E for City staff review including:
 - Maintain log of comments received from City staff and address city review comments on 60% PS&E submittal.
 - Incorporate additional details to the plans.
- Coordinate with the local franchise utility providers to identify and resolve potential conflicts within the project area and update conflict maps and matrix.
- Finalize identification of temporary and/or permanent impacts to private properties adjacent to the proposed work.

Task 4: Deliverables: *Plans, Construction Cost Estimate and Special Provisions for review at 60% and 90% levels of completion; updated utility conflict tracking matrix and maps; notification of property acquisition requirements if any*

- 4.1 60% Traffic Signal Design:** DKS shall prepare 60% traffic signal plans, special provisions, and Engineer's cost estimate, based on comments received on the 30% design package. The 60% design will also include the design of vehicle detection for the intersection.

DKS shall provide a complete quality control review of all DKS work products using a quality control checklist, prior to submittal to the City.

Task 4.1 Deliverables: *60% traffic signal plans including Signal legend (1 sheet), Signal plan (1 sheet) and Detector plan (1 sheet); 60% Engineer's cost estimate for traffic signal bid items; 60% project special provisions for traffic signals; responses to review comments from the City and County*

- 4.2 60% Signing & Pavement Marking Design:** DKS shall prepare 60% combined signing and pavement marking plans, special provisions, and Engineer's cost estimate, based on comments received on the 30% design package. The design shall meet City and MUTCD standards.

DKS shall provide a complete quality control review of all DKS work products using a quality control checklist, prior to submittal to the City.

It is assumed that all required survey and basemaps will be provided by others.

Task 4.2 Deliverables: *60% signing and pavement marking plans including Signing & Pavement Marking legend & details (1 sheet) and Signing & Pavement Marking plan (1*

SCOPE OF SERVICES AND FEE

RE: 12th and Washington Traffic Signal Project

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sheet); 60% Engineer's cost estimate for signing and pavement marking items; 60% project special provisions for signing and pavement marking; responses to review comments from the City.

- 4.3 90% Traffic Signal Design:** DKS shall prepare 90% traffic signal plans, special provisions, and Engineer's cost estimate, based on comments received on the 60% design package. DKS will coordinate with local power and utility companies to confirm power source locations.

DKS shall provide a complete quality control review of all DKS work products using a quality control checklist, prior to submittal to the City.

Task 4.3 Deliverables: *90% traffic signal plans including Signal legend (1 sheet), Signal plan (1 sheet), Detector plan (1 sheet), Existing utility plan (1 sheet), and Signal details (1 sheet); 90% Engineer's cost estimate for traffic signal bid items; 90% project special provisions for traffic signals; Responses to review comments from the City and County.*

- 4.4 90% Signing & Pavement Marking Design:** DKS shall prepare 90% signing and pavement marking plans, special provisions, and Engineer's cost estimate, based on comments received on the 60% design package.

DKS shall provide a complete quality control review of all DKS work products using a quality control checklist, prior to submittal to the City.

Task 4.4 Deliverables: *90% signing and pavement marking plans including Signing & Pavement Marking legend & details (1 sheet) and Signing & Pavement Marking plan (1 sheet); 90% Engineer's cost estimate for signing and pavement marking items; 90% project special provisions for signing and pavement marking; responses to review comments from the City.*

ASSUMPTIONS

KPFF's estimated fees are based on the above scope of work and the following assumptions:

- No utility work beyond adjustment of existing structures is anticipated.
- Landscaping modifications are not included.
- The civil engineering scope of work is limited to reconstruction of curb, sidewalk and ramps at the northwest corner of the intersection. Reconstruction of these elements at the other three corners is not anticipated and is not included in this proposal.
- Given the likelihood that shallow bedrock will be encountered in the project area, we anticipate that standard details for signal pole foundations will not be suitable for construction. Therefore, we are including structural engineering services for design of up to 4 signal pole foundations as part of this proposal.
- Traffic signal poles will utilize Clackamas County Standard Details and will not require structural engineering or detailing.

PROPOSED FEES

Our estimated fee for this project is shown in Exhibit A.



CITY OF OREGON CITY
12th & WASHINGTON TRAFFIC SIGNAL PROJECT
8/25/2016: Revised 9/9/2016
KPFF Civil Engineering / Master Fee Estimate

Task #	Task Description	Hourly Rates						Total Hours	KPFF Labor Cost	GeoDesign	DKS	Expenses	Subtotals
		Principal	PM	PE	Design Eng	CADD	Clerical						
		\$178.87	\$144.88	\$132.36	\$100.16	\$98.37	\$74.53						
1	PROJECT MANAGEMENT AND ADMINISTRATION												
1.1	Project Coordination	2	4					6	\$ 937		\$ 1,645		\$ 2,582
1.2	Project Schedule		2					2	\$ 290				\$ 290
1.3	Monthly invoices		4				2	6	\$ 729		\$ 810		\$ 1,539
1.4	Meetings (Kick-off, (3) others)		8		4		2	14	\$ 1,709		\$ 1,500		\$ 3,209
	KPFF Structural (See attached for Breakdown)							0	\$ 758				
	TOTALS	2	18	0	4	0	4	28	\$ 4,423	\$ -	\$ 3,955	\$ -	\$ 7,619
2	RESEARCH AND DATA GATHERING												
2.1	Site Visit (combined w/ kick-off meeting)		1	1				2	\$ 277				\$ 277
2.2	Review Available Information		2	4		2		8	\$ 1,016				\$ 1,016
2.3	Predesign Survey (See attached for Breakdown)							0	\$ 7,089				\$ 7,089
2.4	Geotechnical Engineering (See attached for Breakdown)							0	\$ -	\$ 9,192			\$ 9,192
	TOTALS	0	3	5	0	2	0	10	\$ 8,382	\$ 9,192	\$ -	\$ -	\$ 17,574
3	PRELIMINARY DESIGN												
	30% Design		4					4	\$ 580				\$ 580
	Plans				12	8		20	\$ 1,989				\$ 1,989
	Estimate			1	2			3	\$ 333				\$ 333
	Outline Special Provisions			2			1	3	\$ 339				\$ 339
	Utility Coordination			2	4			6	\$ 665				\$ 665
	QC Review	2	1					3	\$ 503				\$ 503
	Structural Design for Foundations (See attached for Breakdown)							0	\$ 3,729				\$ 3,729
3.1	30% Traffic Signal Design (DKS) (See attached for Breakdown)							0	\$ -		\$ 2,125		\$ 2,125
3.2	30% Signing & Pavement Marking Design (DKS) (See attached for Breakdown)							0	\$ -		\$ 1,325		\$ 1,325
	TOTALS	2	5	5	18	8	1	39	\$ 8,138	\$ -	\$ 3,450	\$ -	\$ 11,588

EXHIBIT A



CITY OF OREGON CITY
12th & WASHINGTON TRAFFIC SIGNAL PROJECT

8/25/2016: Revised 9/9/2016
KPFF Civil Engineering / Master Fee Estimate

Task #	Task Description	Hourly Rates						Total Hours	KPFF Labor Cost	GeoDesign	DKS	Expenses	Subtotals
		Principal	PM	PE	Design Eng	CADD	Clerical						
		\$178.87	\$144.88	\$132.36	\$100.16	\$98.37	\$74.53						
4	FINAL DESIGN												
	60% Plans, Specifications, and Estimate (PS&E)							0	\$ -				\$ -
	Plans		2		12	8		22	\$ 2,279				\$ 2,279
	Special Provisions		1	4			1	6	\$ 749				\$ 749
	Estimate		1	2	4			7	\$ 810				\$ 810
	QC Review	2	1					3	\$ 503				\$ 503
	Utility Coordination			2	4			6	\$ 665				\$ 665
	Structural Design for Foundations (See attached for Breakdown)							0	\$ 2,805				\$ 2,805
4.1	60% Traffic Signal Design (DKS)							0	\$ -		\$ 3,410		\$ 3,410
4.2	60% Signing & Pavement Marking Design (DKS)							0	\$ -		\$ 2,300		\$ 2,300
								0	\$ -				\$ -
	90% Plans, Specifications, and Estimate (PS&E)							0	\$ -				\$ -
	Plans		2		12	8		22	\$ 2,279				\$ 2,279
	Special Provisions		1	4			2	7	\$ 823				\$ 823
	Estimate			2	2			4	\$ 465				\$ 465
	QC Review	2	1					3	\$ 503				\$ 503
	Utility Coordination			2	4			6	\$ 665				\$ 665
	Structural Design for Foundations (See attached for Breakdown)							0	\$ 2,400				\$ 2,400
4.3	90% Traffic Signal Design (DKS)							0	\$ -		\$ 8,845		\$ 8,845
4.4	90% Signing & Pavement Marking Design (DKS)							0	\$ -		\$ 1,880		\$ 1,880
													\$ -
	TOTALS	4	9	16	38	16	3	86	\$ 14,946	\$ -	\$ 16,435	\$ -	\$ 31,381
	PROJECT TOTAL:	8	35	26	60	26	8	163	\$ 35,889	\$ 9,192	\$ 23,840	\$ -	\$ 68,162



12th and Washington

8/17/2016: Revised 9/9/2016

Task #	Task Description	Hourly Rates					Labor Cost	Expenses
		Survey Mgr	Surveyor	Survey Tech	Clerical	2-Person Crew		
		\$171	\$106	\$89	\$80	\$148		
A	Boundary							
1	Research		1		2		\$ 267	
2	Control, Pin Ties & Resolution	2	8			10	\$ 2,663	
3	Title Report Review						\$ -	
4	Pin Set & Record of Survey						\$ -	
	TOTALS	2	9	0	2	10	\$ 2,929	\$ -
B	Mapping							
1	Topographic Survey	1	2	24		10	\$ 3,983	
2	Utilities Research & Mapping			2			\$ 177	
3	ALTA						\$ -	
4	Misc.						\$ -	
	TOTALS	1	2	26	0	10	\$ 4,160	\$ -
	PROJECT TOTAL:	3	11	26	2	20	\$ 7,089	\$ -

EXHIBIT A



CITY OF OREGON CITY
12th & WASHINGTON TRAFFIC SIGNAL PROJECT
8/25/2016
KPFF Structural Engineering Fee Estimate

Task #	Task Description	Hourly Rates					Total Hours	Labor Cost	Subtotals
		Principal \$191.91	PM \$145.33	Senior Design Engineer \$122.95	CADD \$91.45	Clerical \$88.52			
1	PROJECT MANAGEMENT AND ADMINISTRATION								
1.1	Project Coordination		2				2	\$ 291	\$ 291
1.2	Project Schedule						0	\$ -	\$ -
1.3	Monthly invoices		2			2	4	\$ 468	\$ 468
1.4	Meetings (Kick-off, (3) others)						0	\$ -	\$ -
	TOTALS	0	4	0	0	2	6	\$ 758	\$ 758
2	RESEARCH AND DATA GATHERING								
2.1	Site Visit (combined w/ kick-off meeting)						0	\$ -	\$ -
2.2	Review Available Information						0	\$ -	\$ -
2.3	Predesign Survey						0	\$ -	\$ -
2.4	Geotechnical Engineering						0	\$ -	\$ -
	TOTALS	0	0	0	0	0	0	\$ -	\$ -
3	PRELIMINARY DESIGN								
	30% Design						0	\$ -	\$ -
	Plans		8	8	8		24	\$ 2,878	\$ 2,878
	Estimate		1	2			3	\$ 391	\$ 391
	Outline Special Provisions			1			1	\$ 123	\$ 123
	Utility Coordination							\$ -	\$ -
	QC Review	1	1				2	\$ 337	\$ 337
	TOTALS	1	10	11	8	0	30	\$ 3,729	\$ 3,729
4	FINAL DESIGN								
	60% Plans, Specifications, and Estimate (PS&E)						0	\$ -	\$ -
	Plans		4	6	6		16	\$ 1,868	\$ 1,868
	Special Provisions			4		2	6	\$ 669	\$ 669
	Estimate			1			1	\$ 123	\$ 123
	QC Review		1					\$ 145	\$ 145
	Utility Coordination							\$ -	\$ -
	90% Plans, Specifications, and Estimate (PS&E)						0	\$ -	\$ -
	Plans		2	4	4		10	\$ 1,148	\$ 1,148
	Special Provisions			4		2	6	\$ 669	\$ 669
	Estimate			2			2	\$ 246	\$ 246
	QC Review	1	1					\$ 337	\$ 337
	Utility Coordination							\$ -	\$ -
	TOTALS	1	8	21	10	4	41	\$ 5,205	\$ 5,205
	PROJECT TOTAL:	2	22	32	18	6	77	\$ 9,693	\$ 9,693

EXHIBIT A

Oregon City - 12th & Washington Signal Design
 DKS Budget
 8/18/2016

	PIC (Grade 33)	QC (Grade 25)	PM (Grade 21)	PE (Grade 11)	CAD (Grade 9)	PA (Tech M)	Expenses	Total
	\$215.00	\$175.00	\$155.00	\$105.00	\$95.00	\$95.00		
Task 1.1 Traffic Engineering Coordination	1	0	8	0	0	2	\$0	\$1,645.00
Task 1.3 Monthly Invoices	0	0	4	0	0	2	\$0	\$810.00
Task 1.4 Project Meetings	0	0	8	2	0	0	\$50	\$1,500.00
Task 3.1 30% Traffic Signal Design	0	1	2	12	4	0	\$0	\$2,125.00
Task 3.2 30% Signing & Pavement Marking Design	0	1	2	8	0	0	\$0	\$1,325.00
Task 4.1 60% Traffic Signal Design	0	2	4	16	8	0	\$0	\$3,410.00
Task 4.2 60% Signing & Pavement Marking Design	0	2	2	12	4	0	\$0	\$2,300.00
Task 4.3 90% Traffic Signal Design	1	6	12	40	16	0	\$0	\$8,845.00
Task 4.4 90% Signing & Pavement Marking Design	0	2	2	8	4	0	\$0	\$1,880.00
Total NTE	2	14	44	98	36	4	\$50	\$23,840.00

