



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, October 5, 2016

7:00 PM

Commission Chambers

REVISED

1. Convene Regular Meeting and Roll Call

2. Flag Salute

3. Ceremonies, Proclamations and Presentations

3a. [16-562](#) Metro Update - Councilor Carlotta Collette

3b. [16-563](#) Clackamas Fire District #1 Ballot Measure Presentation

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. [PC 16-099](#) First Reading of Ordinance No. 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](#)
[Chapter 17.26 HC Allow in Canemah](#)
[Karen Blaha Comments 09.26.2016](#)
[CNA Draft Minutes September 15 2016](#)
[Karen Blaha Comments](#)
[Canemah Petitioners](#)
[Canemah Zoning Map](#)

7. General Business

- 7a. [16-552](#) Second 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](#)

- 7b. [16-564](#) Discussion Regarding Measure 97 - Proposed Corporate Tax Increase

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. [16-554](#) Personal Services Agreement Amendment #4 with Brown and Caldwell - Sanitary Sewer Inflow and Infiltration Characterization Planning

Staff: Public Works Director John Lewis

Attachments: [Staff Report](#)
[PSA Amendment-4](#)
[Compensation Worksheet](#)
[Amendment 4 Scope](#)

- 8b. [16-549](#) Intergovernmental Agreement (IGA) between Clackamas River Water (CRW) and Oregon City for Water Service Supplied by CRW through Proposed Glen Oak Road Master Meter Intertie at Beaver Creek Road

Staff: Public Works Director John Lewis

Attachments: [Staff Report](#)
[IGA - CRW & City, Exhibits 1, 2, and 3](#)
[Location Map](#)
[Concept Plan Area](#)

- 8c. [PUB 16-015](#) Restrictive Covenant Non-Remonstrance Agreement for the Small Slope Subdivision Project (Planning File No. TP14-06)

Staff: Public Works Director John Lewis

Attachments: [Staff Report](#)

[Restrictive Covenant Non-Remonstrance Agreement](#)

[Area Map](#)

- 8d. [PUB 16-016](#) Restrictive Covenant Non-Remonstrance Agreement for the Ed's Orchard Subdivision Project (Planning File No. TP15-07)

Staff: Public Works Director John Lewis

Attachments: [Staff Report](#)

[Restrictive Covenant Non-Remonstrance Agreement](#)

[Area Map](#)

- 8e. [PUB 16-018](#) Restrictive Covenant Non-Remonstrance Agreement for the PGE Abernethy Substation Addition Project (306 and 308 18th Street - Planning File No. SP15-10)

Staff: Public Works Director John Lewis

Attachments: [Staff Report](#)

[Restrictive Covenant Non-Remonstrance Agreement](#)

[Area Map](#)

- 8f. [16-561](#) OLCC: Liquor License Application- On-Premises Sales, New Outlet, Applying as a Corporation, 88 Nails and Spa, 2050 Beaver Creek Road, #104, Oregon City, OR 97045

Staff: Police Chief and Public Safety Director James Band

Attachments: [Staff Report](#)

[Liquor License Application](#)

- 8g. [16-559](#) Minutes of the October 7, 2008 Work Session

Staff: City Recorder Kattie Riggs

Attachments: [Minutes of 10/07/2008](#)

- 8h. [16-553](#) Minutes of the August 30, 2016 Special Meeting

Staff: City Recorder Kattie Riggs

Attachments: [Minutes of 8/30/2016](#)

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: 16-562

Agenda Date: 10/5/2016

Status: Agenda Ready

To: City Commission

Agenda #: 3a.

From:

File Type: Presentation

SUBJECT:

Metro Update - Councilor Carlotta Collette



City of Oregon City

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

Staff Report

File Number: 16-563

Agenda Date: 10/5/2016

Status: Agenda Ready

To: City Commission

Agenda #: 3b.

From:

File Type: Presentation

SUBJECT:

Clackamas Fire District #1 Ballot Measure Presentation



City of Oregon City

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

Staff Report

File Number: PC 16-099

Agenda Date: 10/5/2016

Status: Public Hearing

To: City Commission

Agenda #: 6a.

From: Community Development Director Laura Terway

File Type: Land Use

SUBJECT:

First Reading of Ordinance No. 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 No. 16-1008.

BACKGROUND:

The final time, place and manner regulations for marijuana businesses are attached for approval. 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 and September 21, 2016 the City Commission reviewed and resolved several outstanding questions related to the proposed marijuana regulations.

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). Per the direction of the City Commission, the Canemah Neighborhood Association was contacted for their feedback on this issue. Staff prepared two separate 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.

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.](#)

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.

From: [Karen Lytle Blaha](#)
To: [Dan Holladay](#); [Brian Shaw](#); [Rocky Smith, Jr.](#); [Nancy Ide](#); mengelberg@ocity.org; [Laura Terway](#); [Pete Walter](#); [Tony Konkol](#)
Cc: [Lorey, Robert](#); [Baysinger, K.](#); [Tori Goodwin](#); [Anderson, Dennis](#); [Ron Bistline](#); [Linda & Ken](#); [Sheila Decker](#)
Subject: Proof of Canemah agreement
Date: Monday, September 26, 2016 7:55:48 PM
Attachments: [CNA Minutes September 15, 2016.docx](#)

Dear Oregon City Mayor, Commissioners, Tony Konkol, Pete Walter, Laura Terway, et al.,

Last evening I finally had an opportunity to view the Sept. 21 Commission meeting where time/place/manner of cannabis dispensaries was discussed. To say that I was disheartened by what I heard would be a gross understatement. That the Mayor said he didn't believe Canemah could agree on anything, and that he was at the meeting, is wrong. He was at PART of the meeting; the part where we discussed the contentious Bylaws. For him to further say that the letter I was directed to write to the Commission stating the CNA position was without backup, e.g. minutes, and could have been simply my personal view, was essentially accusing me of falsely creating a document. Oh, that one stabbed by heart, and I would surely like an apology. Pete Walter had asked for "approved minutes." I told him that we wouldn't have ratified minutes until the November meeting and could provide them at that time for his files. I was disappointed he didn't report that to the Commission. The CNA Secretary has provided me with the unratified minutes, which are attached. If the Mayor and Commission would like to hear the actual digital tape of our meeting, with discussion prior to voting, we can supply that; would really love to play it. I further contest the remarks and inference that Canemah had been contacted much earlier and was unresponsive. I don't know who was contacted and when; I do know that fairly recently the CNA Chairman attempted to organize a meeting that he cancelled because of what he called "lack of notice." Following that cancellation some of us appreciated the opportunity to provide testimony and a petition when the Commission postponed its action, as it has once again.

By the way, one of our thoughtful CNA Bylaws Committee members at our meeting on Sept. 21 offered the idea that the Canemah Neighborhood Association adopt the bylaws of the McLoughlin Neighborhood Association and simply change the name where necessary. There are similarities between us in terms of history and new construction, and those bylaws are tested and seem to have worked well for the McLoughlin neighborhood. We are hopeful that this can be a peaceful and healing accommodation by both sides after a brutal two-year contest. If any of the commissioners can help facilitate this accommodation, I'm sure it would be welcomed.

Most Respectfully,
Karen Blaha

514 4th Avenue
Oregon City OR 97045

PH: 503.557.1969
Cell: 503.989.8905
Email: blahak@comcast.net

General Membership Meeting Minutes Canemah Neighborhood Association

September 15, 2016
John Adams Fire Station, 624 7th Street, Oregon City

Call to Order 7:10 by Rob Lorey

Additions to the Agenda Karen Blaha, Marijuana Retail Store in Canemah

Community Updates

Oregon City Police Department, Jason Pohl:

New Canemah officer will be Jason Lemons jlemons@orcify.org

City-wide crime stats

Reports

Treasurer's Report by Karen Blaha: \$1786 in Savings, \$679.41 in Checking

Approval of Meeting Minutes from June 16 meeting

CIC Update by Dennis Anderson

HRB Update by Ken Baysinger

Unfinished Business

Report from Fund Raising Committee by Karen Blaha

Dessert Dash at CNA picnic raised \$237

Tour of historic homes in Canemah, coupled with arts show deferred until 2017

Report on the Bylaws Committee

Rob stated that there was confusion regarding the location of the 9-8-16 meeting, resulting in two simultaneous meetings, one at South End Fire Station and one at John Adams Fire Station. Rob proposed that both meetings be declared void. Linda Baysinger called a point of order, stating that one meeting (the one at South End) had proper notice and should not be voided. Rob answered that "both meetings had a quorum and it should be up to the general membership to decide what to do. Long debate followed regarding the legitimacy of the meetings, focusing on meeting notice given. Ken Baysinger asked how we can rationalize nullifying a meeting that was properly noticed, properly conducted, and properly documented. Rob answered that some people have objections, so we should start over. Rob stated that a motion had been made to void both meetings, but a review of the audio reveals that no such motion was made. Ken Baysinger called a point of order asking for a citation from Robert's Rules allowing the voiding of a valid meeting. Rob answered that there was a difference of opinion. With expert input from Karen Morey of the CIC and Mayor Holladay it was determined that proper notice was given for the South End meeting and not for the meeting at John Adams. The discussion with a show of hands, resulting in a 22-8 majority in favor of nullifying the 9-8-16 meeting.

A Bylaws Committee meeting will be held on 9-21-16 at South End Fire Station.

New Business

Election of new Vice Chair

Two candidates: Ron Bistline and Tori Goodwin

Both candidates were given 4 minutes to speak

Voting was done by ballot (with voter's names on reverse side due to Article VIII Section 5, which prohibits secret ballots)

Vote Tally: Tori Goodwin 25, Ron Bistline 13

Discussion: Memorial for Oscar Geiszler

Dennis Anderson spoke of his discussions with the John Lewis in Public. Dennis also contacted the Parks Foundation in regards to the bench itself, which will cost about \$1000. The Parks Foundation can set up a fund. Dennis will report as more detail is collected.

Discussion: Items – Appointment of Ron Bistline as Liaison on Land Use Issues

Steering Committee made that appointment at its August 17

Ron will communicate between CNA and the city, and keep the general membership updated on zoning, land use and related matters. Paul Edgar then proposed that there should be co-liaison positions, with one of them somebody who lives in a designated historic home. Rob tabled that issue for future discussion. Ken Baysinger clarified that Ron is in as liaison does not give him the authority to express opinions other than what the general membership authorizes. Rob added that Rob does not have independent authority to express opinions on behalf of the neighborhood. Extended discussion ensued, to clarify the nature of the liaison position.

A motion was made by Scott Minton that Paul Edgar should communicate his input on current land use questions to Ron Bistline and direct him to transmit that information to the HRB. The motion was not seconded. Rob asked for a show of hands, and the motion carried.

Discussion Item: Nextdoor Canemah website

Paul Edgar spoke about his position as “Lead” of the website. He recommended that people be responsible in what they post and keep our conversations within the Canemah page.

Dennis Anderson spoke of many abuses on the website and challenged Paul's fitness to be lead, based on past performance, suggesting that he resign.

Rob suggested that this discussion be carried over to a future meeting.

Items Added to the Agenda

Karen Blaha explained the City Commission's discussions regarding marijuana retail stores in Oregon City. Ken Baysinger made a motion to express to the city commission the neighborhood association's opposition to allowing marijuana retail stores in Canemah. Second by Paul Edgar. Motion carried by vote. Karen will compose the statement.

Carolyn Rothschild asked to add another item to the agenda for discussion. Ken Baysinger stated that it is out of order, because Carolyn had not spoken at the opening of the meeting when additions were solicited, nor had she used the public comment portion of the agenda. Rob asked for a show of hands as to adding it to the agenda, and vote supported it. Paul Edgar spoke about the existence of a wetland area on a specific piece of property in Canemah. He handed out a statement proposing a motion. Rob said it would be put on the agenda for our next meeting.

Rob stated that the mayor had asked us to have a special meeting in October so that he can speak about measures on the November ballot in Oregon City. He called the meeting for October 20. Paul proposed that the wetlands discussion be added to the agenda for that meeting. No decision was made.

Motion to Adjourn by Jim Riggle

Approved by vote. Adjournment at 9:10.

Minutes by Ken Baysinger, Secretary
Canemah Neighborhood Association
September 18, 2016

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


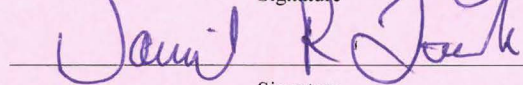
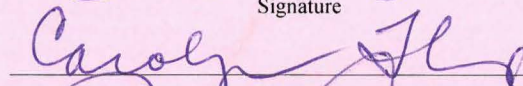

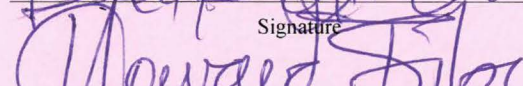
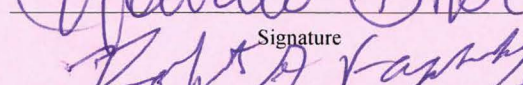
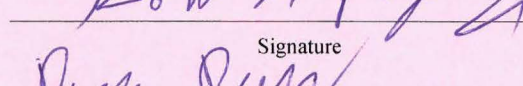

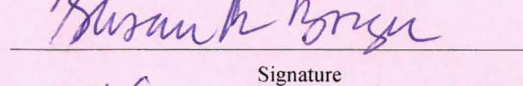
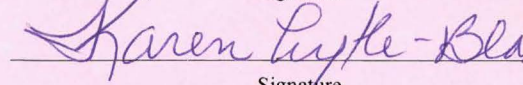
A handwritten signature in cursive script that reads "Karen Blaha". The signature is written in dark ink and is positioned below the typed name.

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.

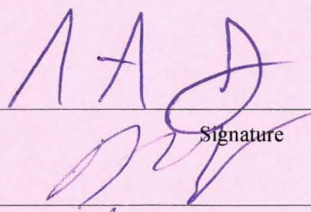
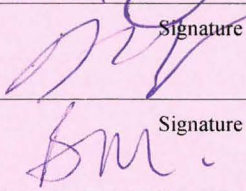
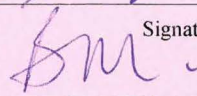

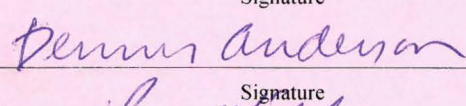
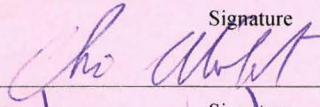
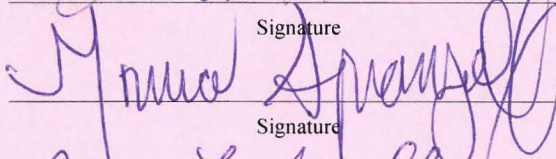
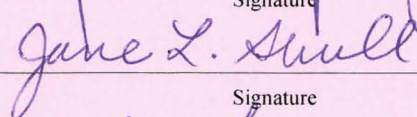
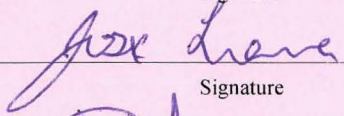

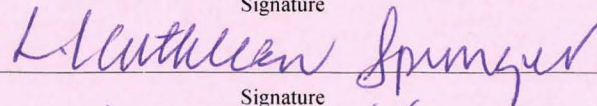
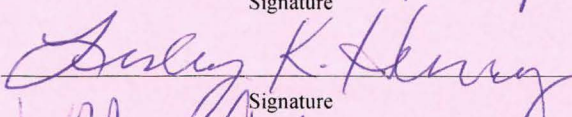
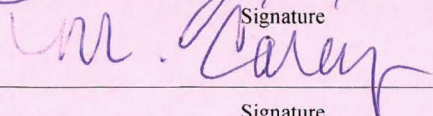
	Matthew Doyonny	421 5 th Ave Oregon City, OR 97045
Signature	Print Name	Address
	Daniel R Fischer	421 5 th Ave 97045
Signature	Print Name	Address
		408 4 th Ave
Signature	Print Name	Address
		408 4 th Ave 97045
Signature	Print Name	Address
	Howard Bibby	210 Hedges Street 97045
Signature	Print Name	Address
	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-LYTTLE-BLAHA	514 4 th Avenue
Signature	Print Name	Address
	Wendy Tinseth	903 5 th Avenue
Signature	Print Name	Address
Signature	Print Name	Address
Signature	Print Name	Address
Signature	Print Name	Address

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

From: Residents of Canemah

August 27, 2016

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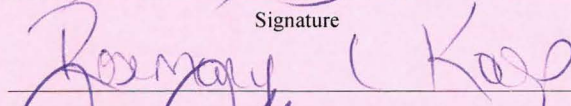
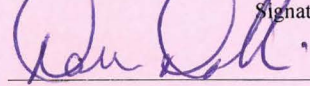
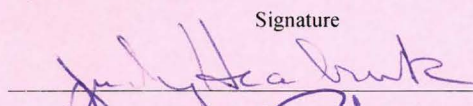
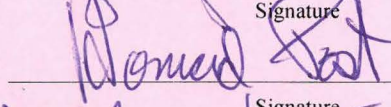
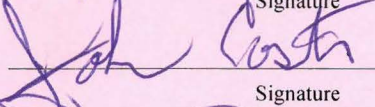

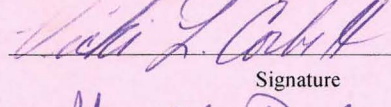
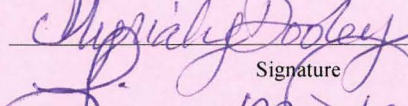
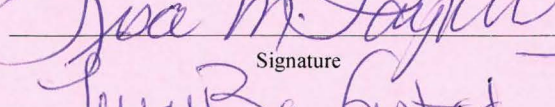
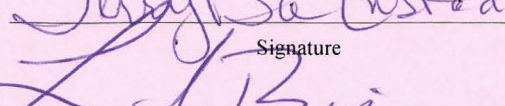
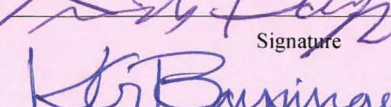
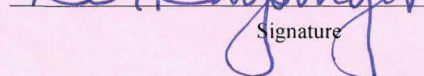
	Ryan A Smith	602 1st Ave
Signature	Print Name	Address
	Debbie Steere	510 3rd Ave.
Signature	Print Name	Address
	Brenda Moore	801 3rd Ave #6
Signature	Print Name	Address
	Ted Hoskins	20028 Berge View Ave
Signature	Print Name	Address
	DENNIS ANDERSON	804 4th Ave
Signature	Print Name	Address
	CARLOS MIERZNIK	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

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

From: Residents of Canemah

August 27, 2016

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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
	Myriah Dooley	408 3 rd ave 97045
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

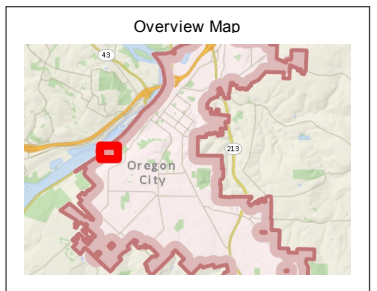
- Taxlots
- Taxlots (Outside UGB)
- Unimproved ROW

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.



0 200 400 Feet

1: 2,400

Map created 8/30/2016

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: 16-552

Agenda Date: 10/5/2016

Status: Agenda Ready

To: City Commission

Agenda #: 7a.

From: Community Development Director Laura Terway

File Type: Ordinance

SUBJECT:

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

RECOMMENDED ACTION (Motion):

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

BACKGROUND:

The City Commission approved the first reading of Ordinance No. 16-1010 on September 21, 2016.

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 1, 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 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

Attachment:
Exhibit 1 – Oregon City Municipal Code Nuisance
Code 8.08.040

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)~~



City of Oregon City

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

Staff Report

File Number: 16-564

Agenda Date: 10/5/2016

Status: Agenda Ready

To: City Commission

Agenda #: 7b.

From:

File Type: Report

SUBJECT:

Discussion Regarding Measure 97 - Proposed Corporate Tax Increase



City of Oregon City

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

Staff Report

File Number: 16-554

Agenda Date: 10/5/2016

Status: Consent

To: City Commission

Agenda #: 8a.

From: Public Works Director John Lewis

File Type: Contract

SUBJECT:

Personal Services Agreement Amendment #4 with Brown and Caldwell - Sanitary Sewer Inflow and Infiltration Characterization Planning

RECOMMENDED ACTION (Motion):

Authorize the City Manager to execute Contract Amendment #4 to the personal services contract with Brown and Caldwell (B & C) to perform continued planning and engineering services for the 2015-2016 Sewer Inflow and Infiltration (I & I) Characterization Program.

BACKGROUND:

The Sanitary Sewer Master Plan, adopted in November 2014, categorized the general areas where inflow and infiltration appear to be present. The current B & C study subdivided three of those general areas into 11 smaller study areas to re-affirm and expand on the 2014 results and to better pinpoint sub basins with the highest inflow and infiltration.

The original B & C contract included time to work directly with Engineering and Operations staff to discuss goals of the continuing infiltration and inflow program, establish specific focus areas for monitoring, and establish agreement on data gathering strategies. As a result of this task, B & C provided recommendations for subsequent flow metering.

Contract Amendment #1 was executed by the City Manager on January 6, 2016 and it encompassed the work necessary to carry out installation of eleven flow meters and one rain gage to monitor wastewater flow response to storm events over a 60 day period (January and February 2016).

Contract Amendment #2 was executed by the City Manager on March 16, 2016, and included additional flow monitoring, numerical analysis of metering results, and recommendations for a continued study program, including subsequent investigations such as smoke testing

Contract Amendment #3 was executed by the Public Works Director on September 23, 2016, and re-authorized unspent funds under Amendment 2 to be used to begin a smoke testing program in Fall 2016, commencing with the top three priority basins identified under Amendment 2 tasks.

