



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 19, 2016

7:00 PM

Commission Chambers

EXECUTIVE SESSION OF THE CITY COMMISSION

*Executive Session to immediately follow the regular meeting of the City Commission.
This meeting will be held in the Oregon Trail Conference room at City Hall.*

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

2. Pursuant to ORS 192.660(2)(i): To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

1. Convene Regular Meeting and Roll Call

2. Flag Salute

3. Ceremonies, Proclamations

3a. [16-586](#) Proclamation Declaring November 1, 2016 as Extra Mile Day

Attachments: [Proclamation](#)

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. General Business

6a. [PC 16-103](#) Second 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](#)
[Exhibit 1 Municipal Code Amendments](#)

- 6b. [16-588](#) 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](#)
[City Attorney Memorandum](#)
[OCMC Nuisances Code 8.08.040](#)

- 6c. [16-574](#) First Reading of Ordinance No. 16-1011: Amendment of Oregon City Municipal Code Chapter 12.16 to Include a New Section 12.16.070 - Park Exclusions

Staff: Community Services Director Phil Lewis

Attachments: [Staff Report](#)
[Ordinance No. 16-1011](#)

- 6d. [16-589](#) First Reading of Ordinance No. 16-1012: to Ban the use of Tobacco in Oregon City Public Parks

Staff: Community Services Director Phil Lewis

Attachments: [Staff Report](#)
[Ordinance No. 16-1012](#)

7. **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.

- 7a. [16-573](#) Interim Agreement with Rediscover the Falls and Metro

Staff: Community Development Director Laura Terway

Attachments: [Staff Report](#)
[Interim Agreement](#)

- 7b. [16-572](#) Personal Services Agreement with DECA Architecture, Inc. for the 2016 Public Works Operations Master Plan Update (CI 16-015)

Staff: Public Works Director John Lewis

Attachments: [Staff Report](#)
[PSA - Contract \(Deca Architecture\)](#)
[Exhibit A - Scope of Work](#)
[Exhibit B - Standard Conditions](#)

- 7c. [16-578](#) Resolution 16-30 Supporting the National Flood Insurance Program's Community Rating System 2016 Recertification for Oregon City

Staff: Public Works Director John Lewis

Attachments: [Staff Report](#)

[Resolution No. 16-30](#)

[Annual Report](#)

[Presentation](#)

- 7d. [16-570](#) OLCC: Liquor License Application- On-Premises Sales, New Outlet, Applying as a Corporation, Ruby's Pub and Grill, 527 Main Street, #B, Oregon City, OR

Staff: Police Chief and Public Safety Director James Band

Attachments: [Staff Report](#)

[Liquor License Application](#)

- 7e. [16-580](#) Minutes of the August 7, 2016 Regular Meeting

Staff: City Recorder Kattie Riggs

Attachments: [Minutes of 9/07/2016](#)

- 7f. [16-581](#) Minutes of the August 17, 2016 Special Meeting

Staff: City Recorder Kattie Riggs

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

- 7g. [16-582](#) Minutes of the September 7, 2016 Special Meeting

Staff: City Recorder Kattie Riggs

Attachments: [Minutes of 9/07/2016](#)

8. Communications

a. City Manager

b. Commission

c. Mayor

9. 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: 16-586

Agenda Date: 10/19/2016

Status: Agenda Ready

To: City Commission

Agenda #: 3a.

From:

File Type: Proclamation

SUBJECT:

Proclamation Declaring November 1, 2016 as Extra Mile Day

PROCLAMATION

Whereas, Oregon City, Oregon is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

Whereas, Oregon City, Oregon is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

Whereas, Oregon City, Oregon is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

Whereas, Oregon City, Oregon acknowledges the mission of the Extra Mile America to create 500 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2016.

Now, Therefore, I, Dan Holladay, Mayor of Oregon City, do hereby proclaim

November 1, 2016

as

Extra Mile Day

And encourage Oregon City citizens to be aware of, and join us in helping to prevent the enormous emotional and financial toll associated with alcohol abuse.

I n Witness Whereof, I have hereunto set my hand this 19th day of October 2016.

DAN HOLLADAY, Mayor



City of Oregon City

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

Staff Report

File Number: PC 16-103

Agenda Date: 10/19/2016

Status: Agenda Ready

To: City Commission

Agenda #: 6a.

From: Community Development Director Laura Terway

File Type: Land Use

SUBJECT:

Second 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 second reading of Ordinance No. 16-1008.

BACKGROUND:

City Commission approved the first reading of Ord. No. 16-1008 on October 5th, 2016.

The final time, place and manner regulations for marijuana businesses 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.

The City Commission has resolved all outstanding issues raised through the public hearing process related to the proposed regulations, including the decision to prohibit marijuana businesses in the Canemah National Register 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.



City of Oregon City

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

Staff Report

File Number: PC 16-103

Agenda Date: 10/19/2016

Status: Agenda Ready

To: City Commission

Agenda #: 6a.

From: Community Development Director Laura Terway

File Type: Land Use

SUBJECT:

Second 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 second reading of Ordinance No. 16-1008.

BACKGROUND:

City Commission approved the first reading of Ord. No. 16-1008 on October 5th, 2016.

The final time, place and manner regulations for marijuana businesses 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.

The City Commission has resolved all outstanding issues raised through the public hearing process related to the proposed regulations, including the decision to prohibit marijuana businesses in the Canemah National Register 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 19th day of October 2016.

DAN HOLLADAY, Mayor

Attested to this 19th 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.



City of Oregon City

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

Staff Report

File Number: 16-588

Agenda Date: 10/19/2016

Status: Agenda Ready

To: City Commission

Agenda #: 6b.

From: Community Development Director Laura Terway

File Type: Ordinance

SUBJECT:

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

RECOMMENDED ACTION (Motion):

Consider proposed Ordinance No. 16-1010, adopting a ban on outdoor cultivation of marijuana.

BACKGROUND:

As a result of the public hearing process for review of Time, Place and Manner regulations for marijuana businesses, the City Commission had provided direction that outdoor cultivation of marijuana (personal or otherwise) should be prohibited for nuisance reasons. Staff subsequently prepared amendments to the Oregon City Municipal Code Nuisance section in Chapter 8.08.

The City Commission approved the first reading of the Ordinance on September 21st, 2016 and at the public hearing on October 5th, 2016 for the second reading, the Commission heard testimony from several members of the public opposed to the proposed ban on personal outdoor cultivation of marijuana, and tabled the second reading in order for the City Attorney to provide additional guidance.

As the City Attorney memorandum states, the Commission may consider a number of different courses, including adopting the ordinance as proposed and risking the potential for litigation or the Commission could abandon this effort and rely on state law. Alternatively, the Commission could revise the language in Ordinance 16-1010 further to make it clear that no more than four plants are allowed and that they must not be visible from a public place, re-stating state law requirements.



City of Oregon City

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

Staff Report

File Number: 16-588

Agenda Date: 10/19/2016

Status: Agenda Ready

To: City Commission

Agenda #: 6b.

From: Community Development Director Laura Terway

File Type: Ordinance

SUBJECT:

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

RECOMMENDED ACTION (Motion):

Consider proposed Ordinance No. 16-1010, adopting a ban on outdoor cultivation of marijuana.

BACKGROUND:

As a result of the public hearing process for review of Time, Place and Manner regulations for marijuana businesses, the City Commission had provided direction that outdoor cultivation of marijuana (personal or otherwise) should be prohibited for nuisance reasons. Staff subsequently prepared amendments to the Oregon City Municipal Code Nuisance section in Chapter 8.08.

The City Commission approved the first reading of the Ordinance on September 21st, 2016 and at the public hearing on October 5th, 2016 for the second reading, the Commission heard testimony from several members of the public opposed to the proposed ban on personal outdoor cultivation of marijuana, and tabled the second reading in order for the City Attorney to provide additional guidance.

As the City Attorney memorandum states, the Commission may consider a number of different courses, including adopting the ordinance as proposed and risking the potential for litigation or the Commission could abandon this effort and rely on state law. Alternatively, the Commission could revise the language in Ordinance 16-1010 further to make it clear that no more than four plants are allowed and that they must not be visible from a public place, re-stating state law requirements.

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 19th day of October 2016.

DAN HOLLADAY, Mayor

Attested to this 19th 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

MEMORANDUM

TO: City of Oregon City Commission
FROM: Carrie Richter, Deputy City Attorney
DATE: October 12, 2016
RE: The Prohibition on Outdoor Cultivation of Marijuana for Personal Use

Introduction

The City Commission is considering the adoption of Ordinance 16-1010, which would amend the Oregon City Municipal Code to make the outdoor cultivation of marijuana, for personal or commercial use, a nuisance. A question has been raised about whether a city can regulate the cultivation of marijuana for personal use at all. As with all issues dealing with marijuana regulation, the answers are not certain, but, based on the analysis set forth below, it is possible that the legislature intended to preempt local governments from further regulating personal cultivation of marijuana beyond what is provided for in state law. The Commission should consider the importance of this regulation in light of the potential litigation that may result from adopting such a measure.

Background Facts

When marijuana was “legalized” in Oregon, Measure 91 imposed a number of limitations on the cultivation and sale of marijuana. Among other things, the Measure exempted the following activity from the permit and licensing authorizations contained therein:

[T]he production, processing, keeping, or storage of homegrown marijuana at a household by one or more persons 21 years of age and older if the total of homegrown marijuana at the household does not exceed four marijuana plants and eight ounces of usable marijuana at a given time. ORS 475B.245(1).

The Measure went on to restrict where marijuana for personal use can be grown. It provides:

No person may produce, process, keep, or store homegrown marijuana or homemade marijuana products if the homegrown marijuana or homemade marijuana products can be readily seen by normal unaided vision from a public place.¹ ORS 475B.250(1).

¹ Measure 91 defined the terms “homegrown” or “homemade” to mean “grown or made by a person 21 years of age or older for noncommercial purposes.”

In 2015, the legislature adopted HB 3400, authorizing local government to adopt time, place and manner regulations for marijuana businesses. HB 3400 made no mention of regulating non-commercial production. This was the statutory backdrop when city staff began working on draft time, place and manner restrictions for permitting marijuana-related activities within the City.

In 2016, the Legislature adopted a number of additions and clarifications to the marijuana laws. Section 33 of HB 4014 provides in relevant part:

(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 is the provision that allows the cultivation of marijuana for non-commercial use.

Analysis

As the Commission is aware, the City has broad home rule authority that allows it to adopt ordinances to protect the health, safety and welfare of its citizens. It is pursuant to this authority that the City's business license ordinance prohibits the issuance of a business license to a business that will violate federal law.

The City is authorized to restrict behavior that it deems a nuisance pursuant to this same home rule authority. For example, the storage or operation of machinery on private property in such a manner as to "attract the public" is a nuisance and therefore, is prohibited. OCMC 8.08.040(L). This same attractive nuisance concern was raised with the cultivation of marijuana outdoors for personal use – even the marijuana was not visible from the street, the odor could encourage trespass or other criminal activity that could result in harm. For this reason, City staff proposed limiting marijuana production outdoors and require marijuana cultivation to occur within a structure.

The question in this case is whether the use of the term "limit" as used in Section 33 of the 2016 amendment, was intended to preempt a local government from imposing any manner regulations upon homegrown marijuana authorized by state law or whether the term "limit" simply deprives a local government from reducing the number of personal use plants or prohibiting noncommercial cultivation entirely. The answer to that is not entirely clear. Measure 91 itself imposed some manner regulation in that the activity cannot be located so as to be "readily seen by normal unaided vision from a public place," which suggests some intent to provide a manner restriction and not to allow local governments to "limit" that activity further. However, the local government prohibition is limited to "the privileges described in ORS 475B.245" and not the manner restriction – not visible from a public place – which is contained in ORS 475B.250(1), a different provision.

Staff has tried to confer with counsel from other jurisdictions as well as the League of Oregon Cities for further advice on this issue. Although other jurisdictions have restricted personal cultivation to indoor

only, no one had any greater certainty on this issue. For example, the City of Grants Pass has required that all cultivation of marijuana, including for personal use, occur indoors. This decision has been challenged on preemption grounds citing state laws regulating seeds and nursery stock. A circuit court ruled that “home grows” are not covered by state statutes protecting the propagation of seeds and nursery plants used to further the state’s agricultural industry. This case has been appealed to the Court of Appeals and a decision is expected in the next few months. Although this case deals with local government manner restrictions on personal cultivation, the Grants Pass ordinance was adopted before 2016 HB 4014 was adopted and as a result, does not resolve the question raised here. The City of Medford has placed a measure on the ballot that would ban residents from growing marijuana outdoors as well as create an enforcement for processing complaints about the smell of neighbors growing pot indoors. The Cities of Pendleton and Eagle Point have adopted ordinances deeming the smell of marijuana a nuisance. All of these efforts pre-date the adoption of HB 4014 so they are not instructive on how a court would consider a challenge to Ordinance 16-1010.

Conclusion

The legalization of marijuana is a new area of law and, as with many questions in this area, the answer is not certain. The Commission may consider a number of different courses, including adopting the ordinance as proposed and risking the potential for litigation or the Commission could abandon this effort and rely on state law. Alternatively, the Commission could revise the language in Ordinance 16-1010 further to make it clear that no more than four plants are allowed and that they must not be visible from a public place, re-stating state law requirements.

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: 16-574

Agenda Date: 10/19/2016

Status: Agenda Ready

To: City Commission

Agenda #: 6c.

From: Community Services Director Phil Lewis

File Type: Report

SUBJECT:

First Reading of Ordinance No. 16-1011: Amendment of Oregon City Municipal Code Chapter 12.16 to Include a New Section 12.16.070 - Park Exclusions

RECOMMENDED ACTION (Motion):

Staff recommends the City Commission approve the first reading of Ordinance No. 16-1011.

BACKGROUND:

Due to the high rate of repeat offenders, time and resources being utilized, Parks Staff, Police Staff, Court Staff and the City Attorney coordinated efforts to propose an exclusion ordinance to amend Chapter 12 of the Oregon City Municipal Code to have the ability to exercise exclusions for offenses within the City of Oregon City Parks. Parks and Recreation Advisory Committee reviewed and discussed the issue at their September 22, 2016 meeting. PRAC recommended by motion that this ordinance move forward to City Commission.



City of Oregon City

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

Staff Report

File Number: 16-574

Agenda Date: 10/19/2016

Status: Agenda Ready

To: City Commission

Agenda #: 6c.

From: Community Services Director Phil Lewis

File Type: Report

SUBJECT:

First Reading of Ordinance No. 16-1011: Amendment of Oregon City Municipal Code Chapter 12.16 to Include a New Section 12.16.070 - Park Exclusions

RECOMMENDED ACTION (Motion):

Staff recommends the City Commission approve the first reading of Ordinance No. 16-1011.

BACKGROUND:

Due to the high rate of repeat offenders, time and resources being utilized, Parks Staff, Police Staff, Court Staff and the City Attorney coordinated efforts to propose an exclusion ordinance to amend Chapter 12 of the Oregon City Municipal Code to have the ability to exercise exclusions for offenses within the City of Oregon City Parks. Parks and Recreation Advisory Committee reviewed and discussed the issue at their September 22, 2016 meeting. PRAC recommended by motion that this ordinance move forward to City Commission.

ORDINANCE NO. 16-1011

AN ORDINANCE OF THE CITY OF OREGON CITY AMENDING THE OREGON CITY MUNICIPAL CODE CREATING SECTION 12.16.070 TO ALLOW FOR EXCLUSION OF INDIVIDUALS FROM OREGON CITY PARKS

WHEREAS, the City of Oregon City owns and operates many parks in the City and regulates the activities that occur in the parks; and to promote healthy lifestyles; and

WHEREAS, the City wishes to promote healthy lifestyles and to protect the public health, safety, welfare by reducing unwanted and unwelcome behaviors within parks.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. Section 12.16.070 of the Oregon City Municipal Code shall be created as follows.

12.16.070 – Park Exclusions.

A. In addition to other remedies provided for violation of this Code, or of any of the laws of the State of Oregon, any municipal police officer may exclude any person who violates any applicable provision of law in any park from the city's parks in accordance with the provisions of this Section. Nothing in this Section shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the state or federal constitutions. However, a person engaged in such protected activity who commits acts that are not protected, but that violate applicable provisions of law, shall be subject to exclusion as provided by this Section.

B. For purposes of this Section, "applicable provision of law" includes any applicable provision of Oregon City Municipal Code, of any City ordinance, or of any rule or regulation promulgated by the City Manager under OCMC 12.16.020(B), any applicable criminal or traffic law of the State of Oregon, any law regarding controlled substances or alcoholic beverages and any applicable County ordinance or regulation. For purposes of this Section, "applicable" means relating to the person's conduct in the Park.

C. An exclusion issued under the provisions of this Section shall be for thirty (30) days. If the person to be excluded has been excluded from City parks at any time within two years before the date of the present exclusion, the exclusion shall be for ninety (90) days. If the person to be excluded has been excluded from City parks on two or more occasions within two years before the date of the present exclusion, the exclusion shall be for 180 days.