Legend:

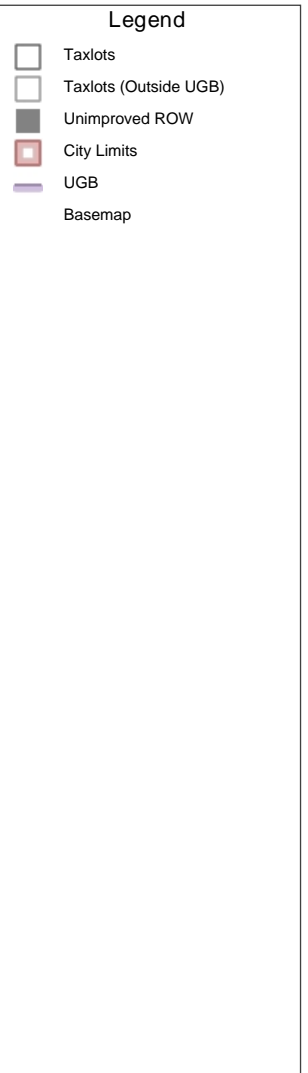
PIC = Principal-in-Charge
 QC = Senior QC Reviewer
 PM = Project Manager
 PE = Project Engineer
 CAD = Cad Technician
 PA = Project Assistant
 Expenses = Mileage and/or Traffic Counts

EXHIBIT A

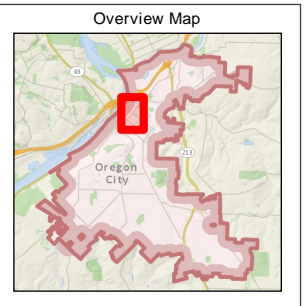
Task No.	Geo Design									
	Hourly Rate	\$203.00	\$185.00	\$131.00	\$92.00	\$88.00	\$70.00			
	Title	Principal	Senior Associate	Technical Specialist I	CAD	Senior Project Assistant	Support Staff	Labor	Non Labor Costs	Total
2.4	Geotechnical Investigation									
	Field Investigation			11.0				\$1,441.00	\$4,500.00	\$5,941.00
	Laboratory							\$0.00	\$500.00	\$500.00
	Analysis, Report, Project Management	2.0	9.0		3.0	3.0	2.0	\$2,751.00		\$2,751.00
								Total Geotechnical		\$9,192.00

Non-Labor Costs		Traffic Control	Utility Locates	Drilling			Equipment, Laboratory Supplies, Reimbursables	Subtotal
	Geotechnical Investigation	1,200.00		3,300.00			500.00	\$5,000

12th & Washington Traffic Signal Installation Project



Notes



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.



0 400 Feet
1: 4,800

Oregon City GIS Map

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





City of Oregon City

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

Staff Report

File Number: 16-527

Agenda Date: 9/21/2016

Status: Consent

To: City Commission

Agenda #: 8a.

From: Economic Development Manager Eric Underwood

File Type: Report

SUBJECT:

Purchase and Sale Agreement Due Diligence Extension Request for the Twelfth & Main Street Project

RECOMMENDED ACTION (Motion):

Staff recommends that the City Commission approve a 60-day due diligence extension for the Twelfth & Main Street project and direct staff to create an amendment as an inclusion to the associated Purchase and Sale Agreement.

BACKGROUND:

Ongoing due diligence efforts for the Twelfth and Main Street site have revealed several Code requirements and site elements that conflict with the developers revision of the existing site design. The developer is requesting a 60-day extension to allow time to make adjustments to the site plan design that will mitigate the challenging site elements and ensure compliance with the Code prior to moving forward into the land use process.

If the Commission approves the extension request, staff will draft an amendment to the existing Purchase and Sale Agreement that will reflect the new deadline for the due diligence period.

Hello Eric,

I just got a message from Sunny, please place the 60 day extension on the Commission agenda for September 17th.

Let me know if there is any problem.

Thank you,

Eric

Eric Cugnart | Design Principal | **Studio C Architecture LLC** | o: 503.525.2679 | d: 971.229.8730 | c: 503.789.0703



City of Oregon City

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

Staff Report

File Number: 16-525

Agenda Date: 9/21/2016

Status: Consent

To: City Commission

Agenda #: 8b.

From: Public Works Director John Lewis

File Type: Contract

SUBJECT:

Personal Services Agreement with DeSantis Landscapes, Inc. for Street Division of Public Works Landscape Maintenance Services

RECOMMENDED ACTION (Motion):

Authorize the City Manager to execute an eighteen month landscape maintenance service contract with DeSantis Landscapes, Inc. in the amount of \$90,294.12 (\$60,166.08/year) for the Street Division.

BACKGROUND:

Oregon City is responsible for a variety of ongoing landscape maintenance including approximately 124 sites and 42 acres of rights-of-way, street medians, facilities, water pump stations and reservoirs. In response to City Commission's goal to build a sustainable future, the City has included specialized water quality "green-street" plantings in many of the recently developed boulevard improvement projects which include storm swale islands and rain gardens. The City's ongoing landscape maintenance projects can generally be categorized in the five types of properties:

- Stormwater Division Properties
- Street Division Properties
- Urban Renewal Properties
- Water Division Properties
- Sanitary Division Properties

The City's existing landscape contracts reached the end of the original contract terms in April, 2016, and the City solicited proposals from qualified landscape maintenance service providers beginning in March, 2016. A total of seven proposals were received and following review by staff, the two-year Street Division contract was awarded to ValleyScapes, Inc. April 20, 2016 to perform landscape maintenance services. However, the City chose to terminate the contract with ValleyScapes, Inc. effective September 30, 2016, therefore, staff recommends entering into a landscape maintenance service contract with the second highest scoring contractor, DeSantis Landscape, Inc., for the remainder of the two-year term (eighteen months). This is an \$19,870.08 annual increase over the contract commitment by ValleyScapes, Inc. Included in the new Street Division contract for DeSantis Landscapes, Inc. is a 4% increase in cost over the original bid submitted in March, 2016 due to an increase in operational costs.

BUDGET IMPACT:

Amount: \$90,294.12 (annual contract cost)

FY(s): 2016-17, 2017-18

Funding Source: Street Fund

OREGON CITY PUBLIC WORKS PERSONAL SERVICES AGREEMENT

Landscape Maintenance Services – Street (PS 16-023)

This PERSONAL SERVICES AGREEMENT ("Agreement") is entered into between:

CITY OF OREGON CITY ("City")

City of Oregon City
PO Box 3040
625 Center Street
Oregon City, OR 97045
Attention: Martin Montalvo

and

DeSANTIS LANDSCAPES, INC. ("Contractor")

DeSantis Landscapes, Inc.
7907 State Street
Salem, OR 97317
Attention: Dean DeSantis

RECITALS

A. City requires services that Contractor is capable of providing under the terms and conditions hereinafter described.

B. Contractor is able and prepared to provide such services as City requires under the terms and conditions hereinafter described.

The parties agree as follows:

AGREEMENT

1. Term. The term of this Agreement shall be from **October 1, 2016** until **April 30, 2018**, with an option to renew for an additional three (3) one (1) year terms, unless sooner terminated pursuant to provisions set forth below. However, such expiration shall not extinguish or prejudice City's right to enforce this Agreement with respect to (i) breach of any warranty; or (ii) any default or defect in Contractor's performance that has not been cured.

2. Compensation. City agrees to pay Contractor on a time-and-materials basis for the services required. Total compensation, including reimbursement for expenses incurred, shall not exceed **Ninety thousand two hundred forty-nine and .12/100 dollars (\$90,249.12)**.

3. Scope of Services. Contractor's services under this Agreement shall consist of services as detailed in Exhibit A, attached hereto and by this reference incorporated herein.

4. Standard Conditions. This Agreement shall include all of the standard conditions as detailed in Exhibit B, attached hereto and by this reference incorporated herein.

5. Schedule. The components of the project described in the Scope of Services shall be completed according Term, above.

6. Integration. This Agreement, along with the description of services to be performed attached as Exhibit A and the Standard Conditions to Oregon City Personal Services Agreement attached as Exhibit B,

contain the entire agreement between and among the parties, integrate all the terms and conditions mentioned herein or incidental hereto, and supersede all prior written or oral discussions or agreements between the parties or their predecessors-in-interest with respect to all or any part of the subject matter hereof.

7. Notices. Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United States mail, by hand delivery or by electronic means. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

Contractor shall be responsible for providing the City with a current address. Either party may change the address set forth in this Agreement by providing notice to the other party in the manner set forth above.

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

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers on this _____ day of _____, 2016.

CITY OF OREGON CITY

DeSANTIS LANDSCAPES, INC.

By: _____
John M. Lewis
Title: Public Works Director

By: _____
Title: _____

DATED: _____, 2016.

DATED: _____, 2016.

By: _____
Anthony J. Konkol III
Title: City Manager

ORIGINAL CITY COMMISSION APPROVAL (IF APPLICABLE):

DATE: _____

DATED: _____, 2016.

APPROVED AS TO LEGAL SUFFICIENCY:

By: _____
City Attorney

PDX_DOCS:309433.2 [34758-00100]
2/19/2016 3:01 PM

EVALUATION OF PROPOSALS
Multiple Site Landscape Maintenance

Bidder	Street Division	Street Division
	Annual Cost	Monthly Cost
DeSantis Landscapes	\$ 57,852.00	\$ 4,821.00

4% Increase	\$2,314.08	\$192.84
New total	\$60,166.08	\$5,013.84

Landscape Maintenance Services Scope of Services

Site Distribution:

The City has divided, in an equitable manner, the landscape sites in accordance with the respective divisions. The Contractor has been assigned a list of sites for which they will be responsible for all landscape maintenance activities. At the end of the first contract year, the City retains the right to evaluate and redistribute sites amongst the Contractors as it sees fit. Maps of the assigned sites and individual sites are attached.

Reassignment:

If at any time, the Project Manager determines that the Contractor's performance is deemed unsatisfactory, or that the Contractor is being non-responsive to the City's requests, the City may reassign individual sites to another Contractor of its choice.

Should any new sites be added to the list of maintained areas, the City retains the right to assign them as it sees fit. Should the work be assigned to the Contractor, the Contractor agrees to accept the work at mutually agreed upon price. An Amendment to the Agreement will be created for the new site and the Contractor will commence work when it has been fully executed.

Schedules & Communication:

Contractor shall provide and keep current a list of key staff working on the project, including email addresses and phone numbers. Contractor shall also provide and keep current an email address for work related issues.

Site detail maps indicate the type and schedule of maintenance required for the individual site. Maintenance will be performed according to the schedule listed, paying attention to any special features, such as mowing or irrigation, that may be present. Contractors shall determine their monthly schedules of maintenance and communicate them to the Public Works Department by way of the Work Scheduled/Completed Form (Exhibit C).

The Agreement includes some sites that have irrigation as a special feature. The maintenance schedule for these sites includes the turn on/shut off schedule. The Contractor shall know that any tasks associated with irrigation systems maintenance are those tasks having to do with efficient functioning of those systems and are included as part of this Agreement. These tasks include, but are not limited to, verifying flow, setting timers, adjusting sprinkler heads for efficient use of water, etc. Any repair or replacement of irrigation system components will be managed on a time and materials basis. The Contractor shall notify the Project Manager verbally of the work required followed by a written report of the work needed and the reasons why prior to commencing repair work. The work may commence with verbal approval from the Project Manager with written notification to follow. (Email is sufficient for written notification)

Contractor shall submit a Work Completed Form, via email or fax, to Public Works Operations, c/o oclandscaping@orcite.org; fax 503-650-9590, no later than 12:00 Noon on first work wee of each month. The Work Completed Form will also show work completed the previous month (after week 1) that will be verified by the Operations Project Manager. **Failure to submit the Work Completed Form will delay work verification and may delay payment of subsequent invoices.**

All work performed by the Contractor which is determined by the Project Manager to be unsatisfactory shall be corrected by and at the expense of the Contractor within seventy two (72) hours of the City's WRITTEN notification. The City may notify the Contractor verbally; however, written notification will follow (email is considered sufficient written notification).

Safety:

Contractor will ensure all work is completed in accordance with all applicable State and Federal statutes pertaining to the safety of its employees and the general population, to include PPE, traffic management, etc.

Contractor will immediately notify the Project Manager (503-657-8241) of any incident resulting in significant bodily injury or monetary damage while performing work for the City.

Emergencies:

In emergencies affecting the safety of persons, the work or property at the site, or adjacent thereto, the Contractor is obligated to act at his discretion to prevent threatened damage, injury or loss. He will give the City prompt written notice of any significant changes in the work or deviations from the Contract caused thereby. An Amendment may be issued covering the changes and deviations involved if both parties agree it is necessary.

Keys:

The City's Project Manager will provide to the Contractor a master key which will permit the Contractor to perform required services at sites not accessible by the general public. The Contractor may have the key duplicated at its expense. The Contractor shall advise the City's Project Manager of all such duplicates made. The original and all duplicates shall be delivered to the Project Manager with the Contractor's final invoice for services. The Contractor is granted admission to the site for reasons of performance of this contract and for no other reason.