Contract Amendment #4 supports the continuation of the smoke testing program authorized under Amendment #3, in order to carry out smoke testing investigations across the entire priority study area of 11 basins. This comprehensive degree of smoke testing is expected to reveal many unacceptable storm drainage connections to the sewer system, allowing the City to develop and implement a remediation program in the coming years.

Staff has worked with B & C to refine the final scope, schedule, and fee for this work. This work is consistent with the City's 2014 Sewer Master Plan recommendations for continued observation including pipe rehabilitation/replacement, and inspection/condition assessment program(s). The proposed expenditure for this work fits within the planned budget allotment for sewer inflow and infiltration investigations in the current budget year.

Sanitary Sewer Inflow and Infiltration Characterization Planning Contract Summary:

<u>Agreement</u>	<u>I/I Investigation Summary Description</u>	<u>Value</u>	<u>Running Contract Amount</u>
Initial Contract	Research, planning, & coordination	\$9,962.00	\$9,962.00
Amendment #1	Phase I flow monitoring	\$48,806.00	\$58,768.00
Amendment #2	Phase II flow monitoring	\$73,370.00	\$132,138.00
Amendment #3	Reallocation of scope and fee for Phase I smoke testing	\$0.00	\$132,138.00
Amendment #4	Phase II smoke testing	\$127,339.00	\$259,477.00

BUDGET IMPACT:

Amount: \$127,339

FY(s): 16/17

Funding Source: Sewer Fund

CITY OF OREGON CITY
Amendment No. 4 to Personal Services Agreement

PS 15-019 Sewer Inflow and Infiltration Characterization Planning

This is an Amendment to the Personal Services Agreement by and between the City of Oregon City (hereinafter City), and Brown and Caldwell, Inc., (hereinafter PS Contractor), which was previously entered into on October 29, 2015 ("Contract") for **Sewer Inflow and Infiltration Characterization Planning**; and

Whereas, the parties wish to amend the Contract as set forth below:

WITNESSETH:

1. The **Scope of Work** is hereby amended as follows:

PS Contractor will carry out subcontracted smoke testing of study basins 1, 2 and 3 as described in the attached **Exhibit A**. The work performed under this additional task shall be billed in accordance with **Exhibit B**, attached to this amendment.

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

Duration of contract is **not amended**

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

For provision of additional services described above, the contract price shall be increased by an amount not to exceed **One hundred twenty-seven thousand, three hundred thirty-nine and 00/100 dollars (\$127,339.00)**. The total not to exceed amount of the Agreement shall be **Two hundred fifty-nine thousand, four hundred seventy-seven dollars (\$259, 477.00)**.

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

BROWN & CALDWELL, INC.

By: _____

Name: _____

Title: _____

Date: _____

CITY OF OREGON CITY

By: _____

John M. Lewis

Title: Public Works Director

DATED: _____, 2016.

By: _____

Anthony J. Konkol III

Title: City Manager

DATED: _____, 2016.

A-04 Exhibit B
Compensation

September 27, 2016

Oregon City, City of (OR) -- Oregon City 2015 I-I Plan														
		Retzlaff, Ryan G	Gage, Eva D	Holland, Jonathan R	Romilly, David K	Kowalczyk, Michael S	Draheim, Daniel P	Vasquez, Jesus E						
Phase	Description	PM	PA						Total Labor Hours	Total Labor Cost	APC	SFE Global	Total Expense Cost	Total Cost
		\$174	\$94	\$254	\$168	\$94	\$106	\$91						
601	Project Management	68	10	16	0	24	0	10	128	20,002	1,024	0	1,024	21,026
001	PM Duties	44	10	4	0	0	0	10	68	10,522	544	0	544	11,066
002	Meetings	24	0	12	0	24	0	0	60	9,480	480	0	480	9,960
602	Smoke Testing	50	0	8	2	56	6	0	72	16,968	976	84,161	89,345	106,313
001	Planning and coordination	0	0	0	0	0	0	0	0	0	0	0	0	0 *
002	Smoke testing - Subconsultant	0	0	0	0	0	0	0	0	0	0	84,161	88,369	88,369 **
003	Reporting and oversight	50	0	8	2	56	6	0	122	16,968	976	0	976	17,944
GRAND TOTAL		118	10	24	2	80	6	10	200	36,970	2,000	84,161	90,369	127,339

Notes:

- Rates are valid through June 29, 2017.
- * Fee for this work to be authorized under Amendment 3.
- ** SFE Global was authorized for \$25,000 for its Scope of Work under Amendment 3.

Exhibit A

A-04 Scope of Services

The City of Oregon City (City) has requested Brown and Caldwell (Consultant) provide sewer inflow and infiltration (I/I) characterization services as part of the City's 2015 Sewer I/I Planning project. The work to be completed is described below.

Phase 601 Project Management

Objective	To execute the scope within the constraints of the budget and schedule and any amendments thereto.
Activities	<p>The following activities will be performed as part of the project management phase:</p> <ul style="list-style-type: none">• Prepare a project management plan and schedule to provide the project team with details regarding project scope and execution.• Manage work done by the project team. This includes scheduling, workload planning, coordination, quality control, and invoicing.• Establish and follow a project quality assurance/quality control plan.• Prepare and submit a monthly invoice with backup documentation.• Monitor project progress, including work completed, work remaining, budget expended, schedule, estimated cost of work remaining, and estimated cost at completion.• Monitor project activities for potential changes, anticipate changes whenever possible, and with City approval, modify project task and subtask scope and budget as required.• If requested, coordinate and prepare a presentation for City staff to provide information and solicit feedback for input on the inspection program.
Deliverables	Monthly invoices with progress reports
Assumptions	<p>Assumptions for this task include the following:</p> <ul style="list-style-type: none">• The project duration will be approximately 10 months.• Team planning meetings will be held every 2 months, or as needed, with City staff to update Consultant staff on progress and strategize for next steps. Each meeting is budgeted for 4 hours.• Six team meetings have been budgeted.

Phase 602 Smoke Testing

Consultant will assist the City with defining the elements and implementing smoke testing to further identify I/I locations and potential sources.

Task 001 Planning and Coordination

This Task to be authorized under Amendment 03.

Task 002 Smoke Testing

Objective To investigate and document various I/I sources through smoke testing activities and report on all findings.

Activities *The following activities are included for authorization under Amendment 3:*

- *Conduct smoke testing in the 11 metered sewer basins identified by Consultant.*
 - *Basin 1 – Linn Ave. and Glenwood, includes Linn Ave. approximately from Glenwood Ct. to Williams St.*
 - *Basin 2 – South 1st and High St., includes High St. from 1st St. to 3rd St. up 3rd St. to Madison*
 - *Basin 3 – Singer (City Hall), includes 6th St. through 4th St. up 5th St. to Hazel Ln.*

Activities associated with the 8 basins below to be authorized under this Amendment 04.

- Conduct smoke testing in 8 of the 11 metered sewer basins identified by Consultant. The 8 basins listed below are authorized for Consultant's subcontractor, SFE Global, in an amount not to exceed \$84,161.00 under this Amendment 4.
 - Basin 4 – Linn Ave. includes from Hazel Ln. up Charman St to Cherry Ave.
 - Basin 5 – Barclay Hills Pump Station, includes Duane St., a portion of Molalla Ave., and up to Cascade St. and Alden St.
 - Basin 6 – 7th and Washington, includes 7th St. up to Molalla Ave.
 - Basin 7 – 12th and Madison, includes 8th St. through 12th St. up to Roosevelt St.
 - Basin 8A – Ballet Studio, includes Madison St. up to McLoughlin St., 14th St. through 18th St. up past Division St.
 - Basin 8B – 15th and Polk, includes portions of 12th St. through 15th St., up and past Division St. to Dewey St.
 - Basin 9 – Settlers Pt. Pump Station, includes Frontier Pkwy., Prospector Ter. Silverfox Pkwy. Past Leland Rd. up Gentry Highland Ln. and Friars Ln.
 - Basin 10 - Settlers Pt. Pump Station, includes Clairmont Way from S. Berta Dr. to Leland Rd. and Whitney Ln.
 - Coordinate closely with the City to confirm that all necessary public outreach, including notification distribution, has been completed, within the required lead time, prior to start of smoke testing.
 - During smoke testing, crews will perform detailed visual inspection and document all instances of observed smoke.

- Record all incidents on the field sheet template previously approved by the City.
- Obtain photo documentation of all incidents.
- Record the GPS location of all incidents.
 - Field incident reports will be entered into an electronic database daily.
- Perform traffic control services previously approved by the City.
- Provide quality control oversight of smoke testing procedures.

Deliverables Smoke test results (MS Access database).

Assumptions Assumptions for this task include the following:

- Smoke testing work hours are Monday – Friday between 8 a.m. – 5 p.m.
- Subcontractor will have two working smoke testing units at all times to prevent delays should one become damaged.
- Sufficient liquid smoke to complete the entire project will be on hand at the beginning of the work.
- Subcontractor will operate and maintain all equipment, including safety gear, needed to complete the work.

Task 003 Reporting and Oversight

Objective To report and document various I/I sources identified through smoke testing activities.

Activities The following activities are included in this task:

- Site visits during smoke testing (up to 3 days for two staff members).
- Up to three coordination meetings with City up to 2 hours each (these are in addition to the planning meetings included in Phase 601).

Deliverables Deliverables for this task include a brief Technical Memorandum.

Assumptions Assumptions for this task include the following:

- Technical Memorandum will include:
 - Summary of activities completed
 - Description of test procedures
 - Daily event logs
 - Photographs
 - Defect codes with pinpoint locations
 - Table summarizing any problem areas
 - Recommendations for next steps



City of Oregon City

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

Staff Report

File Number: 16-549

Agenda Date: 10/5/2016

Status: Consent

To: City Commission

Agenda #: 8b.

From: Public Works Director John Lewis

File Type: Report

SUBJECT:

Intergovernmental Agreement (IGA) between Clackamas River Water (CRW) and Oregon City for Water Service Supplied by CRW through Proposed Glen Oak Road Master Meter Intertie at Beaver Creek Road

RECOMMENDED ACTION (Motion):

Approve the Intergovernmental Agreement (IGA) between Clackamas River Water (CRW) and Oregon City for CRW to provide water service through the proposed Glen Oak Road Master Meter Intertie at Beaver Creek Road.

BACKGROUND:

CRW and the City desire to provide water service in an orderly, efficient, non-duplicative manner and as provided for within the City's adopted Water Distribution Master Plan (WMP), including within the Beaver Creek Road Concept Plan (BRCP) area. The City's recommended Capital improvement Program (CIP) for future water facilities to serve a portion of the City's Beaver Creek Road Concept Plan (BRCP) area located approximately south of Meyers Road, includes a booster pump station, two million gallon storage facility, and 16-inch diameter transmission pipeline.

The first development proposed for construction within the BRCP area is located at 19896 Beaver Creek Rd, Clackamas County Map 3-2E- 10C Tax Lot 00800, on the east side of Beaver Creek Road at Meyers Road, consists of approximately 9.7 acres, and is conditionally approved to develop a total of 121- apartment units and 59 live-work units through a Type II Limited Land Use Decision on November 14, 2014, by the Community Development Director. The City's existing water distribution system currently can serve the portion of the BRCP area located approximately north of Meyers Road and north of this property through waterline extensions from the existing system, and south of Meyers Road, including this property, requires the said future infrastructure to be in operation. CRW's existing water distribution system currently can supply the City with water at a proposed Glen Oak Road master meter intertie that will allow the City to serve the development through a proposed 12-inch waterline in Beaver Creek Road that will have the volume and pressure needed to serve this development for an interim period until the City constructs the recommended future CIP infrastructure.

Through the term of this Agreement, CRW and the City agree that it is anticipated that CRW will have sufficient resources and facilities to provide the City through a proposed master meter intertie connecting the two Parties' water systems at an approximate location near the intersection of Glen Oak Road and Beaver Creek Road that will allow the City to serve the

development. CRW and the City agree that it is in the best interest of citizens of the City and CRW's customers to enter into a formal agreement setting forth the intention of the Parties regarding CRW's provision of water service to the City in order to allow the City to serve the Property development.

BUDGET IMPACT:

Amount: N/A

FY(s): N/A

Funding Source: N/A

INTERGOVERNMENTAL AGREEMENT
RELATING TO PROVISION OF WATER SERVICE
TO THE CITY OF OREGON CITY

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

RECITALS:

- A. The City operates a municipal water system and CRW is engaged in the supply of water service for domestic purposes to the residents in their respective areas. The Parties acknowledge that they have the authority to execute this intergovernmental cooperative agreement pursuant to ORS 190.003 to 190.030;
- B. CRW acknowledges the City as an urban water provider within the UGB. The City acknowledges CRW as a provider of water service within the UGB;
- C. CRW and the City desire to provide water service in an orderly, efficient, non-duplicative manner and as provided for within the City’s adopted Water Distribution Master Plan (WMP);
- D. The City’s current 2012 WMP is the City’s guiding document for the planning of the City’s water distribution system to meet both existing and future projected water demands, and provides recommendations for a Capital Improvement Program (CIP) for future water infrastructure improvements to meet projected future demands;
- E. The City’s recommended CIP for future water facilities to serve a portion of the City’s Beaver Creek Road Concept Plan (BRCP) area located approximately south of Meyers Road, includes a booster pump station, two million gallon storage facility, and 16-inch diameter transmission pipeline;
- F. The City’s existing water distribution system currently can serve the portion of the BRCP area located approximately north of Meyers Road through waterline extensions from the existing system;
- G. CRW and the City agree that it is anticipated that CRW will have sufficient resources and facilities to provide through the term of this Agreement water service to development within the City through a proposed master meter intertie connecting the two Parties’ water systems at an approximate location near the intersection of Glen Oak Road and Beaver Creek Road that will allow the City to serve the proposed property development at 19896 Beaver Creek Rd, Oregon City (Clackamas County Map 3-2E- 10C Tax Lot 00800), the (“Property”). The Property consists of approximately 9.7 acres within the City, and is conditionally approved to develop a total of 121- apartment units and 59 live-work units through a Type II Limited Land Use Decision on November 14, 2014, by the City of Oregon City Community Development Director (“Land Use Decision”)

- H. The Parties agree that it is in the best interest of citizens of the City and CRW's customers to enter into a formal agreement setting forth the intention of the Parties regarding CRW's provision of water service to the City in order to allow the City to serve the Property development; and
- I. The Parties will coordinate the third party design and construction of the following infrastructure: 1) a master meter intertie and vault assembly near the intersection of Beaver Creek Road and Glen Oak Road, to be known as the "Glen Oak Master Meter Intertie," and 2) a 12-inch water transmission main on Beaver Creek Road from the Glen Oak Master Meter Intertie to the Property.

NOW, THEREFORE, the premises being in general as stated in the foregoing recital, IT IS AGREED by and between the Parties hereto as follows:

1. **EFFECTIVE DATE:** This agreement shall take effect on _____, 2016. It shall remain in effect until either the City has the water system infrastructure to serve the Property directly without the Glen Oak Master Meter Intertie or the City and CRW execute an amendment to this Agreement.
2. **COORDINATION:** The Parties hereby establish a cooperative approach to managing activities related to the Glen Oak Master Meter Intertie ("Intertie") and 12-inch water transmission main ("12-inch Main"), which includes infrastructure and capital planning, building and construction permitting, construction plan review, and final construction and acceptance. CRW shall be responsible for the development and amendment of any of its existing facilities needed to ensure continued service to the Intertie. The City shall require the developer of the Property to construct the master meter intertie, vault assembly and the 12-inch water transmission main at the developer's cost. Upon construction completion and acceptance of these facilities by the City and CRW, CRW shall own, operate and maintain the master meter and vault assembly infrastructure, and the City shall own, operate and maintain the 12-inch water transmission main. The City shall require the developer to obtain all necessary permits and governmental approvals for constructing the said infrastructure, including applicable permits from Clackamas County for construction of any infrastructure within the Beaver Creek Road public right of way, and coordination with CRW for CRW's technical plan approval(s), permitting approvals, and construction inspections as applicable to the Intertie. The City shall provide notice to CRW when the City receives submittals for construction plans, and building application(s) for the said infrastructure, being the Intertie and 12-inch Main. See Exhibit 1 for *Location Map* depicting the location of said facilities.
3. **SUPPLY OF WATER:** During the term of this agreement and pursuant to its terms and conditions, CRW agrees to wheel to and provide, through the Glen Oak Master Meter Intertie, a supply of potable water to the City, to allow the City to serve the Property with sufficient water as defined in Section 6.
4. **LIMITATION OF SUPPLY:** The Parties understand and agree that CRW anticipates a supply of water sufficient to furnish the City with water service at the Intertie, to allow the City to serve the Property. For purposes of this agreement, water provided to the City by CRW is considered to be available from CRW's Beaver Creek Pressure Zone. In the event CRW is unable to furnish a sufficient supply of water to the City during the term of this agreement, CRW shall give the best notice possible to the City and it is agreed that CRW

shall not be held liable on account of any such inability or related curtailment. The City may, at its discretion, obtain and use water from the City's distribution system maintained by the City or from other sources at any time during the term of this agreement.

5. **SERVICE REDUCTION:** CRW agrees to exercise reasonable diligence and foresight to repair and replace its distribution system to maintain water volume, pressure and flows, and emergency fire flows at the Glen Oak Master Meter Intertie as CRW is currently able to provide hydrologically. The estimated normal flow rates and emergency fire flow rate are described in Section 6 below. If a general emergency or water shortage requires restriction on the delivery of water, then general restrictions placed upon deliveries to the City shall be determined per CRW's current *Water Management and Conservation Plan*.
6. **FLOW RATES:** The following estimated flow rates are based on the flow rates CRW currently is able to provide pursuant to its hydrological model and limitations of pressure zones and shall be deemed to be sufficient flows under this Agreement: .

Glen Oak Master Meter Intertie:

- Estimated Average Daily Demand (ADD) gallons per minute = 83.3
 - Estimated Maximum Daily Demand (MDD) gallons per minute = 111.1
 - Fire Flow Requirement = 1,562 gpm @ 20 psi
7. **RATE:** The City shall be billed monthly for the water sold under this Agreement, and payment shall be made within 30 days of billing.

See Exhibit 2 for the GLEN OAK ROAD ANALYSIS - CALCULATION OF WHOLESALE WATER RATE FROM CLACKAMAS RIVER WATER through the Glen Oak Master Meter intertie.

The City shall pay monthly to CRW for all water passing through the Intertie described in Section 3 at rates determined using cost of service principles described in Section 8 and adopted annually by Resolution of CRW's Board. Effective on each successive January 1 during the term of this Agreement, or any renewal thereof, the rate shall be retained or modified in accordance with the criteria set forth in Section 8.

8. **RATE SETTING CRITERIA:** In setting rates, CRW shall take into account the following, for the quantity of water proposed to be purchased:
 - a. Rates shall be determined in accordance with generally accepted ratemaking practices, as described in the AWWA M-1 Manual, 2012 Sixth Edition and subsequent amendments;
 - b. Rates shall include, but not be limited to, payments for reasonable operation and maintenance expense, depreciation, return on investment, administrative and general expenses, in-lieu taxes and other costs associated with CRW's financing and operation of its system. The rate of return on investment shall be prime + 1%.
 - c. CRW O&M Rate Per CCF shall be as stated in Exhibit 2, based on the methodology as provided in FCS Group Memorandum, dated August 27, 2016, Exhibit 3, and effective January 1, 2018, and annually thereafter, the CRW O&M rate shall be adjusted to

account for inflation in an amount not to exceed 3 percent per year. South Fork Water Board (SFWB) rate per CCF shall be as stated in Exhibit 2, shall be based on the actual SFWB rate charged to CRW, and shall be effectively changed with adopted SFWB rate changes;

- d. Costs and expenses shall be classified in the "base-extra capacity method" as described by the AWWA M-I Manual, 2012 Sixth Edition and subsequent amendments;
 - e. For improvements to be installed during the fiscal year and for construction work in progress, the plant in-service date shall be deemed the mid-year of the rate period; and
 - f. The City shall be given the opportunity to participate and provide input into CRW's rate-setting process.
9. **TIMELINE:** The Parties agree to develop a timeline for each of the respective construction obligations outlined in this Agreement that is mutually agreeable to all Parties.
10. **RESPONSIBILITIES CONCERNING CONNECTION AND METER(S):** CRW agrees that all of the meters shall be checked and their accuracy certified annually by qualified meter technicians at the expense of CRW. Should the meter(s) at any time fail to accurately measure the water passing through said meter(s), the charge for such water delivered during the time the meter or meters are not properly functioning shall be based on CRW records for City usage for the period out of service. CRW agrees to notify the City prior to repairing the meter(s) and to repair the meter(s) expeditiously. The City or its agents shall contact CRW for access to the metering vault. CRW and the City further agree that any new system interconnection, or replacements of existing system interconnections, shall require the prior approval of CRW and the City.
11. **LIMITATIONS ON LIABILITY:** No liability on behalf of the CRW or its officers, directors, employees or agents shall arise from any curtailment or interruption of service consistent with the terms of this agreement. The City agrees to defend, indemnify and hold CRW harmless for claims brought by or through the City's customers for damage of any nature resulting from such curtailment or interruption of service except for claims attributable to negligence by CRW.
12. **MAINTENANCE:** CRW shall own, operate, maintain, repair and replace all water system facilities necessary to furnish water to the outlet side of the master meter(s) at the Glen Oak Water Master Meter Intertie used for measuring the quantity of water delivered to the City. CRW shall impose no charges other than established pursuant to Section 8.
13. **AMENDMENT PROVISION:** The terms of this agreement may be amended or supplemented by a mutual agreement of the Parties. Any amendments or supplements shall be in writing, shall refer specifically to this agreement, and shall be executed by the Parties.
14. **DISPUTE RESOLUTION:** The Parties hereby agree that resolution of any and all disputes arising out of the terms of this Agreement or interpretation thereof shall follow a prescribed process beginning with negotiation and subsequently moving to mediation, provided the dispute remains unresolved. Within thirty (30) days following receipt of written notice regarding a dispute, the Parties shall assign a representative to participate in good faith negotiations for a period not to exceed sixty (60) days.