D. Before issuing an exclusion under this Section, a municipal police officer shall first give the person a warning and a reasonable opportunity to desist from the violation. An exclusion shall not be issued if the person promptly complies with the direction and desists from the violation. Notwithstanding the provisions of this Subsection, no warning shall be required if the person is to be excluded for engaging in conduct that:

1. Is classified as a felony or as a misdemeanor under the following Chapters of the Oregon Revised Statutes, or is an attempt, solicitation or conspiracy to commit any such felony or misdemeanor defined in ORS:

- a. Chapter 162 - Offenses Against the State and Public Justice;
- b. Chapter 163 - Offenses Against Persons;
- c. Chapter 164 - Offenses Against Property, except for ORS 164.805, Offensive Littering;
- d. Chapter 165 - Offenses Involving Fraud or Deception;
- e. Chapter 166 - Offenses Against Public Order; Firearms and Other Weapons; Racketeering;
- f. Chapter 167 - Offenses Against Public Health, Decency and Animals;
- g. Chapter 475 - Controlled Substances; Illegal Drug Cleanup; Paraphernalia; Precursors; or
- 2. Otherwise involves a controlled substance or alcoholic beverage; or
- 3. Has resulted in injury to any person or damage to any property; or
- 4. Constitutes a violation of any of the following provisions of this Code:
 - a. Section 9.12.010 – Drinking in Public Places;
 - b. Section 9.12.020 – Disturbing the Peace;
 - c. Section 9.12.030 – Obscene Conduct;
 - d. Section 9.24.020 – Carrying or Discharge of Weapons;
 - e. Section 12.16.020 – Park Regulations;
 - f. Section 12.16.040 – Camping; or
 - g. Section 12.160.050 – Possession of Alcoholic Beverages; or
- 5. Is conduct for which the person previously has been warned or excluded for committing in any Park.

E. Written notice shall be given to any person excluded from the City's parks under this Section. The notice shall specify the date and length of the exclusion, shall identify the provision of law the person has violated and shall contain a brief description of the offending conduct. The notice shall inform the excluded person of the right to appeal, including the time limit and the place of delivering the appeal. It shall be signed by the issuing party. Warnings of consequences for failure to comply shall be prominently displayed on the notice.

F. A person receiving such notice of exclusion may appeal to the Oregon City Municipal Court. Any appeal must be filed within 10 days of the exclusion being issued. The Municipal Court shall uphold the exclusion if, upon de novo review, the preponderance of evidence admissible convinces the court that, more likely than not, the person in fact committed the violation, and if the exclusion is otherwise in accordance with law.

G. At any time within the period of exclusion, a person receiving such notice of exclusion may apply in writing to the City Manager for a waiver of some or all of the effects of the exclusion for good reason. If the City Manager grants a waiver under this Subsection, the City Manager shall promptly notify the Police Department and the Director of Community Services of such action. In exercising discretion under this Subsection, the City Manager shall consider the seriousness of the violation for which the person has been excluded, the particular need of the person to be in a City park during some or all of the period of exclusion, such as for work or to attend or participate in a particular event (without regard to the content of any speech associated with that event), and any other criterion the City Manager determines to be relevant to the determination of whether or not to grant a waiver. Notwithstanding the granting of a waiver under this Subsection, the exclusion will be included for purposes of calculating the appropriate length of exclusions under 12.16.070(C). The decision of the City Manager to grant or deny, in whole or in part, a waiver under this Subsection is committed to the sole discretion of the City Manager, and is not subject to appeal or review.

H. If an appeal of the exclusion is timely filed under Section 12.16.070(F), the effectiveness of the exclusion shall be stayed, pending the outcome of the appeal. If the exclusion is affirmed, the remaining period of exclusion shall be effective immediately upon the issuance of the Municipal Court decision, unless the Municipal Court specifies a later effective date.

I. If a person is issued a subsequent exclusion while a previous exclusion is stayed pending appeal (or pending judicial review, should a court stay the exclusion), the stayed exclusion shall be counted in determining the appropriate length of the subsequent exclusion under 12.16.070(C). If the predicate exclusion is set aside, the term of the subsequent exclusion shall be reduced, as if the predicate exclusion had not been issued. If multiple exclusions issued to a single person are simultaneously stayed pending appeal, the effective periods of those which are affirmed shall run consecutively.

J. No person shall enter or remain in any park at any time during which there is in effect a notice of exclusion issued under this section excluding that person from that park.

Read for the first time at a regular meeting of the City Commission held on the 19th day of October, 2016, and the City Commission finally enacted the foregoing ordinance this 2nd day of November, 2016.

DAN HOLLADAY, Mayor

Attested to this 2nd day of November 2016,

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney



City of Oregon City

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

Staff Report

File Number: 16-589

Agenda Date: 10/19/2016

Status: Agenda Ready

To: City Commission

Agenda #: 6d.

From: Community Services Director Phil Lewis

File Type: Report

SUBJECT:

First Reading of Ordinance No. 16-1012: to Ban the use of Tobacco in Oregon City Public Parks

RECOMMENDED ACTION (Motion):

Staff recommends the City Commission approve the first reading of Ordinance No. 16-1012.

BACKGROUND:

Parks and Recreation Advisory Committee brought forth the discussion of banning smoking in parks early in 2016. The concept of healthy lifestyles and advocating for second hand smoke free recreating in parks was the basis of the concept. June 30, 2016 the Parks and Recreation Advisory Committee made a motion to move this proposal forward to City Commission. The proposed ordinance amends section 12.16.020 of the Oregon City Municipal Code to ban the use of tobacco in public parks within Oregon City Parks. City Commission reviewed the proposed ordinance at the October 11, 2016 work session and recommended bringing the ordinance forward for further consideration.



City of Oregon City

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

Staff Report

File Number: 16-589

Agenda Date: 10/19/2016

Status: Agenda Ready

To: City Commission

Agenda #: 6d.

From: Community Services Director Phil Lewis

File Type: Report

SUBJECT:

First Reading of Ordinance No. 16-1012: to Ban the use of Tobacco in Oregon City Public Parks

RECOMMENDED ACTION (Motion):

Staff recommends the City Commission approve the first reading of Ordinance No. 16-1012.

BACKGROUND:

Parks and Recreation Advisory Committee brought forth the discussion of banning smoking in parks early in 2016. The concept of healthy lifestyles and advocating for second hand smoke free recreating in parks was the basis of the concept. June 30, 2016 the Parks and Recreation Advisory Committee made a motion to move this proposal forward to City Commission. The proposed ordinance amends section 12.16.020 of the Oregon City Municipal Code to ban the use of tobacco in public parks within Oregon City Parks. City Commission reviewed the proposed ordinance at the October 11, 2016 work session and recommended bringing the ordinance forward for further consideration.

ORDINANCE NO. 16-1012

AN ORDINANCE AMENDING SECTION 12.16.020 OF THE OREGON CITY MUNICIPAL CODE TO BAN THE USE OF TOBACCO IN PUBLIC PARKS WITHIN OREGON CITY PARKS

WHEREAS, the City of Oregon City owns and operates many parks in the City and regulates the activities that occur in the parks; and to promote healthy lifestyles; and

WHEREAS, the City wishes to promote healthy lifestyles and to protect the public health, safety, welfare by reducing unwanted and unwelcome exposure to tobacco products, including second-hand smoke; and

WHEREAS, the Surgeon General has stated that tobacco use in general and second-hand smoke in particular is a health hazard; and we do not want their smoking to annoy, inconvenience or discomfort any other person; and

WHEREAS, the City wishes to prevent the annoyance, inconvenience or discomfort of the citizens of Oregon City who wish to recreate or otherwise use the City's park with the unhealthy habits associated with tobacco use.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. Section 12.16.20 of the Oregon City Municipal Code shall be amended as follows (new text shown as underlined).

12.16.020 - Regulations.

A. It is unlawful for any person to:

1. Be in any public park between the hours of ten p.m. and five a.m., except vehicular or pedestrian traffic utilizing public streets, persons attending events sanctioned by the city, persons acting under special permit issued by the city, persons staying at approved campsites in a public park or licensed fishermen going directly to or from fishing activities;
2. Litter any public park or deposit any litter, garbage, trash or other rubbish in receptacles in public parks except such as is generated incidental to use of the park;
3. Build a fire in a public park except in a stove or fireplace provided for this purpose, leave a fire unattended or fail to extinguish a fire when leaving the area;
4. Operate or park a motor vehicle in a public park except on roads or designated parking areas;
5. While in a public park, hunt, pursue, trap, kill or disturb any animal or bird or its habitat;
6. Sell any goods or services in a public park without permission of the city;
7. Erect any signs, markers or written notices without permission of the city;

8. Utilize or permit any person to utilize wading pools in a public park except during the months of June, July and August and then only when the wading pools are unlocked and posted as open;

9. Engage in, sponsor or conduct: fighting, boxing, wrestling, or similar forms of mutual combat in a public park, provided however, that boxing and wrestling matches and exhibitions that are regulated and licensed by the Oregon State Boxing and Wrestling Commission; or boxing and wrestling conducted by organizations identified in ORS 463.210 as exempt from the licensing and bonding provisions of ORS Chapter 463, may be held in public parks upon the approval of the city manager. The manager may impose such conditions upon such events, and require such financial security in connection therewith, so as to assure that such events are conducted in a safe manner and consistent with the use of parks by the public;

10. Ride or operate a skateboard on any brickwork, or ornamental surface, picnic table, tennis court, fountain area, wading pool, planter, or sculpture located in a public park or cemetery.

11. Use tobacco in any public park. To “use tobacco” shall mean the possession of any lighted pipe, lighted cigar, the use of an electronic cigarette or a similar device intended to emulate smoking, which permits a person to inhale vapors or mists that may or may not include nicotine, or lighted cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind, including, but not limited to, any tobacco or cannabis product, or any other weed or plant capable of being smoked. In addition, to “use tobacco” shall mean to ingest or place within the mouth or nose any type of tobacco product, including chewing tobacco, snus, snuff or dip.

Read for the first time at a regular meeting of the City Commission held on the 19th day of October, 2016, and the City Commission finally enacted the foregoing ordinance this 2nd day of November, 2016.

DAN HOLLADAY, Mayor

Attested to this 2nd day of November 2016,

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney



City of Oregon City

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

Staff Report

File Number: 16-573

Agenda Date: 10/19/2016

Status: Consent

To: City Commission

Agenda #: 7a.

From: Community Development Director Laura Terway

File Type: Contract

SUBJECT:

Interim Agreement with Rediscover the Falls and Metro

RECOMMENDED ACTION (Motion):

Staff recommends the Commission approve the Interim Agreement to Implement the Willamette Falls Legacy Project Agreement for the Public Partners to Help Launch the Rediscover the Falls as a Thriving Volunteer Support Group for the Willamette Falls Legacy Project and to Establish the Terms of the Working Relationship.

BACKGROUND:

The success of the Willamette Falls Legacy Project will require significant public and private support. It is anticipated that a recently formed nonprofit group will assist in advocacy, outreach, and fundraising for the Willamette Falls Legacy Project; namely, for the riverwalk. The nonprofit group, called Rediscover the Falls (RTF), seated a board this summer and established a mission and vision:

VISION: We advocate for the revitalization of the former mill site in Oregon City, for restoration and conservation of habitat, for historic and cultural interpretation, and for world-class public access to Willamette Falls.

MISSION: Through purposeful action, we engage and educate the public, collaborate with partners, and build sponsorship and enduring commitment to the public interest in the Willamette Falls Legacy Project.

Earlier this year, Oregon City approved an Intergovernmental Agreement with the Willamette Falls Legacy Project Partners that contains a two-year budget. That budget includes seed funding for the nonprofit “friends” group from both Metro and Oregon City.

Project staff and the RTF board have drafted an interim 9-month agreement that allows the public partners to help launch this thriving volunteer support group for the Willamette Falls Legacy Project, and to begin to establish the terms of the ongoing working relationship between RTF and the public partners

The agreement is a three-way contract among Metro, Rediscover the Falls and the City of Oregon City to grant funding for RTF to accomplish a defined set of tasks over the next nine months, some of which include:

1. Continuing progress on achieving tax exempt status from the IRS
2. Creation of a strategic plan
3. Commencement of a fundraising feasibility study
4. Creation of a donor database

Oregon City's contribution is \$50,000. The proposed contract agreement is attached as an exhibit.

BUDGET IMPACT:

Amount: \$50,000

FY(s): 15/16 and 16/17 (\$25,000 each)

Funding Source: Community Development



City of Oregon City

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

Staff Report

File Number: 16-573

Agenda Date: 10/19/2016

Status: Consent

To: City Commission

Agenda #: 7a.

From: Community Development Director Laura Terway

File Type: Contract

SUBJECT:

Interim Agreement with Rediscover the Falls and Metro

RECOMMENDED ACTION (Motion):

Staff recommends the Commission approve the Interim Agreement to Implement the Willamette Falls Legacy Project Agreement for the Public Partners to Help Launch the Rediscover the Falls as a Thriving Volunteer Support Group for the Willamette Falls Legacy Project and to Establish the Terms of the Working Relationship.

BACKGROUND:

The success of the Willamette Falls Legacy Project will require significant public and private support. It is anticipated that a recently formed nonprofit group will assist in advocacy, outreach, and fundraising for the Willamette Falls Legacy Project; namely, for the riverwalk. The nonprofit group, called Rediscover the Falls (RTF), seated a board this summer and established a mission and vision:

VISION: We advocate for the revitalization of the former mill site in Oregon City, for restoration and conservation of habitat, for historic and cultural interpretation, and for world-class public access to Willamette Falls.

MISSION: Through purposeful action, we engage and educate the public, collaborate with partners, and build sponsorship and enduring commitment to the public interest in the Willamette Falls Legacy Project.

Earlier this year, Oregon City approved an Intergovernmental Agreement with the Willamette Falls Legacy Project Partners that contains a two-year budget. That budget includes seed funding for the nonprofit "friends" group from both Metro and Oregon City.

Project staff and the RTF board have drafted an interim 9-month agreement that allows the public partners to help launch this thriving volunteer support group for the Willamette Falls Legacy Project, and to begin to establish the terms of the ongoing working relationship between RTF and the public partners

The agreement is a three-way contract among Metro, Rediscover the Falls and the City of Oregon City to grant funding for RTF to accomplish a defined set of tasks over the next nine months, some of which include:

1. Continuing progress on achieving tax exempt status from the IRS
2. Creation of a strategic plan
3. Commencement of a fundraising feasibility study
4. Creation of a donor database

Oregon City's contribution is \$50,000. The proposed contract agreement is attached as an exhibit.

BUDGET IMPACT:

Amount: \$50,000

FY(s): 15/16 and 16/17 (\$25,000 each)

Funding Source: Community Development

METRO - OREGON CITY - REDISCOVER THE FALLS INTERIM AGREEMENT

This Interim Agreement (“Agreement”), effective _____, 2016, is by and between Metro, a municipal corporation (“Metro”), The City of Oregon City, a municipal corporation (“Oregon City”), and Rediscover the Falls (“RTF”), an Oregon non-profit public benefit corporation. Metro and Oregon City are collectively referred to in this document as the “Public Partners.” Metro, Oregon City, and RTF are each a “Party,” and collectively referred to in this document as the “Parties.”

RECITALS

A. Since February 2011, commencing with the Chapter 7 bankruptcy liquidation of the Blue Heron Paper Company mill, located at 419/427 Main Street, Oregon City, Oregon (the “Project Site”), the Public Partners have been cooperating to determine the future of the Project Site.

B. The Project Site has the potential to serve as a gateway to Willamette Falls on the Willamette River, which falls are directly adjacent to the Project Site, and to make a positive impact on the future of Oregon City and the surrounding region.

C. Guided by the four core values of healthy habitat, public access to Willamette Falls, historic and cultural interpretation, and economic development (the “Four Core Values”), the Public Partners, in collaboration with the State of Oregon and Clackamas County, have commenced work to design public open space and a pedestrian parkway on the Project Site that will provide unobstructed views of the Willamette River and Willamette Falls (the “Riverwalk”), and they have started to address the infrastructure and economic development needs of the entire Project Site. These work efforts are known collectively as the “Willamette Falls Legacy Project.”

D. The Parties acknowledge that the success of the Willamette Falls Legacy Project will require significant public and private support. The Parties desire to enter into this Agreement in order to for the Public Partners to help launch RTF as a thriving volunteer support group for the Willamette Falls Legacy Project, and for the Parties to begin to establish the terms of the ongoing working relationship between RTF and the Public Partners.

AGREEMENT

In consideration of the foregoing, and the mutual and reciprocal covenants, obligations and benefits established herein, and other good and valuable consideration hereby acknowledged, the Parties agree as follows:

1. **Term of Agreement.** This Agreement shall become effective when signed by all Parties (the “Effective Date”) and shall terminate on June 30, 2017, unless extended by written amendment signed by the Parties. This Agreement is intended to be an interim agreement to govern the relationship of the Parties during negotiation of a future long term agreement, as described below.