Invoicing:

All invoices shall be submitted to the Public Works Department no later than the 10th day of each month. Invoices will include the contract number, the sites assigned, unit price and dates of services. Additional work performed will be listed as separate line items with site number, nature of the work completed, and time and material costs. Copies of the Work Completed Form for the month billed and documentation of any additional work must be attached.

The Project Manager may refuse to approve the whole or any part of any payment to protect the City from loss if, in his opinion, the work was:

1. Unsatisfactory and unresolved
2. Unverified
3. Not performed in a time frame pertinent to the attached site schedules.

The Project Manager will notify the Contractor both verbally and in writing the reason for refusing to approve payment (email is considered sufficient written notice). The Contractor may make the necessary corrections and re-submit the invoice. Within thirty (30) days of approval of the invoice, the City will pay the Contractor the approved amount.

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

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

2. Payment.

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

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

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

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

3. Independent Contractor Status.

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

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

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

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

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

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

4. Early Termination.

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

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

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

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

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

5. No Third-Party Beneficiaries. City and Contractor are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide, any benefit or right, whether directly or indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

6. Payment of Laborers; Payment of Taxes.

(a) Contractor shall:

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

(ii) Pay all contributions or amounts due to the State Accident Insurance Fund incurred in the performance of this Agreement.

(iii) Not permit any lien or claim to be filed or prosecuted against City on account of any labor or materials furnished.

(iv) Be responsible for all federal, state, and local taxes applicable to any compensation or payments paid to Contractor under this Agreement and, unless Contractor is subject to back-up withholding, City will not withhold from such compensation or payments any amount(s) to cover Contractor's federal or state tax obligation.

(v) Pay all employees at least time and one-half for all overtime worked in excess of forty (40) hours in any one week, except for individuals excluded under ORS 653.100 to 653.261 or under 29 U.S.C. §§ 201 to 209 from receiving overtime.

(b) If Contractor fails, neglects or refuses to make prompt payment of any claim for labor or services furnished by any person in connection with this Agreement as such claim becomes due, City may pay such claim to the person furnishing the labor or services and shall charge the amount of the payment against funds due or to become due Contractor by reason of this Agreement.

(c) The payment of a claim in this manner

shall not relieve Contractor or Contractor's surety from obligation with respect to any unpaid claims.

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

7. SubContractors and Assignment.

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

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

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

10. Compliance With Applicable Law.

Contractor shall comply with all federal, state, and

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

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

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

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

13. Indemnity and Insurance.

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

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

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

(c) Comprehensive, General, and Automobile Insurance. Contractor shall maintain comprehensive general and automobile liability insurance for protection of Contractor and City and for their directors, officers, agents, and employees, insuring against liability for damages because of personal injury, bodily injury, death, and broad-form property damage, including loss of use, and occurring as a result of, or in any way related to, Contractor's operation, each in an amount not less than \$1,000,000 combined, single-limit, per-occurrence/annual aggregate. Such insurance shall name City as an additional insured, with the stipulation that this insurance, as to the interest of City, shall not be invalidated by any act or neglect or breach of this Agreement by Contractor.

(d) Errors and Omissions Insurance. ~~Contractor shall provide City with evidence of professional errors and omissions liability insurance for the protection of Contractor and its employees, insuring against bodily injury and property damage arising out of Contractor's negligent acts, omissions, activities or services in an amount not less than \$500,000 combined, single limit. Contractor shall maintain in force such coverage for not less than three (3) years following completion of the project. Such insurance shall include contractual liability.~~

~~Within ten (10) days after the execution of this Agreement, Contractor shall furnish City a certificate evidencing the dates, amounts, and types of insurance that have been procured pursuant to this Agreement. Contractor will provide for not less than thirty (30) days' written notice to City before the policies may be revised, canceled, or allowed to expire. Contractor shall not alter the terms of any policy without prior written authorization from City. The provisions of this subsection apply fully to Contractor and its Contractors and agents.~~

14. Legal Expenses. In the event legal action is brought by City or Contractor against the other to enforce any of the obligations hereunder or arising

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts for attorney fees, costs, and expenses as may be set by a court. "Legal action" shall include matters subject to arbitration and appeals.

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

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

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

18. Hierarchy. The conditions contained in this document are applicable to every Personal Services Agreement entered into by the City of Oregon City in the absence of contrary provisions. Should contrary provisions be included in a Personal Services Agreement, those contrary provisions shall control over these conditions.

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

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

21. Nonwaiver. The failure of City to insist

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

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

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

24. Arbitration.

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

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

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

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

competence, and the three arbitrators shall, as promptly as possible, determine such matter, provided, however, that:

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

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




































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

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

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



2016 APPLICATION FOR BUSINESS LICENSE

Business Information				Business Owner and Contact Information				
Business Name				Owner Name				
Business Site Address				Home Address				
City, State, Zip				City, State, Zip				
Business Phone				Phone				
Business Email				Email				
Business Mailing Address				Emergency Contact Name				
City, State, Zip				Emergency Contact Phone				
Federal ID No. (EIN) __ - __ - __ - __ - __ - __				Metro Contractor's License				
4 Digit SIC Code (if known) __ - __ - __ - __				State License # (if applicable)				
Detailed Description of Business (REQUIRED): What specific activity are you conducting?								
Is your business located within the City limits of Oregon City? No <input type="checkbox"/> Yes <input type="checkbox"/>		Total number of persons doing business in Oregon City?			Hours of Operation?			
Please indicate type of ownership         				Individual <input type="checkbox"/>	Partnership <input type="checkbox"/>	Corporation <input type="checkbox"/>	Non-Profit <input type="checkbox"/>	LLC <input type="checkbox"/>
Business Based in Home	No <input type="checkbox"/>	Yes <input type="checkbox"/>	  	If Yes, Home Occupation form required. (see reverse)				
Are you the property owner?	No <input type="checkbox"/>	Yes <input type="checkbox"/>	  	If No, please provide completed Owner's Affidavit form. (see reverse)				
Hazardous Materials	No <input type="checkbox"/>	Yes <input type="checkbox"/>	  	List:				
Coin-Op Machines	No <input type="checkbox"/>	Yes <input type="checkbox"/>	  	Type:		# of Machines:		
I HEREBY CERTIFY THAT ALL INFORMATION IS TRUE, CORRECT, AND COMPLETE. ADDITIONALLY, I CERTIFY THAT THIS BUSINESS COMPLIES WITH ALL STATE, FEDERAL, AND LOCAL LAWS. No <input type="checkbox"/> Yes <input type="checkbox"/>              				Applicant's Signature:				
Credit Card Information (if paying with credit card)	Account Number		Exp. Date		3 Digit CSC (back of card)			
			____/____					
	Visa <input type="checkbox"/> M/C <input type="checkbox"/>		Using payment schedule, list amount paid		FEE \$			
PAYMENTS MUST ACCOMPANY APPLICATION. MAKE CHECKS PAYABLE TO: City of Oregon City A business license does not authorize the holder to conduct business in violation of any zoning ordinance or other state, federal, or local law.								
OFFICE USE ONLY								
Amount Paid	Receipt #	<input type="checkbox"/> Cash <input type="checkbox"/> Check	<input type="checkbox"/> Visa <input type="checkbox"/> MasterCard	SIC Code	Date Paid / By			

WHO NEEDS A BUSINESS LICENSE?

Oregon City Municipal Code Chapter 5.04 requires all businesses conducting business inside the city limits of Oregon City to obtain an Oregon City business license.

HOW DO I APPLY FOR A BUSINESS LICENSE?

Complete the **Application for Business License** form and submit it with the applicable fees:

- In person at 625 Center Street
- By mail to Business Licensing, PO Box 3040, Oregon City, OR 97045
- By fax to (503) 657-3339
- By email to licensing@orcity.org

The form can be found online at <http://www.orcity.org/economicdevelopment/business-licenses>. Payment may be made online at <https://edenweb.orcity.org/Default.asp?Build=LI.LicensingHome>.

Applications must be filled out completely. Incomplete applications will expire if not completed within 90 days. In the event a license application expires, the applicant may reapply for the business license.

Before submitting an application for a business license, please contact Community Development at (503) 722-3789 to verify that your proposed business is a permitted use within the zone you are located in.

If you are not the property owner on which the business is located, the owner is required to complete and submit the **Owner's Affidavit** form which can be found at <http://www.orcity.org/economicdevelopment/business-licenses>.

Businesses operating in the City must comply with all building, zoning, signage, fire and police requirements. Completion of the application does not imply business license approval. The business may not begin until the business license and all necessary permits, signs and inspections are approved by the City. Home-based businesses located in the City are required to fill out the **Home Occupation Worksheet** annually.

BUSINESS LICENSE FEES

The cost of the annual business license is dependent on the number of employees and the location of the business. When figuring the number of employees, include all persons involved in the business including owners, officers, employees and others operating within the City of Oregon City. Please verify the business location as it relates to Oregon City's jurisdictional boundary. New businesses that begin after June 30th of the current year may pay ½ of the annual business license fee listed below.

		<u>INSIDE CITY RATE</u>	<u>OUTSIDE CITY RATE</u>
Home Occupation Business:		\$ 80	\$ 120
All Other Businesses*:	<u>NO. OF EMPLOYEES</u>	<u>INSIDE CITY RATE</u>	<u>OUTSIDE CITY RATE</u>
	1 – 25 persons	\$ 158	\$ 198
	26 – 50 persons	\$ 242	\$ 324
	51 – 100 persons	\$ 326	\$ 450
	101 or more persons	\$ 410	\$ 576

*These amounts include the \$78 Community Safety Advancement Fee. (OCMC 13.36.040)

QUESTIONS?

Contact the business license office at 503-657-0891 or visit us at 625 Center Street.

Bidder	Street Division	Water Division	Street Division	Urban Renewal Sites	Stormwater Division	Sanitary Division	Capabilities & Approach	Key Personnel & Qualified Staff	Project Schedule	References & Past Experience	Evaluated Criteria Total Score	Street Division
	Annual Cost	Cost (Converted to 40 pt score system)					Evaluated Criteria					
Growco	\$ 59,505.00		27.09				10	11	8	10	39	66.09
ValleyScapes	\$ 40,296.00		40.00				13	11	9	13	46	86.00
Earthworks	\$ 87,841.62		18.35				12	7	7	9	35	53.35
Valley View Landworks	\$ 77,500.00		20.80				12	11	12	12	47	67.80
DeSantis Landscapes	\$ 57,852.00		27.86				13	12	11	12	48	75.86
C & R Reforestation							9	10	8	10	37	
Zoom Lawn								6	7	0	6	19
Current Bid Prices	\$ 57,852.00											
Current Bid Price + 4%	\$ 60,166.08											
Previous	\$ 40,296.00											
Difference	\$ 19,870.08											



City of Oregon City

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

Staff Report

File Number: 16-508

Agenda Date: 9/21/2016

Status: Consent

To: City Commission

Agenda #: 8c.

From: City Recorder Kattie Riggs

File Type: Minutes

Minutes of the August 3, 2016 Regular Meeting



City of Oregon City

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

Meeting Minutes - Draft

City Commission

Dan Holladay, Mayor
Rocky Smith, Jr., Commission President
Brian Shaw and Renate Mengelberg

Wednesday, August 3, 2016

7:00 PM

Commission Chambers

1. Convene Regular Meeting and Roll Call

Mayor Holladay called the meeting to order at 7:03 PM.

Present: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

Staffers: 10 - City Manager Tony Konkol, City Attorney William Kabeiseman, City Recorder Kattie Riggs, Captain Shaun Davis, Interim Community Services Director Denise Conrad, Public Works Director John Lewis, Economic Development Manager Eric Underwood, Finance Director Wyatt Parno, Community Development Director Laura Terway and Library Director Maureen Cole

2. Flag Salute

3. Ceremonies, Proclamations

4. Citizen Comments

Jerry Herrmann, resident of Oregon City, said in 1983 there was an effort to build a hydroplant at the falls by PGE. At that time he did not think it should be built because it would diminish the flows in the river and would affect fish migration. He thought the Commission should keep the idea of a whitewater park in consideration and see what kind of revenue sources might be found to help with the fish migration issues.

Rolla Harding, resident of Oregon City, discussed having an organized approach to tourism. There was a Spotlight on the Northwest program on September 18-20 in Albany where tour operators and destinations were getting together and he was thinking about going as an ambassador for Oregon City. It was time for a plan and participating in these types of activities.

Harry Dalgaard, Travel Oregon, was in support of the whitewater park project being included in the Riverwalk concept for the Willamette Falls Legacy site. Outdoor recreation infrastructure was part of the Oregon tourism experience and was an economic driver. It was an industry that would continue to grow in the coming years. He gave the example of how Bend put in a whitewater park and it was thriving. It should be integrated in Oregon City's plan.

Ben Hokenson, resident of Oregon City, would like to see people moving to Oregon City due to the recreational opportunities here. He enjoyed sports and had to leave Oregon City to do them. He would like the option of the whitewater park to stay on the table.

Nathan Modlin, resident of Oregon City, said the Willamette Falls were part of the reason his family had lived in the City for many years. It was the wish of many residents that the falls remain a source of recreation, education, and economic success. He encouraged the Commission to keep kayaks and canoes in mind when discussing designs for the Willamette Falls Legacy Project. A water trail, like a whitewater park, would be the most efficient way to pass the falls for non-motorized boats. He urged consideration of non-motorized boats in the design and that there be access to the falls in the future.

Elizabeth Fowler, resident of Oregon City, thanked the Commission for their support of Main Street. The whitewater park would be a tourism attraction, would promote healthy lifestyle activities, and would help the water environment and fish habitat. She thought the possibility should not be taken away yet. The community needed to be reconnected to the falls and this could be a tangible way.