- a. If after the sixty (60) day period of negotiation (or a period not to exceed ninety (90) days following the original date of receipt of notice regarding the dispute), the dispute(s) cannot be resolved, the Parties agree to submit the matter to non-binding mediation. The Parties shall attempt to agree on a mediator in a period not to exceed thirty (30) days (or a period not to exceed one hundred twenty (120) days following the original date of receipt of notice regarding the dispute) and proceed accordingly.
 - b. After exhaustion of the preceding processes, either Party may initiate litigation in the Circuit Court of the State of Oregon for Clackamas County. Moreover, each Party shall bear its own legal and expert witness fees at all stages of the dispute resolution process, including at trial or on any appeals. In addition, nothing shall prevent the Parties from waiving any of the steps by mutual consent.
 - c. The Parties agree that the service and commodity provided by CRW pursuant to this Agreement is a special contract service and is not provided by CRW as a common utility service.
15. **OTHER NECESSARY ACTS:** The Parties shall execute and deliver to each other all such further instruments and documents as may be reasonably necessary to carry out this Agreement.
16. **SEVERABILITY:** If one or more of the provisions contained in this Agreement is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein shall continue in full force and effect.
17. **NOTICES:** Any notice herein required or permitted to be given shall be given in writing, 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:

Clackamas River Water:

General Manager
Clackamas River Water
PO Box 2439
Clackamas, OR 97086

Oregon City:

City Manager
City of Oregon City
625 Center Street.
Oregon City, OR 97045

These addresses may be changed by written notice to the other Party.

18. **NO THIRD-PARTY BENEFICIARIES:** The Parties to this Agreement 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.
19. **NONWAIVER:** Failure by any Party at any time to require performance by the other Party of any of the provisions of this Agreement shall in no way affect such Party's rights hereunder to enforce the same, nor shall any waiver by either Party of the breach of this Agreement be held to be a waiver of any succeeding breach or a waiver of this non-waiver clause.

20. **APPLICABLE LAW:** The Agreement shall be governed by and construed in accordance with the laws of the State of Oregon.
21. **COMPLIANCE WITH LAWS:** In connection with their activities under this Agreement, both Parties shall comply with all federal, state, and local laws, comprehensive plans and ordinances applicable to this Agreement, or any work performed pursuant to this Agreement.
22. **INDEMNIFICATION:** To the maximum extent permitted by law and subject to the limitations of the Constitution and laws of the State of Oregon regarding units of local government, the Parties shall hold harmless, defend, and indemnify each other, its governing bodies, officers and employees, from any claims for damages to property or injury to persons or for any penalties or fines, which may be occasioned in whole or in part by the indemnitor's performance or failure to perform under this Agreement.
23. **ASSIGNMENT:** Neither Party may assign this Agreement, in whole or in part, or any right or obligation hereunder, without written approval of the other Party, which shall not be unreasonably withheld.
24. **BINDING EFFECT:** The covenants, conditions, and terms of this agreement shall extend to and be binding upon and inure to the benefit of the successors of the Parties hereto.
- a. The City and CRW represent that the person signing this agreement on each Parties behalf is duly authorized to bind it to the terms of this agreement.
- b. Successors and Assigns. All the terms and provisions contained herein shall inure to the benefit of and shall be binding upon the Parties hereto and their respective legal representatives, successors and assigns.

IN WITNESS WHEREOF, the Parties have set their hands and affixed their seals as of the date and year hereinabove written.

The Board of Commissioners of Clackamas River Water has acted in this matter pursuant to Resolution No. _____, adopted by its Board on the ____ day of _____, 2016.

The City of Oregon City has acted in this matter pursuant to Resolution No. _____, adopted by its City Commission on the ____ day of _____, 2016.

CLACKAMAS RIVER WATER

CITY OF OREGON CITY

Naomi Angier, President

Dan Holladay, Mayor

Attest: _____
Secretary

Attest: _____
City Recorder

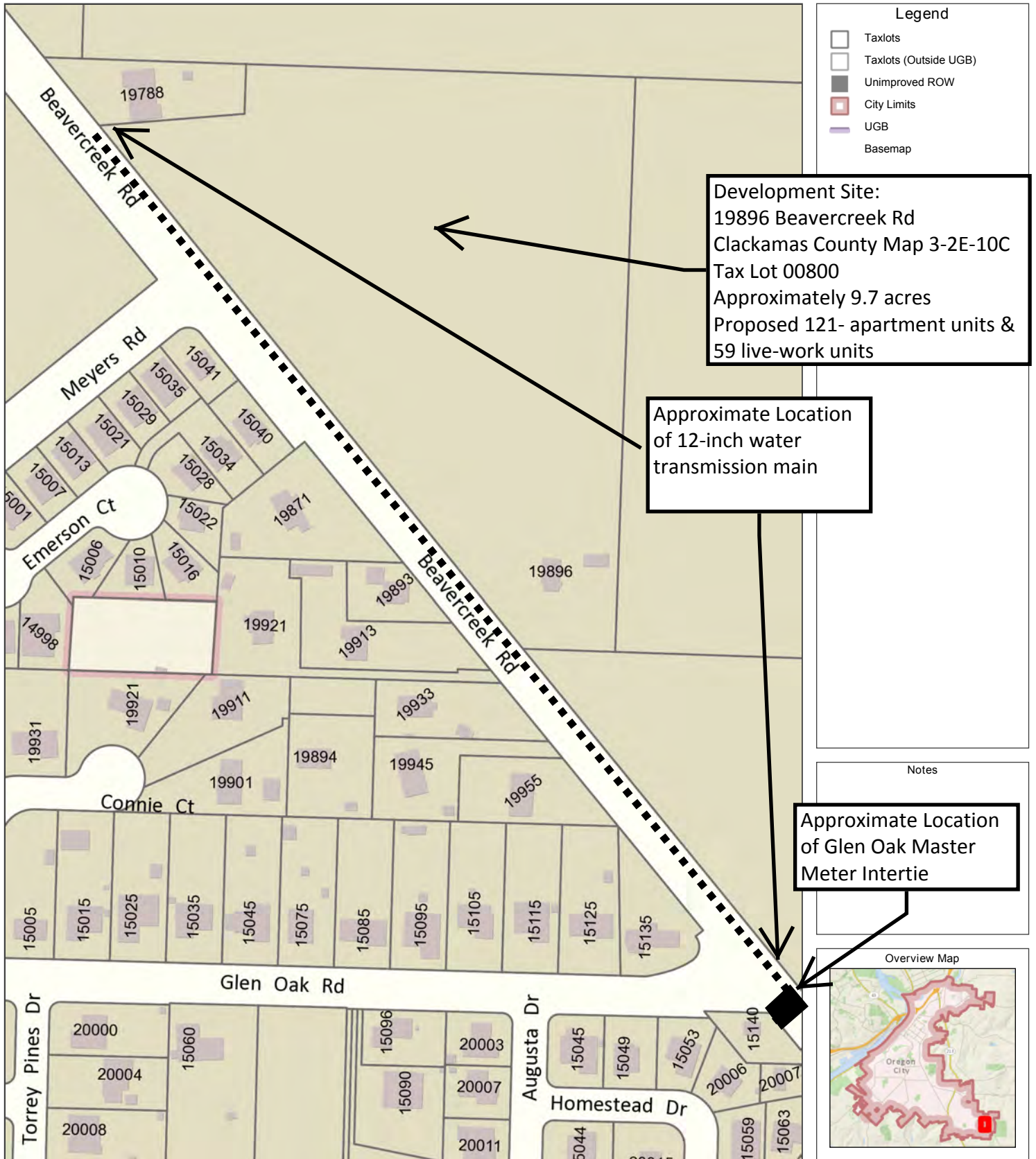
APPROVED AS TO FORM

APPROVED AS TO FORM

Legal Counsel

City Attorney

EXHIBIT 1 Oregon City GIS 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.



0 200 Feet
1: 2,400

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



EXHIBIT 2

EVERGREEN HOUSING DEVELOPMENT 19896 BEAVERCREEK ROAD

CALCULATION OF WHOLESALE WATER RATE FROM CLACKAMAS RIVER WATER THROUGH GLEN OAK MASTER METER

2016/2017 Budget Operating & Maintenance Expenses	\$40,229
Capital Investment Charge	
Depreciation	\$9,649
Return on Rate Base (4.5% rate of return used)	\$4,369
Total Allocable Costs	\$54,247
Estimated Water Consumption (CCF)	58,529
CRW O&M Rate Per CCF	\$0.93
South Fork Water Board Rate Per CCF	\$0.89
Total Volume Rate (including South Fork Water Board Rate)	\$1.82

EXHIBIT 3



Memorandum

To: Bob George, Carol Bryck; Clackamas River Water

Date: August 27, 2016

From: Angie Sanchez Virnoche, FCS GROUP

RE: CRW IGA Glen Oak Master Meter Intertie

Financial Consulting Solutions Group was asked to develop a wholesale rate for the Glen Oak Master Meter Intertie which will serve the Evergreen Development (Evergreen). Under traditional industry standard approaches to rate-making, wholesale customers are more often than not charged under a “utility basis” of rate-making methodology. This approach recovers applicable operating and maintenance costs, plus a capital cost recovery based on the original cost of capital investment committed to the wholesale customer’s service. The “capital cost recovery” includes two components: depreciation of fixed assets and a rate of return on the net investment or book value of those wholesale serving assets. The utility basis approach was used to develop the requested rates for the Glen Oak Master Meter Intertie.

CAPITAL COST RECOVERY COMPONENTS

The capital cost recovery includes two components; 1) rate of return on the allocable assets serving the customer and 2) annual depreciation.

RATE OF RETURN

The rate of return was developed through a multi-step process that included identifying the eligible SSA assets and developing an allocation basis for Evergreen.

1. District assets were reviewed to isolate those assets in the South Service Area (SSA). The review was conducted by major asset type related to Supply/Treatment, Pumping, Storage, Transmission/Distribution, Meters & Services, Hydrants and General. This was streamlined by the District accounting for assets by type and service area. Of the total \$88 million in original cost asset value, \$26 million was identified as related to the SSA. Accumulated depreciation on the SSA assets was calculated at \$12.8 million resulting in a net book value for SSA assets of \$13.6 million.
2. Of the \$13.6 million, supply/treatment, hydrants and general asset values were eliminated as eligible assets. Water will be supplied from South Fork Water Board. The resulting SSA allocable assets totaled \$13.3 million

Asset Category	Original Cost	North Assets	South Assets	Less: South Accumulated Depreciation	Net Rate Base South Assets	% Eligible	\$ Eligible Evergreen
Supply/Treatment [1]	\$ 17,179,930	\$ 17,071,003	\$ 108,927	\$ 65,950	\$ 42,977	0.00%	\$ -
Pumping	\$ 4,329,271	\$ 1,982,876	\$ 2,346,396	\$ 1,643,949	\$ 702,446	100.00%	\$ 702,446
Storage	\$ 7,086,643	\$ 4,715,128	\$ 2,371,515	\$ 1,101,199	\$ 1,270,316	100.00%	\$ 1,270,316
Transmission/Distribution	\$ 48,672,762	\$ 29,723,531	\$ 18,949,230	\$ 8,285,874	\$ 10,663,356	100.00%	\$ 10,663,356
Meters and Services	\$ 4,642,199	\$ 3,059,334	\$ 1,582,865	\$ 939,510	\$ 643,355	100.00%	\$ 643,355
Hydrant	\$ 276,667	\$ 275,685	\$ 982	\$ 664	\$ 318	0.00%	\$ -
General	\$ 5,516,743	\$ 4,439,227	\$ 1,077,516	\$ 799,834	\$ 277,682	0.00%	\$ -
Total	\$ 87,704,215	\$ 61,266,783	\$ 26,437,432	\$ 12,836,981	\$ 13,600,451		\$ 13,279,474

[1] Water supply from South Fork Water Board

Firm Headquarters

7525 166th Ave. NE., Suite D-215
Redmond, Washington 98052

Locations

Redmond, WA | 425.867.1802
Portland, OR | 503.841.6543

EXHIBIT 3

Clackamas River Water Glen Oak Master Meter Intertie Rate

3. Pumping, storage, transmission/distribution and Meters & Services were the only identified allocable assets. The next calculation required that the allocable SSA assets be further refined to determine what portion of the asset is eligible to include in the rate of return calculation for Evergreen.
 - Pumping – \$702K book value. Of the total SSA pumping assets only the Holly Lane and Glen Oak pump stations were included. The gallon per minute (gpm) pumping capacity of each station was compared to the average day demand (ADD) of Evergreen (83.3 gpm). Based on this calculation, 7.5 percent or \$22,154 was identified as eligible to include in the rate of return.
 - Storage - \$1.3 million. The asset value was split into capacity and fire related based on the American Water Works Association (AWWA) classification procedures which looks at max fire event to total storage capacity. The calculation for the SSA resulted in 93 percent related to capacity and 7 percent related to fire. The maximum storage capacity in the SSA is 5.8 million gallons. The master meter is 3.8 percent of the max day capacity in the SSA. Fire was allocated based on equivalent residential units (ERUs) generated from customer statistics – Evergreen ERUs represented 516 ERUs. The eligible storage asset value is 4.10 percent or \$52,100 of the total SSA storage assets.
 - Transmission & Distribution (T&D) - \$10.7 million. An engineering analysis of the applicable pipes was completed using the CRW hydraulic model. The analysis calculated the proportional flow of Evergreen per eligible pipe segment resulting in a percentage of capacity used per pipe. The replacement cost of each eligible pipe was calculated and the Evergreen capacity used percentage was applied to each pipe. The Evergreen value was then compared to the total transmission and distribution replacement cost in the SSA. The eligible asset value is 0.213 percent or \$22,700 of the total SSA T&D.
 - Meters & Services - \$643K. The allocation of meters and services was developed by comparing one Evergreen meter to the total meters in the SSA. The eligible asset value is 0.022 percent or \$139. This particular asset value can be much improved by including the cost of the actual meter when known.
 - The total allocable asset net book value or rate base is ~ \$97,100.

Asset Category	Allocable to Wholesale	Basis for Allocation	Basis	Evergreen Share	% Allocated	\$ Allocable to Evergreen
Pumping [1]	\$ 702,446	Holly Lane/Glen Oak	\$ 294,780	\$ 22,154	7.52%	\$ 22,154
Storage [2]	\$ 1,270,316	Capacity & Fire	3.8%/ 8.8%, respectively	\$ 52,067	4.10%	\$ 52,067
Transmission/Distribution [3]	\$ 10,663,356	Capacity per Pipe Size	\$ 74,688,992	\$ 159,139	0.213%	\$ 22,720
Meters and Services [4]	\$ 643,355	number of meters	4,637	1	0.022%	\$ 139
Total	\$ 13,279,474					\$ 97,080

[1] Includes Holly Lane and Glen Oak pump station Asset Values only. Holly Lane 1,371 gpm and Glen Oak 658 gpm; Evergreen 83.3 gpm representing 6.08% and 12.66% of pump station capacity, respectively.

[2] Storage capacity in South Area (5.8 million gallons); Per AWWA calculation max fire event to total storage capacity provides fire and capacity split.

Capacity represents 93.4% and fire 6.6% (1,600 gpm for 240 minutes). Evergreen is 3.8% of max day capacity demand in South; fire based on ERU's in South

[3] Transmission/Distribution based on Engineering analysis of Evergreen capacity used per specific pipe size; represented in replacement value of applicable pipe

[4] Represents value of meters/services in South Area and represents number of meters in South Area

- The current CRW cost of capital used is 4.5 percent.
- Return on rate base is \$4,369 (\$97,100 * 4.5 percent)

Rate of Return	Amount
Allocable Evergreen Assets	\$ 97,080
Cost of Capital	4.50%
Return on Rate Base	\$ 4,369

EXHIBIT 3

Clackamas River Water Glen Oak Master Meter Intertie Rate

ANNUAL DEPRECIATION

The calculation of annual depreciation used CRW's asset data for the identified eligible assets. The Evergreen percent allocated percentage from the net book value calculation was used to determine the portion allocable to Evergreen. The calculation resulted in an annual depreciation of \$9,650. This calculation can also be improved for meters and services once the cost of the meter is known and a useful life determined.

Asset Category	2015 Depreciation	% Allocated (from asset allocation)	\$ Allocable to Evergreen
Pumping	\$ 95,011	Actual deprec. Share	\$ 5,798
Storage	\$ 74,211	4.10%	\$ 3,042
Transmission/Distribution	\$ 376,754	0.213%	\$ 803
Meters and Services	\$ 27,552	0.022%	\$ 6
Total	\$ 573,529		\$ 9,649

Note: Percentages used from asset allocation

OPERATING AND MAINTENANCE

The utility basis approach recovers applicable operating and maintenance (O&M) costs. The fiscal year 2016/2017 budget was used and categorized into customer costs, water resources and system operations. Cost were further isolated to include only that portion of the budget allocable to the SSA. An allocation basis was developed to identify the Evergreen share of O&M costs.

- Customer - \$1.3 million assigned to SSA. Costs include board of commissioner, finance/accounting/customer service, administration and Engineering costs. The basis of allocation was number of meters. Evergreen share is 0.022 percent or \$711. It is likely that actual may be a higher figure depending on the level of effort expended by CRW to service, bill and update the charge.
- Water Resources - \$315K assigned to SSA. Costs were split for this category into fixed and variable charges. Variable charges included utilities and water purchases/treatment. No variable charges were included for Evergreen as they will receive water from South Fork Water Board. Fixed charges were allocated based on the peak demand of Evergreen compared to the peak demand of SSA (159,984 gpd /4.25 mgd). The allocated amount is \$11,859 or 3.76 percent.
- System Operations - \$735K assigned to SSA. Costs were split for this category into fixed and variable charges. Variable charges included a minor amount for water purchases/treatment. No variable charges were included for Evergreen. Fixed charges were allocated in the same manner as Water Resources using peak demand. The allocated amount is \$27,659 or 3.76 percent.
- Evergreen allocable O&M costs total ~\$40,200

EXHIBIT 3

Clackamas River Water Glen Oak Master Meter Intertie Rate

Asset Category	Total Budget FY 2016/2017	South Area Budget Allocation	Basis of Allocation [3]	Total Units [3]	Evergreen Share [3]	% Allocated	\$ Allocable to Evergreen
Customer Costs	\$ 3,298,522	\$ 1,275,348	Number of Meters	4,637	\$ 1	0.022%	\$ 711
Water Resources							
Fixed	\$ 1,354,218	\$ 315,034	Peak Demand South	4,249,984	159,984	3.76%	\$ 11,859
Variable [2]	\$ 1,616,800	\$ -	Avg. Demand South	1,589,952	119,952	7.02%	\$ -
Total	\$ 2,971,019	\$ 315,034					\$ 11,859
System Operations							
Fixed	\$ 1,543,129	\$ 734,764	Peak Demand South	4,249,984	159,984	3.76%	\$ 27,659
Variable [2]	\$ 1,000	\$ -	Avg. Demand South	1,589,952	119,952	7.02%	\$ -
Total	\$ 1,544,129	\$ 734,764					\$ 27,659
Fixed Costs	\$ 6,195,868	\$ 2,325,146					\$ 40,229
Variable Costs	\$ 1,617,800	\$ -					\$ -
Total Direct O&M	\$ 7,813,669	\$ 2,325,146					\$ 40,229

[1] customer costs include Board of Commissioner Costs, Finance/accounting/customer service, administration and engineering

[2] Variable costs include items such as utilities and water purchases/treatment. Since Evergreen will be provided water from South Fork Water Board they will pass this cost on directly to Evergreen

[3] Peak demand South Area = 4.25 MGD max day demand (Evergreen 111.1 gpm*1,440 minutes in day=159,984); Average day demand South Area = 1.59 MGD (Evergreen 83.3gpm*1,440 minutes in day = 119,952)