2. **Future Long Term Agreement.** During the term of this Agreement, the Parties shall negotiate a potential future agreement among the Parties that would commence following the term of this Interim Agreement. As of the Effective Date, the future agreement is anticipated to address: (a) fundraising and distribution of funds raised among the Parties; (b) outreach and communications; (c) any future funding by the Public Partners; (d) use of websites, trademarks, and other media; and (e) RTF’s mission and governance in relation to the Willamette Falls Legacy Project and the Public Partners. Each Party may elect to enter into any future long term agreement in their sole and absolute discretion.

3. **Responsibilities of RTF.**

3.1 Corporate and Tax-Exempt Status. RTF shall use reasonable efforts to obtain recognition from the Internal Revenue Service of its tax exempt status under Section 501(c)(3) of the Internal Revenue Code, and once obtained, to maintain such status. RTF shall maintain articles of incorporation establishing that the sole purpose of RTF is to support and benefit the Willamette Falls Legacy Project. RTF shall promptly provide the Public Partners with written notice and an updated copy of its articles of incorporation and corporate bylaws any time they are amended, restated or otherwise changed.

3.2 Books and Records. RTF shall maintain all of its records relating specifically to this Agreement, such as accounting records and receipts for costs incurred, on a generally recognized accounting basis, on its own equipment, and allow the Public Partners the opportunity to inspect and/or copy such records at a convenient place during normal business hours.

3.3 Donor Database. RTF shall create a donor database which shall not be considered part of the books and records that the Public Partners may inspect pursuant to Section 3.2, above. The Public Partners shall provide RTF with its lists of interested parties that the Public Partners have collected at various public events prior to the Effective Date.

3.4 Strategic Plan. RTF shall create a strategic plan by the expiration of the term of this Agreement. The elements of the strategic plan shall be subject to the prior approval of each Party (the “Strategic Plan”).

3.5 Reporting. RTF shall prepare an annual report of its activities and accomplishments by the expiration of the term of this Agreement.

3.6 Board Meetings. RTF shall provide the Public Partners reasonable advance notice of its board meetings.

3.7 Funding Feasibility Study. RTF shall develop a funding plan to pay for a fundraising feasibility study that will set a course for RTF's fundraising efforts.

4. **Budget; Funding.** The budget agreed upon by the Parties that will allow RTF to fulfill its responsibilities described above and elsewhere in this Agreement is attached as Exhibit A to this Agreement (the "Interim Budget"). Any amendments or deviations from the Interim Budget by RTF shall require the prior written approval of the Public Partners.

4.1 Metro shall pay RTF Thirty-Five Thousand Dollars (\$35,000), in accordance with and in consideration for the work and services set forth in the Interim Budget.

4.2 Oregon City shall pay RTF Fifty Thousand Dollars (\$50,000), in accordance with and in consideration for the work and service set forth the Interim Budget.

4.3 RTF shall provide the Public Partners monthly statements showing its income and expenses for the prior month. The form of this statement shall be agreed upon by the parties and is intended to be a simple format produced by RTF's accounting software. When requesting reimbursement for work completed, RTF shall invoice both Metro and Oregon City, including an itemized statement of the work performed or costs incurred, and for which reimbursement is sought. Payment to RTF for approved and completed work will be made within 30 days of approval of the invoice.

5. **Fundraising.**

5.1 Grant Funding. With the prior written approval of the Public Partners, RTF may apply to government entities or private foundations for grants that are available only to non-governmental entities, such as RTF. If RTF is successful in its applications and awarded any such grants, it shall use the funds in accordance with the terms of the grant.

5.2 Private Donations. If RTF receives any private donations, it shall report the amount of the donation to the Public Partners, and the Parties shall meet to agree upon the distribution of the donation as between the Willamette Falls Legacy Project and RTF. In any such distribution, at least five percent (5%) of the private donation shall be dedicated to tasks that develop RTF's organizational and fundraising capacity. The parties shall thereafter amend the Interim Budget to reflect the addition of the private donation to RTF's operating budget over the term of this Agreement and to set forth the work or costs for which the increased funds provided by the donation will be used.

6. **RTF Insurance.** RTF shall provide the Public Partners with a certificate of insurance complying with this Agreement within thirty (30) days after the Effective Date. Notice of any material change or policy cancellation shall be provided to the Public Partners thirty (30) days prior to any change. All policies shall name Metro and Oregon City, and their elected officials, officers, employees and agents, as additional insureds. RTF's coverage will be primary as respect to Metro and Oregon City.

6.1 The most recently approved ISO (Insurance Services Offices) Commercial General Liability policy, or its equivalent, written on an occurrence basis, with limits of not less than \$1,000,000 per occurrence and \$1,000,000 in the aggregate, providing coverage against claims for bodily injury, death, personal injury, property damage, contractual liability, premises and products/completed operations. This insurance is required for RTF as an organization only if RTF hosts events. Coverage of RTF staff through independent contractors' coverage is otherwise acceptable to comply with this paragraph.

6.2 Automobile Liability Insurance with limits not less than \$1,000,000 each occurrence, combined single limit for bodily injury and property damage including coverage for owned, non-owned, and hired vehicles, including loading and unloading operations. If coverage is written with an aggregate limit, the aggregate limit shall not be less than \$1,000,000. Coverage of RTF staff through independent contractors' coverage is acceptable to comply with this paragraph.

6.3 Nonprofit Directors and Officers Insurance to protect the directors, officers and board members (past, present, and future) of RTF.

7. Responsibilities of the Public Partners.

7.1 The Public Partners shall invite RTF to all Riverwalk and Willamette Falls Legacy Project public and VIP events.

7.2 The Public Partners shall keep RTF apprised of developments in the design of the Riverwalk and include RTF in the design process, including without limitation, providing a design update at every RTF board meeting. Oregon City and Metro shall each send at least one staff representative to all RTF board meetings.

7.3 The Public Partners shall provide the funds as set forth on the Interim Budget and endeavor to provide non-monetary support to RTF upon reasonable advance notice, including, without limitation, assistance with development of a funding plan and advice on potential grant funding sources.

8. Communications.

8.1 Project Communications. RTF acknowledges and agrees that the Public Partners lead the Willamette Falls Legacy Project's communications strategy. All public communications by RTF regarding the Riverwalk and the Willamette Falls Legacy Project will be subject to the prior approval of the Public Partners. The Public Partners shall provide RTF with the key project messages, and RTF agrees to adhere to these messages in its communications. RTF shall permit the Public Partners to review and approve any promotional materials prepared by RTF. For the term of this Agreement, Metro grants permission to RTF to use the name "Rediscover the Falls."

8.2 RTF Communications. The Public Partners shall provide RTF with the opportunity to review publicity and printed materials produced by the Public Partners regarding RTF, and to review and approve communications regarding RTF by the Public Partners.

9. **Termination.** This Agreement may be terminated by any Party for cause, subject to the requirements set forth in this section.

9.1 Termination for Cause. If any Party determines that a material breach of the terms of this Agreement has occurred, the aggrieved Party shall promptly provide written notice of such breach to the other parties, reasonably documenting said breach and demanding that the breach be cured. The breaching Party shall thereafter cure said breach within 10 days of receipt of said notice. If the breaching Party fails to so cure, or under circumstances where the breach cannot reasonably be cured within a 10-day period, fails to begin curing such violation within the 10-day period, or after 10 days has expired fails to continue diligently to cure the breach until finally cured, the aggrieved Party may, at its sole discretion, immediately terminate this Agreement. The exercise of this termination right shall not extinguish or prejudice the terminating Party's right to seek damages and enforcement of the terms of this Agreement in a court of competent jurisdiction with respect to any breach that has not been cured.

9.2 Dissolution. In the event RTF must dissolve, after payment or provision for payment of all RTF liabilities, the assets of RTF shall be distributed to Oregon City and Metro equally to be used for purpose of the Willamette Falls Legacy Project. Upon termination of this Agreement, if no long term Agreement is in place, RTF shall dissolve and cease fundraising for the Willamette Falls Legacy Project.

10. **Indemnification.**

10.1 RTF agrees to defend, indemnify and hold harmless Metro and Oregon City, their elected officials, officers, agents and employees, against all loss, damages, expenses, and liability, whether arising in tort, contract or by operation of any statute or common law, relating to or arising out of RTF's performance of, or failure to perform, this Agreement.

10.2 Metro shall defend, indemnify and hold harmless RTF and Oregon City and their officers, agents and employees, against all loss, damage, expenses, judgments, claims and liability, whether arising in tort, contract or by operation of any statute or common law, arising out of or in any way connected to Metro's performance of, or failure to perform, this Agreement, subject to the limitations and conditions of the Oregon Constitution and the Oregon Tort Claims Act, ORS Chapter 30.

10.3 Oregon City shall defend, indemnify and hold harmless RTF and Metro, and their officers, agents and employees, against all loss, damage, expenses, judgments, claims and liability, whether arising in tort, contract or by operation of any statute or common law, arising out of or in any way connected to Metro's performance of, or failure to perform, this Agreement, subject to the limitations and conditions of the Oregon Constitution and the Oregon Tort Claims Act, ORS Chapter 30.

10.4 The foregoing indemnification, defense, and hold harmless provisions are for the sole and exclusive benefit of the Parties, and their respective elected officials, officers, employees, and agents, and shall survive termination or expiration of this Agreement. They are not intended, nor shall they be construed, to confer any rights on or liabilities to any person or persons other than the Parties and their respective elected officials, officers, employees and agents.

11. **Miscellaneous Provisions.**

11.1 Authorization. The Parties have obtained all approvals required by law, bylaws, operating agreements, and pertinent corporate documents in order to enter into this Agreement. Approval of the Public Partners shall mean the approval of both Kathleen Brennan-Hunter, Director of Metro's Parks and Nature Department, and Tony Konkol, City Manager of the City of Oregon City. Metro or Oregon City may change its authorized representative at any time upon written notice to the other Parties.

11.2 No Joint Venture; Several Obligations. The Parties agree that, during the term hereof, each Party shall act in its individual capacity and not as agents, employees, partners, joint ventures or associates of one another, and that nothing in this Agreement, nor the Parties' acts or failures to act hereunder, shall constitute or be construed by the parties, or by any third person, to create an employment, partnership, joint venture, association or joint employer relationship between them. The Parties agree that, as independent and separate entities, each shall maintain a management structure independent of the other during the term hereof. The agreements of Metro and Oregon City under this Agreement are several (and not joint) in all respects.

11.3 Entire Agreement. This Agreement constitutes the entire agreement between the Parties on the matter addressed herein, and supersedes all prior or contemporaneous oral or written communications, agreements or representations relating to its subject matter. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by all Parties. The failure of a Party to enforce any provision of this Agreement shall not constitute a waiver by any Party of that or any other provision.

11.4 Notices. Notices will be deemed received upon personal service or upon deposit in the United States Mail, certified mail, postage prepaid, return receipt requested addressed as follows:

To RTF: Rediscover the Falls
PO Box 2588
Oregon City, OR 97045

To Metro: Metro
Office of Metro Attorney
600 NE Grand Avenue
Portland, Oregon 97232-2736

Phone No. (503) 797-1534

To Oregon City: City of Oregon City
Office of the City Manager
PO Box 3040
Oregon City, OR 97045
Phone No. (503) 496-1582

The foregoing addresses may be changed by written notice, given in the same manner. Notice given in any manner other than the manner set forth above shall be effective when received by the Party for whom it is intended. Telephone numbers are for information only.

11.5 No Benefit to Third Parties. Metro, Oregon City and RTF are the only Parties to this Agreement and as such are the only Parties entitled to enforce its terms. Nothing in this Agreement gives or shall be construed to give or provide any benefit, direct, indirect, or otherwise to third parties unless third persons are expressly described as intended to be beneficiaries of its terms.

11.6 Severability. If any one or more of the provisions of this Agreement shall for any reason be held to be invalid, illegal or unenforceable, in whole or in part, or in any other respect, then such provision or provisions shall be deemed null and void and shall not affect the validity of the remainder of the Agreement, which shall remain operative and in full force and effect to the fullest extent permitted by law.

IN WITNESS WHEREOF, the Agencies have executed this AGREEMENT effective as of the date set forth above.

METRO

REDISCOVER THE FALLS

By: _____
Martha J. Bennett

By: _____
Name: _____

Title: Chief Operating Officer

Title: Board Chair

OREGON CITY

By: _____
Name: _____
Title: _____

EXHIBIT A

Interim Budget

In total, Metro and Oregon City have expressed willingness to each provide \$50,000 to Rediscover the Falls for staffing and other seed funding expenses.

- Prior to the effective date of this Agreement, Metro has paid \$15,000 of its \$50,000 to RTF and has \$35,000 remaining
- Oregon City has \$50,000 available

Sources and uses of funds

Project costs		Project funds		
Budget item	Cost	Metro Funds	Oregon City Funds	Total funds
Interim ED contract (spent)	\$10,000	\$10,000 ¹	\$0	\$10,000
Miscellaneous admin expenses already incurred (spent) ²	\$5,000	\$5,000	\$0	\$5,000
Staffing	\$50,000	\$18,000	\$32,000	\$50,000
Insurance and other	\$4,000	\$2,000	\$2,000	\$4,000
Technology and donor management	\$5,000	\$2,500	\$2,500	\$5,000
Match or seed for fundraising feasibility assessment	\$20,000	\$10,000	\$10,000	\$20,000
Printing and supplies	\$1,000		\$1,000	\$1,000
Contingency	\$5,000	\$2,500	\$2,500	\$5,000
Total	\$100,000	\$50,000	\$50,000	\$100,000

¹ Final \$1000 will be disbursed on September 15, 2016 once the interim ED contract is completed

² IRS filing costs, consultant work for board selection and refreshments for RTF meetings early on

Disbursement schedule

Date	Funding Amount	Uses for funds	Deliverables to be completed before disbursement (or prior to next disbursement as indicated by an *asterisk)	Metro funds	Oregon City funds
Execution of this contract (9/30/16)	\$25,000	Staffing	Staffing roles and responsibilities determined by contract execution more specific budget for \$85,000 submitted	\$10,000	\$15,000
Execution of this contract (9/30/16)	\$10,000	insurance technology and supplies	Directors and Operators insurance purchased by 10/30/16* Donor database and independent electronic records established by 11/30/16*	\$4,500	\$5,500
January 2017	\$25,000	Staffing	Completion of RTF strategic plan Commencement of conversations about process for long term agreement	\$8,000	\$17,000
March 2017 or when requested	\$20,000	Contribution to fundraising feasibility study	Funding plan for fundraising feasibility study completed Continued discussion on plans for longer term agreement with WFLP	\$10,000	\$10,000
Date TBD ³	\$5,000	Contingency	For reimbursement of unanticipated expenses incurred by RTF and approved by the Public Partners. If not requested by March 2017, funds will be added to staffing or feasibility study budget, upon request by RTF	\$2,500	\$2,500
Total	\$85,000			\$35,000	\$50,000

³ Can be requested by RTF at any point until June 30, 2017, but needs approval from Public Partners

Deliverables: Work

- 1) Continued work on long term agreement. This agreement is expected to cover, at a minimum:
 - a) future funding
 - b) fundraising
 - c) communications
 - d) mission in relation to the public project
- 2) RTF strategic plan, which is expected to include the following, as approved by the Parties:
 - a) Staffing models
 - b) Administrative overhead (i.e. office)
 - c) Funding plan
 - d) shared communications with WFLP
 - e) capacity building
- 3) Pursue funding for a fundraising feasibility study
- 4) RTF establishes a donor database and an independent electronic records
- 5) Budget for use of \$85,000 and annual budget for all funds including \$85,000



City of Oregon City

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

Staff Report

File Number: 16-572

Agenda Date: 10/19/2016

Status: Consent

To: City Commission

Agenda #: 7b.

From: Public Works Director John Lewis

File Type: Contract

SUBJECT:

Personal Services Agreement with DECA Architecture, Inc. for the 2016 Public Works Operations Master Plan Update (CI 16-015)

RECOMMENDED ACTION (Motion):

Authorize the City Manager to execute a Personal Services Agreement (PSA) in the amount of \$76,992.00 with DECA Architecture, Inc. to provide professional services necessary for the 2016 Public Works Operations Master Plan.

BACKGROUND:

The Public Works Department has been working to update the Operations Center Master Plan for the last year. The City has completed the layout / sizing components of the study which consisted of determining the revised needs of the department, appropriate placement of facilities to address community concerns brought forth in the 2009 plan, and revised use of existing facilities. The last phase of the project also contained a public outreach component which sought community input on the revised site plans. Phase II of the project will begin the formal land use process and final site design. This next phase will allow for formal public comment through the land use process and assure compliance with the City's land use requirements. The design element of the facility will also transition a schematic sizing diagrams into formal site plans, architectural renderings, and greater design elements.

BUDGET IMPACT:

Amount: \$76,992.00

FY(s): 2016-17

Funding Source: Community Facilities Fund



City of Oregon City

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

Staff Report

File Number: 16-572

Agenda Date: 10/19/2016

Status: Consent

To: City Commission

Agenda #: 7b.