Gavin Woods, resident of Oregon City, had been learning paddling techniques. If there was a whitewater park locally he could learn more about safety and water rescue as well as paddling and kayaking without having to leave the City.

Debra Melnychenko, resident of Oregon City, said there was no access to put in kayaks above the falls in Oregon City. There were many beautiful channels in the City but they had to go in through West Linn to get to them. She thought the whitewater park in Bend was great and thought one should be in Oregon City. She thought it would be a huge draw and there should be a way for everyone to enjoy the river.

Kathryn Toth, resident of Oregon City, ran two businesses and one was for homestay and tourism for exchange students. She took her students all around the area, but their favorite experience was kayaking at the falls. She thought if the area could be improved it would bring more people. Her other business was kayak sales and there was a huge market for that. Developing more kayaking opportunities was important as it was an affordable, sustainable, and environmentally friendly activity. It connected people to the environment.

Travis Kruger, resident of Oregon City, encouraged designing the Riverwalk in a way that did not preclude a future whitewater park. Oregon City was behind the curve in outdoor tourism and this was an opportunity to turn it around. He was a civil engineer and had studied the possibility of a whitewater channel on the Clackamas, and there was no feasible site except for Willamette Falls. The site could function without expensive pumping and it could be operated without power. He helped design the whitewater park in Bend. Community businesses and the government rallied around the project and it had become a true legacy for Bend. He thought there was the same support in Oregon City and there were many possible uses for the whitewater park. This was an opportunity to create a legacy in Oregon City.

Blane Meier, resident in unincorporated Oregon City, had two tourism related businesses in the City. He was in support of the whitewater park and encouraged Option 2 of the Riverwalk project design. The whitewater park had the potential for tourism and economic benefit and there was public support for it. The park did introduce complications and issues that could delay the Riverwalk project, and no one wanted the Riverwalk delayed. The options were to integrate the plans, go with Option 2, or have no water park at all. He addressed what he thought were unfounded objections to the park, such as there was no funding for the whitewater park, PGE would not share the water rights, and the whitewater channel would take up too much buildable land at the Willamette Falls site.

Don Smith, resident of Oregon City, discussed adaptive recreation for disabled veterans. He served on PRAC for a few years to help bring forward this type of vision. The Willamette Falls site was a solid revenue opportunity. He was the Director of Revenue for a large aquatic recreation company and had built parks through public/private partnership that were still open. The whitewater park was not an unknown, but a good idea. He thought the Commission should approve Option 2.

Bret Hostettler, resident of Oregon City, would like his kids to experience the river fully and was in favor of the whitewater park.

Matt Taylor, resident of Portland, had traveled around the world and had seen cities be rejuvenated by water. They had the opportunity with the whitewater park to get people in the water and connect with the water more than just having a waterfall. He thought they should approve Option 2. He managed a pump whitewater course in Maryland and it was a challenge because the pump system was expensive. He dreamed about having a waterfall to manage as opposed to expensive pumps to recirculate the water. A whitewater park was a boon to the community and healthy outdoor lifestyles. He thought the project would be able to find funding.

William Gifford, resident of Oregon City, was speaking for the Oregon City Business Alliance. The Alliance did not think this was the time to unequivocally support a whitewater park and it was not the time to unequivocally reject it. They supported Option 2.

Justine Kilsby, resident of Portland, was a river rescue program coordinator. She thought a whitewater park would help people gain safe experiences in the water and learn how to handle the water correctly. It would also help change how they approached dangerous water. It was a great training opportunity for rescue personnel.

Thelma Haggemiller, resident of unincorporated Oak Grove, said one of the beauties of living here was the water. Her grandson had been a raft guide on the Deschutes River and had traveled the world kayaking and she was in the tourism business as well. There were economic benefits to a whitewater park and her grandson would love to come to the City to kayak. She asked that it remain a consideration.

Jim Austin, resident of Portland, said this was a rare opportunity and discussed how Clackamas County Tourism had helped fund the studies for the site through grants. There were significant benefits to having a whitewater park. He did not think it was mutually exclusive to do the Riverwalk and whitewater park. With the potential designs, they could both function together. He asked that the Riverwalk design not preclude the whitewater park.

Jilene Modlin, resident of Oregon City, was in support of Option 2. Her great grandfather canoed on the river and she was continuing by going on the river. She thought a whitewater park would be a great scouting activity and help get kids off of electronics and out into nature. It was also a place where they could train and learn to be safe on the water. She hoped that they would be able to use what was in their own backyard for many more generations.

James Nicita, resident of Oregon City, discussed how the whitewater park fit with the Willamette Falls Legacy Project's core values. The whitewater park could advance both historic interpretation and historic preservation. It would also expand public access to the falls. Regarding economic development, he thought some

manufacturing could be done at the site and it had been zoned as mixed use light industrial. Regarding ecological aspects of the site, in association with other techniques, a fish ladder could be installed if planned with the whitewater park.

Trevor Keavneg, resident of Oregon City, said one of the reasons his family moved to Oregon City was because the Willamette Falls site was going to be revitalized. They wanted to live where it was affordable and where growth and development was occurring. He did not know if the whitewater park was the best use for the site, but he did not think the option should be removed yet. He supported Option 2.

Karin Morey, resident of Oregon City, had grown up on the river, but until a recent tour had never been close to the falls. However she was appalled at the state of the upper basin which originally had been free flowing water returning to the lower river and cleaning the channel. One of the core values was habitat restoration and she hoped that in designing the Riverwalk that there would be an allowance for a larger flow from the basin to the lower river to help restore the upper basin. The whitewater park would be a cool idea.

Jesse Buss, resident of Oregon City, highlighted the core values and how they were consistent with moving forward with the whitewater park option. He discussed the key elements of the historic and cultural interpretation, public access, healthy habitat, and economic development that the whitewater park would provide.

Sam Drevo, small business owner in Oregon City and We Love Clean Rivers board member, discussed how he helped advocate for the zone change and for recreation as part of the Riverwalk. The Planning Commission had encouraged the whitewater park idea and money had been raised for the future planning. There were external sources of funding for the project as he thought it had merit. He urged the Commission to consider Option 2 to continue the research. The partners in this project were looking to the Commission for leadership.

Commissioner Smith said he was open to looking at the option and was impressed by the public input that night. The County was following the City's lead and they needed to do this right.

Commissioner Shaw said this was a complicated project and had been in the planning stages for several years. He did not want to delay the planning, but thought they should approve Option 2. The whitewater park needed more vetting and he was willing to revisit it.

Commissioner Mengelberg said there was a lot of potential with the falls and wanted to explore it further. She was concerned about the cost that Option 2 might create for the partners. She also wanted to make sure it would not delay the Riverwalk project. However, she was in support of Option 2.

Tony Konkol, City Manager, said they had a 120 foot easement from the water line to the Willamette Falls property where the Riverwalk would be built. The funds received were for the Riverwalk project only. The partners group approved a budget and a consultant had been hired for the Riverwalk design. The work necessary for the whitewater park was not in the scope of work, budget, or identified funds. Option 3 did not preclude a whitewater park from being built as the owner of the property could come up with design options. In the easement agreement with the property owner, if the property owner came up with a development scenario that fit within the framework they could go through the process to implement it.

Mayor Holladay said his understanding of Option 2 was to make the design of the

Riverwalk fit the whitewater park, but it would be more guessing at this point as to where it would fit since it had not been designed yet. He thought the issue was using public dollars to accommodate the whitewater park.

Mr. Konkol said for Option 2 they would have to pick a point for the potential exit and entry of the whitewater park. Option 3 did not preclude the whitewater park, but said they were going to look at it from a programming standpoint, and include in the discussion how to program activities on the Riverwalk to include a number of uses. He explained all of the options that were taken to the partners group.

This item was added to the next Commission Work Session.

A motion was made by Commissioner Smith, seconded by Commissioner Mengelberg, that the Oregon City Commission support Option 2 and recommend the County Commission support it as well. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

6a. Ordinance No. 16-1006, Adopting a Public Facilities Strategy for the Linn Avenue and Hazelwood Drive Sewer Systems

John Lewis, Public Works Director, said in order to extend the moratorium for two more years, a Public Facilities Strategy had to be created which would help the City continue to stay on track for allowing future development.

Mayor Holladay opened the public hearing.

There were no public comments.

Mayor Holladay closed the public hearing.

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to approve the first reading of Ordinance No. 16-1006, adopting a Public Facilities Strategy for the Linn Avenue and Hazelwood Drive sewer systems. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

6b. First Reading of Ordinance No. 16-1007, Adopting Amendments to the Oregon City Municipal Code Chapter 17.62, Site Plan and Design Review, and Chapter 17.50, Administration and Procedures

Laura Terway, Community Development Director, said this was a proposal to change the site plan and design review for minor exterior alterations in commercial, institutional, and industrial zones from being a Type 2 process to a Type 1 process. This would reduce the timeline for review and create a more efficient process without changing any of the criteria. The Planning Commission recommended approval of the change except for properties that were subject to historic district review.

Commissioner Mengelberg suggested removing the condition of excluding the properties in historic districts as she did not think it was fair they would have a more burdensome process than other residents in the City.

Mayor Holladay opened the public hearing.

There was no public comment.

Mayor Holladay closed the public hearing.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Shaw, to approve the first reading of Ordinance No. 16-1007, adopting amendments to the Oregon City Municipal Code Chapter 17.62, Site Plan and Design Review, and Chapter 17.50, Administration and Procedures, and removing 17.62.035.A.1. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

7. General Business

7a. Resolution No. 16-21: Supporting the Concept of the Oregon City Tourism Plan

Eric Underwood, Economic Development Manager, presented the Tourism Plan concept that was done by the Downtown Oregon City Association. This would help Oregon City prepare for, cultivate, and manage tourism. The resolution would give support of the concept and hire a temporary contract position to coordinate the formation of the Oregon City Tourism Stakeholder group. This group would advise tourism efforts based on the framework of the Tourism Plan. It would also approve the use of a portion of the Transient Lodging Tax to establish a position in the Economic Development Department for tourism efforts. He explained the duties of the contractor and permanent employee.

Commissioner Smith was in support of hiring a contractor who would be neutral in the discussions with all of the stakeholders. Now was the time and he thought this set the next Commission up to budget and make goals for tourism.

Jonathan Stone, Executive Director of the Downtown Oregon City Association, said the first milestone for marketing was to engage a marketing agency to develop a tourism experience. Tourism in the City would grow as well as the group's ability to be a destination marketing group. The Downtown Association applied for a \$50,000 from Travel Oregon to get an agency in as soon as possible and to develop the tourism experience. They would align with the County's tourism efforts as well. He thought if a tourism stakeholders group had already been formed, there would have been a group to advise the Commission on issues such as the whitewater park. In the future the group would provide guidance as well as research information the City needed to help with these decisions. The consultant who wrote the Tourism Plan observed Oregon City had a strong heritage component, however there were many other tourist aspects in the City. The marketing product that would result from the consultant's work would be more than one type of experience and would be as inclusive as possible. Tourism was a major economic driver and there needed to be more pedestrian traffic and use of the tourism funds for marketing and getting people to visit the City.

Blane Meier, resident of unincorporated Oregon City, said there were a lot of

talented, dedicated, and enthusiastic people regarding tourism, but there was no coordination. He was excited about the Tourism Plan and glad there would be a leadership group that answered to the City to help get a focus and develop policy and plans as well as implementing those plans and finding funding.

Jim Austin, resident of Portland, was excited about this project. It was a needed coordinated effort and now was the right time. Clackamas County Tourism wanted to be a resource and partner with the City in creating destination tourism.

Amber Holveck, Director of the Oregon City Chamber of Commerce, said no matter how many efforts had been put together in the past, there had always been a lack of coordination. They needed to have this foundational stakeholder group for tourism to excel in the City. She hoped the Commission was in support.

Mayor Holladay was in favor of the resolution and thought forming this group would allow more citizen input on tourism.

A motion was made by Commissioner Smith, seconded by Commissioner Mengelberg, to approve Resolution No. 16-21: supporting the concept of the Oregon City Tourism Plan. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

7b.

Discussion of Clackamas County's Proposed 6% Motor Vehicle Fuel Tax

Mr. Konkol said the County was proposing a 6% motor vehicle fuel tax measure on the November ballot and was asking the City to adopt a resolution supporting the measure and an Intergovernmental Agreement for how the funds would be divided between the County and the City to be done by September 1, 2016. If the City did not meet the deadline, it would not be eligible to receive the funding.

Commissioner Shaw said if the resolution was approved, the City would receive a portion of the tax.

Commissioner Mengelberg was in favor as a practical matter. If they did not approve the resolution, citizens would help fund roads for all the other cities in the County except Oregon City. She thought it would be a missed opportunity if they did not participate.

Commissioner Smith said the County needed all the cities to support this in order to get the funding. The City Commission did not know if citizens wanted to pay the tax, but they had to approve the resolution before the vote. It put the Commission in the position where they did not have a choice. He was not in support.

Mayor Holladay discussed this issue with other mayors in the County and most of the cities had ballot measures for funding requests of their own that they wanted to pass in November. They did not think it was fair to require the cities to support the gas tax and if a city did not participate, the funds would be used for other cities. The mayors had amended the County's Intergovernmental Agreement (IGA), but the County Commission did not agree with the changes and said either the City approved the resolution or they would not get any money. Oregon City already had a Transportation Utility Fee that was functioning well. He was skeptical that the tax would pass and he was tired of being bullied by the County. He suggested passing the IGA the mayors produced and send it to the County and if the County did not agree, then the City would not support the tax. The mayor's version took out the word "participating" from all the language so it allowed the cities to work as little or as much

as they wanted to in order to pass the gas tax and it took out they had to participate in order to get the revenue. The citizens who were being taxed should receive the funds.