TOTAL UTILITY BASIS COSTS

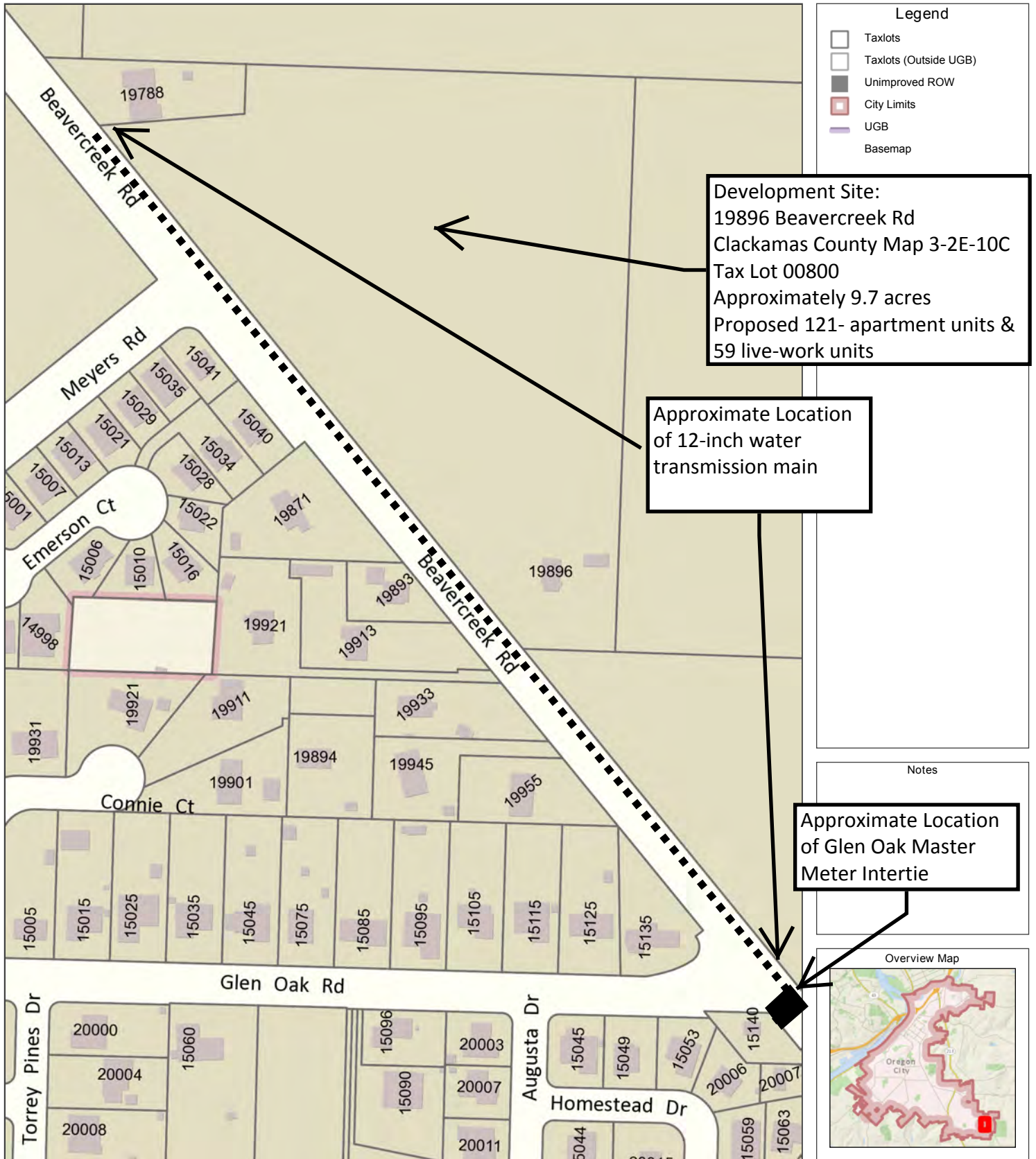
The utility basis cost components include O&M (fixed and variable), depreciation and return on rate base. The total cost basis for Evergreen is ~\$54,250

Cost Components	FY 2016/2017
Operating & Maintenance Costs - Fixed	\$ 40,229
Operating & Maintenance Costs - Variable	\$ -
Depreciation	\$ 9,649
Return on Rate Base	\$ 4,369
Total	\$ 54,247

The allocable costs will be charged as a volumetric rate per hundred cubic foot (ccf). The total costs spread over the estimated water consumption of 83.3 gallons per minute or 58,529 results in \$0.93 per ccf. Adding the current South Fork Water Board rate of \$0.89 per ccf (as a direct pass through) results in a total ccf rate of \$1.82

**Clackamas River Water
Glen Oak Master Meter Intertie Rate**

EXHIBIT 1 Oregon City GIS Map



Legend

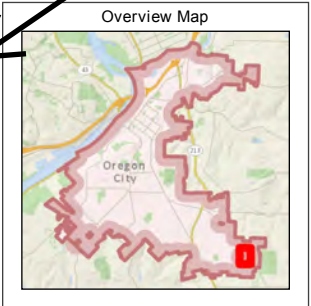
- Taxlots
- Taxlots (Outside UGB)
- Unimproved ROW
- City Limits
- UGB
- Basemap

Development Site:
 19896 Beaver Creek Rd
 Clackamas County Map 3-2E-10C
 Tax Lot 00800
 Approximately 9.7 acres
 Proposed 121- apartment units &
 59 live-work units

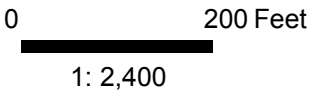
Approximate Location
 of 12-inch water
 transmission main

Approximate Location
 of Glen Oak Master
 Meter Intertie

Notes



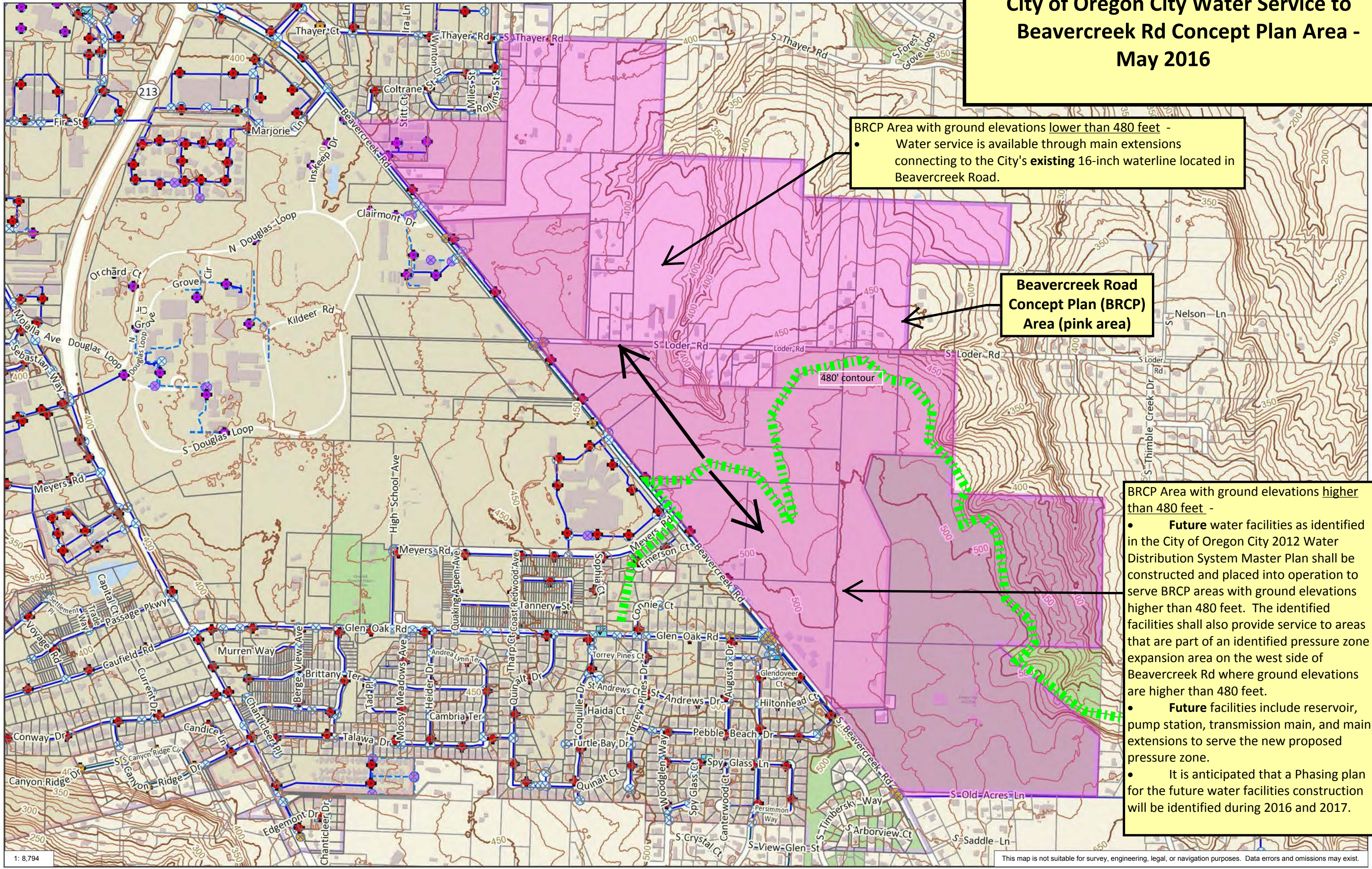
The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.



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City of Oregon City Water Service to
Beavercreek Rd Concept Plan Area -
May 2016



BRCP Area with ground elevations lower than 480 feet -

- Water service is available through main extensions connecting to the City's **existing** 16-inch waterline located in Beavercreek Road.

Beavercreek Road
Concept Plan (BRCP)
Area (pink area)

BRCP Area with ground elevations higher than 480 feet -

- **Future** water facilities as identified in the City of Oregon City 2012 Water Distribution System Master Plan shall be constructed and placed into operation to serve BRCP areas with ground elevations higher than 480 feet. The identified facilities shall also provide service to areas that are part of an identified pressure zone expansion area on the west side of Beavercreek Rd where ground elevations are higher than 480 feet.
- **Future** facilities include reservoir, pump station, transmission main, and main extensions to serve the new proposed pressure zone.
- It is anticipated that a Phasing plan for the future water facilities construction will be identified during 2016 and 2017.



City of Oregon City

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

Staff Report

File Number: PUB 16-015

Agenda Date: 10/5/2016

Status: Consent

To: City Commission

Agenda #: 8c.

From: Public Works Director John Lewis

File Type:

SUBJECT:

Restrictive Covenant Non-Remonstrance Agreement for the Small Slope Subdivision Project (Planning File No. TP14-06)

RECOMMENDED ACTION (Motion):

Adopt the Restrictive Covenant Non-Remonstrance Agreement for the Small Slope subdivision project and authorize the Mayor and City Recorder to execute this document.

BACKGROUND:

In accordance with Oregon City Municipal Code 16.12.095, at the time of land division, applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district (LID) for improvements that benefit the applicant's property. Specifically identified in the OCMC are transportation, stormwater, sanitary sewer, water and sidewalk system improvements.

A Restrictive Covenant Non-Remonstrance Agreement provides a waiver of any and all rights to remonstrate against the formation of a Local Improvement District by the City of Oregon City for the purpose of making various improvements.

More specifically and under this action, the Restrictive Covenant Non-Remonstrance Agreement attached to this report serves as the binding agreement preventing the applicants from remonstrating against the formation of an LID by the City for the purpose of making public improvements for the project identified as the Small Slope subdivision project (TP14-06), Tax Map 3-2E-08CA and Tax Lot 600 and 700.

ATTACHMENTS:

- 1) Restrictive Covenant Non-Remonstrance Agreement for the Small Slope Subdivision Project
- 2) Area Map

AFTER RECORDING RETURN TO:

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

Map No.: 3-2E-08CA

Tax Lots: 600 and 700

Planning No.: TP14-06 (CN15-02)

Grantor: Jeco Investments, INC

**RESTRICTIVE COVENANT NON-REMONSTRANCE AGREEMENT
(PURSUANT TO CITY OF OREGON CITY ORDINANCE NO. 00-1014)**

The undersigned legal owners of the property described below (Property) hereby waive any and all right to remonstrate against the formation of a Local Improvement District (LID) by the City of Oregon City (City) for the purpose of making sanitary sewer, storm sewer, water or street improvements that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. This non-remonstrance agreement is executed in consideration of not being required by the City to make the above-mentioned improvements at this time as a condition of land use approval of the Small Slope subdivision.

Oregon City Planning File No. TP14-06.

For the purpose of this Covenant:

"Sanitary Sewer Improvements" includes pipelines or conduits and all other structures, devices, appurtenances and facilities used in collecting or conducting wastes to an ultimate point for treatment or disposal.

"Storm Sewer Improvements" includes pipelines, swales, detention or retention devices or conduits and all other structures, devices, appurtenances and facilities used in collecting or conducting storm water flow to an ultimate point for treatment or disposal.

"Water Improvements" includes pipelines, conduits, meters, hydrants and all other structures, devices, appurtenances and facilities used in collecting, treating or conveying drinking water from a source of supply to water consumers and other water users.

"Street Improvements" includes streets, sidewalks, curbs, gutters, street lighting and all other structures, devices, appurtenances, facilities and improvements used to serve cars, bicycles, pedestrians and other modes of transportation and conveyance.

"Right to remonstrate against the formation of an LID" refers solely to a property owner's right under the City Charter and Code to be counted as part of an extraordinary majority of property owners that can, in certain circumstances, suspend proceedings on the formation of an LID. The waiver of this right herein does not limit or otherwise restrict the ability of a property owner bound by this covenant to appear at any of the required public hearings and testify

regarding the formation of the LID, whether the boundaries include all benefited property, the equity of the assessment formula, the scope and nature of the project or of the final assessment, or any other issue regarding the LID.

This covenant shall run with the land and be binding upon the undersigned and upon all subsequent owners of property.

The property subject to this covenant is described as follows:

-- SEE ATTACHED EXHIBITS "A" (Legal Description) and "B" (Survey, Plat, etc) --

In construing this covenant and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 7th day of SEPT, 2016; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

NOTICE: No stamp or corporate seal is allowed over any typed information.

Individuals / General Partnerships (GP)

Corporation / Limited Partnership / LLC

(Business Name, if any)

JECO INV. INC.
(Corporation / LP / LLC Name)

(Signature No. 1)

Connie Mueller
(Signature No. 1)

(Signer's No. 1 - Printed Name)

CONNIE MUELLER, PRES
(Signer's No. 1 - Name, Title)

(Signature No. 2)

Jeff Mueller
(Signature No. 2)

(Signer's No. 2 - Printed Name)

JEFF MUELLER, SEC.
(Signer's No. 2 - Name, Title)

(Signature No. 3)

(if executed by a corporation affix corporate seal below)

(Signer's No. 3 - Printed Name)

NOTICE TO NOTARIES: No notary stamp or corporate seal is allowed over any typed information.

Personal / GP Acknowledgment

STATE OF OREGON

County of _____) ss.

On this _____ day of _____, 20____,
before me, _____, the
undersigned Notary Public, personally appeared
_____,
_____,
_____ and
acknowledged the foregoing instrument to be
his/her voluntary act and deed.

NOTARY PUBLIC FOR OREGON

My Commission Expires: _____
Stamp seal below

(Grantor's Name and Address)

City of Oregon City
P.O. Box 3040
625 Center Street
Oregon City, OR 97045-0304
(Grantee's Name and Address)

Accepted on behalf of the City of Oregon City on the condition that the Restrictive Covenant Non-Remonstrance agreement granted is free and clear from any taxes, liens, and encumbrances.

Mayor

City Recorder

Corporate / LP / LLC Acknowledgment

STATE OF OREGON)

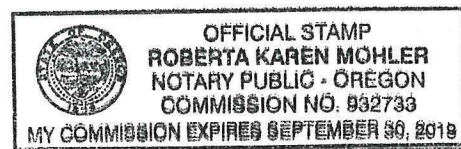
County of CLACKAMAS) ss.

On this 7th day of SEPT, 2016,
before me, Roberta Karen Mohler the
undersigned Notary Public, personally appeared
CONNIE MUELLER and
JEFF MUELLER who
being duly sworn, each for himself/herself and not
one for the other did say that the former is the
current president
and that the latter is the current secretary of
JECO INV. INC.

_____, a
corporation, and that the seal affixed to the
foregoing instrument was signed and sealed in
behalf of said corporation by authority of its
board of directors; and each of them
acknowledged said instrument to be its voluntary
act and deed.

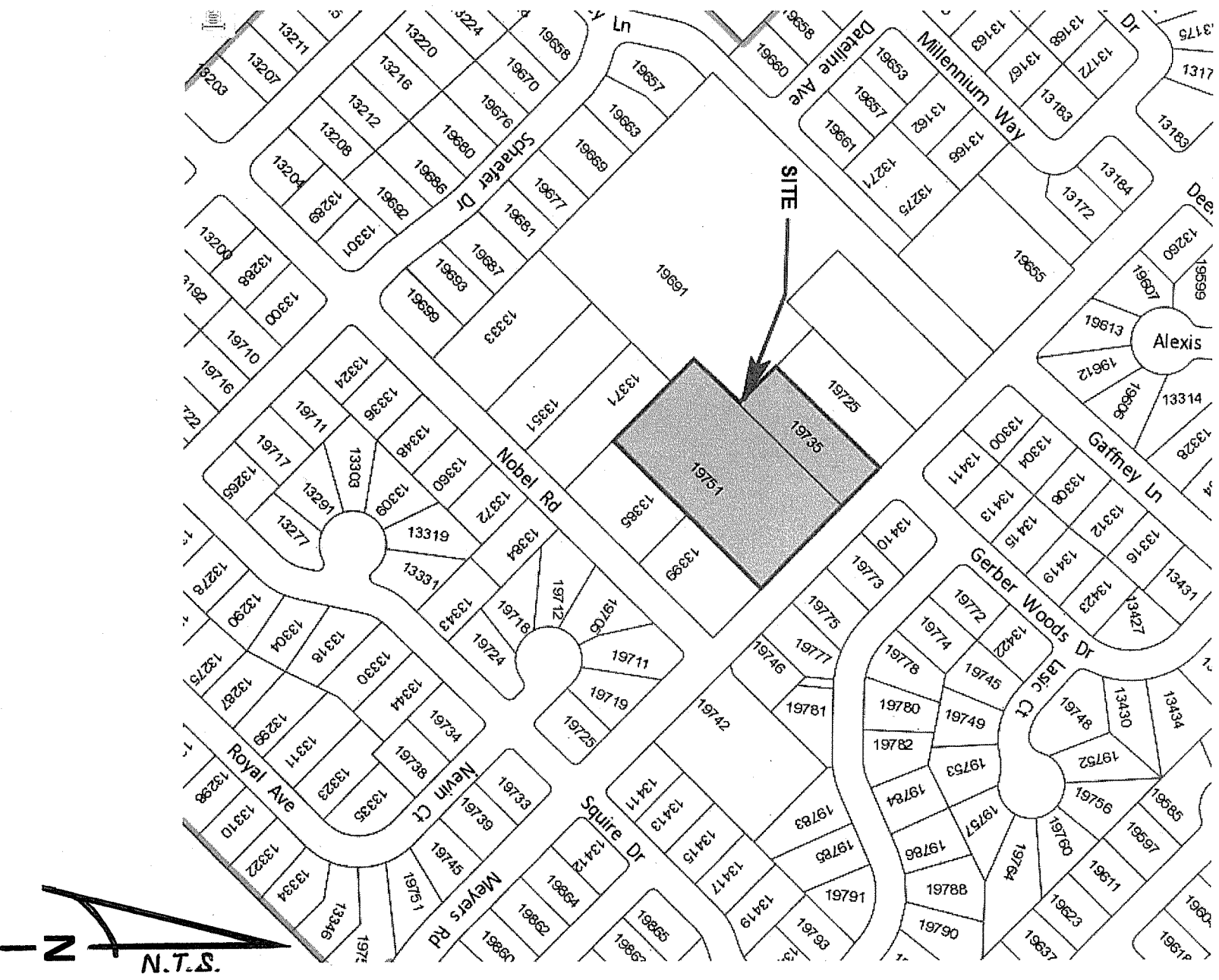
Roberta Karen Mohler
NOTARY PUBLIC FOR OREGON

My Commission Expires: 9.30.18
Stamp seal below

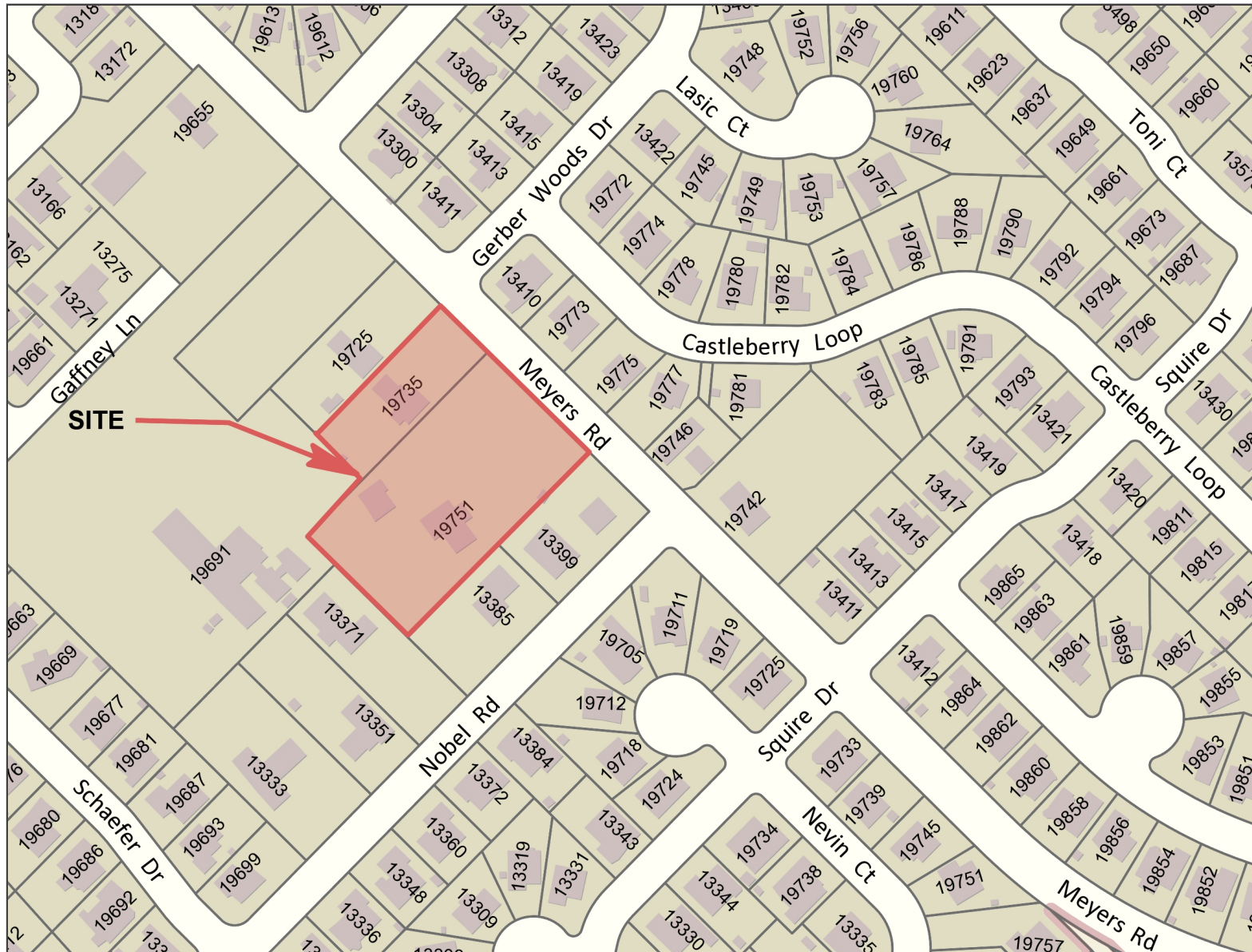


Insert "Exhibit A" Here: Exhibit A Is A Legal Description Drawn Up By A Professional Land Surveyor And Stamped With Their Seal And Having A 1/8th-Inch Or Larger Font Size (8.5-Inch By 11-Inch Page).