From: Public Works Director John Lewis

File Type: Contract

SUBJECT:

Personal Services Agreement with DECA Architecture, Inc. for the 2016 Public Works Operations Master Plan Update (CI 16-015)

RECOMMENDED ACTION (Motion):

Authorize the City Manager to execute a Personal Services Agreement (PSA) in the amount of \$76,992.00 with DECA Architecture, Inc. to provide professional services necessary for the 2016 Public Works Operations Master Plan.

BACKGROUND:

The Public Works Department has been working to update the Operations Center Master Plan for the last year. The City has completed the layout / sizing components of the study which consisted of determining the revised needs of the department, appropriate placement of facilities to address community concerns brought forth in the 2009 plan, and revised use of existing facilities. The last phase of the project also contained a public outreach component which sought community input on the revised site plans. Phase II of the project will begin the formal land use process and final site design. This next phase will allow for formal public comment through the land use process and assure compliance with the City's land use requirements. The design element of the facility will also transition a schematic sizing diagrams into formal site plans, architectural renderings, and greater design elements.

BUDGET IMPACT:

Amount: \$76,992.00

FY(s): 2016-17

Funding Source: Community Facilities Fund

OREGON CITY PUBLIC WORKS PERSONAL SERVICES AGREEMENT

2016 PUBLIC WORKS OPERATIONS MASTER PLAN UPDATE (CI 16-015)

This PERSONAL SERVICES AGREEMENT ("Agreement") is entered into between:

CITY OF OREGON CITY ("City")

City of Oregon City
PO Box 3040
625 Center Street
Oregon City, OR 97045
Attention: Martin Montalvo

and

DECA ARCHITECTURE, INC. ("Consultant")

DECA Architecture, Inc.
935 SE Alder Street
Portland, OR 97214
Attention: David Hyman

RECITALS

A. City requires services that Consultant is capable of providing under the terms and conditions hereinafter described.

B. Consultant is able and prepared to provide such services as City requires under the terms and conditions hereinafter described.

The parties agree as follows:

AGREEMENT

1. Term. The term of this Agreement shall be from the date the contract is fully executed until October 31, 2017, unless sooner terminated pursuant to provisions set forth below. However, such expiration shall not extinguish or prejudice City's right to enforce this Agreement with respect to (i) breach of any warranty; or (ii) any default or defect in Consultant's performance that has not been cured.

2. Compensation. City agrees to pay Consultant on a time-and-materials basis for the services required. Total compensation, including reimbursement for expenses incurred, shall not exceed Seventy-six thousand nine hundred ninety-two and .00/100 dollars (\$76,992.00).

3. Scope of Services. Consultant's services under this Agreement shall consist of services as detailed in Exhibit A, attached hereto and by this reference incorporated herein.

4. Standard Conditions. This Agreement shall include all of the standard conditions as detailed in Exhibit B, attached hereto and by this reference incorporated herein.

5. Schedule. The components of the project described in the Scope of Services shall be completed according Term, above.

6. Integration. This Agreement, along with the description of services to be performed attached as Exhibit A and the Standard Conditions to Oregon City Personal Services Agreement attached as Exhibit B, contain the entire agreement between and among the parties, integrate all the terms and conditions mentioned

herein or incidental hereto, and supersede all prior written or oral discussions or agreements between the parties or their predecessors-in-interest with respect to all or any part of the subject matter hereof.

7. Notices. Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United States mail, by hand delivery or by electronic means. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

Consultant shall be responsible for providing the City with a current address. Either party may change the address set forth in this Agreement by providing notice to the other party in the manner set forth above.

8. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflicts of law, rules or doctrines.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers on this _____ day of _____, 2016.

CITY OF OREGON CITY

DECA ARCHITECTURE, INC.

By: _____
John M. Lewis
Title: Public Works Director

By: _____
Title: _____

DATED: _____, 2016.

DATED: _____, 2016.

By: _____
Anthony J. Konkol III
Title: City Manager

ORIGINAL CITY COMMISSION APPROVAL (IF APPLICABLE):

DATE: _____

DATED: _____, 2016.

APPROVED AS TO LEGAL SUFFICIENCY:

By: _____
City Attorney

PDX_DOCS:309433.2 [34758-00100]
2/19/2016 3:02 PM



deca architecture.inc

October 5, 2016

Martin Montalvo
Operations Manager
OREGON CITY PUBLIC WORKS
122 S. Center Street
Oregon City, OR 97045

RE: OCPW Master Plan Land Use Application

Dear Martin,

The following is a proposed scope of work and fee to assist the Oregon City Public Works Department in applying for an amendment to the General Development Master Plan for the Operations Center at 122 S. Center Street, approved in 2009 and a new Detailed Development Plan for Phase I of the master plan: Since some of the design materials required for the application will have been completed as part of the "2015 Public Works Operations Center Master Plan" (CI 15-010), currently in progress, this proposal includes the remainder of fee required to complete the land-use application. Our understanding is that the implementation of Phase I will include the following order of work:

Phase I Plan

- 1) Acquire armory, perform deferred maintenance
- 2) Move materials and equipment from existing upper site building into Armory
- 3) Demolish existing upper yard buildings
- 4) Regrade site, add underground utilities
- 5) Build new storage building on upper site. Build new office building, covered parking, paving, bins.
- 6) Move materials and equipment from Armory into the new Storage building
- 7) Remodel Armory, move Fleet Shop from lower yard into Armory
- 8) Landscape upper site
- 9) Build elevator

Phase II Plan

- 1) Demolish all buildings on lower site.
- 2) Demolish asphalt paving
- 3) Build new covered and indoor truck parking structures
- 4) Build public ROW improvements (sidewalk, curbs and curb-cuts)
- 5) Re-pave and re-stripe lower site

- 6) Install cistern, bins and stairway to upper level
- 7) Improve parking lots on west side of S. Center Street.

The following is a detailed description of our proposed scope of services required to complete the master plan application:

SCOPE OF SERVICES

- Prepare schematic site plan, floor plans and building elevations for all new buildings on the upper and lower sites and the Armory remodel
- Prepare utility and grading plan for the upper site
- Prepare landscape plan for the upper site
- Prepare one 3-D rendering of the upper site and one 3-D rendering of the lower site

Cost Analysis

- Prepare cost estimate of option

Deliverables

- Narrative response describing changes to the previously approved General Development Master Plan
- Narrative describing the Phase I Detailed Development Plan
- Architectural site plan
- Site utility and grading plan for Phases I and II development
- Landscape plan for Phase I development
- Schematic floor plans of all buildings in Phase I, including the Armory
- Exterior elevations of all new Phase I buildings and the sides of the Armory that will be modified
- (1) - Cost estimate for Phases I and II
- (2) 3D Renderings
- Powerpoint presentation for public meetings

Meeting Summary

- (2) – Meetings with Division Heads
- (4) – Meetings with Steering Committee
- (1) – Meeting with the McLoughlin Neighborhood Association
- (1) - Meeting with Citizen Involvement Committee
- (1) –Meeting with Planning Dept. prior to Pre-App Meeting
- (1) - Pre-App Meeting
- (2) - Meetings with HRB
- (1) - Meeting with City Commission
- (1) - Meeting with Planning Commission to present proposed design

Sub-Consultants

- Civil Engineer(see HHPR's attached scope of services and exclusions)

- Cost Estimator (see ACC’s attached scope of services and exclusions)
- Lango Hansen (see LH’s attached scope of services and exclusions)
- Barney & Worth (see B&W’s attached scope of services and exclusions)

Not Included in Scope of Work

- Construction Documents
- Geotechnical Investigation
- Environmental Report
- Surveying
- Permit fees and system development charges
- Meetings in excess of those described above
- Changes to documents after client has approved design

Estimated Fee

Based on the assumptions for the scope of work listed above, we agree to provide architectural and engineering services on an hourly not-to-exceed basis. Since some of the work overlaps with the previous contract in progress, “Master Plan Update 2015”, the following fee represents the estimated balance to complete the scope of work listed above after the fee from the previous contract has been expended:

Architectural Services.....	\$43,854
Public Engagement Coordinator - Barney and Worth (fee +10%)....	\$17,798
Landscape (upper site) – Lango Hansen (fee +10%).....	\$12,540
Reimbursable Expenses.....	<u>\$2,800</u>
Total Architectural and Engineering.....	\$76,992

Optional Services

Landscape (lower site) – Lango Hansen (fee +10%).....	\$4,950
Additional 3D Renderings.....	\$1,600/each
Additional Meetings.....	hourly

DECA Architecture, Inc. will invoice on an hourly basis on a monthly cycle. Any additional authorized work beyond the scope of basic architectural and engineering services listed above will be billed on an hourly basis at the following rates (consultant rates may differ):

Principal:	\$130/hour
Senior Technical Architect:	\$95-110/hour
Technical and Design Support Staff:	\$55-75/hour
Clerical Staff:	\$45/hour

Reimbursable expenses, such as mileage, reproduction costs, postage and delivery, materials and supplies, etc. are billed at cost plus 10%. Owner approved Consultant Services under contract with DECA will be billed at invoice cost of services and expenses plus 10%.

DURATION OF AGREEMENT

The terms of this agreement will be valid for a period of 12 months from the date of signature.

AGREEMENT

If the scope of services, the proposed fee listed above and the attached Terms and Conditions meet with your approval, please sign and date below:

Signed: _____
(Authorized Representative)

Date: _____

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Hyman', with a stylized flourish at the end.

David Hyman, AIA, LEED AP
Principal



Oregon City Public Works Master Plan

Public Engagement Scope of Work (Rev. 9/15/16)

Introduction

Oregon City is moving ahead with gaining land use approval for their updated Master Plan. The site plan for the future Public Works Facility has been updated with extensive public input. The changes to the site include more neighbor friendly buffers, smaller building footprints and other improvements. Staff is committed to continued public engagement through the land use process. The recommended scope of work presented below covers activities through land use applications submittal.

Tasks

1. Public Engagement Plan

Barney & Worth will draft a concise public engagement plan for the land use process. The plan would include public engagement tasks, tools, schedule and assignments.

2. Facilitate Public Meetings

The consultant will provide meeting facilitation services for two MNA meetings.

3. Support Land Use Meetings

The consultant will support team development of a PowerPoint and an information sheet and will attend two Steering Committee meetings.

4. Land Use Applications

Barney & Worth will write an executive summary for the land use applications that covers the need for the facility, the public engagement effort, key neighborhood friendly updates, and other application highlights. The consultant will also prepare a Public Engagement section for the application that documents public input in the site layout and design.

Schedule

September/October 2016 – February/March 2017

Proposed Budget

Barney & Worth, Inc. proposes to complete the assignment for a not-to-exceed amount of \$16,815, including professional services and reimbursable expenses:

Tasks	Estimated Hours			Totals
	Libby Barg Principal	Kimi Sloop Associate	Julie Hunter Research Associate	
Hourly Rate	\$210	\$160	\$120	
1. Public Engagement Plan	2	2	2	6
2. Facilitate Public Meetings	16	12	4	32
3. Support Land Use Meetings	12	12	4	28
4. Land Use Applications	12	8	6	26
Totals	42	34	16	92
Labor Cost	\$16,180			
Expenses*	<u>635</u>			
Total	\$16,815			

*Expenses include: Printing & photocopies, travel, telecommunications, postage & delivery, meeting expenses.

August 26, 2016

David Hyman, AIA, LEED AP, Principal
deca ARCHITECTURE . INC
935 SE Alder Street, Portland, Oregon 97214

Dear David:

Thank you for the opportunity to submit this proposal for the updated land-use review for the City of Oregon City's Public Works Yard. We understand that Lango Hansen will primarily provide landscape plans for this land-use effort. The Oregon City code requirements include: "A landscaping plan, drawn to scale, showing the location and types of existing trees (six inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials."

Based on our experience, we will need to provide full planting plans that will include the size, spacing and species of all plant materials. The code also requires an irrigation system however we have just provided notes with previous land-use submittal that state an irrigation system will be provided. We anticipate attending the following meetings:

2 Steering Committee Meetings
2 Neighborhood Meetings
Coordination Meetings
Land Use Meetings

Once the building layout and parking/loading areas are determined, we will provide a series of design overlays for potential landscape planting strategies. Based on feedback we receive, we will consolidate the ideas into a single plan and provide documentation. We assume that there may be some minor tree removal and potential mitigation will be included in our plans.

Products:
Illustrative Site Plan
Planting Plan

We have provided separate fees for the upper site and lower site.

Upper Site	\$11,400
Lower Site	\$4,500
<hr/>	
TOTAL	\$15,900

Thank you for the opportunity to submit this proposal. Please let me know if you have any questions or comments.

Sincerely,
Lango Hansen Landscape Architects



Kurt Lango
Principal

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

1. Consultant Identification. Consultant shall furnish to City its taxpayer identification number, as designated by the Internal Revenue Service, or Consultant's social security number, as City deems applicable.

2. Payment.

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

(b) City agrees to pay Consultant within thirty (30) days after receipt of Consultant's itemized statement. Amounts disputed by City may be withheld pending settlement.

(c) City certifies that sufficient funds are available and authorized for expenditure to finance the cost of the services to be provided pursuant to this Agreement.

(d) City shall not pay any amount in excess of the compensation amounts set forth above, nor shall City pay Consultant any fees or costs that City reasonably disputes.

3. Independent Contractor Status.

(a) Consultant is an independent contractor and is free from direction and control over the means and manner of providing labor or services, subject only to the specifications of the desired results.

(b) Consultant represents that it is customarily engaged in an independently established business and is licensed under ORS chapter 671 or 701, if the services provided require such a license. Consultant maintains a business location that is separate from the offices of the City and bears the risk of loss related to the business as demonstrated by the fixed price nature of the contract, requirement to fix defective work, warranties provided and indemnification and insurance provisions of this Agreement. Consultant provides services for two or more persons within a 12 month period or routinely engages in advertising, solicitation or other marketing efforts. Consultant makes a significant investment in the business by purchasing tools or equipment, premises or licenses, certificates or specialized training and

Consultant has the authority to hire or fire persons to provide or assist in providing the services required under this Agreement.

(c) Consultant is responsible for obtaining all assumed business registrations or professional occupation licenses required by state or local law (including applicable City or Metro business licenses as per Oregon City Municipal Code Chapter 5.04). Consultant shall furnish the tools or equipment necessary for the contracted labor or services.

(d) Consultant is not eligible for any federal social security or unemployment insurance payments. Consultant is not eligible for any PERS or workers' compensation benefits from compensation or payments made to Consultant under this Agreement.

(e) Consultant agrees and certifies that it is licensed to do business in the state of Oregon and that, if Consultant is a corporation, it is in good standing within the state of Oregon.

4. Early Termination.

(a) This Agreement may be terminated without cause prior to the expiration of the agreed-upon term by mutual written consent of the parties or by the City upon ten (10) days written notice to the Consultant, delivered by certified mail or in person.

(b) Upon receipt of notice of early termination, Consultant shall immediately cease work and submit a final statement of services for all services performed and expenses incurred since the date of the last statement of services.

(c) Any early termination of this Agreement shall be without prejudice to any obligation or liabilities of either party already accrued prior to such termination.

(d) The rights and remedies of City provided in this Agreement and relating to defaults by Consultant shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

5. No Third-Party Beneficiaries. City and Consultant are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide, any benefit or right, whether directly or indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

6. Payment of Laborers; Payment of Taxes.

(a) Consultant shall:

(i) Make payment promptly, as due, to all persons supplying to Consultant labor and materials for the prosecution of the services to be provided pursuant to this Agreement.

(ii) Pay all contributions or amounts due to the State Accident Insurance Fund incurred in the performance of this Agreement.

(iii) Not permit any lien or claim to be filed or prosecuted against City on account of any labor or materials furnished.

(iv) Be responsible for all federal, state, and local taxes applicable to any compensation or payments paid to Consultant under this Agreement and, unless Consultant is subject to back-up withholding, City will not withhold from such compensation or payments any amount(s) to cover Consultant's federal or state tax obligation.

(v) Pay all employees at least time and one-half for all overtime worked in excess of forty (40) hours in any one week, except for individuals excluded under ORS 653.100 to 653.261 or under 29 U.S.C. §§ 201 to 209 from receiving overtime.

(b) If Consultant fails, neglects or refuses to make prompt payment of any claim for labor or services furnished by any person in connection with this Agreement as such claim becomes due, City may pay such claim to the person furnishing the labor or services and shall charge the amount of the payment against funds due or to become due Consultant by reason of this Agreement.

(c) The payment of a claim in this manner

shall not relieve Consultant or Consultant's surety from obligation with respect to any unpaid claims.

(d) Consultant and subconsultants, if any, are subject employers under the Oregon workers' compensation law and shall comply with ORS 656.017, which requires provision of workers' compensation coverage for all workers.

7. Subconsultants and Assignment.

Consultant shall neither subcontract any of the work, nor assign any rights acquired hereunder, without obtaining prior written approval from City. City, by this Agreement, incurs no liability to third persons for payment of any compensation provided herein to Consultant.

8. Access to Records. City shall have access to all books, documents, papers and records of Consultant that are pertinent to this Agreement for the purpose of making audits, examinations, excerpts and transcripts.