Commissioner Shaw wanted to see the hard copy of the changes before it was approved.

A motion was made by Commissioner Smith, seconded by Commissioner Shaw, to support the mayors' version of the IGA for Clackamas County's proposed 6% Motor Vehicle Fuel Tax and authorize the City Manager to execute the agreement. The motion failed by the following vote:

Aye: 2 - Commissioner Rocky Smith and Mayor Dan Holladay

Nay: 2 - Commissioner Brian Shaw and Commissioner Renate Mengelberg

Mayor Holladay reviewed the changes that were made to the County's IGA.

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to reconsider the vote on the mayors' version of the IGA for Clackamas County's Proposed 6% Motor Vehicle Fuel Tax. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

Commissioner Mengelberg would vote in favor because there was enough time for the County to reconsider and all parties could potentially come to an agreement.

A motion was made by Commissioner Smith, seconded by Commissioner Shaw, to support the mayors' version of the IGA for Clackamas County's proposed 6% Motor Vehicle Fuel Tax and authorize the City Manager to execute the agreement. The motion passed by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

7c.

Memorandum of Agreement between the U.S. Army Corps of Engineers, Portland District and The Oregon State Historic Preservation Officer, and the Advisory Council on Historic Preservation for efforts to avoid, minimize or mitigate adverse impact to the Willamette Falls Locks.

Ms. Terway said in 1974 the Willamette Falls Locks were registered on the national historic register and 35 years later in 2011 the Locks were closed due to safety concerns. The closure started a process called Section 106 to make sure there were no adverse effects regarding the closure. The agreement listed things they were already doing, such as a final disposition study and formation of a state task force to study reopening of the Locks. This agreement would be among the Corps of Engineers, State Historic Preservation Office, and Advisory Council of Historic Preservation, and the City was endorsing it as a concurring party which meant the City supported the agreement in general.

Mayor Holladay said this had been discussed over the last six months and Bill Kabeiseman, City Attorney, had reviewed it.

A motion was made by Commissioner Shaw, seconded by Commissioner Smith, to approve the Memorandum of Agreement between the U.S. Army Corps of Engineers, Portland District and The Oregon State Historic

Preservation Officer, and the Advisory Council on Historic Preservation for efforts to avoid, minimize or mitigate adverse impact to the Willamette Falls Locks. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

8. Consent Agenda

Mayor Holladay left the meeting at 9:40 PM.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Shaw, to approve the consent agenda. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Commissioner Rocky Smith and Commissioner Renate Mengelberg

Excused: 1 - Mayor Dan Holladay

8a. Kancler Consulting, LLC Contract Amendment for Government Relations Services

8b. Minutes of the June 15, 2016 Regular Meeting

8c. Minutes of the June 7, 2016 Work Session

9. Communications

a. City Manager

Mr. Underwood said the City had been partnering with Clackamas Community College and the Chamber of Commerce for promoting work force training, job creation, and company recruitment at the Industrial Technical Center. He announced the next stakeholder meeting would be held on September 1, 2016 to give an update on the work that had been done and how they planned to move ahead.

Mr. Kabeiseman gave an update on the Public Works Operations Center issue raised by citizens of whether or not it was a park. Citizens had submitted a land use appeal and it was dismissed due to it being a Charter interpretation. Citizens then transferred it to the circuit court and court of appeals. The court of appeals affirmed LUBA's response. The City filed a motion for summary judgment on the circuit court case and citizens filed a new complaint for declaratory judgment asking the court to declare the upper yard was a park.

Mr. Lewis said the City was still moving forward with the Operations Center project. There had been another positive neighborhood meeting with the McLoughlin neighborhood and staff was trying to work through their issues.

Mr. Konkol said an Urban Renewal citizen initiative was submitted and they were short on signatures. They still had time to collect the signatures for the November ballot. Mr. Kabeiseman clarified once a ballot measure was filed, elected officials could advocate for it, but public employees and public funds could not be used for advocacy on one side or the other.

Mr. Konkol announced the Barclay Hills Park playground ribbon cutting event would be held on August 6, 2016, the Second Annual Trail Game 5K Run on August 7, 2016, Volunteer Recognition event on August 18, 2016, League of Oregon Cities Conference on September 29-October 1, 2016, and High Rocks Summer Clean Up with SOLV on August 13, 2016. The City was awarded a \$600,000 Environmental Protection Agency Grant for contaminate assessment of the 99E corridor. Metro would administer the grant and a task force would be formed to discuss projects. The next Movie in the Park would be on August 5, 2016.

b. Commission

Commissioner Shaw attended the First City Celebration, Oregon City Business Alliance (OCBA) meeting, Cove Ground Breaking, Library addition opening, South Fork Water Board meeting, Citizen Involvement Committee(CIC) meeting, and National Night Out.

Commissioner Mengelberg attended the Willamette Falls Partners Reception, Equitable Housing presentation, First City Celebration, met with Sam Drevo regarding the whitewater park, attended the Main Street Economic Revitalization Committee meeting, and National Night Out.

Commissioner Smith attended the First City Celebration, Cove Ground Breaking, South Fork Water Board meeting, and National Night Out. He thought the new Library addition was amazing.

c. Mayor

There was no Mayor's report.

10. Adjournment

Commission President Smith adjourned the meeting at 9:58 PM.

Respectfully submitted,

Kattie Riggs, City Recorder



City of Oregon City

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

Staff Report

File Number: 16-510

Agenda Date: 9/21/2016

Status: Consent

To: City Commission

Agenda #: 8d.

From: City Recorder Kattie Riggs

File Type: Minutes

Minutes of the August 9, 2016 Work Session



City of Oregon City

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

Meeting Minutes - Draft

City Commission

Dan Holladay, Mayor
Rocky Smith, Jr., Commission President
Brian Shaw and Renate Mengelberg

Tuesday, August 9, 2016

5:30 PM

Commission Chambers

Work Session - REVISED

1. Convene Work Session and Roll Call

Mayor Holladay called the meeting to order at 5:40 PM.

Present: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

Staffers: 9 - City Manager Tony Konkol, Public Works Director John Lewis, Community Development Director Laura Terway, Human Resources Director Jim Loeffler, Economic Development Manager Eric Underwood, Police Chief and Public Safety Director James Band, City Recorder Kattie Riggs, Assistant City Attorney Carrie Richter and Pete Walter

2. Future Agenda Items

Mayor Holladay wanted to revisit the issue of the Commission's participation in the Regional Wastewater Treatment Capacity Advisory Committee.

3. Discussion Items:

3a. History of Regulating Membrane (Fabric and Metal) Residential Accessory Structures

Laura Terway, Community Development Director, said several Code Enforcement complaints had been received regarding membrane structures. Membrane structures were accessory buildings used for storage and she explained per Municipal Code that the structures were not allowed if they were visible in the right-of-way. This standard was adopted in 2011 and it was retroactive, did not allow for grandfathering, and these structures had to be removed in six months. She gave a history of how the Code had been changed and the adoption process for the changes that occurred in 2011. She then explained the reasons for the regulation and public outreach that was done. Some of the concerns from the public were these structures had permits, there were a variety of structure types, the cost, lack of proactive enforcement, and there were no complaints from nearby properties. She gave a history of Code Enforcement actions and how there had not been a lot of violations in the past, but several came forward in June as one person complained about 35 structures. The standards could not be ignored as they were in the City's Code, however the Code could be changed through a legislative application. The reason the Code was retroactive was these structures were temporary in nature and it was difficult to distinguish what was in good repair and what was in poor repair.

Mayor Holladay thought it was unfair to put something like this in place and not

grandfather those who already had the structures at least until property ownership changed.

Frank O'Donnell, resident of Oregon City, read his prepared testimony. He thought this was a well-intentioned piece of legislation, but had some unintended consequences. Mr. O'Donnell thought these were not temporary structures. He did not think this should be retroactive as it disregarded previously made land owning decisions and choosing building sites. The Code did not focus on the root cause of the problem, which was nuisances created by solid waste and junk. It identified the structure as the thing to be controlled. The focus of the Code was cosmetic in nature and not health and safety. These structures could withstand weather and the elements and many were properly anchored. The life expectancy was 30-50 years. Similar structures existed in the Oregon City maintenance yard, parks, schools, gas stations, storage sheds, and the End of the Oregon Trail. The Code did not differentiate between a properly installed anchored structure located behind fences and front property lines and unanchored insufficiently restrained structures in front of residences that might go tumbling down in the wind. Many of these structures were multi-use and membrane construction was recognized and widely used. He suggested grandfathering in existing structures, possibly opening up a free registration period for owners of existing structures to record their structures, and refining the existing Code with a focus on public health, safety, and welfare which was the proper role of government.

Mike Crawford, resident of Oregon City, passed around some pictures of his structure. In 1988 he put in a carport and the structure was still up and was on the back of his property. There were ordinances against a fence height that would block it. He would like to see these types of structures grandfathered.

Teresa Hayworth, resident of Oregon City, thought the intent of the Code was not safety related, but more associated with aesthetics. There were many structures that were visible in her block and she did not usually notice them. They were anchored down and in good condition and a lot were made from aluminum which lasted a long time. She thought they were more permanent structures, were expensive, and were well maintained. The structures had become part of their properties and she would like to have the freedom to keep hers.

Brian Gibson, resident of Oregon City, said his structure was used to cover an investment. It was put up prior to the Code change and it would create a hardship to take it down. He would like it to be grandfathered in or come up with a compromise.

Jeanette Kmetec, resident of Oregon City, bought her house in 2003 and she had a metal structure that was barely visible from the street. It was pre-existing to the Code change and she hoped it could be grandfathered as she did not want to have to take it down.

Mayor Holladay thought grandfathering was a valid concern. He suggested holding in abeyance any further Code Enforcement action until staff came back with a recommendation to the Commission.

Carrie Richter, City Attorney, said staff needed to look at where the Code Enforcement actions were in the process. The Commission could also start the process for amending the Code.

Jim Band, Police Chief, stated for these types of issues, the City worked with everyone and gave them time to comply. He did not think abeyance was necessary and the Commission could change the policy as they desired.

Mayor Holladay asked staff to bring back a recommendation to the City Commission for possible options in September. Mr. Konkol said if the Commission wanted to look at this Code, staff would take that into consideration as far as Code Enforcement was concerned.

3b. Time, Place and Manner Regulations for Marijuana Businesses and Personal Cultivation

Pete Walter, Planner, said the Planning Commission held a public hearing on marijuana business regulations and they forwarded the regulations to the City Commission with some amendments. He discussed the State laws and bills that had been passed regarding marijuana, current City policy which was a temporary ban until the November vote, public outreach, web based survey results, zoning, school, transit, city parks, and childcare buffers, where retail/dispensaries were permitted and how they were prohibited in residential zones, producer permitted areas, wholesaler permitted areas, and proposed standards of operation.

Mayor Holladay wanted to make sure they were fair in regard to where these uses were prohibited and the buffers required. He thought there needed to be more clarity on outdoor storage and the ability to load and unload product.

Mr. Walter said the Planning Commission held two public hearings on this issue. Some of the concerns were outdoor vs. indoor personal cultivation, odor nuisance, Land Use Compatibility Statement process, business license process, 1,000 foot buffer around Clackamas Community College, increased school buffer to 1,500 feet, requiring 1,000 foot separation between individual retail uses, and prohibiting retail use in the Canemah National Register District. The amendments recommended by the Planning Commission were: outdoor cultivation for personal grows would align with State law, there should be a minimum of 1,000 square feet between retail uses, and retailers would not be allowed in the Canemah District due to compatibility. He then discussed what other cities were doing in regard to marijuana regulations and discussed the tax revenue that would be dispersed by the State. A City Commission public hearing was scheduled for August 17, 2016.

There was discussion regarding the buffers and possibly limiting the number of retailers allowed in the City. There was further discussion regarding the Planning Commission's concerns.

Commissioner Mengelberg recommended using the boundary of the College as the buffer.

Tom Geil, resident of Oregon City, explained the Planning Commission's deliberations on this issue. It took a lot of compromise and he thought they had come up with the best solutions. Going with what the State said for personal grows was a compromise. The Clackamas Community College buffer was due to minors being on the campus and there needed to be more protections. The reason there was only one liquor store in the City was because it was based on population.

Mayor Holladay had an issue with adding a 250 foot buffer around parks. He did not see the marijuana facilities as different from a convenience store except that they could only do business in cash. He did not think a buffer would prevent kids from seeing the stores. The 1,000 foot buffer from schools was enough. He hesitated to single out the Canemah District for excluding marijuana businesses.

Commissioner Smith thought there should be a park buffer. He thought the buffer around the college should match the buffer around the high school. He was unsure

about the Canemah District issue.

There was discussion regarding what other cities did regarding park buffers.

Commissioner Mengelberg thought if the Canemah District felt strongly about not wanting it in their area, she would respect that. It seemed like a good place for it from a business standpoint.

Mr. Konkol had a concern regarding the security of the outdoor personal grows as well as impacts to neighbors.

There was discussion regarding crime surrounding marijuana, livability, and keeping it away from children.

Mr. Walter said the odor issue would be handled by Code Enforcement. The outstanding issues were the 1,000 foot buffer around the college, prohibiting retail use in the Canemah District, requiring a 1,000 foot separation between retail uses, and staff would come back with a map indicating removal of the 250 foot buffer for parks, day care facilities, and transit centers to show what it meant for retail sites. Staff would also work on the regulation for maneuvering and transporting the product without violating the outdoor storage regulations.