EXHIBIT B



Oregon City GIS Map



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

Notes

Small Slope subdivision (19751 and 19735 Meyers Road)



0 200 400 Feet

1: 2,400

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 9/23/2016

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





City of Oregon City

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

Staff Report

File Number: PUB 16-016

Agenda Date: 10/5/2016

Status: Consent

To: City Commission

Agenda #: 8d.

From: Public Works Director John Lewis

File Type:

SUBJECT:

Restrictive Covenant Non-Remonstrance Agreement for the Ed's Orchard Subdivision Project
(Planning File No. TP15-07)

RECOMMENDED ACTION (Motion):

Adopt the Restrictive Covenant Non-Remonstrance Agreement for the Ed's Orchard subdivision project and authorize the Mayor and City Recorder to execute this document.

BACKGROUND:

In accordance with Oregon City Municipal Code 16.12.095, at the time of land division, applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district (LID) for improvements that benefit the applicant's property. Specifically identified in the OCMC are transportation, stormwater, sanitary sewer, water and sidewalk system improvements.

A Restrictive Covenant Non-Remonstrance Agreement provides a waiver of any and all rights to remonstrate against the formation of a Local Improvement District by the City of Oregon City for the purpose of making various improvements.

More specifically and under this action, the Restrictive Covenant Non-Remonstrance Agreement attached to this report serves as the binding agreement preventing the applicants from remonstrating against the formation of an LID by the City for the purpose of making public improvements for the project identified as the Ed's Orchard subdivision project (TP15-07), Tax Map 3-1E-12D Tax Lot 1701 and Tax Map 3-2E07C Tax Lot 1002 and 1003.

ATTACHMENTS:

- 1) Restrictive Covenant Non-Remonstrance Agreement for the Ed's Orchard Subdivision Project
- 2) Area Map

AFTER RECORDING RETURN TO:

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

Map No.: 3 1E 12D, 3 2E 07C
Tax Lot(s): 1701 (3 1E 12D), 1002 & 1003 (3 2E 07C)
Planning No.: TP 15-07

Grantor: Rian Park Development, Inc.

**RESTRICTIVE COVENANT NON-REMONSTRANCE AGREEMENT
(PURSUANT TO CITY OF OREGON CITY ORDINANCE NO. 00-1014)**

The undersigned legal owner of the property described below (the "Property") hereby waives any and all right to remonstrate against the formation of a Local Improvement District (LID) by the City of Oregon City (City) for the purpose of making sanitary sewer, storm sewer, water or street improvements that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. This non-remonstrance agreement is executed in consideration of not being required by the City to make the above-mentioned improvements at this time as a condition of land use approval of the subdivision "Ed's Orchard".

Oregon City Planning File No. TP 15-07

For the purpose of this Covenant:

"Sanitary Sewer Improvements" includes pipelines or conduits and all other structures, devices, appurtenances and facilities used in collecting or conducting wastes to an ultimate point for treatment or disposal.

"Storm Sewer Improvements" includes pipelines, swales, detention or retention devices or conduits and all other structures, devices, appurtenances and facilities used in collecting or conducting storm water flow to an ultimate point for treatment or disposal.

"Water Improvements" includes pipelines, conduits, meters, hydrants and all other structures, devices, appurtenances and facilities used in collecting, treating or conveying drinking water from a source of supply to water consumers and other water users.

"Street Improvements" includes streets, sidewalks, curbs, gutters, street lighting and all other structures, devices, appurtenances, facilities and improvements used to serve cars, bicycles, pedestrians and other modes of transportation and conveyance.

"Right to remonstrate against the formation of an LID" refers solely to a property owner's right under the City Charter and Code to be counted as part of an extraordinary majority of property owners that can, in certain circumstances, suspend proceedings on the formation of an

LID. The waiver of this right herein does not limit or otherwise restrict the ability of a property owner bound by this covenant to appear at any of the required public hearings and testify regarding the formation of the LID, whether the boundaries include all benefited property, the equity of the assessment formula, the scope and nature of the project or of the final assessment, or any other issue regarding the LID.

This covenant shall run with the land and be binding upon the undersigned and upon all subsequent owners of property.

The property subject to this covenant is described as follows:

-- SEE ATTACHED EXHIBITS "A" (Legal Description) and "B" (Survey, Plat, etc) --

In construing this covenant and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 2 day of August, 2016; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

NOTICE: No stamp or corporate seal is allowed over any typed information.

Corporation / Limited Partnership / LLC

Rian Park Development, Inc.
(Corporation / LP / LLC Name)

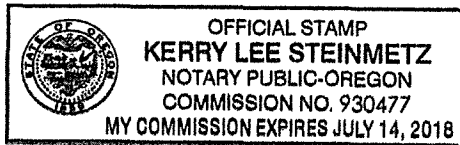

(Signature)

Bruce Ament, President
(Signer's Name, Title)

NOTICE TO NOTARIES: No notary stamp or corporate seal is allowed over any typed information.

Corporate / LP / LLC Acknowledgment

STATE OF OREGON)
) ss.
County of CLATSOP)



On this 2 day of AUGUST, 2016,
before me, KERRY STEINMETZ, the
undersigned Notary Public, personally appeared
Bruce Ament who being duly sworn, did say that
he is the president of Rian Park Development,
Inc., a corporation, and the foregoing instrument
was signed on behalf of said corporation, and
acknowledged said instrument to be its voluntary
act and deed.


NOTARY PUBLIC FOR OREGON

My Commission Expires: JULY 14, 2018
Stamp seal below

City of Oregon City
P.O. Box 3040
625 Center Street
Oregon City, OR 97045-0304
(Grantee's Name and Address)

Accepted on behalf of the City of Oregon City on the condition that the Restrictive Covenant Non-Remonstrance agreement granted is free and clear from any taxes, liens, and encumbrances.

Mayor

City Recorder



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

AKS Job #3623

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

EXHIBIT A

Property Description

Tracts of land located in the Southeast One-Quarter of Section 12, Township 3 South, Range 1 East, and the Southwest One-Quarter of Section 7, Township 3 South, Range 2 East, Willamette Meridian, City of Oregon City, Clackamas County, Oregon and being more particularly described as follows:

Tract 1:

Beginning at a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." at the most easterly corner of the plat "Filbert Orchard"; thence along the southwest line of the plat "Hazel Creek Farms" South 46°05'25" East 532.52 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." at the most easterly corner of the tract per Document Number 2016-016215, Clackamas County Deed Records; thence along the southeast line of said tract South 44°04'18" West 450.13 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." at the most southerly corner thereof; thence along the southwest line of said tract per Document Number 2016-016215 and Parcel I of Document Number 2016-016213 North 46°03'35" West 531.13 feet to a 5/8 inch iron rod at the most southerly corner of said plat "Filbert Orchard"; thence along the southeast line of said plat North 43°53'43" East 449.85 feet to the Point of Beginning.

The above described tract of land contains 5.50 acres, more or less.

Tract 2:

Beginning at a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." at the most easterly corner of the plat "Filbert Orchard"; thence along the southwest line of the plat "Hazel Creek Farms" South 46°05'25" East 532.52 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." at the most easterly corner of the tract per Document Number 2016-016215, Clackamas County Deed Records; thence along the southeast line of said tract South 44°04'18" West 500.13 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." at the most southerly corner of the Public Road per Document Number 71-2654; thence along the southwest line of said Public Road North 46°03'35" West 210.51 feet to a 5/8 inch iron rod with a red plastic cap inscribed "CENTERLINE CONCEPTS INC." at the most easterly corner of Parcel II of Document Number 2016-016213 and the True Point of Beginning; thence along the southeast line of said Parcel II South 43°55'43" West 329.95 feet to a 5/8 inch iron rod with a red plastic cap inscribed "CENTERLINE CONCEPTS INC." at the most southerly corner thereof; thence along the southwest line of said Parcel II North 46°04'14" West 677.78 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "DAVIS & PIKE LS 846" on the southeast right-of-way line of Central Point Road (30.00 feet from centerline); thence along said southeast right-of-way line North 43°56'16" East 330.08 feet to the southwest line of said Public Road per Document Number 71-2654, from which point a 3/4 inch iron pipe bears North 46°03'35" West 0.47 feet; thence along said southwest line South 46°03'35" East 677.72 feet to the True Point of Beginning.

The above described tract of land contains 5.13 acres, more or less.

08/01/2016

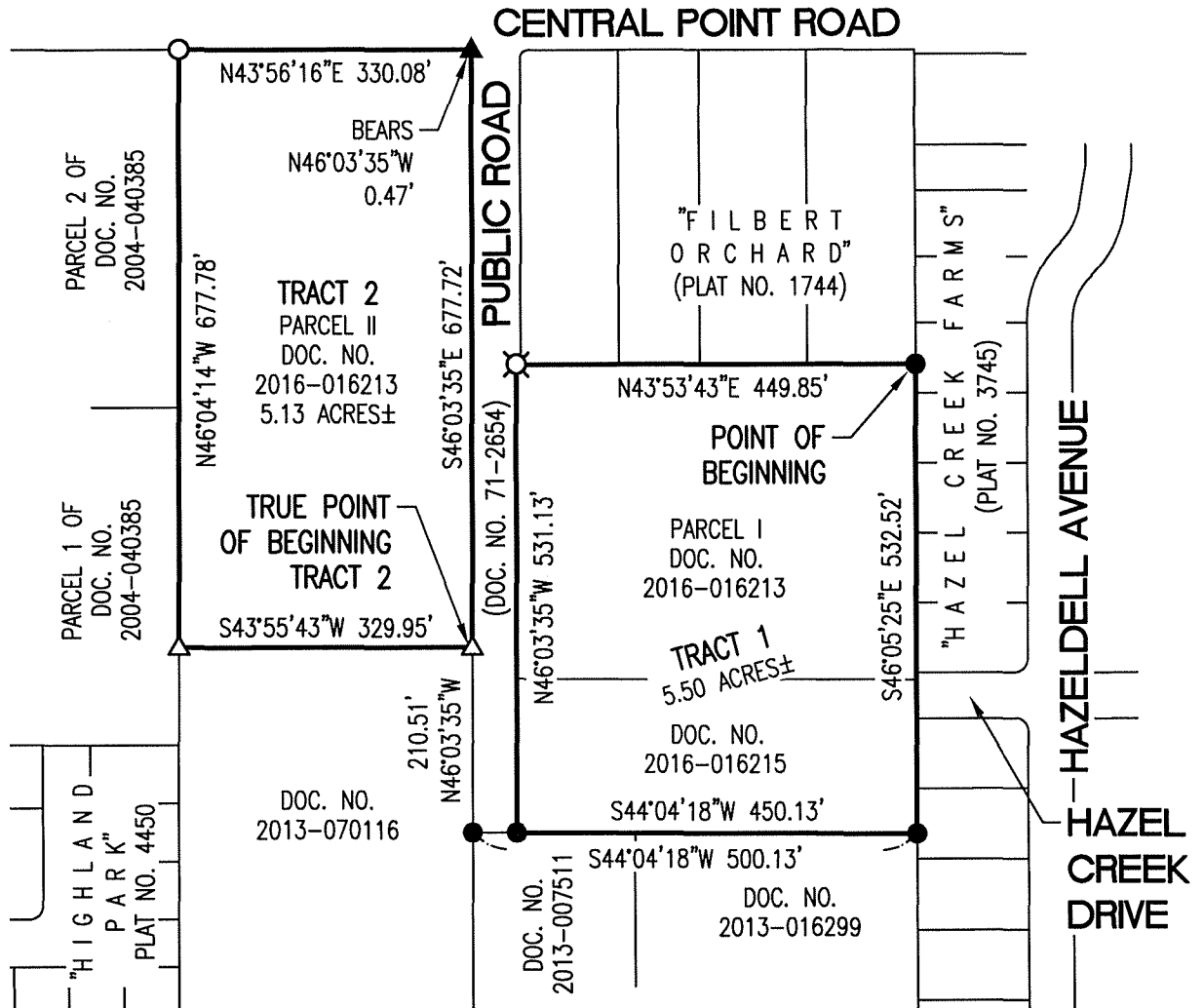
REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JANUARY 11, 2005
ROBERT D. RETTIG
60124LS

RENEWS: 12/31/16

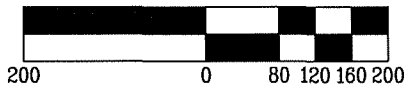
LOCATED IN THE SOUTHEAST 1/4 OF SECTION 12,
TOWNSHIP 3 SOUTH, RANGE 1 EAST, AND THE
SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 3 SOUTH,
RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF OREGON
CITY, CLACKAMAS COUNTY, OREGON



LEGEND

- 5/8" IRON ROD W/YPC INSCRIBED "AKS ENGR."
 - 5/8" IRON ROD W/YPC INSCRIBED "DAVIS & PIKE LS 846"
 - △ 5/8" IRON ROD W/RPC INSCRIBED "CENTERLINE CONCEPTS INC."
 - ⊗ 5/8" IRON ROD
 - ▲ 3/4" IRON PIPE
- DOC. NO. DOCUMENT NUMBER PER CLACKAMAS COUNTY DEED RECORDS
- W/RPC WITH A RED PLASTIC CAP
- W/YPC WITH A YELLOW PLASTIC CAP

SCALE 1" = 200 FEET



PREPARED FOR

RIAN PARK DEVELOPMENT, INC.
PO BOX 2559
OREGON CITY, OR 97045

REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]

OREGON
JANUARY 11, 2005
ROBERT D. RETTIG
60124LS

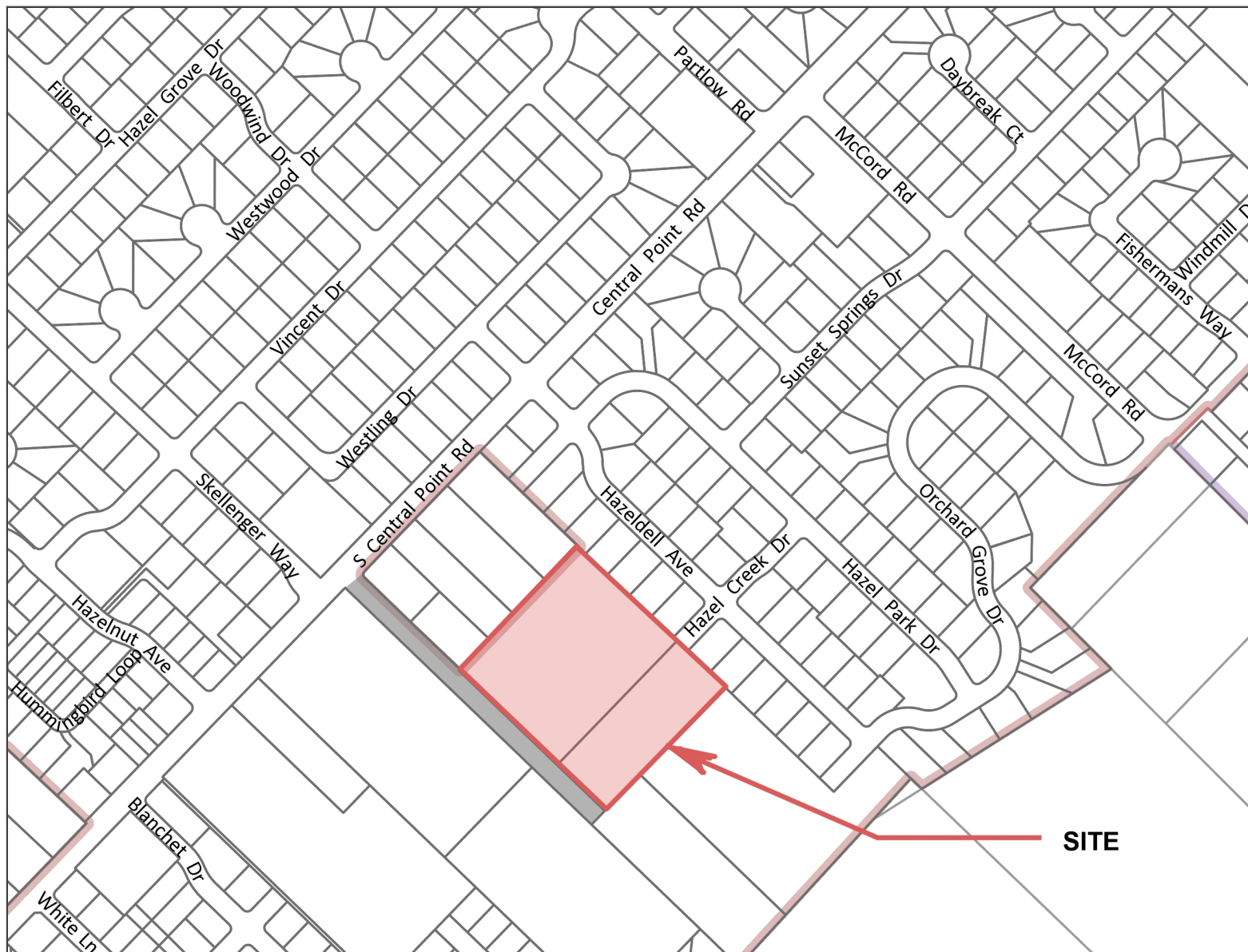
RENEWS: 12/31/16

DATE: 08/01/16

PROPERTY MAP		EXHIBIT B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: JOH CHKD: RDR AKS JOB: 3623

AKS

Oregon City GIS Map



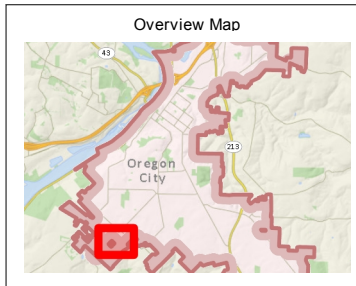
Legend

All Streets (labels only) - 4800 - RLIS

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

Notes

Ed's Orchard subdivision



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.



0 400 800 Feet



1: 4,800

Map created 9/23/2016

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: PUB 16-018

Agenda Date: 10/5/2016

Status: Consent

To: City Commission

Agenda #: 8e.

From: Public Works Director John Lewis

File Type:

SUBJECT:

Restrictive Covenant Non-Remonstrance Agreement for the PGE Abernethy Substation Addition Project (306 and 308 18th Street - Planning File No. SP15-10)

RECOMMENDED ACTION (Motion):

Adopt the Restrictive Covenant Non-Remonstrance Agreement for the PGE Abernethy Substation Addition Project (306 and 308 18th Street) and authorize the Mayor and City Recorder to execute this document.

BACKGROUND:

In accordance with Oregon City Municipal Code 16.12.095, at the time of land division, applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district (LID) for improvements that benefit the applicant's property. Specifically identified in the OCMC are transportation, stormwater, sanitary sewer, water and sidewalk system improvements.

A Restrictive Covenant Non-Remonstrance Agreement provides a waiver of any and all rights to remonstrate against the formation of a Local Improvement District by the City of Oregon City for the purpose of making various improvements.

More specifically and under this action, the Restrictive Covenant Non-Remonstrance Agreement attached to this report serves as the binding agreement preventing the applicants from remonstrating against the formation of an LID by the City for the purpose of making public improvements for the project identified as PGE Abernethy Substation Addition Project (306 and 308 18th Street) - File No. SP15-10, Tax Map 2-2E-29CB and Tax Lot 1500 and 2000.

ATTACHMENTS:

- 1) Restrictive Covenant Non-Remonstrance Agreement for the PGE Abernethy Substation Addition Project (306 and 308 18th Street)
- 2) Area Map

AFTER RECORDING RETURN TO:

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

Map No.: 2-2E-29CB

Tax Lot(s): 1500 and 2000

Planning No.: CU 15-01 / SP 15-10 (CN 16-21)

Grantor: Portland General Electric Company

**RESTRICTIVE COVENANT NON-REMONSTRANCE AGREEMENT
(PURSUANT TO CITY OF OREGON CITY ORDINANCE NO. 00-1014)**

The undersigned legal owners ("Grantor") of the property described below (the "Property") hereby waive any and all right to remonstrate against the formation of a Local Improvement District (LID) by the City of Oregon City (City) for the purpose of making sanitary sewer, storm sewer, water or street improvements that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. This non-remonstrance agreement is executed in consideration of not being required by the City to make the above-mentioned improvements at this time as a condition of land use approval of the Oregon City Planning Commission for:

Oregon City Planning File No. CU 15-01 Conditional Use / SP 15-10 Site Plan and Design Review (PGE Abernethy Substation Expansion, 306/308 ~~Main Street~~)

18TH STREET

For the purpose of this Covenant:

"Sanitary Sewer Improvements" includes pipelines or conduits and all other structures, devices, appurtenances and facilities used in collecting or conducting wastes to an ultimate point for treatment or disposal.