9. Ownership of Work Product; License. All work products of Consultant that result from this Agreement (the "Work Products") are the exclusive property of City. In addition, if any of the Work Products contain intellectual property of Consultant that is or could be protected by federal copyright, patent, or trademark laws, or state trade secret laws, Consultant hereby grants City a perpetual, royalty-free, fully paid, nonexclusive and irrevocable license to copy, reproduce, deliver, publish, perform, dispose of, use and re-use, in whole or in part (and to authorize others to do so), all such Work Products and any other information, designs, plans, or works provided or delivered to City or produced by Consultant under this Agreement. The parties expressly agree that all works produced (including, but not limited to, any taped or recorded items) pursuant to this Agreement are works specially commissioned by City, and that any and all such works shall be works made for hire in which all rights and copyrights belong exclusively to City. Consultant shall not publish, republish, display or otherwise use any work or Work Products resulting from this Agreement without the prior written agreement of City.

10. Compliance With Applicable Law.

Consultant shall comply with all federal, state, and

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

local laws and ordinances applicable to the services to be performed pursuant to this Agreement, including, without limitation, the provisions of ORS 279B.220, 279C.515, 279B.235, 279B.230 and 279B.270. Without limiting the generality of the foregoing, Consultant expressly agrees to comply with (i) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans With Disabilities Act of 1990 (Pub. L No. 101-336), ORS 659.425, and all regulations and administrative rules established pursuant to those laws; and (iv) all other applicable requirements of federal and state civil rights and rehabilitation and other applicable statutes, rules and regulations.

11. Professional Standards. Consultant shall be responsible, to the level of competency presently maintained by others practicing in the same type of services in City's community, for the professional and technical soundness, accuracy and adequacy of all services and materials furnished under this authorization.

12. Modification, Supplements or Amendments. No modification, change, supplement or amendment of the provisions of this Agreement shall be valid unless it is in writing and signed by the parties hereto.

13. Indemnity and Insurance.

(a) Indemnity. Consultant acknowledges responsibility for liability arising out of Consultant's negligent performance of this Agreement and shall hold City, its officers, agents, Consultants, and employees harmless from, and indemnify them for, any and all liability, settlements, loss, costs, and expenses, including attorney fees, in connection with any action, suit, or claim caused or alleged to be caused by the negligent acts, omissions, activities or services by Consultant, or the agents, Consultants or employees of Consultant provided pursuant to this Agreement.

(b) Workers' Compensation Coverage. Consultant certifies that Consultant has qualified for workers' compensation as required by the state of Oregon. Consultant shall provide the Owner, within ten (10) days after execution of this Agreement, a certificate of insurance evidencing coverage of all subject workers under Oregon's

workers' compensation statutes. The insurance certificate and policy shall indicate that the policy shall not be terminated by the insurance carrier without thirty (30) days' advance written notice to City. All agents or Consultants of Consultant shall maintain such insurance.

(c) Comprehensive General and Automobile Insurance. Consultant shall maintain comprehensive general and automobile liability insurance for protection of Consultant and City and for their directors, officers, agents, and employees, insuring against liability for damages because of personal injury, bodily injury, death, and broad-form property damage, including loss of use, and occurring as a result of, or in any way related to, Consultant's operation, each in an amount not less than \$1,000,000 combined, single-limit, per-occurrence/annual aggregate. Such insurance shall name City as an additional insured, with the stipulation that this insurance, as to the interest of City, shall not be invalidated by any act or neglect or breach of this Agreement by Consultant.

(d) Errors and Omissions Insurance. Consultant shall provide City with evidence of professional errors and omissions liability insurance for the protection of Consultant and its employees, insuring against bodily injury and property damage arising out of Consultant's negligent acts, omissions, activities or services in an amount not less than \$500,000 combined, single limit. Consultant shall maintain in force such coverage for not less than three (3) years following completion of the project. Such insurance shall include contractual liability.

Within ten (10) days after the execution of this Agreement, Consultant shall furnish City a certificate evidencing the dates, amounts, and types of insurance that have been procured pursuant to this Agreement. Consultant will provide for not less than thirty (30) days' written notice to City before the policies may be revised, canceled, or allowed to expire. Consultant shall not alter the terms of any policy without prior written authorization from City. The provisions of this subsection apply fully to Consultant and its Consultants and agents.

14. Legal Expenses. In the event legal action is brought by City or Consultant against the other to

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts for attorney fees, costs, and expenses as may be set by a court. "Legal action" shall include matters subject to arbitration and appeals.

15. Severability. The parties agree that, if any term or provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected.

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

17. Captions and Headings. The captions and headings of this Agreement are for convenience only and shall not be construed or referred to in resolving questions of interpretation or construction.

18. Hierarchy. The conditions contained in this document are applicable to every Personal Services Agreement entered into by the City of Oregon City in the absence of contrary provisions. Should contrary provisions be included in a Personal Services Agreement, those contrary provisions shall control over these conditions.

19. Calculation of Time. All periods of time referred to herein shall include Saturdays, Sundays and legal holidays in the state of Oregon, except that, if the last day of any period falls on any Saturday, Sunday or legal holiday, the period shall be extended to include the next day that is not a Saturday, Sunday or legal holiday.

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

21. Nonwaiver. The failure of City to insist upon or enforce strict performance by Consultant of any of the terms of this Agreement or to exercise any rights hereunder shall not be construed as a waiver or relinquishment to any extent of its rights to assert or rely upon such terms or rights of any future occasion.

22. Information and Reports. Consultant shall, at such time and in such form as City may require, furnish such periodic reports concerning the status of the project, such statements, certificates, approvals, and copies of proposed and executed plans and claims, and other information relative to the project as may be requested by City. Consultant shall furnish City, upon request, with copies of all documents and other materials prepared or developed in relation with or as a part of the project. Working papers prepared in conjunction with the project are the property of City, but shall remain with Consultant. Copies as requested shall be provided free of cost to City.

23. City's Responsibilities. City shall furnish Consultant with all available necessary information, data, and materials pertinent to the execution of this Agreement. City shall cooperate with Consultant in carrying out the work herein and shall provide adequate staff for liaison with Consultant.

24. Arbitration. All disputes arising out of or under this Agreement shall be timely submitted to nonbinding mediation prior to commencement of any other legal proceedings. The subsequent measures apply if disputes cannot be settled in this manner.

(a) Any dispute arising out of or under this Agreement shall be determined by binding arbitration.

(b) The party desiring such arbitration shall give written notice to that effect to the other party and shall in such notice appoint a disinterested person of recognized competence in the field as arbitrator on its behalf. Within fifteen (15) days thereafter, the other party may, by written notice to the original party, appoint a second disinterested person of recognized competence as arbitrator on its behalf. The arbitrators thus appointed shall appoint a third disinterested

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

person of recognized competence, and the three arbitrators shall, as promptly as possible, determine such matter, provided, however, that:

(i) If the second arbitrator is not appointed as described above, then the first arbitrator shall proceed to determine such matter; and

(ii) If the two arbitrators appointed by the parties are unable to agree, within fifteen (15) days after the second arbitrator is appointed, on the appointment of a third arbitrator, they shall give written notice of such failure to agree to the parties and, if the parties fail to agree on the selection of the third arbitrator within fifteen (15) days after the arbitrators appointed by the parties give notice, then, within ten (10) days thereafter, either of the parties, on written notice to the other party, may request such appointment by the presiding judge of the Clackamas County Circuit Court.

(c) Each party shall each be entitled to present evidence and argument to the arbitrators. The determination of the majority of the arbitrators or the sole arbitrator, as the case may be, shall be conclusive on the parties, and judgment on the same may be entered in any court having jurisdiction over the parties. The arbitrators or the sole arbitrator, as the case may be, shall give written notice to the parties, stating the arbitration determination, and shall furnish to each party a signed copy of such determination. Arbitration proceedings shall be conducted pursuant to ORS 33.210 et seq. and the rules of the American Arbitration Association, except as provided otherwise.

(d) Each party shall pay the fees and expenses of the arbitrator appointed by such party and one-half of the fees and expenses of the third arbitrator, if any.

25. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflicts of law, rules or doctrines.



City of Oregon City

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

Staff Report

File Number: 16-578

Agenda Date: 10/19/2016

Status: Consent

To: City Commission

Agenda #: 7c.

From: Public Works Director John Lewis

File Type: Resolution

SUBJECT:

Resolution 16-30 Supporting the National Flood Insurance Program's Community Rating System 2016 Recertification for Oregon City

RECOMMENDED ACTION (Motion):

Approve Resolution 16-30 supporting Oregon City's 2016 Community Rating System recertification.

BACKGROUND:

The National Flood Insurance Program (NFIP) provides federally supported flood insurance for communities that regulate floodplains and the Community Rating System (CRS) rewards communities that exceed the minimum requirements of the NFIP. Oregon City has been a CRS community since 2003 and is currently a level 7 community entitling flood insurance policy holders in the 100-year flood plain with a reduction of 15% off their flood insurance and 5% off for those in the 500-year flood plain.

Currently, Oregon City has just under 300 properties in the floodplain and only 41 flood policy holders. Although the number of flood policy holders continues to go down, this appears to be in direct relation to the length of time its been since Oregon City has experienced a major flood event. Maintaining Oregon City as a CRS community translates to a current estimated savings for policy holders of \$21,069/year.

Staff intends to maintain its CRS rating as long as our current staffing can justify the time needed to meet the ongoing regulatory requirements. For the current recertification period, staff are required to provide the City Commission a report and presentation. Adoption of the resolution and the attachments thereto shall serve as the report and presentation.

BUDGET IMPACT:

Amount: N/A

FY(s): N/A

Funding Source: N/A



City of Oregon City

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

Staff Report

File Number: 16-578

Agenda Date: 10/19/2016

Status: Consent

To: City Commission

Agenda #: 7c.

From: Public Works Director John Lewis

File Type: Resolution

SUBJECT:

Resolution 16-30 Supporting the National Flood Insurance Program's Community Rating System 2016 Recertification for Oregon City

RECOMMENDED ACTION (Motion):

Approve Resolution 16-30 supporting Oregon City's 2016 Community Rating System recertification.

BACKGROUND:

The National Flood Insurance Program (NFIP) provides federally supported flood insurance for communities that regulate floodplains and the Community Rating System (CRS) rewards communities that exceed the minimum requirements of the NFIP. Oregon City has been a CRS community since 2003 and is currently a level 7 community entitling flood insurance policy holders in the 100-year flood plain with a reduction of 15% off their flood insurance and 5% off for those in the 500-year flood plain.

Currently, Oregon City has just under 300 properties in the floodplain and only 41 flood policy holders. Although the number of flood policy holders continues to go down, this appears to be in direct relation to the length of time its been since Oregon City has experienced a major flood event. Maintaining Oregon City as a CRS community translates to a current estimated savings for policy holders of \$21,069/year.

Staff intends to maintain its CRS rating as long as our current staffing can justify the time needed to meet the ongoing regulatory requirements. For the current recertification period, staff are required to provide the City Commission a report and presentation. Adoption of the resolution and the attachments thereto shall serve as the report and presentation.

BUDGET IMPACT:

Amount: N/A

FY(s): N/A

Funding Source: N/A

RESOLUTION NO. 16-30

**A RESOLUTION SUPPORTING THE NATIONAL FLOOD INSURANCE PROGRAM'S (NFIP)
COMMUNITY RATING SYSTEM (CRS) 2016 RECERTIFICATION FOR OREGON CITY**

WHEREAS, certain areas of Oregon City are vulnerable to riverine flooding and several areas in Oregon City are susceptible to local drainage flooding; and

WHEREAS, the National Flood Insurance Program (NFIP) provides federally supported flood insurance in communities that regulate development in floodplains; and

WHEREAS, the Community Rating System (CRS) rewards communities that exceed the minimum requirements of the NFIP that help citizens prevent or reduce flood losses; and

WHEREAS, Oregon City has been a CRS community since 2003 and currently maintains a Level 7 rating; and

WHEREAS, a Level 7 rating entitles property owners within the 100-year floodplain to 15% off their flood insurance premium and property owners within the 500-year floodplain to 5% off their flood insurance premium; and

WHEREAS, the City Commission feels it is in the best interest of its residents and business owners to remain a CRS participating community for as long as staffing resources allow; and

WHEREAS, as part of the CRS program each community must submit a recertification package to the CRS coordinator for its region; and

WHEREAS, one component of this year's recertification is a requirement that an annual progress report be presented to the City Commission.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1: The City Commission has been presented with an annual progress report as well as a presentation summarizing Oregon City's flood insurance program.

Section 2: This resolution becomes effective upon adoption.

Approved and adopted at a regular meeting of the City Commission held on the 19th day of October, 2016.

DAN HOLLADAY, Mayor

Attested to this 19th day of October, 2016:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney



City of Oregon City Floodplain Management Plan Annual Progress Report (Activity 510)

Date this Report was Prepared:	October 10, 2016
Name of Community:	Oregon City, Oregon
Name of Plan:	Clackamas County Natural Hazards Mitigation Plan; Appendix C: City of Oregon City
Date of Plan Adoption:	Clackamas County Plan: 3/21/13 City of Oregon City Appendix C: 6/19/13
5 Year CRS Expiration Date:	10/1/2017

Introduction

The National Flood Insurance Program (NFIP) provides federally supported flood insurance in communities that regulate development in floodplains. The Community Rating System (CRS) grades the various Community Floodplain Management Programs and reduces flood insurance premiums in those communities that meet certain requirements. In order to reduce the potential for personal/property losses in hazard classifications, Clackamas County developed a Natural Hazards Mitigation Plan (NHMP) in 2002. It was updated in 2007 and on September 2, 2009, the City of Oregon City adopted Resolution 09-21 which was an addendum to the County's NHMP of 2007.

On March 21, 2013, Clackamas County adopted its 2012 Natural Hazards Mitigation Plan. Oregon City simultaneously updated its 2009 addendum to the County's plan which is identified as Appendix C (City of Oregon City) to the County's 2012 NHMP. The new Appendix C, adopted on June 19, 2013 through resolution 13-16, is considered an ancillary document to the County's 2012 NHMP.

To continue participation in the NFIP and meet the CRS Criteria, an annual progress report on the status of the Plan and project implementation is required. Activity 510 of the CRS Coordinator's Manual requires the annual report of the Plan's implementation be made available to the local governing body, the community, and the media. A copy of this report has also been sent to Oregon City's NFIP Coordinating Official. This memorandum documents the current status of the Plan's implementation.

1. Describe how this Evaluation Report was prepared and how it was submitted to the governing body, released to the media and made available to the public:

This annual progress report was prepared utilizing the guidelines contained in the 2013 CRS Coordinator's Manual, Section 510, Floodplain Management Planning

(www.fema.gov/media-library/assets/documents/8768). The report, along with the attached PowerPoint PDF, will be presented to the City Commission of Oregon City at a public meeting held on October 19, 2016. The report and the attachment were made available to the media and became part of the City Commission meeting record and is available to the public on the city's website at www.orcity.org.

2. How can a copy of the Original Plan or area analysis report be obtained:

All of the documents mentioned in Introduction, above, can be found online at the following links:

Oregon City Addendum to the Clackamas County Natural Hazard Mitigation Plan, 2009	www.orcity.org/sites/default/files/fileattachments/public_works/page/3728/oregon_city_nhmp_addendum_final_reduced.pdf
Clackamas County Natural Hazards Mitigation Plan, 2012	www.clackamas.us/emergency/naturalhazard.html
Appendix C: City of Oregon City Addendum, 2013	www.orcity.org/sites/default/files/fileattachments/public_works/page/3728/oregon_city_nhmp_2013_final.pdf

3. Provide a review of each recommendation or action item in the action plan or area analysis report, including a statement on how much was accomplished during the previous year:

The following goals have been established to minimize the effects of flood events within Oregon City. A status of each goal's implementation is also provided below:

Mitigation Action Item	Ideas for Implementation	Status
Promote the use of naturally flood prone open space or wetlands as flood storage areas.	Develop and implement flood protection alternatives for properties within and adjacent to the 100-year floodplain by taking into account city codes related to the floodplain.	Achieved through the implementation of Oregon City Municipal Codes including: <ul style="list-style-type: none"> 13.12, Stormwater Management. [This code was updated and became effective 8/18/15. Additionally, a Stormwater and Grading Design Standards Manual is available online at www.orcity.org/sites/default/files/final_manual_0.pdf] 15.48, Grading, Filling and Excavating 17.42, Flood Management Overlay District Process: Ongoing
Continue to implement and enhance the flood public education program.	Community-wide dissemination of information through the City's newsletter (Trail News) and the City's website: <ul style="list-style-type: none"> Promote purchase of floodplain insurance; Use GIS database to identify property owners in flood prone 	The City developed a brochure which was mailed to all property owners / occupants in the floodplain. The flyer provided information about changes to the NFIP, protecting life and property from floods, flood insurance, etc. The City has also published an in-depth article in the Trail News which is mailed out to all postal customers in the Oregon City zip code.