4. City Manager's Report

Mr. Konkol would be on vacation August 18-23, 2016.

Mr. Lewis said the paving on Molalla Avenue and Singer Hill had been put off due to the weather, but was going to start tomorrow, August 10, 2016.

5. Adjournment

Mayor Holladay adjourned the meeting at 7:54 PM.

Respectfully submitted,

Kattie Riggs, City Recorder



City of Oregon City

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

Staff Report

File Number: 16-509

Agenda Date: 9/21/2016

Status: Consent

To: City Commission

Agenda #: 8e.

From: City Recorder Kattie Riggs

File Type: Minutes

Minutes of the August 17, 2016 Regular Meeting



City of Oregon City

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

Meeting Minutes - Draft

City Commission

Dan Holladay, Mayor
Rocky Smith, Jr., Commission President
Brian Shaw and Renate Mengelberg

Wednesday, August 17, 2016

7:00 PM

Commission Chambers

1. Convene Regular Meeting and Roll Call

Mayor Holladay called the meeting to order at 7:00 PM.

Present: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

Staffers: 9 - City Manager Tony Konkol, Assistant City Attorney Carrie Richter, City Recorder Kattie Riggs, Police Chief and Public Safety Director James Band, Public Works Director John Lewis, Economic Development Manager Eric Underwood, Pete Walter, Community Development Director Laura Terway and Library Director Maureen Cole

2. Flag Salute

3. Ceremonies, Proclamations, and Presentations

3a. Proclamation for the 96th Oregon City / West Linn Rivalry Day

Mayor Holladay read the proclamation declaring September 2, 2016, as the 96th Oregon City / West Linn Rivalry Day.

Commissioner Shaw announced the Optimist Club Breakfast on August 30, 2016.

3b. Transportation Advisory Committee Annual Report for 2015

Bob La Salle, Chair of the Transportation Advisory Committee, presented the Transportation Advisory Committee Annual Report for 2015. He discussed the accomplishments of the Committee including the Carnegie Library project and new traffic patterns during construction, Linn Avenue/Leland Road/Meyers Road roundabout, Pavement Maintenance Utility Fee Five Year Plan, tracking system for the condition of City signs, Drive Safe Oregon City Campaign, South End Road and Hazel Grove Drive crosswalk, improved communications with City departments and other organizations, presentations on the Parks Master Plan and parks projects, Hospital Master Plan, and speedbump, crosswalk, and stop sign requests.

3c. Public Works Stormwater and Grading Design Standards Update

John Lewis, Public Works Director, said the City had updated the stormwater and grading design standards last year and staff was continuing to monitor the implementation of the standards. As land developed more impervious areas were created and how the City managed stormwater was through low impact development such as rain gardens and rain barrels which encouraged on site storage. The

standards helped in the implementation and maintenance of these systems. Most of the current new development had already been approved through the land use process before adoption of the standards. However all new applications would be using them. He did not think it would impact the development community.

4. Citizen Comments

Bob Mahoney, resident of Oregon City, discussed the whitewater park and how it had not gone to the Planning Commission as a land use application. These types of proposals needed to follow the process especially if public funds were going to be used. Anyone who appeared before the City Commission with an intent to get an endorsement without public participation and a record being established was not going through the correct process. This was a complicated project and they had to protect the public process.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

6a. Request to Continue: Annexation Request of Approximately 0.46 Acres of Property Located at 19358 S. Columbine Court into the City (Annexation File AN-16-0001)

Laura Terway, Community Development Director, said staff was requesting a continuation of this annexation hearing to September 7, 2016.

There was no public testimony.

A motion was made by Commissioner Smith, seconded by Commissioner Mengelberg, to continue the annexation request of approximately 0.46 acres of property located at 19358 S. Columbine Court into the City (Annexation File AN-16-0001) to September 7, 2016. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

6b. Time, Place and Manner Regulations for Marijuana Businesses and Personal Cultivation (Planning File LE-16-0001)

Ms. Terway said there was a measure on the November ballot asking if voters wanted marijuana associated businesses in the City as currently they were not allowed. Staff was proposing time, place, and manner regulations should the measure pass.

Pete Walter, Planner, said this application would amend the existing zoning code to allow these businesses. All of the previous items had been entered into the record except the survey results which he then entered into the record. He explained the public process that was done and discussed zoning that showed where the marijuana businesses could be located. No marijuana businesses were allowed in residential, retail businesses would be allowed in mixed use and commercial, and most uses were allowed in industrial and employment. Grow sites had to be indoors. This did not apply to personal cultivation, where people could grow up to four plants for personal use. The Planning Commission recommended approval of the application with a few questions for the City Commission to decide. The first was should there be a 1,000

foot separation from Clackamas Community College for marijuana retailers? This would have a large effect on where retailers could be located in the City and Mr. Walter showed maps of the different buffer scenarios and possible locations for retailers. The next question was should the City require a 250 foot separation from public parks, licensed childcare and daycare facilities, and public transit centers for marijuana retailers? Mr. Walter gave examples of the effect on the amount of retail that would be allowed in those scenarios. The next question was should there be a 1,000 foot separation between marijuana retailers? This was not a requirement for any other type of retail use and with this separation there would be 25 possible retail sites available in the City. Another question was should marijuana retailers be prohibited in the Canemah Historic District? Since it was a mixed use zone, staff recommended that retailers be allowed. Regarding outdoor business use, it was not allowed except for temporary ingress and egress of vehicles, persons, and materials associated with the permitted use. The last question was should personal outdoor cultivation be permitted? There were concerns about theft and trespassing and smell and odor complaints. He was asking for Commission guidance on these items. The president of Clackamas Community College submitted a letter in favor of the 1,000 foot buffer around the college.

Mayor Holladay opened the public hearing.

Mike Albin, resident of Oregon City, urged the City Commission to follow the Planning Commission's recommendations regarding the buffers around Clackamas Community College and daycare centers. The churches were not on the maps, and he thought having a buffer around churches would be a good idea.

Doug Neeley, resident of Oregon City, was representing Oregon City Together who educated youth about substance abuse. He thought if there was a buffer from schools there should be a buffer from parks. The reasons for the 1,000 foot buffer around Clackamas Community College were there were a lot of people under 21 who were attending the college, high school students were attending classes at the college, and the more marijuana businesses that were in the City the more it was likely that marijuana would be sold to youth. He had a child who became a heroin addict and had started using it in high school and her gateway drug was marijuana. He also had a grandson who became a heroin addict and his gateway drug was also marijuana. They were no longer addicts but their experiences as addicts would be with them for the rest of their lives.

Paige Hirt, program director for Oregon City Together, said she was a parent with a recent graduate of Oregon City High School and had two younger boys. She was concerned about marijuana use increasing as the perception of harm was decreasing. The perception of harm would begin to change when it was normalized in the community and culture. Youth needed to understand use of these substances were not good for developing brains and seeing signage and advertisements for marijuana or availability of marijuana where kids frequent normalized it and reduced the perception of harm. She was in favor of the buffers recommended by the Planning Commission as they put youth and the health of the community first.

Christopher Lane, resident of Milwaukie, was attending Gardiner Middle School. He thought there should be bigger buffer zones around daycares, schools, parks, and between dispensaries. The more dispensaries there were, more youth would use marijuana as they would think it was normal and they could become addicts or suffer brain damage. They needed to worry less about profit and more about the City. Kids needed to be exposed less to marijuana.

Mayor Holladay closed the public hearing.

Mayor Holladay said there was a vote coming up in November regarding marijuana retail sales being allowed in the City. If the citizens said they wanted marijuana retailers, they had to view this fairly as other businesses. Marijuana already had a lot more regulations than other retail businesses and the Code discussion had to be separate from whether or not marijuana should be allowed. He wanted the fairest application of the Code to the business community as a whole.

There was discussion regarding the 1,000 foot buffer around Clackamas Community College.

Commissioner Mengelberg had originally questioned whether the buffer was too much and based on the letter from the college and public testimony received, she was now convinced that a 1,000 foot buffer around the college was the right decision.

Commissioner Shaw agreed that the recommendation should be upheld as there would only be more youth attending classes at the college. Marijuana was still illegal federally and different from other businesses. He thought the east buffer should end at Beavercreek Road and not cross over the road.

Commissioner Smith did not think there could be an exception for Beavercreek Road. He thought the buffer should remain at 1,000 feet as all other schools. There were many students that went back and forth between the high school and college campuses and it made sense that all the schools were consistent.

Mayor Holladay thought a lot was being read into a storefront sign. He had visited marijuana retail stores to see how they operated and he thought several security measures were in place. He did not see a reason to go beyond what was required by the State legislature.

Commissioner Mengelberg thought it was easier to be restrictive first and loosen some of the requirements as needed.

A motion was made by Commissioner Smith, seconded by Commissioner Shaw, to support a 1,000 foot buffer around Clackamas Community College. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Commissioner Rocky Smith and Commissioner Renate Mengelberg

Nay: 1 - Mayor Dan Holladay

There was discussion regarding 250 foot separation from public parks, licensed childcare and daycare facilities, and public transit centers for marijuana retailers.

Commissioner Shaw, Smith, and Mengelberg agreed with the Planning Commission's recommendation for these buffers.

A motion was made by Commissioner Smith, seconded by Commissioner Mengelberg, to support a 250 foot separation from public parks, licensed childcare and daycare facilities, and public transit centers for marijuana retailers. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Commissioner Rocky Smith and Commissioner Renate Mengelberg

Nay: 1 - Mayor Dan Holladay

There was discussion regarding a 1,000 foot separation between marijuana retailers.

Commissioner Shaw was in agreement as there were 25 sites available for retailers even with this buffer.

Mayor Holladay did not think there would be 25 marijuana retailers in the City. He did not have an issue with this buffer.

A motion was made by Commissioner Shaw, seconded by Commissioner Smith, to support a 1,000 foot separation between marijuana retailers. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

There was discussion regarding prohibiting marijuana retailers in the Canemah Historic District.

Commissioner Mengelberg did not think Canemah should be singled out for separate treatment than anywhere else in the City. She was not in favor of imposing this restriction.

Commissioner Smith discussed the results of the online survey regarding retail locations. Where these facilities were located was important, especially as tourists and residents were driving to certain destinations. He thought due to the buffers around parks, it took out locations like the McLoughlin neighborhood and downtown. The most important assets were the historic neighborhoods and he was in favor of the restriction on the Canemah District due to the historic value of the neighborhood.

Commissioner Shaw said Canemah was a historically designated area and it was the south entry to the City. He did not think they wanted a marijuana retailer at the entry to the City and agreed with the restriction.

Mayor Holladay agreed with Commissioner Mengelberg and thought the historic designation was not about exterior appearance. He wanted to keep the playing field as level as possible for all businesses. The Canemah business district was not currently attractive, but he supported all of those businesses existing. He did not see a connection between the historic district and this piece of the Code.

Commissioner Mengelberg said from a commerce standpoint the Canemah District was separate because of topography and was on a State highway without schools or parks nearby and she thought it was a good spot to put in a retail store.

Commissioner Smith said in 20 years Canemah would be the center of the most important development in the State.

Mayor Holladay said these regulations could be changed if needed. He did not want to set a precedent of giving the historic district more restrictions.

A motion was made by Commissioner Mengelberg, seconded by Mayor Holladay, to allow retail sales in the Canemah Historic District. The motion failed by the following vote:

Aye: 2 - Mayor Dan Holladay and Commissioner Renate Mengelberg

Nay: 2 - Commissioner Brian Shaw and Commissioner Rocky Smith

A motion was made by Commissioner Mengelberg, seconded by Commissioner Shaw, to support the change to the language that no portion of a marijuana business could be conducted outside except for temporary

ingress and egress of vehicles, persons, and materials associated with the permitted use. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

There was discussion regarding whether or not to allow outdoor personal cultivation of marijuana.

Commissioner Mengelberg was in favor of property rights, but this could be a potentially dangerous attractive nuisance for children. She thought it should only be grown indoors.

Mayor Holladay said the people in Oregon voted in favor of marijuana and there were some who wanted to grow it outside naturally without using any electricity or other resources to produce marijuana for themselves. It could be a financial burden to grow it indoors.

Commissioner Shaw had seen mature plants and they could get big. He thought it was up to the homeowner whether to grow outside or inside. If they grew outside, it would be their choice to deal with it if it became an attractive nuisance that they created.

Tony Konkol, City Manager, discussed how one person's property rights might impact the property rights of those around them. He was worried about the attractive nuisance component.

Mayor Holladay thought if it became a problem, this could be changed.

Jim Band, Police Chief, was worried about putting it on the homeowner to be responsible for making sure kids didn't steal the outdoor plants. There was also potential for robberies and he did not think the cost to grow marijuana inside would be prohibitive. There was a strong potential for neighbors not to feel safe because it was being grown in their neighbor's yard.

Mayor Holladay said it was supposed to be out of public view.