"Storm Sewer Improvements" includes pipelines, swales, detention or retention devices or conduits and all other structures, devices, appurtenances and facilities used in collecting or conducting storm water flow to an ultimate point for treatment or disposal.

"Water Improvements" includes pipelines, conduits, meters, hydrants and all other structures, devices, appurtenances and facilities used in collecting, treating or conveying drinking water from a source of supply to water consumers and other water users.

"Street Improvements" includes streets, sidewalks, curbs, gutters, street lighting and all other structures, devices, appurtenances, facilities and improvements used to serve cars, bicycles, pedestrians and other modes of transportation and conveyance.

"Right to remonstrate against the formation of an LID" refers solely to a property owner's right under the City Charter and Code to be counted as part of an extraordinary majority of property owners that can, in certain circumstances, suspend proceedings on the formation of an LID. The waiver of this right herein does not limit or otherwise restrict the ability of a property owner bound by this covenant to appear at any of the required public hearings and testify

regarding the formation of the LID, whether the boundaries include all benefited property, the equity of the assessment formula, the scope and nature of the project or of the final assessment, or any other issue regarding the LID.

This covenant shall run with the land and be binding upon the undersigned and upon all subsequent owners of property.

The property subject to this covenant is described as follows:

-- SEE ATTACHED EXHIBITS "A" (Legal Description) and "B" (Survey, Plat, etc) --

In construing this covenant and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

Notwithstanding anything to the contrary contained herein, Grantor and the City understand and agree that the Property is encumbered by that certain Indenture of Mortgage and Deed of Trust dated July 1, 1945 to Wells Fargo Bank, N.A. (as successor to HSBC Bank USA, N.A., which was successor to The Marine Midland Trust Company of New York), as supplemented.

The lien of the Mortgage Indenture will be released subsequent to the execution and recording hereof.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 23 day of JUNE., 2016; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

NOTICE: *No stamp or corporate seal is allowed over any typed information.*

Portland General Electric Company,
an Oregon corporation

DFW

By: 

James F. Lobdell, Senior Vice President Finance /
CFO, Treasurer

NOTICE TO NOTARIES: No notary stamp or corporate seal is allowed over any typed information.

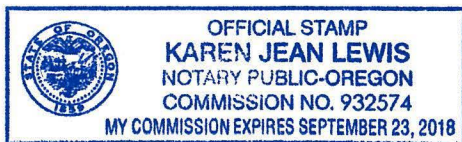
STATE OF OREGON)
) ss.
County of McHonnell)

On this 23rd day of June, 2016, before me, Karen Jean Lewis,
the undersigned Notary Public, personally appeared James F. Lobdell, Senior Vice President
Finance / CFO, Treasurer and authorized representative of Portland General Electric Company,
an Oregon corporation

☒ personally known to me
☐ proved to me on the basis of satisfactory evidence to be the person(s) whose
name(s) is/are subscribed to the within instrument, and acknowledged that they executed it.

NOTICE: No stamp or corporate seal is allowed over any typed information.

Stamp seal below



WITNESS my hand and official seal.

Karen Jean Lewis
Notary's signature
My commission expires: Sept. 23, 2018

Accepted on behalf of the City of Oregon City on the condition that the Restrictive Covenant
Non-Remonstrance Agreement is free and clear from taxes, liens, and encumbrances.

Mayor

City Recorder

EXHIBIT A

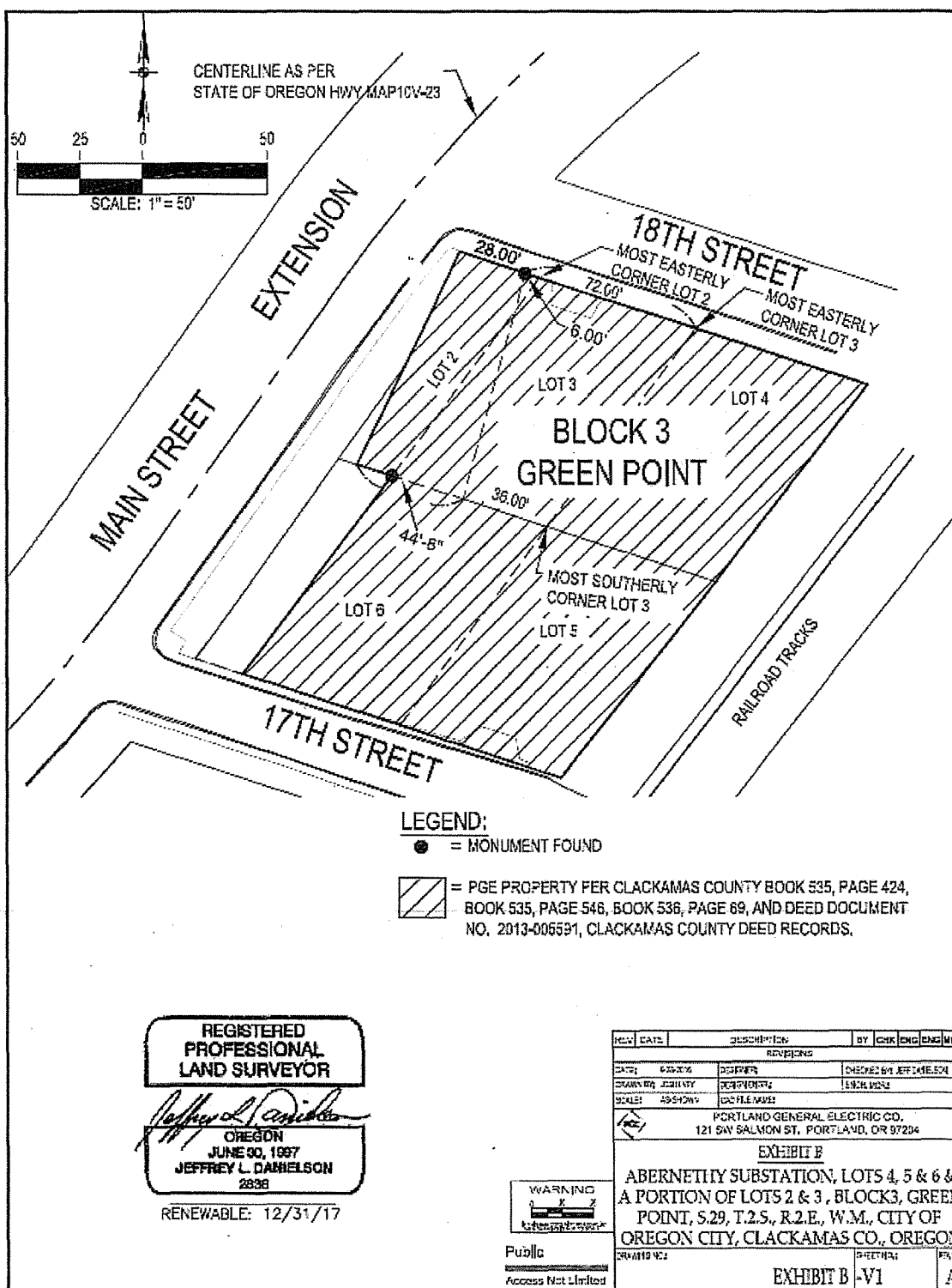
LEGAL DESCRIPTION:

A tract of land being Lots 3, 4, 5, 6 and a portion of Lot 2, Block 3, GREEN POINT, in the City of Oregon City, the County of Clackamas and State of Oregon, that portion of said Lot 2 more particularly described as follows:

BEGINNING at a point on the Southerly line of said Lot 2, said point being 51 feet 4 inches Easterly of the most Westerly corner of said lot; thence Easterly along the Southerly line of said Lots 2 and 3, a distance of 44 feet 8 inches; thence Northerly to the Southerly boundary of line of 18th Street at a point which is 6 feet Westerly from the most Easterly corner of Lot 2; thence Westerly along the Northerly line of Lot 2, 28 feet; thence Southerly to the place of beginning.

The above-described parcel is shown on Portland General Electric Company drawing Exhibit B attached hereto which by reference thereto is made a part hereof.

"Exhibit B"



Oregon City GIS Map



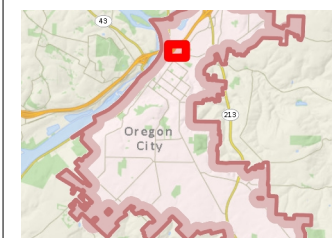
Legend

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

Notes

PGE Abernethy Substation (306 and 308 18th Street)

Overview Map



0 200 400 Feet

1: 2,400



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 9/26/2016

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





City of Oregon City

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

Staff Report

File Number: 16-561

Agenda Date: 10/5/2016

Status: Consent

To: City Commission

Agenda #: 8f.

From: Police Chief and Public Safety Director James Band

File Type: License

SUBJECT:

OLCC: Liquor License Application- On-Premises Sales, New Outlet, Applying as a Corporation, 88 Nails and Spa, 2050 Beaver Creek Road, #104, Oregon City, OR 97045

RECOMMENDED ACTION (Motion):

Staff recommends the City Commission approve OLCC Application for 88 Nails and Spa, 2050 Beaver Creek Road, #104, Oregon City, OR 97045

BACKGROUND:

The Oregon City Police Department ran background checks on Tra Thien Tran and Kieu Giang Thi Nguyen. They are both eligible to hold a liquor license.



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

KH

Application is being made for:

LICENSE TYPES

- ☐ Full On-Premises Sales (\$402.60/yr)
- ☐ Commercial Establishment
- ☐ Caterer
- ☐ Passenger Carrier
- ☐ Other Public Location
- ☐ Private Club

- ☒ Limited On-Premises Sales (\$202.60/yr)
- ☐ Off-Premises Sales (\$100/yr)
 - ☐ with Fuel Pumps
- ☐ Brewery Public House (\$252.60)
- ☐ Winery (\$250/yr)
- ☐ Other: _____

ACTIONS

- ☐ Change Ownership
- ☒ New Outlet
- ☐ Greater Privilege
- ☐ Additional Privilege
- ☐ Other: _____

CITY AND COUNTY USE ONLY

Date application received: _____

The City Council or County Commission:

(name of city or county)

recommends that this license be:

☐ Granted ☐ Denied

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: _____

Date: 9-15-16

90-day authority: ☐ Yes ☐ No

90-DAY AUTHORITY

☐ Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- ☐ Limited Partnership
- ☒ Corporation
- ☐ Limited Liability Company
- ☐ Individuals

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① TRA THIEN TRAN ③ 88 nails + Spa Inc
② KIEU GIANG THI NGUYEN ④ _____

2. Trade Name (dba): 88 NAILS & SPA

3. Business Location: 2050 BEAVERCREEK RD #104, OREGON CITY, OR 97045
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: SAME AS ABOVE
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503-656-9833
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No

7. If yes to whom: _____ Type of License: _____

8. Former Business Name: _____

9. Will you have a manager? ☐ Yes ☒ No Name: _____
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? OREGON CITY
(name of city or county)

11. Contact person for this application: TRA THIEN TRAN 503-709-5588
(name) (phone number(s))

5725 SE 134TH PL, PORTLAND, OR 97236 88nailsspa@gmail.com
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① [Signature] Date 9/1/16 ③ _____ Date SEP 12 2016

② [Signature] Date 9/1/16 ④ _____ Date _____

Initials: [Signature] Date _____
Oregon Liquor Control Commission



City of Oregon City

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

Staff Report

File Number: 16-559

Agenda Date: 10/5/2016

Status: Consent

To: City Commission

Agenda #: 8g.

From: City Recorder Kattie Riggs

File Type: Minutes

Minutes of the October 7, 2008 Work Session

**CITY OF OREGON CITY
MINUTES OF THE CITY COMMISSION WORK SESSION**

October 7, 2008

1. Call to Order and Roll Call

Mayor Alice Norris called the work session to order at approximately 6:45 p.m. on October 7, 2008, in City Hall Commission Chambers, 320 Warner Milne Road, Oregon City.

Roll Call: Mayor Alice Norris, Commissioner Doug Neeley.

Staff Present: Larry Patterson, City Manager; Nancy Ide, City Recorder; Nancy Kraushaar, City Engineer and Public Works Director; Dan Drentlaw, Community Development Director; Mike Conrad, Police Chief.

2. Future Agenda Items

No future agenda items discussed.

3. Discussion Items

a. Presentation by Ted Kyle of Tri-City Plant Design

Ted Kyle was present representing Tri-City Service District and spoke on the expansion plan and proposed master plan for the Tri-City plant using a PowerPoint presentation. He stated the plan was a large investment for the region. He described the long-term plan and then explained Phase I which included sustainability efforts. He described how the use of technology would fit three times the use in a smaller framework. He stated the proposal would preserve ten acres for open space and seal off the landfill site for use in future development. He explained the landfill would be shuffled to provide cleaner land and a modern landfill cap covering for earth and trees. The landfill mediation would begin in the summer of 2010. He presented plans for educating the public on the operations of the Tri-City plant, pointing out an outdoors location near the Clackamas River where such education would take place. He explained the back-up operations plan for the plant, and he presented a slide of the proposed building to house the operations. He explained the plant's proposed ability to reuse water in an unrestricted way in the urban and rural environment. He discussed lighting inside the buildings; stormwater management in the infiltration pond; truck traffic on Agnes Road and the infiltration designs for the road; tour routes for the public; and reuse of water under Oregon rule.

Commissioner Neeley expressed concern for failure of operations during down times and redundancy. Mr. Kyle stated there was redundancy at the system level and four tanks to allow for service during failures. He pointed out that redundancy that is interconnected within the plant is more valuable than at another plant. Part of the plant is in Oregon City and another part of the plant is in Milwaukie, allowing for down time at one plant for servicing.

Ms. Kraushaar asked Mr. Kyle to initiate discussion with other Tri-City staff to develop buffering or camouflaging to reduce unsightly, unwelcoming infrastructure at the entrance to Oregon City. Mr. Kyle agreed to have these discussions, and he added the buildings were designed to have a business park look with landscaping and a stone wall similar to the historic walls in Oregon City, including screening from the neighbors and noise control.

Mayor Norris thanked Mr. Kyle for his presentation.

- b. Request for City to Pay Partial SDC Cost from Clackamas Community Land Trust

Sarah Buckley, Executive Director of the Clackamas Community Land Trust, and David Bower, project manager and designer, were present for the discussion. Ms. Buckley gave a brief overview of the Trust, in operation since 1999, and how it provided homeownership programs for folks earning in the 30-80% of median family incomes. Community Land Trusts had been assisting people to become homeowners who were in that income category. She was proposing the first home development for the Trust in Oregon City on Morton Road off Division. To meet their goal, the Trust requested a System Development Charge reduction. She presented their newsletters to the Commission.

Ms. Kraushaar stated that the City followed state statutes for system development charges, and there was not a provision for waiving SDCs. The charges were based on formulas derived from potential growth, and rather than waiving the charges, it can be reduced to a reduction on demand of the growth of the system by way of an alternative methodology. A waiver should be made up from other funds. Even though the request was compelling, there was a fairness issue to consider to other developers and the question of what criteria should be used.

Ms. Buckley stated there was an agreement with the tax assessor that the value of the land would be assessed at \$10,000, and the homeowner pays that small amount of tax on the land and home improvements.

Mr. Bower pointed out that Portland does not waive SDCs but they do it in an alternative way by using a fund to pay the SDCs for affordable housing. Mayor Norris stated that was the way she felt the City should support the commitment to affordable housing. Mr. Patterson stated he would get further information to the Commission if they wished to pay the waiver amount out of a City fund.

- c. Intergovernmental Agreement with CCSD#1

The discussion on this agenda item was deferred to a future meeting.

- d. Web Streaming of Work Sessions

Nancy Ide, City Recorder, presented a proposal for initiating web streaming of City Commission work sessions that would provide immediate review of Commission directives and efficiency in minutes transcription. The Commission's consensus was to make a decision at a later time when there was full discussion available from all the Commission members at the next work session.

- e. Annexation Policy for Tree Preservation

Dan Drentlaw, Community Development Director, stated there were three efforts in place for tree protection: 1) A proposed code amendment reviewing site development regulations and improvement of tree protection during the development process; 2) Development of a heritage tree protection ordinance; 3) Reviewing policies to prevent landowners from stripping trees prior to annexation, including potential use of aerial photographs for proof of tree stripping. Commissioner Neeley commented that some landowners plant trees for the purpose of growing and selling timber and he would not support interfering with those purposes.

There was consensus to move forward with further review of the annexation policy.

- f. MTIP Transportation Funding Application, McLoughlin Boulevard, Phase 2 - Public Comment Period and Listening Posts

The discussion on this agenda item was deferred to a future meeting.

4. City Manager's Report

There were no City Manager's reports.

5. Adjournment

Mayor Norris adjourned the meeting at approximately 8:05 p.m.

Respectfully Submitted:

Kattie Riggs, City Recorder



City of Oregon City

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

Staff Report

File Number: 16-553

Agenda Date: 10/5/2016

Status: Consent

To: City Commission

Agenda #: 8h.

From: City Recorder Kattie Riggs

File Type: Minutes

Minutes of the August 30, 2016 Special 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

Tuesday, August 30, 2016

7:00 PM

Commission Chambers

REVISED - SPECIAL MEETING

1. Convene Special Meeting and Roll Call

Mayor Holladay called the meeting to order at 7:02 PM.

Present: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

Staffers: 4 - Tony Konkol, City Recorder Kattie Riggs, Finance Director Wyatt Parno and City Attorney William Kabeiseman

2. General Business

2a. Explanatory Statement for Inclusion in the Clackamas County Voters Pamphlet for the November 8, 2016 General Election Relating to the Ballot Measure Restricting Urban Renewal Activities

Tony Konkol, City Manager, said tonight the Commission would review the explanatory statement for the ballot measure that would restrict urban renewal activities that would be on the November ballot. Commissioner Mengelberg had requested additional language in the introductory paragraph and that change was before the Commission tonight as well. The proposed explanatory statement had been sent to Mr. Williams, and he requested they not submit the explanatory statement as written as he had some concerns regarding the language.

Bill Kabeiseman, City Attorney, said the petitioners requested a temporary restraining order to prevent the City from filing the explanatory statement. The City went to Circuit Court and the request for the temporary restraining order was denied and a hearing on the injunction was set for next Wednesday, September 7, 2016. He recommended the Commission adopt the explanatory statement and staff would not file it with the County until after the court hearing. He discussed the explanatory statement that he thought was factual and impartial. Comments received from Jesse Buss earlier that day had questioned whether the City had the authority to file an explanatory statement. Mr. Kabeiseman thought submission of a statement was required per Code. He drafted a resolution which clarified the interpretation of the Code that it was a requirement to submit an explanatory statement. Mr. Buss also questioned the second paragraph of the statement stating it was not impartial, but speculative and confusing. The explanatory statement was supposed to explain the measure and its effects and if the City believed urban renewal could not be controlled through the City Charter, it was an effect the City had to identify.

Mayor Holladay confirmed that legal opinion had been received agreeing with the City on this matter and Mr. Williams had received that response.

Mike Mitchell, resident of Oregon City, was concerned about the wording in the first bullet point that said this measure would prohibit the Commission from financing an Urban Renewal Plan or a project with tax increment financing. He thought it should say "financing any urban renewal plans or projects with tax increment financing."

Jesse Buss, resident of Oregon City, was representing John Williams on this matter. The comments he submitted earlier still applied to the revised explanatory statement. The resolution proposed by staff was not included on the agenda and there was no notice of the resolution. They objected to the lack of notice to the public.

There was consensus to make the change proposed by Mr. Mitchell and accept the changes proposed by Commissioner Mengelberg.

John Williams clarified there was a 500 word limit for the explanatory statement.

Mayor Holladay suggested adding how urban renewal was designed to alleviate blight. He suggested four sentences down in the first paragraph saying "stimulating private development, reducing or eliminating blight, and fulfilling Metro region 2040 growth concepts."

Staff confirmed the debt issued, assessed value, and estimated value numbers were accurate.

John Williams thought the number for the assessed value at the formation of the Urban Renewal District was incorrect. Wyatt Parno, Finance Director, would double check the numbers from the assessor's report.

Commissioner Smith wanted the Secretary of State's office to review the statement for impartiality. Mr. Kabeiseman would bring the statement back to the Commission if it needed to be revised.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Shaw, to approve the explanatory statement with the amendments suggested, directing the Finance Director to confirm or revise the valuation at the formation of the Urban Renewal District, and to adopt Resolution 16-28. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

3. Adjournment

Mayor Holladay announced the names of the City Commission candidates who had filed for the November 8, 2016 election.

Mr. Konkol discussed the letter from County Commission Chair John Ludlow that Chair Ludlow would read into the record at the next Gladstone City Council meeting.

Mayor Holladay adjourned the meeting at 7:34 PM.

Respectfully submitted,

Kattie Riggs, City Recorder

Subject: FW: Cannabis research - 4 freedom plants

----- Original message -----

From: Corinne Celko <corinne@emergelawgroup.com>

Date: 10/05/2016 12:13 PM (GMT-08:00)

To: Dan Holladay <dholladay@orcify.org>

Subject: Cannabis research - 4 freedom plants

Hi Mayor Holladay,

It was nice to speak with you this morning. With the caveat that Emerge Law Group does not represent you or Oregon City and that this email does not constitute legal advice, here is some information about the ability of a local government to adopt restrictions on the time, place, and manner of one's homegrown personal plants:

The legislature provided some clarity on a local government's ability to regulate homegrown personal plants in the 2016 legislative session through section 33 of House Bill 4014. It provides: "(2) A city or county may not adopt an ordinance, by referral or otherwise, that prohibits or otherwise limits: (a) The privileges described in ORS 475B.245."

ORS 475B.245 gives a laundry list of licensing provisions and affirmatively states that they do not apply to homegrown personal plants. Specifically, ORS 475B.245(1) provides:

"Applicability of licensing provisions to homegrown marijuana and homemade cannabinoid products and concentrates. ORS 475B.025, 475B.033, 475B.035, 475B.040, 475B.045, 475B.055, 475B.060, 475B.065, 475B.068, 475B.070, 475B.090, 475B.100, 475B.110, 475B.130, 475B.160, 475B.165, 475B.170, 475B.210, 475B.265, 475B.325, 475B.330, 475B.335, 475B.350, 475B.353, 475B.355, 475B.358 and 475B.380 do not apply:

- (1) To the production, processing or storage of homegrown marijuana at a household by one or more persons 21 years of age and older, if the total amount of homegrown marijuana at the household does not exceed four marijuana plants and eight ounces of usable marijuana at any time."

For reference, ORS 475B.015(8) provides that "Homegrown" or "homemade" means grown or made by a person 21 years of age or older for noncommercial purposes.

ORS 475B.250(1) prohibits homegrown marijuana from being grown in public view. Specifically, it states:

"Prohibition against producing, processing or storing homegrown marijuana or homemade cannabinoid products or concentrates in public view. (1) A person may not produce, process or store homegrown marijuana or homemade cannabinoid products or cannabinoid concentrates if the homegrown marijuana or homemade cannabinoid products or cannabinoid concentrates can be readily seen by normal unaided vision from a public place."

ORS 475B.015(28) defines "public place" as: "'Public place' means a place to which the general public has access and includes, but is not limited to, hallways, lobbies and other parts of apartment houses and hotels

not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and areas used in connection with public passenger transportation.”

Based on the limitation of a local government’s ability to regulate homegrown plants in Section 33 of HB 4014, as well as the definition of “public place,” which would arguably exclude one’s backyard (a backyard is usually not accessible by the general public), the City may open itself up to potential legal issues if it adopted a wholesale ban on the outdoor growing of homegrown plants.

Hope this is helpful. Let me know if you have any other questions.

Best,
Corinne

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EMERGE LAW GROUP
805 SW Broadway, Suite 2400
Portland, OR 97205
O: 503.227.4525 **F:** 503.200.1124 **D:** 503.467.0396
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From: [Shawnda Horn](#)
To: [Kattie Riggs](#)
Subject: Measure 97
Date: Wednesday, October 5, 2016 3:03:27 PM

To the Oregon City Commissioners:

I am a small business owner that resides in the rural part of Oregon City. We do a great deal of remodeling and excavation work within the city limits, as well as conduct a majority of our personal affairs within the city limits of Oregon City.

I am writing to you in encourage you to take a stand against Measure 97. Although the bill was written with good intent, it will numerous unintended consequences for the citizens and businesses of Oregon City. There are three areas that are extremely troubling to me as a voter and business owner.

First, the measure taxes large corporations on their "gross sales". Profitability will not be taken into consideration with this tax, so if a corporation sustains a loss, they could still have an enormous tax debt to pay. This would likely cause organizations to leave Oregon, reduce their labor force or a combination of both.

Second, due to this increased cost of doing business, they will need to raise their prices to remain profitable. This will harm every consumer and small business owner, but especially those on a fixed income. There is no way for a business to take on this tax burden without passing on at least a portion of it to the consumers. If their sales decline due to the increased prices, they will have to reduce their workforce to compensate.

Third, the funds are not earmarked specifically for education or the needs the proponents are advertising. This money will go into the general fund, and will likely just be used to reduce debt – having no significant impact on education. Also, as businesses lose work or leave the state, the state will not realize the funds they are planning to gain from this measure.

There are multiple reasons to be opposed to this tax, and even the myriad of news organizations have come out with negative consequences if Measure 97 is passed. I hope you will take this into consideration and vote to Oppose Measure 97 as a City Commission.

Thank you,
Shawnda Horn, Owner
Double J Construction Inc

What You Need To Know

On November 8, 2016, voters will be asked to consider:

- Voting on **Measure #3-494** to annex all properties located within the Boring Fire District #59 boundaries into Clackamas Fire District #1.



**To Safely Protect
and
Preserve Life and Property.**

More Information

For more information visit us at
www.clackamasfire.com



Clackamas Fire District #1

11300 SE Fuller Rd.
Milwaukie, OR 97222
Phone: 503.742.2600

This information was reviewed by the Oregon Secretary of State's Office for compliance with ORS 260.432.

Clackamas Fire District #1

Measure #3-494



Measure #3-494



Background:

- Since July 1, 2014, Clackamas Fire has provided a contract for service to Boring Fire District #59 for fire protection, fire prevention and emergency medical services.
- Boring Fire residents will be asked to consider two separate measures: the dissolution and annexation of their fire district into Clackamas Fire District.
- Voters in both Boring Fire District and Clackamas Fire District will be asked to vote on the annexation. Only if all annexation measures in both fire districts pass, will Boring Fire District be permanently annexed into Clackamas Fire District.

Questions:

What is an annexation?

- A form of legal integration where an agency extends its boundaries outside of its previous limits. While the law allows one agency to expand its boundaries to annex another agency into its service area, it may only do so if the involved agencies are formed under differing statutory authority, or an agency dissolves, rendering it available for annexation.

If approved, what would the annexation of Boring Fire District #59 mean to Clackamas Fire residents?

- If approved, Boring Fire would become a permanent part of Clackamas Fire to include the addition of three community fire stations, equipment and apparatus that would be used to respond throughout the fire district.

If approved, would the Clackamas Fire permanent tax rate change?

- No, current Clackamas Fire residents would continue to pay \$2.4012 per \$1,000 of assessed value and Boring Fire residents would also be asked to pay \$2.4012 per \$1,000 of assessed value. Boring Fire residents would also be asked to pay on Clackamas Fire's current 2015 general obligation bond, which could be a reduction in the millage rate for the bonds based on changes in assessed value.

Fast Facts:

The district is growing. Clackamas Fire District #1 is one of the largest fire protection districts in Oregon, serving approximately 220,000 citizens, 20 strategically located fire stations with 256 employees and 100 volunteers.

Provides wide range of services. The district provides fire suppression, advanced life support, emergency medical care, fire prevention, swift water rescue, hazardous materials response, Community Emergency Response Teams, emergency management, community education and other programs.

Result of annexation: If approved, Clackamas Fire's permanent tax rate would remain unchanged with the annexation and would apply to the Boring Fire citizens at \$2.4012 per \$1,000 of assessed value.

The annexation would result in Clackamas Fire extending its boundaries to continue to provide quality emergency services and provide the most up to date equipment, apparatus and training, while keeping the financial impact to residents at a minimum.





Boring Fire District #59 Clackamas Fire District #1 Legal Integration - Annexation Frequently Asked Questions



1. What is an Annexation?

A form of legal integration where an agency extends its boundaries outside of its previous limits. While the law allows one agency to extend its boundaries to annex another agency into its service area, it may only do so if the involved agencies are formed under differing statutory authority, or an agency dissolves, rendering it available for annexation.

2. Why is Boring Fire District #59 recommending an annexation to Clackamas Fire District #1?

If approved, Boring Fire residents would have an increase in staffing efficiencies within the Boring, Damascus, and Eagle Creek Stations, depth of response resources, direct access to specialty response services (e.g. technical rescue, water rescue) and the advantage of greater efficiencies across communities.

3. How long has Clackamas Fire District #1 been providing services to Boring Fire District #59 and what do those services include?

Clackamas Fire began providing shared services through an intergovernmental agreement in 2009 and transitioned to a full contract for service beginning on July 1, 2014. The current contract for service has been providing fire protection, fire prevention, emergency management, emergency medical services, volunteer services, and support operations to Boring Fire area residents.

4. What is the permanent tax rate of Boring Fire District #59?

Boring Fire's permanent tax rate is \$2.3771 per \$1,000 of assessed property value.

5. What is the permanent tax rate of Clackamas Fire District #1?

Clackamas Fire's permanent tax rate is \$2.4012 per \$1,000 of assessed property value.

6. If the measure passes, what would the cost be for Boring Fire residents to the existing Clackamas Fire District #1 general obligation bond?

The cost of the existing Clackamas Fire general obligation bond is an approximate levy rate estimated to be \$.10 (ten cents) per \$1,000 of assessed value. The estimated cost per each \$100,000 of assessed property value would be \$10 per year until retirement of the bonds.

7. What projects will be completed from the general obligation bond proceeds that passed in the May 2015 election?

The Clackamas Fire general obligation bond proceeds will include the following:

- Purchase emergency apparatus to replace aging fire engines, ladder trucks, water tenders, and other emergency response vehicles.
- Replace Self-Contained Breathing Apparatus for firefighter health and safety.
- Construct new Fleet Maintenance Center to maintain, repair and service emergency apparatus and related projects.
- Redesign and construct Training Center to include community training sites.
- Upgrade and improve Fire District community fire stations, facilities, and infrastructure.
- Replace and upgrade communications equipment and infrastructure.
- Add and or replace community fire station(s), including land acquisition.

8. If approved, would additional firefighters staff Boring, Damascus and Eagle Creek Fire Stations?

Yes, additional career firefighter/paramedics would staff the Damascus Fire Station seven days a week, 24-hours a day. Additional volunteer firefighters would continue to support the Eagle Creek and Boring Fire Stations.

9. When is the election and what measures are voters being asked to vote on?

The election is November 8, 2016 and Boring Fire residents will be asked to vote on two measures: Measure #3-493, the dissolution of Boring Fire District and Measure #3-503, the annexation of all Boring Fire District properties into Clackamas Fire District.

Clackamas Fire District residents will be asked to vote on one measure: Measure #3-494, the approval of all Boring Fire District properties into Clackamas Fire District. All three measures must pass in order for the annexation of Boring Fire District take effect.

10. If approved, when would the annexation take effect?

If all three measures are approved, the annexation would take effect on or before February 28, 2017.

11. What if the three measures do not pass?

Clackamas Fire District #1 will continue to provide services to Boring Fire District #59 through the current contract for service. The contract for service will expire on June 30, 2019, unless amended by the governing bodies.

12. How can I learn more about this annexation measures?

To learn more information about these annexation measures, please visit the Clackamas Fire website at www.clackamasfire.com or Boring Fire website at www.boringfire.com, or by calling the Administration Office at 503.742.2600.

This information was reviewed by the Oregon Secretary of State's Office for compliance with ORS 260.432.



Metro

Metro protects water quality, fish and wildlife habitat, and creates opportunities to enjoy nature through a connected network of parks, trails and natural areas. Metro manages 17,000 acres of land across the greater Portland region, as well as providing volunteer opportunities, education programs and community nature grants.



Parks and nature levy

Five-year renewal on November 2016 ballot

Metro's Parks and Natural Areas Local Option Levy protects clean water, restores fish and wildlife habitat, and connects people with nature across 17,000 acres of parks, trails and natural areas. The Metro Council is asking voters to consider the Parks and Natural Areas levy in November 2016, which, if passed, would make the funding available for five additional years at the same rate to homeowners.

About half the current levy funding maintains and restores habitat on land that has been acquired over the course of two decades and previous voter-approved bond measures.

The other half of the money improves Metro parks, opens new sites for public access, expands volunteer and education programming, and funds grants to community nature projects.

The current levy costs homeowners within Metro's boundaries in Clackamas, Multnomah and Washington counties 9.6 cents per \$1,000 of assessed value - \$20 for a home assessed at \$200,000. If passed, levy funding would be extended through June 2023 at the same rate as the current levy. The proposed levy would bring in about \$16 million per year.

Source: Metro Council Resolution No. 16-4690

The information on this fact sheet was reviewed by the Oregon Secretary of State's Office for compliance with ORS 260.432.

For details about the potential levy renewal, including project selection criteria, go to oregonmetro.gov/nature or call Metro's Parks and Nature team at 503-797-1545.

What the current levy does

If passed, the levy would continue funding for existing program areas. Legislation adopted by the Metro Council includes criteria for selecting projects in each program area and target funding levels as shown in the chart.

Source: Metro Council Resolution No. 16-4690

Examples below show how funds from the current levy have been used.



Restoration

Multnomah Channel Marsh: Metro and partners are restoring wetlands at Multnomah Channel Marsh to support native fish, including juvenile Chinook and coho salmon, steelhead and cutthroat trout, and Pacific and brook lamprey.



Land management and maintenance

Weed treatment: Metro is treating more than 10,700 acres of land to control invasive species and enhance wildlife habitat.



Park operations

Blue Lake Regional Park: A new entryway, native plant landscaping, bathrooms and wetland boardwalk have been installed at Metro's most-visited park, just south of the Columbia River in Fairview.



Public access improvements

Newell Creek Canyon: Metro worked with community members and partners in Oregon City on a plan to guide improvements for visitors while continuing restoration.



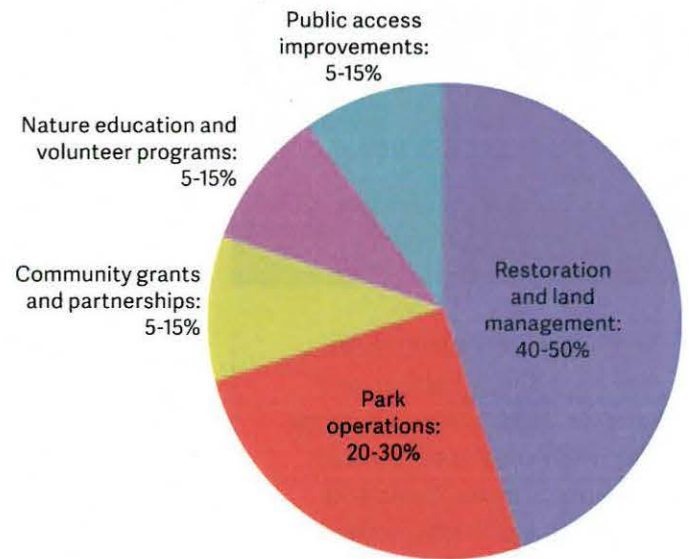
Nature education and volunteer programs

Programming: Metro offers school field trips, drop-in nature activities and volunteer opportunities, with a focus on serving people of color, low-income communities, people with disabilities and other underserved groups.



Community grants and partnerships

Levy connections: Metro has awarded nature education, restoration and trails grants, and has created the Partners in Nature program to develop opportunities to connect historically underserved communities with nature.



Source for program areas: Parks and Nature annual report, oregonmetro.gov/parksandnature2015

Regional Snapshot | CHANGING COMMUNITIES

YOU ARE HERE

The face of greater Portland is changing. Some of that change has to do with policy choices made across the region in the past 150 years; other changes have to do with national demographic trends working their way through the Portland metro area.

Here's a look at some of those changes taking place in our region - and how they impact some groups more than others.

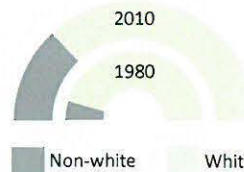
26%



Share of the Portland regional population that is non-white

3x

Increase in non-white share of the population since 1980.



"Diverse experiences and views contribute toward more enduring and resilient solutions to our region's problems."

- Metro Survey Respondent

Disparities early in life...

85%



Percentage of majority non-white schools that are Title 1¹

1 in 2



Black children live in poverty (49%, up 11 points since 2009)



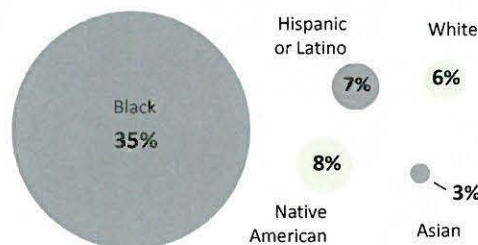
59%

of Native American high schoolers graduate vs.

88%

of Asian students and 79% of white students

Juvenile criminal referral rates²



Black youth are more

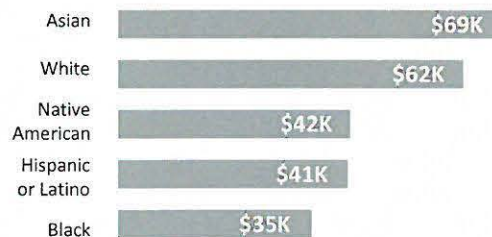
than **4 times**



more likely to be referred to the criminal justice system as their peers.

...lead to unequal outcomes later in life.

Median household income



"I have been privileged to reap the benefits of my immigrant parents' hard work and a quality public education. I know I was lucky, and wish everyone were so blessed."

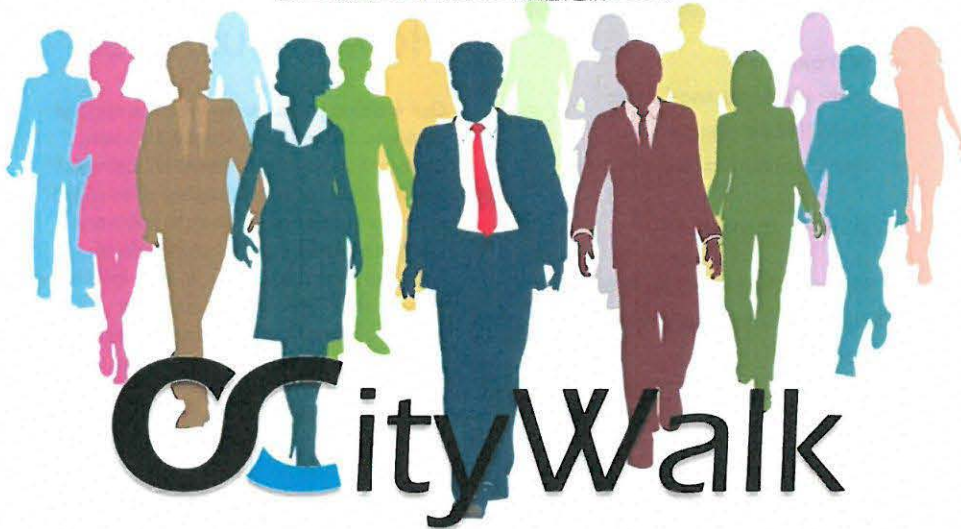
- Metro Survey Respondent

For more information and the rest of the story, visit: oregonmetro.gov/snapshot

1. Schools where more than half the students were poor enough to qualify for free or reduced lunch.

2. Rate of youth referred to the police for property and violent crimes, per 1,000 residents under the age of 18.

Data Sources: US Census; Metro Diversity, Equity and Inclusion Survey (2016); US Department of Education; American Community Survey; Oregon Department of Education; Oregon Youth Authority; Washington Office of Financial Management.



City Walk Findings

Spring 2016

BROUGHT TO YOU BY THE OREGON CITY CHAMBER OF COMMERCE

OUR SPONSORS

First City Walk begins on Hilltop - Fall Walk to move down the Hill

Amber Holveck, Executive Director - Oregon City Chamber of Commerce

On June 7 and 9, Chamber volunteers, staff and city leaders joined forces for Oregon City's first City Walk!

Three businesses/organizations supported this effort as sponsors and 34 individuals volunteered over two days to meet businesses across the hilltop areas of Oregon City. The support of our sponsors were very important to our success. Thank you to Comcast Business - Presenting Sponsor and our two Lunch Sponsors, Oregon City Business Alliance and PGE!

Special thanks also to our daily host locations at The Wild Hare Saloon and Jimmy O's Pizzeria, as well as Sweet Masterpiece for helping with a treat for each bag.

Our Volunteer "Walk" Force included:

Jerri Adams, Oregon City Woman's Club
 Natalia Basargin, Wells Fargo Bank
 Lisa Clifton, Clackamas County Resource Conservation & Solid Waste
 Cheri Cornforth, Hood View Graphics
 Tim Delano, Tim Delano Enterprises
 Mark Ellingson, Lewis & Clark Bank
 David Green, Citizens Bank
 Kirk Hansen, Lewis & Clark Bank
 Adam Harfeil, Key Bank

Sherrie Henson, Columbia Bank
 Jan Hochstatter, Clackamas County Volunteers in Medicine
 Mayor Dan Holladay, Oregon City and Ultimate Team Spirit
 Amber Holveck, Oregon City Chamber
 Nancy Ide, Candidate for Oregon City Commission
 Ed LaPlante, Magnetic Sign Company
 Cameron McCredie, Oregon City Realtor, Realty Trust Group
 Derek Metson, Greenbox Architecture, LLC
 Larry Moseley, Three Rivers VFW Post #1324
 Jeni Nichols, Columbia Bank
 Lynda Orzen, Three Rivers Artist Guild
 Ashley Powers, Comcast Business
 Jimi Schafer, Business Entrepreneurship graduate
 Char Shinn, Oregonians Credit Union
 Jonathan Stone, Downtown Oregon City Association
 Mindy Thalman
 Eric Underwood, City of Oregon City
 Rian Wright, Comcast Business
 Vicki Yates, Singer Hill Café

Presenting Sponsor

**COMCAST
BUSINESS
B4B**
 BUILT FOR BUSINESS™

Tuesday Luncheon Sponsor



Thursday Luncheon Sponsor



Portland General Electric

CC OREGON CITY
 CHAMBER
 of COMMERCE

First things first, what businesses did we visit?