	<p>areas, and target these people for a group mailing;</p> <ul style="list-style-type: none"> • Distribute flood preparedness information. 	Process: Ongoing
Continue participating in the National Flood Insurance Program and develop strategies to reduce property damage and related financial impacts due to flooding.	<p>Continue to develop strategies to improve the city's current rating in the National Flood Insurance Program's Community Rating System; Oregon City Natural Hazards Mitigation Plan Addendum 47</p> <ul style="list-style-type: none"> • Continue to analyze each property in the floodplain; • Identify appropriate mitigation activities for repetitive flood properties; • Explore options for incentives to encourage property owners to engage in mitigation. 	<p>The City's Land Development Regulations also prohibits new construction in SFHA.</p> <p>Oregon City has one remaining repetitive flood loss property within its jurisdiction. It is a business that continues to operate successfully. A letter is sent annually to this property and its neighbors advising them how to prepare for floods. In addition, we advise property owners to check for water entry points, advise them how to avoid sewer backups, advise them of opportunities to retrofit their buildings and to elevate their homes / businesses above base flood level elevations and advise them that if they don't already have flood insurance to consider acquiring it.</p> <p>Process: Ongoing</p>

4. Discuss why any objectives were not reached or why implementation is behind schedule:

Not applicable.

5. What are the recommendations for New Projects and Recommendations?

At this time no new floodplain management projects or revised recommendations have been identified.

**City of Oregon City
National Flood Insurance Program (NFIP)
Community Rating System (CRS)**

**About Oregon City's
Community Rating
System (CRS) Flood
Insurance Certification**

October 19, 2016



City of Oregon City National Flood Insurance Program (NFIP) Community Rating System (CRS)

How and Why do Communities become CRS-Rated?

- The National Flood Insurance Program (NFIP) provides federally supported flood insurance in communities that regulate development in floodplains
- The Community Rating System (CRS) rewards communities that exceed the minimum requirements of the NFIP in order to help citizens prevent or reduce flood losses.
- A 2016 requirement for recertification is an annual report to the local governing body.



Willamette Falls 1996



Downtown Oregon City 1964



City of Oregon City

National Flood Insurance Program (NFIP)

Community Rating System (CRS)

Oregon City's CRS History	
2003	Oregon City becomes a Class 9 CRS Community
2008	<ul style="list-style-type: none">• 5-Year Renewal Cycle for CRS• Oregon City becomes a Class 7 CRS Community
2013	<ul style="list-style-type: none">• 5-Year Renewal Cycle for CRS• Oregon City remains a Class 7 CRS Community
2017	<ul style="list-style-type: none">• 5-Year Renewal Cycle for CRS



City of Oregon City National Flood Insurance Program (NFIP) Community Rating System (CRS)

A primary component of CRS communities is public outreach. This requirement can be met, in part, by including articles in the Trail News and by distributing informational brochures to affected property owners.

Public Works—625 Center St. | 503.657.0891 | www.orcity.org

Be Flood Ready! Protect Your Family & Property from Flood Hazards.

The 100-Year Floodplain

In 2008, THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) UPDATED ITS 100-YEAR FLOODPLAIN MAPS SHOWING THAT 277 OREGON CITY TAX LOTS ARE LOCATED ENTIRELY OR PARTIALLY WITHIN THE 100-YEAR FLOODPLAIN. These areas are indicated on the adjacent map and are also available on OCWeb. Maps on the City's web site.

A 100-year floodplain is an area that has a one percent chance of flooding in any given year. Most lenders require flood insurance for structures located within the 100-year floodplain and some property owners, whether they are in the floodplain or not, choose to purchase flood insurance.

Flood Insurance

The City of Oregon City participates in the National Flood Insurance Program (NFIP), which is a federal program operated by FEMA to make flood insurance available to everyone. To participate, the City has met minimum NFIP standards, which include adopting and enforcing floodplain zoning regulations.

In 1990, the NFIP introduced its Community Rating System (CRS) assigning municipalities grades of 1 to 10 (1 being the best). The idea is that if a city has taken steps to reduce the risk of flood damage in the community that goes beyond the NFIP's minimum requirements, the community's residents should pay less for flood insurance because of the reduced risk.

To find out if your property is in the 100-year floodplain, please check with the Planning and Building Divisions at 503.722.3789. Contact your insurance agent for more information about flood insurance, rates and coverage. Property owners can insure their buildings and contents, and renters can insure their possessions. Remember, you do not have to live in a floodplain to suffer flood damage or to qualify for flood insurance.

GOOD NEWS FOR OREGON CITY FLOOD INSURANCE BUYERS!

In 2012, the City of Oregon City completed its 5-year cycle renewal. Based on what the City has done to reduce the risk of flood damage, Oregon City continues to maintain a Class 7 rating, qualifying property owners for a 15% reduction in flood insurance rates (average of \$347 per year) for properties in the 100-year floodplain.

Please check with your insurance agent to make sure they are aware of the City's classification and are providing you with this discount.

Major Changes to the NFIP

In 2012, the U.S. Congress passed the Biggest Waters Flood Insurance Reform of 2012 which calls on FEMA and other agencies to make changes to the way NFIP is run. Key provisions of the legislation require the NFIP to raise rates to reflect true flood risk to make the program more financially stable. The changes will mean premium rate increases for most policy holders over time.

A History of Flooding in Oregon City

A majority of Oregon City homes and businesses are not in the 100-year flood plain and do not have high risk flooding factors; however, Oregon City receives an average annual precipitation of just over 47 inches, making our community subject to riverine and local drainage flooding.

Since 1861, severe riverine flooding on the Willamette occurred in 1890, 1924, 1943, 1948, 1954, 1964 and 1996. Major floods on the Clackamas were recorded in 1923, 1931, 1960, 1964 and 1996. The most recent floods of 1996 occurred as a result of a combination of rain, snowmelt, frozen ground and high tides. Low lying areas along the Willamette River, Clackamas River and Abernethy Creek all flooded.

Types of Flooding

River channels, ditches and other watercourses can only carry so much water. When precipitation brings more water (or when a blockage occurs in the water course), the surrounding land is flooded. In the Pacific Northwest, flooding is most common from October through April. Oregon City is subject to two types of flooding: riverine and local drainage.

Riverine flooding occurs along our three major waterways: the Willamette River, the Clackamas River and Abernethy Creek. Riverine flooding is a threat to life and safety. It can endanger people either when a flash flood hits an area with no warning, or when floodwaters slowly rise and people ignore basic safety precautions.

Local drainage flooding occurs along smaller creeks and drainage ways throughout Oregon City. Local drainage flooding is more likely to create smaller scale inundations of roads or properties.

There are three general types of problems:

- 1 High water tables after local storms sometimes mean wet, crowded yards and basements. This is especially true in the south parts of Oregon City.
- 2 In some areas, the lay of the land means surface water doesn't drain quickly to a receiving stream or storm sewer.
- 3 Storm sewers & culverts may be too small to convey heavier flows.

Life and safety threats from flooding include impassibility of roads and bridges, electrocution, contaminated water and damage to emergency service and public health facilities. More people are killed in their vehicles by floods than in any other location because the driver ignores warning signs or barriers, and tries to travel a road or cross a bridge.



Protect Life and
Property from Flood
Damage

Valuable information for those
who live in, own or are considering buying
property in a floodplain



14th & Main Streets, Oregon City—1964

625 Center St. | Oregon City, OR 97045
503.657.0891 | www.orcity.org



City of Oregon City National Flood Insurance Program (NFIP) Community Rating System (CRS)

Flood insurance in Oregon City by the numbers:

2016 - FEMA currently shows **41** active flood insurance policies for Oregon City. As a result of the City of Oregon City's CRS Class 7 rating, this means a total savings of **\$19,959** for these 41 insureds or an average of \$488 per year per policy holder.

2014 - FEMA showed **56** active flood insurance policies in Oregon City. The City's Class 7 rating resulted in a savings for the 56 insureds of **\$32,975**.

2013 – FEMA showed **62** active flood insurance policies in Oregon City. The City's Class 7 rating resulted in a savings for the 62 insureds of **\$30,840**.



City of Oregon City

National Flood Insurance Program (NFIP)

Community Rating System (CRS)

Oregon City is currently a level 7 community and has 41 policies paying a total flood insurance premium of \$133,059/year with an average premium per policy of \$3,245. See what it would mean for our flood insurance policy holders if we had a better or worse rating . . .

CRS Class	Basis	Savings	CRS Class	Basis	Savings
10	Per Policy	\$0	05	Per Policy	\$881
	Per Community	\$0		Per Community	\$35,303
09	Per Policy	\$180	04	Per Policy	\$1,028
	Per Community	\$7,397		Per Community	\$42,139
08	Per Policy	\$347	03	Per Policy	\$1,195
	Per Community	\$14,233		Per Community	\$48,975
07	Per Policy	\$514	02	Per Policy	\$1,381
	Per Community	\$21,089		Per Community	\$55,811
06	Per Policy	\$694	01	Per Policy	\$1,528
	Per Community	\$28,486		Per Community	\$62,647



City of Oregon City

National Flood Insurance Program (NFIP)

Community Rating System (CRS)

The Problem with Flood Insurance and New Legislation*

2012	Biggert-Waters Flood Insurance Reform Act
2014	Homeowner Flood Insurance Affordability Act
2016	Reinsurance Initiative enacted and to be implemented in January, 2017

*Due to large scale flood disasters, the cost of flood insurance policy claims has far exceeded the amount of premiums and fees received. As a result, the NFIP has incurred debt of \$23 billion to the U.S. Treasury. In the wake of these large flood events, FEMA launched a Reinsurance Initiative to more actively manage its financial risk.



City of Oregon City

National Flood Insurance Program (NFIP)

Community Rating System (CRS)

Take-away considerations:

- Flood insurance rates will continue to increase for Oregon City property owners because of a reduction in government subsidies.
- Money saved by ratepayers means more money in the community.
- Oregon City is the only city in Clackamas County that is a CRS community.
- Although the number of policies decreases as we become farther removed from a major flood event, policy numbers will increase after we do have another flood event.
- Oregon City has limited staff to maintain this program.
- It is extremely difficult to regain CRS certification if certification ever lapses.





City of Oregon City

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

Staff Report

File Number: 16-570

Agenda Date: 10/19/2016

Status: Consent

To: City Commission

Agenda #: 7d.

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, Ruby's Pub and Grill, 527 Main Street, #B, Oregon City, OR

RECOMMENDED ACTION (Motion):

Staff recommends the City Commission approve OLCC Application for Ruby's Pub and Grill, 527 Main Street, #B, Oregon City, OR 97045

BACKGROUND:

The Oregon City Police Department ran a background check on Qiao Lan Li. They are eligible to hold a liquor license.



City of Oregon City

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

Staff Report

File Number: 16-570

Agenda Date: 10/19/2016

Status: Consent

To: City Commission

Agenda #: 7d.

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, Ruby's Pub and Grill, 527 Main Street, #B, Oregon City, OR

RECOMMENDED ACTION (Motion):

Staff recommends the City Commission approve OLCC Application for Ruby's Pub and Grill, 527 Main Street, #B, Oregon City, OR 97045

BACKGROUND:

The Oregon City Police Department ran a background check on Qiao Lan Li. They are 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 _____

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

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: JA

Date: 9-26-16

90-day authority: ☐ Yes ☐ No

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

① Ruby's Pub and Grill, Inc. ③ _____
 ② _____ ④ _____

2. Trade Name (dba): Ruby's Pub and Grill

3. Business Location: 527 Main St #B, Oregon City, OR 97045
 (number, street, rural route) (city) (county) (state) (ZIP code)

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

5. Business Numbers: 971
 (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: None

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, OR
 (name of city or county)

11. Contact person for this application: Qiao Tan Li 971-344-9582
 (name) (phone number(s))

13711 SE Luca Ave 503-650-9589 newhings@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 Qiao Tan Li Date 9/13/16 ③ _____ Date _____
 ② _____ Date _____ ④ _____ Date _____

RECEIVED

SEP 13 2016

Initials: _____
 Oregon Liquor Control Commission



City of Oregon City

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

Staff Report

File Number: 16-580

Agenda Date: 10/19/2016

Status: Consent

To: City Commission

Agenda #: 7e.

From: City Recorder Kattie Riggs

File Type: Minutes

Minutes of the August 7, 2016 Regular Meeting



City of Oregon City

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

Meeting Minutes - Draft

City Commission

Dan Holladay, Mayor
Rocky Smith, Jr., Commission President
Brian Shaw and Renate Mengelberg

Wednesday, September 7, 2016

7:00 PM

Commission Chambers

REVISED

1. Convene Regular Meeting and Roll Call

Mayor Holladay called the meeting to order at 7:00 PM.

Present: 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Nancy Ide

Staffers: 10 - Tony Konkol, City Attorney William Kabeiseman, City Recorder Kattie Riggs, Police Chief and Public Safety Director James Band, Public Works Director John Lewis, Economic Development Manager Eric Underwood, Pete Walter, Christina Robertson-Gardiner, Community Development Director Laura Terway and Library Director Maureen Cole

2. Flag Salute

3. Ceremonies, Proclamations

4. Citizen Comments

Bob Mahoney, resident of Oregon City, discussed how the City of Portland got in trouble for their position on the homeless and their solution to the problem. LUBA stepped in and corrected Portland, and he likened it to the Oregon City's whitewater park situation where they were not following the procedure. Portland did something that violated its own code, and he did not want the same thing to happen in Oregon City.

7a. Consider Appointment of Nancy Ide to fill the Current Vacancy on the City Commission

Mayor Holladay said Ms. Ide filed for a seat on the City Commission and did not receive an opponent for the seat. There was a vacancy on the Commission and it made sense since she would be on the Commission starting in January to allow her to take the position now. The Commission was considering that appointment tonight.

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to appoint Nancy Ide to City Commission Position #3. The motion carried by the following vote:

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

Judge McNiece administered the Oath of Office to Nancy Ide.

Commissioner Ide took her place at the dais.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

6a. First Reading of Ordinance No. 16-1009: Annexation of Approximately 0.46 Acres of Property Located at 19358 S. Columbine Court into the City (Annexation File AN-16-0001)

Pete Walter, Planner, said this was a request for annexation of .46 acres located at 19358 S. Columbine Court into the City. The Planning Commission recommended approval of the annexation by a vote of 4-1-1. He explained the subject site. If annexed, it would be zoned R-10. The Transportation Planning Rule analysis supported that zoning. There were utility hook-ups available to the property. There was currently one house on the property, and if annexed the applicant had the potential to divide the property into two and build another house. Staff recommended approval based on compliance with the criteria in the Code. There were no traffic impacts to this annexation and ODOT submitted a letter stating they had no conflict with the annexation proposal.

Mayor Holladay opened the public hearing.

There was no public testimony.

Mayor Holladay closed the public hearing.

Tony Konkol, City Manager, reminded the Commission that with the new State legislation, annexations would not go to a vote of the people. Should the Commission approve this annexation, it would not be placed on the ballot.

A motion was made by Commissioner Shaw, seconded by Commissioner Smith, to approve the first reading of Ordinance No. 16-1009: annexation of approximately 0.46 acres of property located at 19358 S. Columbine Court into the City (Annexation File AN-16-0001). The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Nancy Ide

6b. Request to Continue: Time, Place and Manner Regulations for Marijuana Businesses and Personal Cultivation (Planning File LE-16-0001) to September 21, 2016

Mayor Holladay opened the public hearing.

Karen Blaha, resident of Oregon City, had lived in Canemah for two decades. She thought permitting cannabis dispensaries on Highway 99E in Canemah would adversely affect the neighborhood that was a national historic district. Neighbors of Canemah Park at the north end of Third Avenue suffered from drug users of all types who frequented the park whether it was open or closed. It had become a chronic

problem without an effective solution. It was a convenient location for users. Canemah had slowly been undergoing a renaissance. Canemah had a negative reputation, however renovations of historic homes had been made and lovely new homes had been built and the negative opinions were changing. Allowing dispensaries in Canemah would tarnish the positive image they were working hard to establish and maintain. She requested the Commission exempt Canemah as an allowed cannabis dispensary location.

Linda Baysinger, resident of Oregon City, had lived in Canemah for 19 years. She got 36 people to sign a petition opposing cannabis stores in Canemah. There were five people who did not sign because they were in favor. This was a residential neighborhood and there was not much parking available for stores.

A motion was made by Commissioner Smith, seconded by Commissioner Mengelberg, to continue the hearing for time, place and manner regulations for marijuana businesses and personal cultivation (Planning File LE-16-0001) to September 21, 2016. The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Nancy Ide

7. General Business

7b. Willamette Falls Legacy Project Whitewater Park Proposal Recommendation

Mr. Konkol said there had been discussion on how to process the proposed whitewater park into the Willamette Falls Legacy Project. The governance structure of the Partners Group for the project was consensus based. Three scenarios regarding the whitewater park were brought forward to the Partners Group and the Group asked for additional public testimony and each jurisdiction to come back with a recommendation.