Mr. Konkol said this would come back to the Commission on September 7, 2016.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Smith, to prohibit outdoor personal cultivation on private property and make it indoor only. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Commissioner Rocky Smith and Commissioner Renate Mengelberg

Nay: 1 - Mayor Dan Holladay

7. General Business

- 7f.** Resolution No. 16-13, Authorizing Issuance of a Permanent but Revocable Obstruction Permit for Existing and Replacement Fencing within the McKinley Avenue and Promontory Avenue Rights-of-way (ROW)

Mr. Lewis said the Commission asked staff to bring this back as a property vacation, however staff suggested doing a permanent but revocable obstruction permit for the

fence area which was on the City's right-of-way. The property alignment had been in existence for over 40 years and parts of the fence were in need of replacement. The fence served as a landscape boundary and a protective barrier from a drop into Water Board Park. The property owners' use of the right-of-way was consistent with good stewardship of the land that would otherwise be difficult for the City to maintain. It was not on a pathway plan currently, but it could be added in the future. Many neighboring properties were encroaching into the right-of-way. This property had always encroached on the right-of-way as far back as the records went. The County Tax Assessor said taxes were based on the square footage of the lot and they were not currently paying taxes on the right-of-way portion. The value of an encroachment or unimproved right-of-way was a gray area and it was common practice that it happened. The obstruction permit would be revocable and there would be no costs associated with accessing the property in the future and removing the landscaping if needed. Staff recommended adoption of the resolution which would allow the residents to put the fence back in and continue the use of the property. He showed pictures of how other properties in the neighborhood were also encroaching into the right-of-way.

Virginia Harper, property owner, said they bought the house in 2009. After looking up the history, the house was built in 1968 and that was when the fences went in. As far as any neighbor remembered the fences had always been exactly as they were now. There was an area on the other side of the fence before the cliff that they were maintaining. The fence fell down because the wood was too old and it needed to be replaced. They were about 80% finished with the fence before the City came with a stop work order. They were never told that it was right-of-way. There was access on the other side of the fence for fire trucks or other large equipment and they were maintaining that area. They were trying to do the right thing.

Dorothy Dahlsrud, resident of Oregon City, walked Water Board Park on a regular basis and the walking pathway could be accessed on Promontory Avenue and there was a beautiful view from McKinley Avenue. She hoped to see the area of McKinley as part of a trail system. She recently walked by this fence and it did not look like an easement area, but that it was part of people's property. She did not think they should give away property as it was hard to get the property back even though it was a revocable permit.

Denyse McGriff, resident of Oregon City, was a regular user of Water Board Park. The unbuilt public rights-of-way in McKinley and Promontory Avenue belonged to the public even though people were using it. She thought this should be reviewed by the Parks and Recreation Advisory Committee before a decision was made since it was directly adjacent to Water Board Park. They should not vacate this property as a path might be built there one day.

Mr. Lewis thought a revocable permit could be acted upon without issue. It could be taken to PRAC, but it was not currently on the trail plan. He thought it would be good for the property owners to have a decision made that night.

Bill Daniels, resident of Oregon City, said if the Commission allowed this to happen it would set a bad precedent.

Wesley Harper, property owner, said there was access to Water Board Park on McKinley and the fence would not limit that access. They only wanted to replace what was there before and they took the revocable permit seriously that if in the future the property was needed, they would take out the fence.

Commissioner Mengelberg was not in favor of people encroaching into the

right-of-way and thought it made sense to take this issue to PRAC.

Commissioner Smith did not have an issue with the permit as the fence could come down at any time. He thought at the time a trail was planned it could be taken to PRAC. He did not think they should make the property owners wait for an answer.

Commissioner Shaw said the fence had been in place for a long time and the permit was revocable if they needed the property for a trail. He was open to having PRAC look at it as well.

Mayor Holladay discussed how he found himself in a similar situation with a home he had. This was not the only place this was occurring. He thought it was a safety hazard to have people walking there with the cliff and no railing. While this was an issue, this particular situation did not call for not allowing a fence there. He thought the other neighbors who were also encroaching in the right-of-way should have a revocable permit as well.

A motion was made by Commissioner Shaw, seconded by Commissioner Smith, to approve Resolution No. 16-13, authorizing issuance of a permanent but revocable Obstruction Permit for existing and replacement fencing within the McKinley Avenue and Promontory Avenue rights-of-way (ROW). The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Commissioner Rocky Smith and Mayor Dan Holladay

Nay: 1 - Commissioner Renate Mengelberg

7a.

Second Reading of Ordinance No. 16-1006, Adopting a Public Facilities Strategy for the Linn Avenue and Hazelwood Drive Sewer Systems

Mr. Lewis said this ordinance would address the sanitary sewer moratorium that had been ongoing for a couple of years. The Public Facilities Strategy would continue projects that would correct the capacity issues.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Shaw, to approve the second reading and final adoption of Ordinance No. 16-1006, adopting a Public Facilities Strategy for the Linn Avenue and Hazelwood Drive Sewer Systems. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

7b.

Second Reading of Ordinance No. 16-1007, Adopting Amendments to the Oregon City Municipal Code Chapter 17.62, Site Plan and Design Review, and Chapter 17.50, Administration and Procedures

Ms. Terway said staff was proposing adoption of a streamlined process for minor exterior alterations for commercial, industrial, institutional, and multi-family buildings. No criteria or standards would be changed, but the timeline and cost would be reduced.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Smith, to approve the second reading and final adoption of Ordinance No. 16-1007, adopting amendments to the Oregon City Municipal Code Chapter 17.62, Site Plan and Design Review, and Chapter 17.50,

Administration and Procedures. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

7c.**Resolution No. 16-23, Amending the Planning Division Fee Schedule to Add Fees for the Newly Created Type I Site Plan and Design Review**

Ms. Terway said the Commission had created a Type 1 process for a streamlined review for minor exterior alterations, and there should be a reduced fee. Staff proposed creating two fees depending on the amount of criteria an application had to meet. One fee would be for over the counter reviews and the other fee would be for those requiring more staff time.

A motion was made by Commissioner Shaw, seconded by Commissioner Smith, to approve Resolution No. 16-23, amending the Planning Division Fee Schedule to add fees for the newly created Type I Site Plan and Design Review. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

7d.**Resolution No. 16-22, Supporting an Application for the Metro Equitable Housing Planning and Development Grant**

Mr. Walter explained the Equitable Housing Grant requirements. The grant money would be used to look at the City's Code for barriers to and incentives for equitable housing, creating a series of maps for housing opportunities, creating educational materials, and developing model housing plans for accessory dwelling units. The grant application was turned in on Friday and other partners had given support. The grant would be awarded in November 2016 and he anticipated the work would take a year to complete.

Commissioner Mengelberg said affordable housing in Oregon City was getting to be a problem and she encouraged implementing some of the early findings or low hanging fruit sooner rather than later. She asked if there was consideration for tiny houses.

Mr. Walter said all options were being looked at.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Smith, to approve Resolution No. 16-22, supporting an application for the Metro Equitable Housing Planning and Development Grant. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

7e.**Resolution No. 16-25 Submitting a Proposed Initiative Charter Amendment to the Electors of Oregon City**

Kattie Riggs, City Recorder, said there was a citizen initiative that was submitted to the City in April 2015 and since then the number of required signatures had been gathered to put it on the November ballot.

Commissioner Mengelberg wanted to make sure the measure was not retroactive and any money that was spent by the Economic Development Department between now and the election would not be a problem.

Ms. Richter clarified this ballot measure could not take effect until it was voted on and the election results were registered with the Secretary of State. It could not be retroactive.

Mayor Holladay said they were required by law to pass this resolution.

A motion was made by Commissioner Smith, seconded by Commissioner Shaw, to approve Resolution No. 16-25 submitting a proposed initiative Charter amendment to the electors of Oregon City. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

7g. Resolution No. 16-26, Supporting the Clackamas County Seven-year Motor Vehicle Fuel Tax

Tony Konkol, City Manager, said the County had removed the requirement for cities to pass a resolution and IGA in support of the motor vehicle fuel tax on the November ballot. Staff proposed adopting a new resolution to indicate support of the \$.06 tax for a seven year limited term with 40% of the revenue going to all cities divided by population.

Mayor Holladay said since the County decided not to make this mandatory, the cities who were previously opposed agreed to give some support to the County for this measure.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Smith, to approve Resolution No. 16-26, supporting the Clackamas County seven-year Motor Vehicle Fuel Tax. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

8. Consent Agenda

A motion was made by Commissioner Shaw, seconded by Commissioner Smith, to approve the consent agenda. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

- 8a. Personal Services Agreement (PSA) with Tetra Tech to Provide Engineering Services for the Beavercreek Road Sanitary Sewer Improvements Project**
- 8b. Management, Supervisory and Confidential Employee Salary Cost of Living Allowance (COLA) Increase FY 2016-17**
- 8c. Restrictive Covenant Non-Remonstrance Agreement for the Bepaly Building Project (Planning File No. SP14-04)**
- 8d. Memorandum of Agreement with Clackamas County and Metro for**

Managing the Environmental Protection Agency (EPA) Coalition Assessment Grant

8e. Resolution No. 16-24, Amending ByLaws for the Transportation Advisory Committee

8f. Minutes of the July 6, 2016 Regular Meeting

9. Communications

a. City Manager

Ms. Richter explained the Land Use Board of Appeals affirmed the City of Oregon City's decision in the Providence Willamette Falls Medical Center case. The argument was a number of the Comprehensive Plan policies related to needed housing were not satisfied as the zoning was changed to accommodate the hospital. LUBA thought all of the approval criteria had been met in the findings and the stormwater issues were to be addressed at the development stage, not the land use review stage. There was also a challenge in regard to the Commission and Mayor bias, but LUBA thought the comments were not raised to the level of bias. There were two other outstanding LUBA appeals, one for the Beavercreek Concept Plan and the other for the Historic Properties case.

Mr. Lewis gave an update on the Cove development. They were moving dirt on the site and were implementing erosion control.

Mr. Konkol said a meet and greet at Happy Valley City Hall would be held on September 12, 2016 to discuss important issues in preparation of the legislative session. The Volunteer Recognition event would be held tomorrow. The Willamette Falls vision document won an award from the Waterfront Center.

Maureen Cole, Library Director, discussed and showed pictures of the construction happening at the Carnegie Library building and outdoor landscaping.

b. Commission

Commissioner Shaw visited the Cove construction site, attended the Arts Festival, and invited everyone to the Oregon City/West Linn Breakfast on August 30, 2016 and Concert in the Park tomorrow night. The Clackamas County Fair had started.

Commissioner Mengelberg attended the Wesley Lynn Park event and Arts Festival.

Commissioner Smith attended the celebration of Barclay Hills Park and Oregon Trail Game Race. He announced the Oregon City/West Linn game on September 2, 2016, Pete's Cruise In on September 3, 2016, and the Antique Fair on August 28, 2016.

c. Mayor

Mayor Holladay attended the Barclay Hills Neighborhood Association Picnic and Arts Festival. He had been working behind the scenes with the Oregon City Business Alliance and Chamber.

10. Adjournment

Mayor Holladay adjourned the meeting at 9:50 PM.