Our initial CityWalk was centered on the hilltop portion of Oregon City. To make sure everyone is certain, this was by no means 'saturation'. In fact, there are still a number of businesses that we have yet to survey. Some of those businesses will opt to complete an online survey, while others may be scheduled for a future CityWalk.

Not every interview was possible with an owner/manager. If the business representative was not qualified and/or comfortable with the survey then our volunteers were asked to either leave the survey and/or seek an email address by which we could follow-up with an online survey.

On Tuesday, our targeted businesses were centered along Fir Street and Beavercreek Road with primary interest in traded sector business however given some challenges with accessibility to owners/managers of those targeted businesses some teams branched out to connect with businesses at the Hilltop Mall, etc.

TUESDAY

- Fir Street
- Beavercreek Rd
- Hilltop Mall

37 surveys completed

- 8 Industrial/Technical
- 7 Auto Services
- 6 Home Repair, Home Supplies & Appliances
- 5 Business & Financial Services
- 4 Personal Services
- 4 Health Services
- 1 Restaurants, Beverage, Grocery
- 1 Outdoor supplies – online

THURSDAY

- OC Point
- Berry Hill Shopping Center
- Trails End Marketplace
- Upper portions of Molalla Ave

36 surveys completed

- 11 Restaurants, Beverage, Grocery
- 6 Business & Financial Services
- 6 Retail
- 5 Health Services
- 3 Professional Services
- 2 Personal Services
- 2 Home Repair, Home Supplies & Appliances
- 1 Auto Services

Thursday businesses included more traditional retail businesses that were largely located in strip malls or shopping centers. There were a few exceptions but the majority of businesses visited on Thursday provided a more direct sale/service to the public.

How is business?

Our walking teams were asked to engage business owners/managers with a very general first question, "How is business?" Several kinds of responses are then rolled into this answer as we seek to learn and understand more about what type of business they own/manage, how long have they been in Oregon City, are they experiencing growth, are there specific challenges, etc.

Generally speaking, most businesses visited reported growth and/or stability, especially when reflecting on the recession.

22 of the 32 surveyed on Tuesday, felt that 'business' was good, growing or great! There were a number of reasons cited though it was consistently pointing to a more stabilized economy -- individuals, homeowners and businesses are spending. Several examples related to homeowners who had previously put off repairs and/or upgrades were now getting it taken care of.

21 of the 36 businesses surveyed on Thursday, indicated good, growing, great and sky high sales when responding to "How is business?". However, there were a number

of additional comments added. Terrible parking, no visibility, no walk-in traffic, rent is horrible, etc. are some of the additional comments shared.



Area of concentration, Spring 2016 City Walk.

How businesses rated 'doing business' in Oregon City

Our second question was designed to not only understand the degree to which businesses believe Oregon City is a good place to have a business but also provided us a means to add a survey question that, while opinion based, is a rating. This particular rating is designed to give us our Net Promoter Score.

For those not familiar with the Net Promoter Score, it is a tool to gauge the loyalty of a customer. In this case each business is a customer of Oregon City's. Our goal should be to record as many 9's and 10's as possible!

Promoters (score 9-10) Loyal enthusiasts who will keep buying and refer others, fueling growth.

Passives (score 7-8) Satisfied customers but are unenthusiastic and vulnerable to competitive offerings.

Detractors (score 0-6) Unhappy customers who can damage your brand and impede growth through negative word-of-mouth.

The beauty of this question allows us to compare how businesses of different sectors, different neighborhoods "see" Oregon City. This can then direct leadership to areas that might be of higher risk.

Our question: "On a scale of 1 to 10, would you recommend Oregon City to other businesses? Why?"

TUESDAY

- Fir Street
- Beaver Creek Rd
- Hilltop Mall

37 surveys completed

Net Promoter Score Avg 8.4

Score Range (low to high) 5 to 10

Generally, Tuesday surveys reflected a positive view of the possibility/reality of business success in Oregon City. Our average Net Promoter Score from Tuesday indicates that these business people are satisfied but not necessarily enthusiastic and may be sensitive to competition options. The majority of Tuesday businesses indicated a fairly high degree of success at the time of our visits.



Five businesses cited "the people" as a reason why, Oregon City. Six noted a similar theme related to close knit community and/or hometown feel. Single comments worthy of noting: better climate for employment in OC vs Portland; good schools, city growing/becoming more trendy; and planning to retire here, better lease rates. The overall impression of Oregon City has improved over the past five years.

Interviewing the manager of the Red Soils Business Park, we learned approximately 60% of these businesses who lease space from them have owner/operators who live in Oregon City also. Additionally, three unique respondents indicated they live in Oregon City. Four that referenced living in Oregon City all provided scores of 9's and 10's. A personal connection to Oregon City appeared to influence the business Net Promoter Score.



Positive expressions on Char Shinn, Oregonians Credit Union, and Eric Underwood, Oregon City's Economic Development Manager, reflect the attitudes of our volunteers after meeting with businesses on Tuesday, June 7.

Some scores were influenced by concerns. Two specifically mentioned continued dismay over the new sign code implemented last year. An important "take home" message shared was that finding land or/and buildings is tough in Oregon City. Another key comment was "permitting process almost as bad in Oregon City as Portland –

too many hoops!" One of our business interviews communicated that they visit downtown once a week – downtown needs more parking. A grocer noted that theft is cyclical for them and typically coincides with the release of people from the county jail.

THURSDAY

- OC Point
- Berry Hill Shopping Center
- Trails End Marketplace
- Upper portions of Molalla Ave

36 surveys completed

Net Promoter Score Avg 7.8

Score Range (low to high) 2 to 10

On Thursday there was a higher degree variability in rating Oregon City as a place to do business. One can draw initial conclusions that the sector of the economy represented (largely retail product and service) naturally lends itself to greater uncertainties. Additionally, a large number of these businesses are located in strip malls and shopping centers with fairly high lease rates.



Four comments that occurred readily with high ratings correlated with their local customers. Some of those comments included -- community supportive, family-centric, great community feel, OC is a good place. One business cited "friendly customers" as a reason "why Oregon City?". Four Thursday comments pointed to Oregon City's potential: opportunity for growth; lots of opportunity here; lots of untapped potential; and OC becoming a destination. Other encouraging comments worthy of noting: family business started here and plans to stay here; never considered anywhere else; because the growing population would support it; likes new shops; and loves what's happening downtown.

Comments associated with the lowest ratings were linked to: OC's lack of space, hilltop area needs upgrade; need more activities for youth; don't need more financial institutions in OC; hard to get employees (restaurant); high rent; no customers; parking is a nightmare; burglaries; local government is slow and inefficient; and licensure/permitting issues.

What can others do to help their businesses thrive?

From the Chamber's perspective this was probably one of the most important questions we asked. This helps draw conclusions about where there are unanswered needs. Clearly, this is also an important discussion point for our City of Oregon City Economic Development Manager, Eric Underwood.

Responses to this question "what can others do to help your business thrive?" were as varied as there are businesses. Most businesses couldn't identify a specific need related to our partners (Small Business Development Center, Oregon City Business Alliance, City of Oregon City, PGE, Comcast Business, etc.)

Question: "What can others do to help your business thrive or to help the business community in general?"

TUESDAY

- Fir Street
- Beavercreek Rd
- Hilltop Mall

7 identified concerns and/or comments related to **permitting, zoning and regulations**. Two comments related to sign code.

4 want to learn more about the **Oregon City Chamber of Commerce**

3 want **increased cross-promotion** among related business or businesses in immediate vicinity

2 identified a strong **connection to Buy Local Oregon City (BLOC)**

2 identified the **need for more land** – "make more land" and expand the urban growth boundary



Thursday lunch sponsor was PGE. PGE was represented by Troy Gagliano and Annette Mattson. Troy shared with City Walk volunteers PGE's perspectives and efforts related to economic development.

Other specific Tuesday comments worthy of recognition include:

- Recruitment of bio-medical waste management and water filtering companies
- Warehouse space is difficult to find in Oregon City
- Appreciates the working relationship they have with the City of Oregon City, etc.



Oregon City Business Alliance was our Tuesday lunch sponsor and was represented by Kent Ziegler, President, and William Gifford, Secretary. OCBA was pleased to be part of this effort to connect with businesses and to share that they are looking out for the health of Oregon City businesses.

THURSDAY

- OC Point
- Berry Hill Shopping Center
- Trails End Marketplace
- Upper portions of Molalla Ave

7 specifically identified **parking** a key concern in their shopping center

4 specifically identified concerns about the **need for more retail** at their shopping center

2 identified a need for **improved traffic control** at/near their location

2 specifically **appreciate increased police patrols**

On Thursday there was one person each who mentioned interest in the following:

- Cross-promotion of like businesses
- Oregon City Chamber
- Buy Local Oregon City (BLOC)
- Welcome Wagon
- Need more qualified employees
- A more business-friendly city
- Cooperation in locating cell towers in/near city
- Expansion and upgrades on hilltop similar to that of Downtown
- Upgrades to existing shopping center
- Need for nearby industrial land; increase in employment which then supports local, existing business

What future plans were identified by businesses?

This question is arguably very important to city leaders. If businesses are experiencing a high degree of success then they may need to acquire lending, property, additional employees, etc. If a business is in expansion mode, our city can't afford to have such businesses leave Oregon City if they don't believe their needs can be met here. This kind of information is vital as the city and other economic partners work to develop land for employment.

TUESDAY

- **Fir Street**
- **Beavercreek Rd**
- **Hilltop Mall**

4 likely to expand by **adding staff**
4 plan to expand operation by taking over **more land, building space, etc.**

3 likely to **add another location outside of Oregon City** (mostly corporate decision)

2 want to **expand but unclear how they plan to achieve this**
2 will/or may have to **move out of OC**

Other comments of interest related to future plans included:

- One business specifically included plans to purchase new equipment
- One business specifically shared that owner does not wish to grow.
- One business indicated that their location will undergo a remodel soon.

THURSDAY

- **OC Point**
- **Berry Hill Shopping Center**
- **Trails End Marketplace**
- **Upper portions of Molalla Ave**

4 in the process of or considering **expansion by adding staff**

4 identified **expansion by more property/building space or improved move within OC**

Other comments of interest related to future plans included:

- One is expanding by purchasing like businesses
- One identified additional location(s) determined by corporate
- One will be remodeling
- One interested in solar energy for business location
- One may be closing at the end of the summer

FOR MORE INFORMATION

To participate as a volunteer or sponsor, contact Amber Holveck, Oregon City Chamber Executive Director.

503-656-1619 or aholveck@oregoncity.org

What we learned for next time

The initial list of Oregon City businesses we had access to for the Spring Walk was quite limited and out of date. What we experienced is that nearly 50 of the notifications mailed out to businesses were returned to the chamber office due to insufficient addresses, business no longer in that location, etc. This meant that the vast number of businesses did not know we were coming. This issue has already been addressed for the Fall Walk and a partial, up to date list, is being made available through the City of Oregon City.

Volunteers for the City Walk will be encouraged to reach out to businesses that they see on their route even if they are not on their list. We found that, for the most part, businesses were willing and interested in talking. Other items for team members that would have been helpful:

- At least 5 more copies of both the survey and City Walk introduction letter per route.
- Development of and copies of a complimentary Business Resource List to leave for each business. This should also include City Walk sponsor recognition, etc.
- Perhaps adjustments to the survey tool itself to provide more specific prompts for the questions we ask. Some survey participants would offer inconsistent responses on surveys.



Meet our Presenting Sponsor... Comcast Business! Comcast Business was pleased to be part of this effort to connect with the businesses of OC to demonstrate that their success is valued. Comcast Business representatives from left to right: Rian Wright, Pete Stirling and Ashley Powers.



The importance of our sponsor support cannot be emphasized enough, especially to walk beside the Oregon City Chamber on our first City Walk!

Thank you, 2016 Spring City Walk Sponsors!

Presenting Sponsor
COMCAST BUSINESS B4B BUILT FOR BUSINESS™

How's business?

Generally speaking, most businesses visited reported growth and/or stability, especially when reflecting on the Great Recession.

46 of the 68 surveyed on the Spring City Walk felt that 'business' was good, growing or great! One even declared "sky high sales"!

For others, 'business' was being affected by 'terrible' parking, no visibility, no walk-in traffic, and 'horrible' rent.

How do you rate doing business in OC?

We used the Net Promoter Score as a tool to help gauge the loyalty of our 'customers', in this case the businesses of Oregon City.

The Net Promoter Score average for both days was **8.15**. The range in Net Promoter Scores was dramatic though, 2 was the low with 10 as the high. Largely, businesses surveyed on Tuesday had a better overall rating for doing business in Oregon City.

We can be proud that it appears Oregon City's people are what makes Oregon City a good location for business. Those who live in/near Oregon City are more likely to give a higher score.

Lower scores were linked to the new sign code ordinance; lack of buildable land and buildings to accommodate their needs; Oregon City's permitting process; restrictions for # of parking stalls and size of parking stalls aren't helpful for business.

Tuesday Sponsor



Thursday Sponsor



Portland General Electric

What can others do to help?

Most businesses didn't know quite how to answer this question.

The top needs communicated were: help or assistance with permitting, regulations, etc. and need for improved parking access.

Others wanted to learn more about our Chamber, cross-marketing, Buy Local efforts and ways to get more retail into their shopping center(s). There were a couple references to a need for improved traffic control.

What are your future plans?

Our goal was to learn if our local businesses are planning expansions or if they are considering moving beyond Oregon City.

8 businesses cited plans to expand in staffing and another 8 businesses indicated plans to expand their operation by acquisition of land and/or buildings, etc.

3 are likely opening another location outside of Oregon City and 2 will be moving out of Oregon City due to constraints and/or convenience.

"Growth has been extremely good! Clients are booked one month out! Would rate Oregon City a 15-16!"

"Very happy here! Moved here a few years ago. Better atmosphere compared to Portland. Much better climate for employment here!"
 [Net promoter score – 10]"

"Permitting process is as bad as City of Portland. Took 18 months to get permits, too many hoops."
 [Net promoter score – 7]"

SAVE THE DATE

Tuesday, October 11th

Thursday, October 13th

- Molalla Avenue
- 7th Street
- Downtown (hopefully)

MAKING A
GREAT
PLACE



Metro update

Councilor Carlotta Collette
October 5, 2016

Regional Snapshots



- Snapshots on housing, jobs, transportation
- Most recent snapshot is on changing communities

oregonmetro.gov/snapshot

Moving our region



- Regional Leadership Forums focused on transportation challenges and potential solutions
- Legislature considering transportation package

Regional Flexible Funds process



- May—policy framework adopted
- Aug. to Sept.—technical evaluation
- Oct. 6 to Nov. 4—Public comment
- Nov. 17—Coordinating committee priorities to TPAC
- Dec.—JPACT review TPAC recommendation
- Jan.—JPACT decision

Parks and Nature



- Chehalem Ridge planning underway
- Restoration on River island natural area
- Parks levy on November ballot

Willamette Falls Legacy Project



- Riverwalk design
- Public event in Nov. (date TBD)
- Rediscover the Falls friends group formed
- \$600,000 EPA brownfields grant for McLoughlin

<http://www.rediscoverthefalls.com/>

Regional equity



- Strategic Plan to Address Racial Equity, Diversity and Inclusion adopted in June
- Equity and the economy
- Construction Career Pathways Project

Convention Center Hotel



Oregon Zoo



- Elephant Lands opened in December and won state project of the year from DJC
- Zoo education center under construction
- Polar bear update

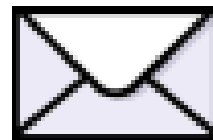
Your questions...

Carlotta Collette

Metro Councilor, District 2

503-797-1887

Carlotta.collette@oregonmetro.gov



www.oregonmetro.gov/connect

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 _____

Item Number From Agenda _____

NAME: Mike Corless, Clackamas Fire District

ADDRESS: Street: _____

City, State, Zip: _____

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

SIGNATURE: _____

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 10/5/16

Item Number From Agenda 4

NAME: Tom Gail

ADDRESS: Street: _____

City, State, Zip: _____

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

SIGNATURE: _____

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 05 Oct 16

Item Number From Agenda 4

NAME:

WILLIAM GIFFORD

ADDRESS:

Street:

1324 BEAVER LN

City, State, Zip:

OC OR 97045

PHONE NUMBER:

503.723.3456

E-MAIL ADDRESS:

William @ smallflags.com

SIGNATURE:

[Signature]

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 10/5/16

Item Number From Agenda 4

NAME:

Amber Holbeck

ADDRESS:

Street:

Oregon City Chamber

City, State, Zip:

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

[Signature]

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

11/5/16

Item Number From Agenda

not homeless

NAME:

Rita Mills

Rita Mills

ADDRESS:

Street:

City, State, Zip:

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

Rita Mills

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

11/5/16

Item Number From Agenda

PL 16-099

NAME:

GEO HANEY III

Geo Haney III

ADDRESS:

Street:

138 OGDEN DR,

City, State, Zip:

OR. CITY, OR. 97045

PHONE NUMBER:

503-332-8423

E-MAIL ADDRESS:

GEO69@COMCAST.NET

SIGNATURE:

Geo B Haney III

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 10-05-2016

Item Number From Agenda 6A

NAME:

KAREN BLAHA

ADDRESS:

Street: 514 4th Ave

City, State, Zip: Canemah OR 97045

PHONE NUMBER:

503-557-1969

E-MAIL ADDRESS:

blaha@c.comcast.net

SIGNATURE:

Karen Blaha

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 OCT 5th 2016

Item Number From Agenda PC 16-0045 52

NAME:

RYAN LaFrenier

ADDRESS:

Street: 19017 Bedford Dr.

City, State, Zip: OREGON CITY OREGON

PHONE NUMBER:

503 957-7019

E-MAIL ADDRESS:

SIGNATURE:

Ryan LaFrenier

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 10/5/16

Item Number From Agenda 7a - 16552

NAME: Cyrus Facchini

ADDRESS: Street: 13916 Forsythe Rd
City, State, Zip: Oregon City, OR 97045

PHONE NUMBER: 503-688-8372

E-MAIL ADDRESS: ~~Cy~~ Cyfacchini@gmail.com

SIGNATURE: Cyrus Facchini

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 10/5/16

Item Number From Agenda ~~6a~~ - PC 16-099
7a 552

NAME: Cynthia Towle

ADDRESS: Street: 1506 10th St
City, State, Zip: Oregon City

PHONE NUMBER: 503-317-3544

E-MAIL ADDRESS: towle cand r@gmail.com

SIGNATURE: Cynthia Towle

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 10/5/16

Item Number From Agenda 7a

NAME:

ADDRESS:

Street:

City, State, Zip:

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

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 10/4/2016

Item Number From Agenda 7a16-552

NAME:

ADDRESS:

Street:

City, State, Zip:

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

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 10-5-2016

Item Number From Agenda 7916-552

NAME:

Julia Cotto

ADDRESS:

Street: 17458 Georgia Ave

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER:

971-678-8876

E-MAIL ADDRESS:

cotto1968@gmail.com

SIGNATURE:

J. Cotto

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 10-5-2016

Item Number From Agenda ~~7616-099~~ 7a.

NAME:

Jane GRIMM

ADDRESS:

Street: 18718 Leland

City, State, Zip: Ore City, OR 97045

PHONE NUMBER:

503) 975 1015

E-MAIL ADDRESS:

firemanmike3575@yahoo.com

SIGNATURE:

Jane Grimm

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 10/5/16

Item Number From Agenda 16-552

NAME:

GEO HARVEY

ADDRESS:

Street: 138 OGDEN DR.

City, State, Zip: OR. CITY, OR. 97045

PHONE NUMBER:

503-332-8423

E-MAIL ADDRESS:

GEO69@Comcast.NET

SIGNATURE:

Geo B. Harvey

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 10/5/16

Item Number From Agenda 7a

NAME:

Matt Johnson

ADDRESS:

Street: _____

City, State, Zip: OC

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

SIGNATURE: _____

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 10/6/16

Item Number From Agenda 7b

NAME:

Dale Hendrick Hendrick

ADDRESS:

Street: 6222 Arbuckle Dr SE

City, State, Zip: Salem, OR 97317

PHONE NUMBER:

503-851-7050

E-MAIL ADDRESS:

dale@ooregon.org

SIGNATURE:

[Signature]

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 10/5/16

Item Number From Agenda 7b

NAME:

Amber Holbeck

ADDRESS:

Street: Oregon City Chamber

City, State, Zip: _____

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

[Signature]

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 10/5/16

Item Number From Agenda 7h

NAME:

Sue Stein, Steil Oil Co

ADDRESS:

Street: ~~1100~~ 1300 1 Clackamas River Dr

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER:

503 656 0315

E-MAIL ADDRESS:

SIGNATURE:

[Signature]

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 10-5-16

Item Number From Agenda 16564

NAME:

Betty Mumm

ADDRESS:

Street: 463 Mt. View St.

City, State, Zip: Oregon City OR

PHONE NUMBER:

503-575-8106

E-MAIL ADDRESS:

BmummB@comcast.net

SIGNATURE:

[Signature]

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 10/5/16

Item Number From Agenda 7b

NAME:

Tom Gil

ADDRESS:

Street:

City, State, Zip:

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

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 10/5/16

Item Number From Agenda 7b

NAME:

Debbie DeRusha

ADDRESS:

Street:

City, State, Zip:

Oregon City

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

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 _____

Item Number From Agenda 7B

NAME: _____

ADDRESS: _____

Street: _____

City, State, Zip: _____

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

SIGNATURE: _____

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 10/5/16

Item Number From Agenda 7b

NAME: _____

ADDRESS: _____

Street: _____

City, State, Zip: _____

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

SIGNATURE: _____