Christina Robertson-Gardiner, Planner, explained the three scenarios. The first was the whitewater park becoming a public project, but because of the funding and delays to the Riverwalk project, this was not the preferred option. The second was the whitewater park would be a parallel process which would avoid Riverwalk costs and delays. A feasibility study would need to be done before a development proposal was created. The third was to investigate how kayaking and other river recreation could get access to the site. She described the feasibility questions that would have to be addressed including water rights, migratory fish protection, alignment, property acquisition and easements, financing, ownership of the facility, liability in the case the projections were not realized, agreement with PGE for access, safety concerns, support from the tribes, and flood plain impact analysis. If an alignment of the whitewater park could be identified and if the whitewater park proved to be legally, technically, and financially viable, the Partners could determine whether a whitewater park could integrate with the Riverwalk. Falls Legacy LLC had written support letters for the whitewater park and the owner of the property was interested in the idea, but he had not invested any money or made any legal commitment. Scenario 1 had been crossed off by the Partners group due to the substantial delays and might put funding in jeopardy. Staff was asking for direction on either Scenario 2 or 3. The Partners would meet at the end of September to make a decision on this issue.

Tom Hughes, Metro Council President, told a story of how he tried to restore economic vitality to downtown Hillsboro by building a Riverwalk. It was a controversial issue that had a lot of obstacles, and the idea was eventually dropped

because they did not have a river. Oregon City did have a river and there was the capability for funding to do some of the preliminary work and look for other funding sources. There was a great deal of concern regarding what the whitewater park would do to the Riverwalk project. There were many who did not think the whitewater park could be done, especially with the number of permits and agreements that would have to be made before the preliminary feasibility could be done. Scenario 2 might let the process move forward, but it would continue to hang over their heads. It was difficult to see the project move forward from a budgetary standpoint and the feasibility studies were onerous. There was also an issue with compatibility and following the four core values of the Willamette Falls site. The whitewater park met some of the values, but had a negative impact on others. He urged adoption of Scenario 3.

Tootie Smith, Clackamas County Commissioner, said a lot of work and due diligence had been put into the Willamette Falls site and the partnerships had come a long way. The addition of the whitewater park would pose some significant risks and hazards. Recreational immunity did not apply in this case. If someone got hurt, it opened up the possibility for lawsuits. The Special Districts Association had insured the whitewater park in the City of Bend and said it was the biggest mistake they ever made and the facility was now closed. The State had given most of the money for this project and the money was given in support of the four core values which did not include building an entertainment facility. Each jurisdiction had their specific function, such as Metro who would be building the Riverwalk, Oregon City who would do the permitting, land use, and infrastructure, and the County who would be doing the economic development of the site. Looking at the whitewater park from an economic point of view, it would cost a lot of money and would not produce family wage jobs the County was looking for. The County wanted the assessed value to go up to generate more tax revenue and an economic feasibility study would need to be conducted as well. She had been misquoted and made it clear that she was not planning to replace the locks with a whitewater facility but had mentioned it as an alternative.

Commissioner Mengelberg left the meeting at 7:34 PM.

Dennis Wiley, representing the Oregon Parks and Recreation Department, said the Department was a partner on the Riverwalk project. They were interested in this project as it would connect people to the river and was an opportunity for interpretation of the cultural and natural history of the site. Their main role was working with the tribes and their involvement in the project. They had an interest in the whitewater park and they were interested in what the Partners Group had to say later on in the month on this issue.

Thelma Haggemiller, resident of unincorporated Clackamas County, said the group in favor of the whitewater park were only asking to be allowed to proceed with their own studies and meet the challenges those studies might present with their own interest and passion. After a lengthy discussion on this issue at a previous Commission meeting, the Commission voted to go with Scenario 2 which allowed the whitewater park feasibility study process to continue to run its course. Now they were being asked to change that vote and put a stop to work on this project. She encouraged the Commission not to be the ones to not allow them to try.

Sam Drevo, representing We Love Clean Rivers, invited everyone to the 14th annual Clackamas River Clean Up on Sunday. The whitewater park proposal had been going on for a few years with a \$150,000 investment through Clackamas County Tourism. They had received wide support for the proposal. After the Commission meeting where this was discussed, the Technical Advisory Committee met and they

identified the Riverwalk and the whitewater proposal as separate initiatives. Those in support of the whitewater park did not want to delay the Riverwalk or compete with it. They wanted to enhance the community and the uniqueness of the falls and water rich environment. He thought there was a lot of possibility and he hoped the Commission would continue considering it.

Bill Clark, resident of unincorporated Clackamas County and a member of the Natural Resources Committee, had worked on a whitewater park in 1978 and thought the whitewater park and Riverwalk could be compatible uses. He supported further consideration of the park within the constraints of the migratory fish and cultural needs of the tribes. He thought it could be worked out and the seasonality of the falls could be compatible with whitewater use. The kayak community were strong supporters of the natural environment and the protection of fish. Whitewater parks had been big economic successes in other places. He would like to see further study on the park.

Alice Norris, Chair of the Rediscover the Falls Friends Group, said the Friends' purpose was to raise funds for the Riverwalk. This was a critical time for Willamette Falls and Oregon City. This diverse community had come together around a vision and shared values and there had been a massive public engagement process. The State of Oregon had confidence in the project and believed it was a good investment. They had strong partners in Metro and Clackamas County and the public was impatient to move this project forward. The public needed to maintain faith in their ability to deliver this world-class Riverwalk and Oregon City's ability to stay the course. There was a finite amount of funding and there was great potential for private investment, but it would not help their case to compete for funds for a separate effort with a huge price tag. It would be challenging to raise funds for the two projects together. It could be confusing to donors and the public. The first priority should be the Riverwalk. The Friends Group urged the Council to stay focused on the catalytic work of bringing people back to Willamette Falls and not squander this once in a lifetime opportunity.

James Nicita, resident of Oregon City, asked whether the Partners Group discussion of the whitewater park was a public discussion and if the meetings were open to the public with posted agendas and notices. Mayor Holladay said yes, they were.

Danielle Cowen, Executive Director of Clackamas County Tourism, was representing the Tourism Development Council. The Council had helped fund the whitewater park as it progressed through the process. She thought of it as a water trail that was controlled through a bladder system and was a natural flow from the top of the falls to the lower river. It was not a park or Disneyland ride. It was a water trail that would once again connect the upper and lower river. It had jobs connected to it, which were not low wage jobs, and could be an incentive for other companies to locate near the site. The vision was that the trail and Riverwalk work together. There was a great deal of interest in the concept and it was a new opportunity for the City, County, and State. She did not think the trail and Riverwalk would be in competition with each other. They each had different funding cycles and sources. The owner of the Willamette Falls property supported the whitewater park as well. She encouraged the Commission to continue with Scenario 2.

Frank O'Donnell, resident of Oregon City, was a kayaker and outdoorsman. He read the proposal and the 82 letters in support of the proposal and 2 letters with questions. He traveled for his job and had seen very successful towns with similar projects. However, he was against the whitewater park proposal. The projects needed to be kept distinct and he did not want any delays to the Riverwalk especially if it increased costs. He did not want an impact to the ancient petroglyphs and fish migration. He did

not think the whitewater park should be publicly funded. He did not see any credible private finance plan and the feasibility was questionable. Due to the potential for delay and lack of return on investment, he did not think this option should be pursued. If people wanted it, private funds should be used. They needed to stay focused on the goal.

Blane Meier, resident of unincorporated Oregon City, said the Oregon City Business Alliance was in favor of Scenario 2. There were concerns and obstacles and the Alliance wanted to see an objective decision making and analysis done on this proposal. As the design process continued for the Riverwalk, they thought the possibility of a whitewater park could continue. He wanted a fair and balanced analysis. He thought they should stick with Scenario 2 until they received hard data.

Betty Mumm, resident of Oregon City, said the last vote on this was not noticed and it was not on the agenda and the Commission did not have a chance to hear from the opposing side. There were a lot of unknowns in the whitewater park proposal. They did not have to include the whitewater park with the Riverwalk. They could say they wanted water flowing from one end of the river to the other and the design team could create access once there was funding and permits. It did not need to be a part of the Riverwalk.

Jesse Buss, resident of Oregon City, said regarding liability on the site, the City could not disclaim their own negligence in a liability waiver. That did not mean people could come after the City even if they were not negligent. He did not think they would put everyone at risk by putting in a whitewater park. He thought Scenario 3 said if feasibility studies showed the whitewater park was not viable, then they would proceed with the Riverwalk. The feasibility studies needed to be done for either scenario. It was premature to do anything but Scenario 2, continuing to study the option. Water flowing through the site was doable. He urged the Commission to continue with Scenario 2.

Bob Mahoney, resident of Oregon City, thought all of these comments should have been made before the Planning Commission. It was a land use decision and if the Commission decided in favor of the proposal, they would be setting a dangerous precedent. The Commission was being put into a position where they thought they had to authorize the continuation of feasibility studies. No permission was needed to do feasibility studies. He recommended not setting the precedent.

Harry Dalgaard, representing Travel Oregon, was in support of Scenario 2 as it was the right way forward for Oregon City and the Willamette Falls Legacy Project. It would develop increased recreational tourism assets for the State of Oregon. Not allowing for the whitewater project to continue would limit prospective travelers and limit the ability to entertain a recreational traveler that typically spent more than a leisure traveler.

Doug Neeley, resident of Oregon City, did not think this issue should go before any city committee because there was no design at this point.

Commissioner Smith clarified why he supported Scenario 2 the last time the Commission had this discussion. There were different versions of Scenario 2 and 3 and a previous Scenario 3 had left out the possibility to have a whitewater park. He wanted to make sure that in the future there would be the ability to have water flowing through the site as it fit the four core values and vision for the site. He had been concerned that choosing one scenario would negate that ability. Last time they discussed this, Scenario 3 did not allow for the possibility and he made a motion to proceed with Scenario 2. Afterwards there were multiple meetings and staff brought

back information on how the decision affected the partnership and site and a new Scenario 2 was created. Now tonight Scenario 2 and 3 were different again, and it seemed like they were saying the same thing. He did not want to limit the ability to have water running through the site. He asked that staff explain the difference between the two scenarios.

Mr. Konkol explained the scenarios came from the Technical Advisory Committee to address the concerns of all the partners. Ms. Robertson-Gardiner said the TAC met a couple of weeks ago and the scenarios had changed somewhat. The specific wording was in the matrix from the TAC. Mr. Konkol said the wording from the TAC was released on August 24 and staff prepared a memo to clarify the scenarios. Metro disagreed with the TAC's staff report as it related to Scenario 3. Metro would like Scenario 3 to say there would be no whitewater park.

Commissioner Shaw was not comfortable approving Scenario 3. He still thought Scenario 2 was the right choice.

Commissioner Ide was concerned that they had been hearing a lot from people who did not live in Oregon City. The feasibility study would need to be funded by We Love Clean Rivers and not through public funds.

Mayor Holladay said integrating a whitewater park was a wholesale change in what they had been thinking about for the site. The design collective was not seeing a clamoring for this kind of facility. They needed to listen to the design collective and staff that had been working on this project. Several of the partners were in favor of Scenario 3. He did not see any reason to use resources to look at the whitewater park idea. He wanted to continue to work on kayaking opportunities, portage trails, access to the river, and a water trail. A whitewater park did not fit with the Riverwalk at this time, but that did not preclude the work of private investors getting the permits and building it on their own.

Commissioner Smith said there were many ways to do a whitewater park and he wanted to be careful about saying a whitewater park would not be included.

Ms. Robertson-Gardiner discussed the design process for the Riverwalk and how they did not want to delay the project as there was a certain amount of funding that was tied to a timeline to be able to get to construction by 2018.

Mayor Holladay said they were not discussing different types of whitewater parks, but the one proposed by We Love Clean Rivers. That was different from water usage or movement that would come back through the design collective.

Commissioner Mengelberg returned to the meeting at 8:49 PM.

Mr. Konkol added an email from Ms. Govaars from We Love Clean Rivers that included an economic impact study, executive summary, additional letters of support, and frequently asked questions and a letter from Mike Hauk with questions about the process into the record.

Mayor Holladay thought this should have gone to the design collective. He was in support of Scenario 3.

There was discussion regarding the differences between Scenario 2 and 3. There was clarification that in Scenario 3, the whitewater park would not be included in the Riverwalk design.

A motion was made by Commissioner Shaw, seconded by Commissioner

Smith, to support Scenario 2, clarifying the Riverwalk and whitewater park proposal were two separate projects. The feasibility of the whitewater park was the responsibility of We Love Clean Rivers and the Partners Group could consider a whitewater park if it proved feasible and was at no cost or delay to the Riverwalk project. Included in the motion was agreement with the five statements in the staff report written by Mr. Konkol. Motion failed by the following vote:

Aye: 2 - Commissioner Brian Shaw and Commissioner Rocky Smith

Nay: 3 - Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Nancy Ide

A motion was made by Commissioner Mengelberg, seconded by Commissioner Ide, to support Scenario 3. Motion passed by the following vote:

Aye: 3 - Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Nancy Ide

Nay: 2 - Commissioner Brian Shaw and Commissioner Rocky Smith

7c.

Code Enforcement Update on Residential Membrane (Fabric and Metal) Accessory Structures and Process for Amending the Code

Laura Terway, Community Development Director, provided an update on membrane structures. She discussed the applicable standards for membrane structures. In general people could not have metal or fabric structures permanently if they were visible from the public right-of-way. She then described the membrane structure code enforcement violations. Existing structures were supposed to have been taken down on January 1, 2011, and no new membrane structures were allowed. Some violations occurred, but the City was not proactive in going around to check for membrane structures and only responded to complaints. In June of 2016, 47 complaints were submitted. The Commission had requested staff to not take any action on the enforcement until they could give staff direction. Of the 47 complaints, 17 were left to address. The 17 had a lot of other issues besides the material, such as placement, setbacks, and height. Some had a place to move them on their property, and some did not. She asked if the Code should be changed and explained the costs for a legislative application. The items to be considered were specifying the scope of the amendment and getting as much public input as possible.

Mayor Holladay was on the side of property rights and allowing people to do what they wished on their property as long as they were not hurting their neighbors in some way and life and safety were considered. It was a poor decision not to grandfather in those who already had these structures. He thought there should be a way to make it fair to everyone.

Nancy Burke, resident of Oregon City, had a neighbor who had a metal structure. He was an outdoorsman and had a camper and boat that had been covered in tarps and when a windstorm came through, she heard the tarps flapping or they came off and ended up in her backyard. When they were covered in tarps, there were problems with critters living in the boat. After five years, her neighbor put up a metal structure. It was well anchored and there were no critter problems. As long as people were being respectful to their neighbors and it was decent looking, she thought these structures were acceptable. It was better to have something that looked permanent and decent than to have things covered in tarps that looked trashy. She was a proponent of allowing people to have these structures.

Jason and Jeannie Gee, residents of Oregon City, said people with these structures

were paying taxes and were viable citizens with investments. These investments needed to be covered and people had to go through so many hoops they started to do them illegally. These types of structures should be allowed with the cooperation of neighbors. The metal structures were an investment. There were multiple structures like this on public facilities, such as PGE, County, and school buildings.

Debra Kasnias, resident of Oregon City, said in 1994 she got a right-of-way permit for expansion of her driveway to park her boat and put a structure over it. It was nice looking with a chain link fence in front. She had elderly neighbors with cats who were using the boat for shelter. She did not want to have to tear the structure down and she had no extra property in the backyard to put it. Her neighbors did not have a problem with the structure.

Pam Laird, resident of Oregon City, had an awning with a toy hauler under it. It was nice and the neighbors did not have a problem with it. They have had it for about 10 years.

Kaye Lynch, resident of Oregon City, addressed a new structure that was put up mid-August on Cherry Street. It was in violation of the Code as the structure was in front of the house on the driveway and it was large. She did not have a problem with these types of structures as long as they did not compromise the neighborhood or visibility to the street. This particular structure should be looked at. Mayor Holladay said Code Enforcement was looking into it.

Frank O'Donnell, resident of Oregon City, said the goal of exempting these structures for public health, safety, and general welfare was admirable, but the unintended consequences were that it put the community in turmoil. Prior to 2010 the term membrane structure did not exist in the Code nor were they addressed. Setbacks did not apply to membrane structures before 2010 nor was there a definition for these types of structures. He did not think they qualified as nuisances. This was a poorly structured piece of Code and the retroactive application was offensive to citizens and was fairly unique to the Code. He had reviewed the historical minutes of the meetings where this was discussed and the focus was on controlling trash and hazardous substances and protecting the historic districts. He agreed with those sentiments. Clear direction was not given to staff and he challenged the statement that a robust public engagement process occurred. Most of the Code changes had more discussion, and very little time was dedicated to the discussion on membrane structures which was largely misunderstood by all involved. They lost focus on the goal and produced a piece of Code that did not deal with a true nuisance. He had helped to transcribe the minutes verbatim and he thought the minutes should be reviewed before a decision was made. He suggested grandfathering in these structures.

Lynn Andersen, resident of Oregon City, had watched several of the Planning Commission meetings where this issue was discussed and read the transcribed minutes. She thought the original intent was to clean up the long term storage of junk. This was the kind of mess that would be considered a nuisance or possibly a safety hazard. There were many complaints from neighbors who were tired of the mess and the Planning Commission became involved with the Code to enable enforcement to get these problems removed. However through the process, the focus changed from just nuisances and safety issues to encroachment on people's property rights. People cared about their neighborhoods and had invested in permanent covers that protected their investments, not junk. Many who owned these covers did not know about the discussions in 2010. She thought these structures should be grandfathered, and people should be allowed to install metal covers in the future as long as they were behind the fence line, were kept in good condition, and the content

being covered did not pose a safety hazard. She suggested repealing that part of the Code and rewriting it.