Respectfully submitted,

Kattie Riggs, City Recorder



CITY COMMISSION UPDATE

SEPTEMBER 7 & 21, 2016















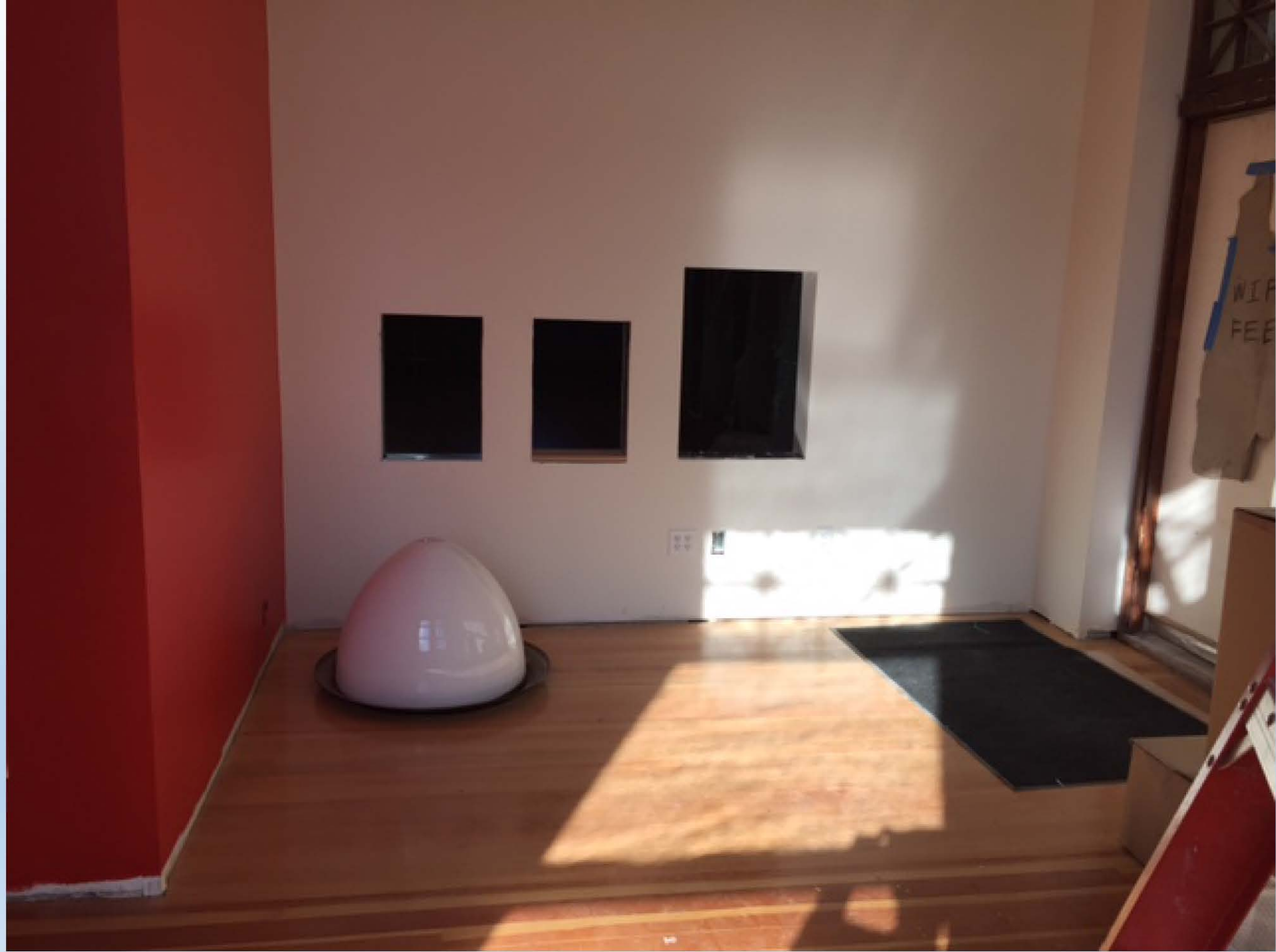










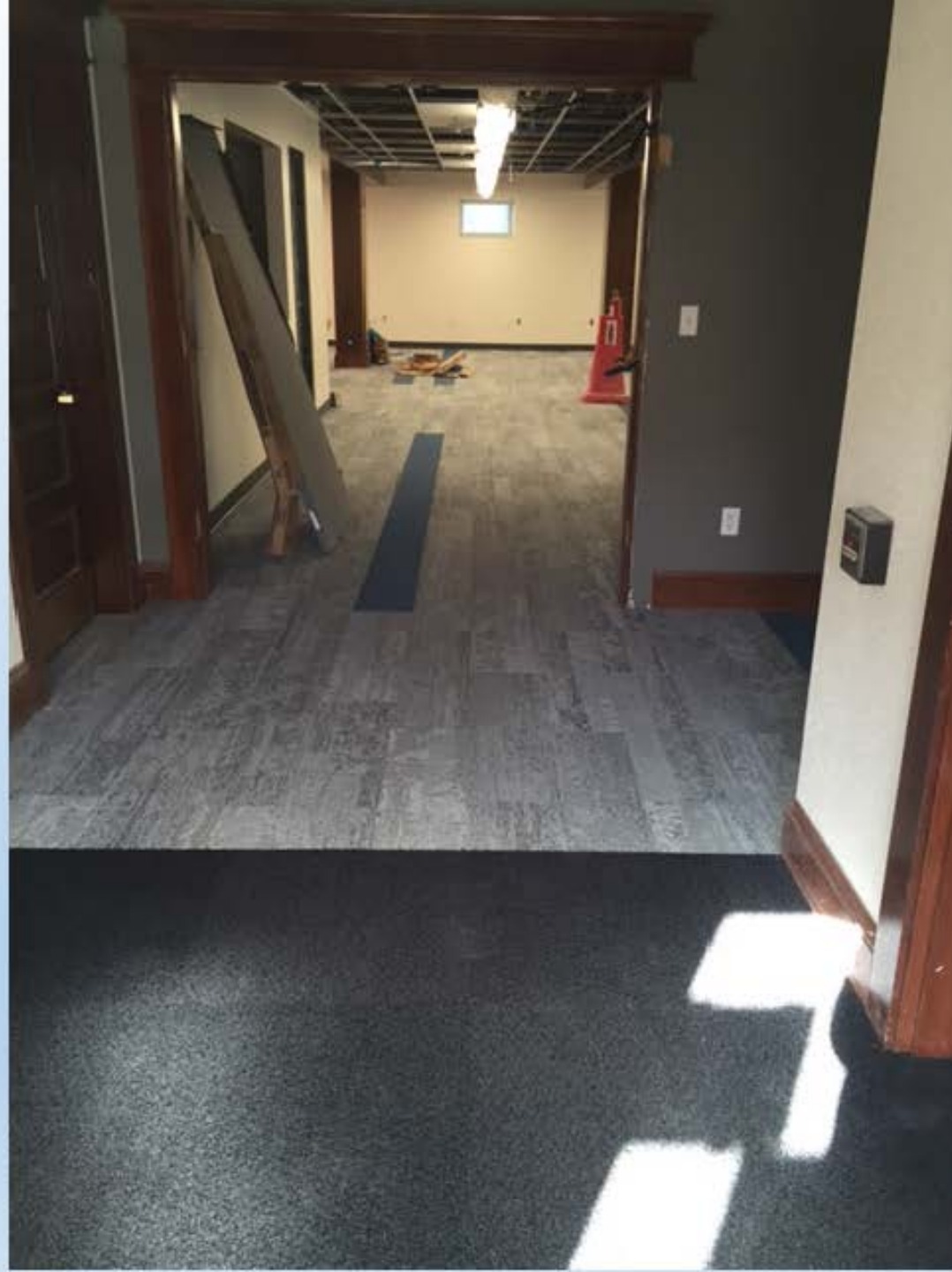




















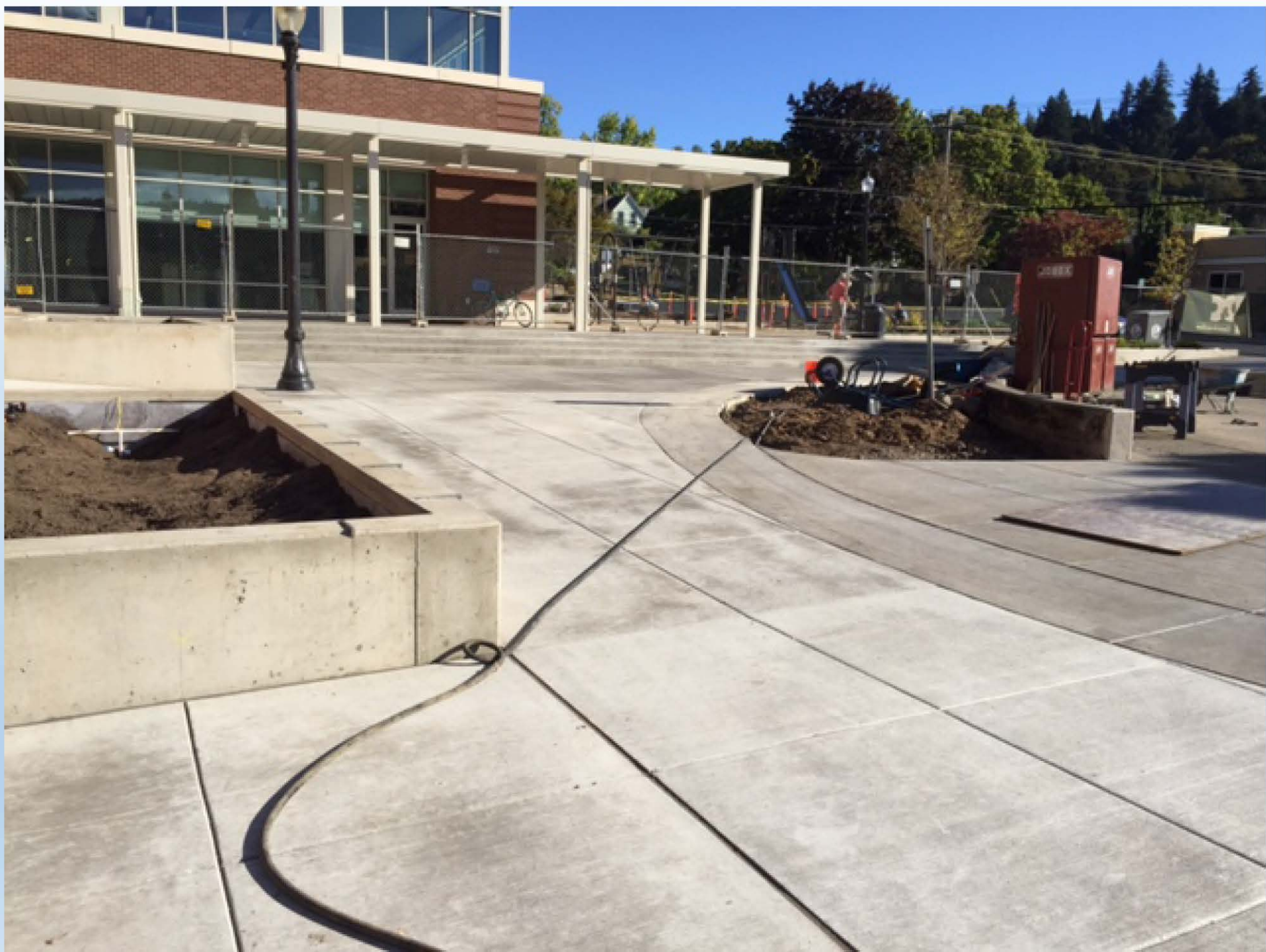
























Marijuana Business Regulations

LE-16-0001



First Reading of Ordinance 16-1008

First Reading of Ordinance 16-1010

City Commission Public Hearing - September 21st, 2016



Ordinance No. 16-1010 – Adopting a Ban on Outdoor Cultivation of Marijuana

- ▶ As a result of the public hearing process, the City Commission provided direction that outdoor cultivation of marijuana (personal or otherwise) should be prohibited for nuisance reasons.
- ▶ Staff has prepared an amendment to the Oregon City Municipal Code Nuisance section in Chapter 8.08.
- ▶ This would go into effect whether or not voters lift ban on marijuana businesses.

Proposed New Code

- ▶ *8.08.040 - Nuisances affecting peace and safety.*
- ▶ Q. The cultivation of marijuana shall be deemed a nuisance unless it is located within a legally permitted principal or accessory structure. This section shall be effective on January 1, 2017 and shall apply to all marijuana in place before, on, or after the effective date of this section.

First Reading of Ordinance No. 16-1010: Adopting a Ban on Outdoor Cultivation of Marijuana

- ▶ Staff recommends that the Commission approve the first reading of Ordinance No. 16-1010, adopting a ban on outdoor cultivation of marijuana.

Ordinance No. 16-1008 – Marijuana Business Regulations

- ▶ Planning Commission has recommended approval
- ▶ The City Commission has voted on the following issues:
 - ▶ 1000' buffer from Clackamas Community College for retailers
 - ▶ 250' separation from parks, day/childcare and transit centers for retailers
 - ▶ 1000' between marijuana retailers
 - ▶ temporary outdoor ingress and egress for permitted businesses

Canemah National Historic District

- ▶ Should marijuana retailers be prohibited in the Canemah Historic District (HC - Historic Commercial zone), a mixed use zone?



1: 2,400

Map created 8/30/2016

Canemah National Historic District

- ▶ Staff has prepared 2 code versions of a code amendment to the Historic Commercial code in OCMC 17.26:
 - ▶ One would prohibit marijuana retail
 - ▶ The other would allow marijuana retail.
- ▶ This is not part of the Ordinance language, so the ordinance may be adopted whichever version the Commission chooses.

Ordinance No. 16-1008 – Marijuana Business Regulations

- ▶ Staff recommends the City Commission approve the first reading of Ordinance 16-1008.
- ▶ This Ordinance shall take effect on December 31, 2016, on the condition that the voters reject Ballot Measure 3-508, lifting the existing ban on marijuana businesses imposed by Ordinance No. 15-1017, during the November 8, 2016 Election.

City of Oregon City
Urban Renewal Commission
625 Center Street
Oregon City, OR 97045

ENTERED INTO THE RECORD
DATE RECEIVED: 9/21/16
SUBMITTED BY: Carol Pauli
SUBJECT: UG

RE: Adaptive Reuse/Building Rehabilitation Program Grant for 503 Main Street

Dear Commissioners:

Thank you so much for considering the application for White Rabbit Gifts and Black Ink Coffee. Our Executive Director, Jonathan, had the chance to meet with Rolland and Danielle when they were first considering opening a business in the downtown district. They've chosen an ambitious project on a much needed corner in downtown. And, we are thrilled that they are bringing needed gift retail to the district.

\$120,000 is a big grant but we realize the project is significant. We trust and are hopeful that the business has the financial resources after completing such a major renovation to invest in the appropriate inventory, working capital, and startup costs. It seems that the number of seats will help the business grow as development continues around it – especially the Riverwalk and mill site.

DOCA is happy to support urban renewal investment in this type of project. Owner occupied buildings help stabilize the district and create wealth. It is an important gateway to our downtown.

Regards,

Don Scott
Downtown Oregon City Board of Directors
Chair, Economic Vitality Committee

September 15, 2016

TO: Mayor and Commissioners, City of Oregon City

FROM: Canemah Neighborhood Association

SUBJECT: Cannabis Dispensaries Siting

The Canemah Neighborhood Association (CNA) at its General Meeting on September 15, 2016, resolved unanimously to oppose siting cannabis dispensaries on State Highway 99-E in Canemah.

Opposition is primarily based on:

- Safety concerns regarding increased stop-and-go traffic where turning into and out of the Canemah area is currently worrisome at best and frequently dangerous. Traffic can be expected to increase with the pending Willamette Falls Legacy Project development and the City of Canby's prohibition of cannabis dispensaries, rendering Canemah an area "hot spot."
- Within Canemah is a National Historic District, bordering both sides of 99-E. Historic district regulations require strict compatibility of new and/or renovated structures while the dispensaries require security and other features that may be in conflict.

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting 9/21/16

Item Number From Agenda 4a CC

NAME:

Carol Pauli

ADDRESS:

Street:

City, State, Zip:

PHONE NUMBER:

503 805-1646

E-MAIL ADDRESS:

Carol Pauli 2009@o.corn

SIGNATURE:

Carol Pauli