Commissioner Ide asked if there were any other options besides changing the Code, such as granting waivers until a Code change could be done.

Commissioner Shaw thought staff could come back with recommendations for how to proceed.

Commissioner Mengelberg thought a distinction needed to be made for those structures that were set back with fences in front and surrounded by landscaping which should be acceptable and those that were up against the house that didn't have a fence and were very tall which should not be acceptable.

Commissioner Smith thought it should be reviewed and there should be a distinction between a nice structure that people spent a large amount of money on and a metal container. He was willing to work through the changes that should be made. He did not think it should be retroactive. They needed to be consistent and apply the regulations to City property as well.

Mayor Holladay said no enforcement would be taken at this time and a Work Session would be scheduled to discuss the issue further. They needed to allow people to use their property as much as possible while not endangering neighbors.

There was consensus to move forward as proposed by the Mayor.

7d. Resolution No. 16-27, Adjustments to the 2015-17 Biennial Budget

Wyatt Parno, Finance Director, said this was a request for a budget adjustment due to some changes in staff positions.

A motion was made by Commissioner Ide, seconded by Commissioner Smith, to adopt Resolution No. 16-27, adjustments to the 2015-17 Biennial Budget. The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Nancy Ide

8. Consent Agenda

A motion was made by Commissioner Shaw, seconded by Commissioner Smith, to approve the consent agenda. The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Nancy Ide

8a. Public Improvement Contract for the Construction of the Linn Avenue Sewer Improvement Project (CI 15-018)

8b. Personal Services Agreement for Landscape Maintenance Services for the Stormwater Division of Public Works with C & R Reforestation

8c. First Amendment to a Settlement Agreement Between Oregon City,

South Fork Water Board, Clackamas River Water District, Sunrise Water Authority and the Clackamas Regional Water Supply Commission

8d. OLCC: Liquor License Application- On-Premises Sales, New Outlet, Applying as a Corporation, Geeks and Games, Inc., 1656-C Beaver Creek Road, Oregon City, OR 97045

8e. Minutes of the July 20, 2016 Regular Meeting

8f. Minutes of the July 12, 2016 Work Session

9. Communications

a. City Manager

There was consensus to continue the meeting past 10 PM.

Mr. Konkol provided an update on the explanatory statement for the Urban Renewal ballot measure. The Commission discussed the statement at their last meeting and changes to the language had been made. Staff had talked with the County Assessor's Office and the following language had been proposed: "The frozen assessed value of the District was \$50.7 million and the District was now valued at \$180.1 million." Staff had not heard back from the Secretary of State's office for impartiality review. This issue was brought before the Circuit Court and the court date was set for tomorrow afternoon. If the judge did not issue a temporary restraining order or some other finding that prohibited the City from submitting the statement, Mr. Konkol would move forward with submitting it by the due date which was 5 PM tomorrow.

Bill Kabeiseman, City Attorney, thought the statement was fair, balanced, and unbiased. It accurately stated the effects of the measure.

Commissioner Smith was still concerned that the Secretary of State's office had not replied.

There was consensus to move forward as suggested by staff.

b. Commission

There was no Commission report.

c. Mayor

There was no Mayor's report.

10. Adjournment

Mayor Holladay adjourned the meeting at 10:04 PM.

Respectfully submitted,

Kattie Riggs, City Recorder



City of Oregon City

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

Staff Report

File Number: 16-581

Agenda Date: 10/19/2016

Status: Consent

To: City Commission

Agenda #: 7f.

From: City Recorder Kattie Riggs

File Type: Minutes

Minutes of the August 17, 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

Wednesday, August 17, 2016

4:30 PM

Commission Chambers

SPECIAL MEETING

1. Convene Special Meeting and Roll Call

Mayor Holladay called the meeting to order at 4:30 p.m.

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

Staffers: 4 - Tony Konkol, Economic Development Manager Eric Underwood, City Recorder Kattie Riggs and Assistant City Recorder Jaime Reed

2. General Business

Interviews for Urban Renewal Commission Position

4:30 pm	O'Brien, Tom
4:50 pm	Post, Howard
5:10 pm	Gordon, Rae
5:30 pm	Mitchell, Mike
5:50 pm	Kuhl, Matthew
6:10 pm	Planton, Joshua

The City Commission interviewed Tom O'Brien, Rae Gordon, Mike Mitchell, Matthew Kuhl, and Joshua Planton.

The Commission asked the following list of questions:

- 1. Please provide us with a brief introduction of yourself, your background and experience, and why you want to serve on the City's Urban Renewal Commission.*
- 2. What is your level of understanding of how urban renewal works? Please explain. What impacts on the community have you observed as a result of urban renewal?*
- 3. Do you think urban renewal is a beneficial economic development tool? Why or why not?*
- 4. What are the current Urban Renewal Work Plan objectives and priorities? How would these objectives and priorities be aligned with your objectives and priorities as an urban renewal commissioner?*
- 5. What is a significant contribution that you could make to the Urban Renewal Commission's effort in accomplishing the goals and objectives of the Urban Renewal*

Plan?

6. In your opinion, how well informed are Oregon City citizens about the fundamentals of Urban Renewal? If communication or informational improvements are needed, what ways would you improve community education on Urban Renewal?

7. If chosen, how would you interpret your role and what would be your expectation(s) throughout your term of service as an Oregon City Urban Renewal Commission member?

8. Do you have any additional comments or is there anything that you would like to ask the Commission?

The Commission took a 12 minute recess at 5:02 p.m. and another 5 minute recess at 5:26 p.m.

3. Final Comments

There were no additional comments.

4. Adjournment

Mayor Holladay adjourned the meeting at 5:55 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: 16-582

Agenda Date: 10/19/2016

Status: Consent

To: City Commission

Agenda #: 7g.

From: City Recorder Kattie Riggs

File Type: Minutes

Minutes of the September 7, 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

Wednesday, September 7, 2016

6:10 PM

Commission Chambers

SPECIAL MEETING

1. Convene Special Meeting and Roll Call

Mayor Holladay called the meeting to order at 6:11 p.m.

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

Staffers: 3 - Tony Konkol, Economic Development Manager Eric Underwood and City Recorder Kattie Riggs

2. General Business

2a. Interviews for Urban Renewal Commission Position

6:10 pm Spiers, Martha

6:25 pm Acosta, Michael

The City Commission interviewed Martha Spiers and Michael Acosta.

The Commission asked the following list of questions:

- 1. Please provide us with a brief introduction of yourself, your background and experience, and why you want to serve on the City's Urban Renewal Commission.*
- 2. What is your level of understanding of how urban renewal works? Please explain. What impacts on the community have you observed as a result of urban renewal?*
- 3. Do you think urban renewal is a beneficial economic development tool? Why or why not?*
- 4. What are the current Urban Renewal Work Plan objectives and priorities? How would these objectives and priorities be aligned with your objectives and priorities as an urban renewal commissioner?*
- 5. What is a significant contribution that you could make to the Urban Renewal Commission's effort in accomplishing the goals and objectives of the Urban Renewal Plan?*
- 6. In your opinion, how well informed are Oregon City citizens about the fundamentals of Urban Renewal? If communication or informational improvements*

are needed, what ways would you improve community education on Urban Renewal?

7. If chosen, how would you interpret your role and what would be your expectation(s) throughout your term of service as an Oregon City Urban Renewal Commission member?

8. Do you have any additional comments or is there anything that you would like to ask the Commission?

3. Discussion and Deliberation

After reviewing interview notes from interviews conducted on August 17, 2016 and September 7, 2016 the Mayor and each Commissioner submitted their top two names in preference order. The City Recorder compiled the poll:

*Commissioner Shaw: 1. Mike Mitchell 2. Martha Spiers
Commissioner Smith: 1. Mike Mitchell 2. Joshua Planton
Commissioner Mengelberg: 1. Mike Mitchell 2. Joshua Planton
Mayor Holladay: 1. Mike Mitchell 2. Michael Acosta*

It was unanimous for Mike Mitchell.

A motion was made by Commissioner Smith, seconded by Commissioner Mengelberg, to appoint Mike Mitchell to the Urban Renewal Commission. The motion carried by the following vote:

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

4. Adjournment

Mayor Holladay adjourned the meeting at 6:37 p.m.

Respectfully submitted,

Kattie Riggs, City Recorder

Tobacco Free Oregon City Parks Ordinance No. 16-1012

Ordinance Amending section 12.16.020 of the Oregon City Municipal Code

Tobacco Free Parks

HISTORY OF ORDINANCE

- The Parks & Recreation Advisory Committee (PRAC) initiated the discussion of tobacco free parks in March 2016.
- Discussion took place at public meetings in March, April, May and June 2016.
- PRAC passed ordinance language by motion and recommended forwarding to City Commission for consideration.
- City Commission discussed the proposed ordinance at the October 11, 2016 work session.

Tobacco Free Parks

ORDINANCE LANGUAGE

It is unlawful for any person to use tobacco in any public park. To “use tobacco” shall mean the possession of any lighted pipe, lighted cigar, the use of an electronic cigarette or a similar device intended to emulate smoking, which permits a person to inhale vapors or mists that may or may not include nicotine, or lighted cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind, including, but not limited to, any tobacco or cannabis product, or any other weed or plant capable of being smoked. In addition, to “use tobacco” shall mean to ingest or place within the mouth or nose any type of tobacco product, including chewing tobacco, snus, snuff or dip.

Tobacco Free Parks

WHY TOBACCO FREE PARKS?

- The Oregon City Parks Department is responsible for providing parks that are welcoming, healthy and safe for all users.
- Tobacco use and second-hand smoke are known health hazards.
- Modeling tobacco behavior is one of the best advertisements for recruiting new smokers, particularly youth.
- Tobacco-free environments are more family-friendly.

Tobacco Free Parks

Health Benefits

Second Hand Smoke (SHS) exposure is harmful – especially to children.

- No level of SHS is risk-free
- Contains 4,000 chemicals – listed as a group A carcinogen
- Exposure to SHS negates the positive effects of engaging in healthy outdoor activities
- SHS exposure in outdoor areas can rival amounts in indoor spaces



Tobacco Free Parks

Environmental Benefits: Butt Litter

Each cigarette butt can contain up to 60 known human carcinogens including arsenic, formaldehyde, chromium and lead.

- Toxic to children, pets and wildlife if ingested
- One of the most common forms of litter
- Not biodegradable and takes decades to decompose
- Butts and package litter cost money and man-power to clean-up

Tobacco Free Parks

Fire Risk Benefits

- One in ten Oregon fires is started by cigarettes (Oregon Fire Marshall, 03/2011)
- Fires are often caused by dropping cigarettes in planting areas, bark mulch and trash receptacles



Tobacco Free Parks

More than a thousand park systems across the nation have passed similar initiatives.

Local

- Portland
- Eugene
- Corvallis
- Tualatin Hills
- Hillsboro
- Forest Grove
- Lake Oswego
- Tigard
- Wilsonville
- Oregon State Parks

National

- Atlanta
- San Jose
- Los Angeles
- New York
- San Francisco
- Seattle
- Boston
- Chicago
- Philadelphia
- Houston

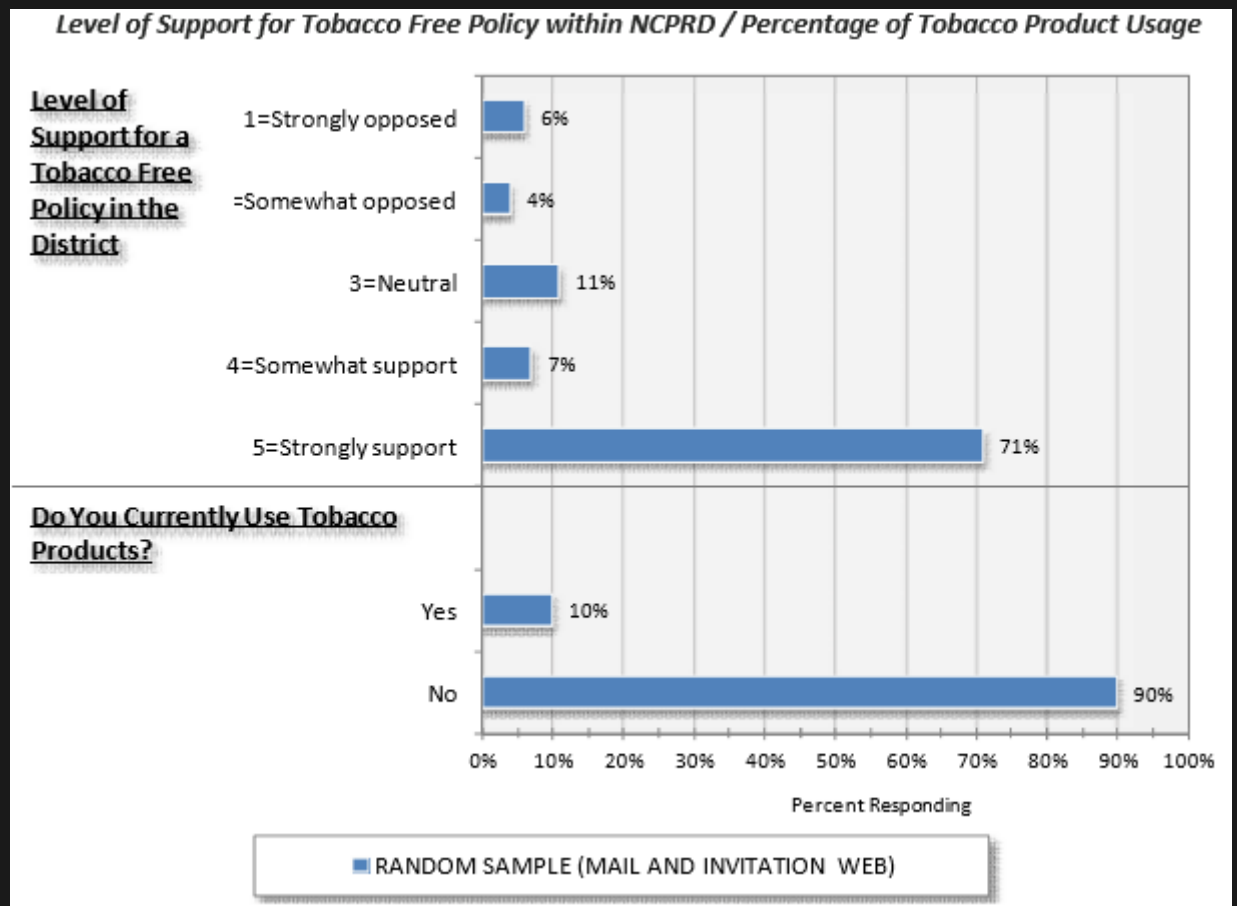
Tobacco Free Parks

LEVEL OF SUPPORT

Neighboring North Clackamas Park District conducted a tobacco survey for their 2012 System Master Plan.

78% of respondents were supportive of a tobacco free policy.

89% were neutral or supportive of a tobacco free policy.



Tobacco Free Parks

COMMUNICATION STRATEGIES/ENFORCEMENT

- Self-enforcing & peer enforcing
- Clear, positive signage
- Consistent messaging with community partners, sports leagues and event language
- Violations will be handled as with other park rules and regulations – voluntary compliance



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 10/19/16

Item Number From Agenda 4

Citizen Comments - WFMC Studios + Community Medicine

NAME: Sherry Morisch day

ADDRESS: Street: 723 Garden Ct.

City, State, Zip: Molalla, OR 97038

PHONE NUMBER: 360-286-5468

E-MAIL ADDRESS: sherry-morisch@hotmail.com

SIGNATURE: Sherry Morisch

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 10/19/16

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 10-19-2016

Item Number From Agenda 16508 - 6b

NAME:

Ryan LaFrenier

ADDRESS:

Street: _____

City, State, Zip: OREGON CITY

PHONE NUMBER:

(503)

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 2016-10-19 Wed

Item Number From Agenda 6b

NAME:

MATTHEW SULSER Sulser

ADDRESS:

Street: _____

City, State, Zip: OREGON CITY 97045

PHONE NUMBER:

503 706 9016

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 10/19/16

Item Number From Agenda 6b

NAME:

Paige Hirt

ADDRESS:

Street: 18907 Elder Rd.

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER:

(503) 908-1791

E-MAIL ADDRESS:

paigehirt@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 OCT. 19, 16

Item Number From Agenda 6b & 6a.

NAME:

Jane Grimm

ADDRESS:

Street: 18718 Leland

City, State, Zip: Oregon City OR 97045

PHONE NUMBER:

E-MAIL ADDRESS:

firemanmike3575@yahoo

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

10/19/16

Item Number From Agenda

66

NAME:

Sam 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

Item Number From Agenda

16-589

NAME:

Mike Mitchell

Mike Mitchell

ADDRESS:

Street:

City, State, Zip:

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE: