



# CITY OF OREGON CITY CITY COMMISSION REGULAR MEETING - REVISED AGENDA

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Commission Chambers, 625 Center Street, Oregon City  
Wednesday, October 21, 2020 at 7:00 PM

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## **EXECUTIVE SESSION OF THE CITY COMMISSION**

To immediately follow the regular meeting of the City Commission.

- i. 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.

## **REGULAR MEETING OF THE CITY COMMISSION**

*The public is strongly encouraged to relay concerns and comments to the Commission in one of three ways:*

- *Email at any time up to 12 p.m. the day of the meeting to [recorderteam@orcity.org](mailto:recorderteam@orcity.org).*
- *Phone call (Monday – Friday, 8 am – 5 pm) to 503-496-1505, all messages will be relayed and/or citizens can sign-up to be called during the meeting to provide over-the-phone testimony.*
- *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*

### **1. CONVENE MEETING AND ROLL CALL**

### **2. FLAG SALUTE**

### **3. CEREMONIES, PROCLAMATIONS, AND PRESENTATIONS**

3a. Clackamas Fire District #1 Presentation

### **4. CITIZEN COMMENTS**

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

### **5. ADOPTION OF THE AGENDA**

### **6. PUBLIC HEARINGS**

**7. GENERAL BUSINESS**

- [7a.](#) Real Estate Contract for the Sale of the Oregon City Police Department Property Located at 320 Warner Milne Road to Clackamas County Vector Control District.
- [7b.](#) Resolution No. 20-30, Extending Temporary Restaurant Parklets in the Right-of-Way and Temporary Dining and Retail in Private Parking Lots Through the Winter
- [7c.](#) Media Request to Attend Executive Session
- [7d.](#) Request for Local Designation of Historic Landmarks: The Community Cannery & Workshop Annex Camp Adair Buildings (122 and 220 S. John Adams Street)

**8. CONSENT AGENDA**

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

- [8a.](#) Resolution No. 20-32, Declaring an Emergency and Exempting the Molalla Avenue Streetscape Project from Prohibition Against Unlawful Noises on a Temporary Basis
- [8b.](#) Personal Services Agreement with Wallis Engineering for the 2021 Oregon City Roadway Reconstruction Project (CI 20-011)
- [8c.](#) OLCC: Liquor License Application – Limited On-Premises, applying as an LLC, Shelton Holdings LLC (dba VIP Deli), 1346 Leland Road, Suite C, Oregon City
- [8d.](#) Minutes of the August 19, 2020 Regular Meeting
- [8e.](#) Minutes of the July 7, 2020 Work Session

**9. COMMUNICATIONS**

**City Manager**

**Commissioners**

**Mayor**

**10. ADJOURNMENT**

*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 three (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.*

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### **ADA NOTICE**

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

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***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](http://www.orcity.org) and available on demand following the meeting. The meeting can be viewed live on Willamette Falls Television on channel 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 OF OREGON CITY

## Staff Report

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

**To:** City Commission  
**From:** Chief of Police Jim Band

**Agenda Date:** 10/14/2020

### **SUBJECT:**

Real Estate Contract for the Sale of the Oregon City Police Department Property Located at 320 Warner Milne Road to Clackamas County Vector Control District.

### **STAFF RECOMMENDATION:**

Staff recommends that the City Commission authorize the City Manager to execute the real estate contract with Clackamas County Vector Control District. for the sale of the City property located at 320 Warner Milne Road, tax lots 3-2E-05C-00201 and 3-2E-05C-00500 for \$2,800,000.

### **EXECUTIVE SUMMARY:**

The attached real estate contract is for the purchase of 320 Warner Milne Road to Clackamas County Vector Control District. The buyer is offering a non-refundable earnest money deposit of \$5,000 that would be applied toward the \$2,800,000 million dollar purchase price. The Buyer's due diligence period will be no more than ninety days and expire on the date of the signed final agreement. The closing date shall take place on or before the date that is thirty days after the Buyer has delivered to Seller a Waiver Notice.

### **BACKGROUND:**

The Oregon City Police, Municipal Court, and Code Enforcement departments are currently operating in the building located at 320 Warner Milne Road, which was purchased by the City of Oregon City in the 1980s. Construction of a new public safety facility for the above-mentioned departments has been completed at the site of the old Mt. Pleasant School, 1232 Linn Avenue. The departments moved into the building on October 2, 2020. Proceeds from the sale of the current property are needed to pay for the new construction budget.

### **OPTIONS:**

1. Authorize the City Manager to execute the real estate contract with Clackamas County Vector Control District.
2. Deny the real estate contract with Clackamas County Vector Control District.

**BUDGET IMPACT:**

Amount: \$

FY(s): EnterTextHere

Funding Source(s): EnterTextHere

**REAL ESTATE CONTRACT**

**THIS REAL ESTATE CONTRACT** (this "**Contract**") is entered into as of October \_\_\_\_, 2020 ("**Effective Date**"), by and between **City of Oregon City**, an Oregon municipal corporation ("**Seller**"), and **Clackamas County Vector Control District**, an Oregon Special District ("**Buyer**"). Collectively, Buyer and Seller shall be referred to herein as Parties ("**Parties**").

**Now therefore**, in consideration of the covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto covenant and agree as follows:

**1 Property.** Seller hereby agrees to sell to Buyer and Buyer hereby agrees to purchase from Seller approximately 3.20 acres of real property generally located along Warner Milne Road, Oregon City, Oregon (Assessor's Parcels 00846847 and 00846981 totaling 1.86 and 1.34 acres, respectively) including all improvements located thereon, including but not limited to three trailers that are affixed to the land and all appurtenances thereto (the "**Realty**"). The Realty is sometimes referred to herein as the "**Property**." The Realty is legally described in Exhibit A to the Title Report (as such term is defined below).

**2 Purchase Price.** The purchase price for the Property is Two Million Eight Hundred Thousand and 00/100 Dollars (\$2,800,000.00, "**Purchase Price**"). The Purchase Price shall be paid as follows:

a. An Earnest Money Deposit in the amount of Five Thousand and 00/100 Dollars (\$5,000.00) (the "**Earnest Money Deposit**") shall be deposited by Buyer with Fidelity National Title Insurance Company located at 900 SW Fifth Avenue, Portland, Oregon 97204, Attention Shawnda Reszel, phone (503) 222-2424 and email [shawnda.reszel@fnf.com](mailto:shawnda.reszel@fnf.com) (the "**Title Company**") contemporaneous with the mutual execution of this Contract. The Earnest Money Deposit is nonrefundable except as expressly set forth herein. At Closing (as hereinafter defined), the Earnest Money Deposit will be applied to the Purchase Price, and will be reflected as a closing statement credit to the Buyer. Seller and Buyer agree to execute an Earnest Money Escrow Agreement if requested by the Title Company which shall be in form and content reasonably acceptable to Buyer, Seller and the Title Company.

b. The balance of the Purchase Price, subject to closing proration and credits, shall be paid in cash in immediately available funds at Closing.

**3 Seller's Representations, Warranties and Covenants.** Seller hereby makes the following representations, warranties and covenants in connection with Buyer's purchase of the Property, and no others, express or implied:

a. Seller has the authority necessary to enter into this Contract and comply with Seller's obligations hereunder;

a. There are no pending or, to Seller's actual knowledge, threatened condemnation or eminent domain proceedings, which would affect the Property;

b. There are no other undisclosed agreements between Seller and any other party, that affect the use of the Property;

c. Until the Closing Date (as hereinafter defined), the Property will be maintained in substantially the same condition as it is in on the Effective Date of this Contract, subject to ordinary wear and tear and casualty damage;

d. Except for matters of record, there is no litigation pending or, to Seller's actual knowledge, threatened, which would affect the Property or the use thereof by Buyer;

e. Promptly after the Effective Date, Seller shall use reasonable efforts to review its files and shall provide Buyer with copies of any environmental assessments or other Property related reports, studies or investigations in Seller's possession ("**Seller's Documents**"). Seller shall provide the same to Buyer as an accommodation to Buyer and without any representation or warranty of any kind as to the accuracy or completeness of Seller's Documents;

f. Seller shall perform all acts reasonably necessary and requested by Buyer to ensure that any existing Property development rights, fees and credits Seller may possess are assigned to Buyer at the Closing;

g. Seller shall use reasonable efforts to either (i) clear title to the Property of any and all mechanics liens of record against the Property as of the Closing Date (the "**Mechanics Liens**") or (ii) procure title insurance over all such Mechanics Liens;

h. To Seller's actual knowledge, there is no well or septic system on the Property; and

i. To Seller's actual knowledge, the Property has not been used for methamphetamine production.

All representations, warranties, and covenants made by Seller in this paragraph 3 shall be true as of the Closing Date hereof and shall survive the Closing of this transaction for a

period of one (1) year. If any representations, warranties, or covenants made by Seller become untrue to Seller's knowledge after the Effective Date, Seller shall provide Buyer written notice of the same and Buyer's sole remedy shall be to: (a) terminate this Contract and receive a return of the Earnest Money Deposit, or (b) waive the inaccuracy for failure to perform such representation, warranty or covenant.

4 [Intentionally Omitted].

5 [Intentionally Omitted].

6 **Title.** Within ten (10) business days after the Effective Date, Seller shall deliver or cause to be delivered to Buyer preliminary title report (the "**Commitment**") for a standard owner's title insurance policy for the Property issued by the Title Company, together with copies of the instruments listed in the schedule of exceptions in such Commitment. All exceptions and other matters except for **Seller's Authority Documents** (as such term is defined below) shall be "**Permitted Exceptions.**" As used herein, "**Seller's Authority Documents**" means documents required by the Title Company evidencing Seller's authority to sell the Property to Buyer. Buyer's issuance of a Waiver Notice (as such term is defined below) shall constitute Buyer's agreement to all Permitted Exceptions. As a condition precedent to Closing, the Title Company shall issue a current owner's title insurance policy (standard form) in the amount of the Purchase Price insuring Buyer as the fee simple owner of the Realty as of the date of recording the deed, subject to the Permitted Exceptions ("**Title Policy**").

7. **Buyer's Due Diligence Period.** Buyer shall have a period of ninety days after the Effective Date to satisfy itself concerning all aspects of the Property and prospective purchase of the Property. Buyer shall waive or deem to be satisfied with all aspects of the Property by providing written notice to Seller of Buyer's waiver or satisfaction of said contingencies (the "**Waiver Notice**"). Buyer shall have the right to terminate this Contract at any time prior to the expiration of the Due Diligence Period for any reason by delivering to Seller a notice of the same (the "**Termination Notice**"). If Buyer timely delivers to Seller a Termination Notice or if for any reason Buyer does not deliver to Seller a Waiver Notice prior to the expiration of the Due Diligence Period, the Earnest Money Deposit shall be immediately released to Seller and this Contract shall be deemed terminated and the parties shall have no further obligations hereunder except those provisions that expressly survive termination. If Buyer timely delivers to Seller a Waiver Notice, then the Earnest Money Deposit shall remain with Escrow Agent pending Closing. If Buyer does not timely provide Seller a Waiver Notice or if Buyer sends Seller a Termination Notice, then Buyer shall promptly provide Seller with copies of all reports, investigations, or studies received by Buyer in connection with its investigation of the Property

(the "**Due Diligence Reports** ") provided that Seller pays to Buyer one half (1/2) of the Buyer's actual cost to obtain the applicable Due Diligence Report that Seller may request. Seller shall be responsible for any "reliance fees" charged by the preparer of the applicable Due Diligence Report and Buyer shall reasonably cooperate with Seller in connection with the transfer of or reliance upon the applicable Due Diligence Report.

## **8 No Representations or Warranties; AS-IS Condition.**

a Buyer is hereby purchasing the Property in "**AS-IS, WHERE-IS**" condition and "**with all faults,**" unless state otherwise within this Contract and agrees that it relies upon no warranties, representations or statements by Seller, or any other persons for Seller, in entering into this Contract or in closing the transactions described herein, except for the express representations and warranties set forth in paragraph 3 hereof. Buyer's closing on the acquisition of the Property shall constitute conclusive evidence that Buyer is satisfied with all aspects of the Property, including the condition of and title to the Property. In issuing a Waiver Notice and completing the purchase of the Property, Buyer will have relied exclusively upon its own inspections and reviews of all aspects of the Property, and not upon any representation or warranty of Seller or its agents or employees except those expressly set forth in paragraph 3 above.

b Except for the express representations and warranties set forth in paragraph 3 hereof, Seller makes no warranties, representations or statements whatsoever, express or implied, concerning or relating to the Property, including without limitation: the income or expenses of the Property; zoning and building codes and other similar restrictions; availability or cost of utilities; the environmental condition of the Property; the presence or absence of any hazardous substances, hazardous materials, petroleum, or any substances regulated by federal, state or local law in, on or under the Property; compliance of the Property with any law, regulation, ordinance or similar requirement, including without limitation the Americans with Disabilities Act; the physical condition of the Property or any improvements thereon, or the condition of title to the Property, including any matters that are disclosed by the Title Report or that would be disclosed by a true and correct ALTA survey. Buyer acknowledges that no agents, employees, brokers or other persons are authorized to make any representations or warranties for Seller.

c Buyer (and any party claiming through or under Buyer) hereby agrees that following the Closing, Seller shall be fully and finally released from any and all claims or liabilities against the Seller relating to or arising on account of the condition of or title to the Property. This paragraph 9 (a) through (c) shall survive the Closing of this Contract.

**9 Closing.** Provided that Buyer timely issued a Waiver Notice, the closing of this

transaction (the "**Closing**" or "**Closing Date**") shall take place on or before the date that is thirty (30) days after Buyer has delivered to Seller a Waiver Notice. The Closing shall be at the offices of the Title Company. At Closing, Buyer shall deliver to the Title Company wired funds or other immediately available funds in the amount of the Purchase Price, as adjusted by any proration and closing costs provided for herein, and such affidavits, resolutions and other documents agreed between the parties, required for a legal conveyance of real estate in the state where the Property is located or otherwise required by the Title Company to issue the Title Policy. At Closing, Seller shall deliver to the Title Company an Oregon statutory form of Special Warranty Deed conveying the Realty to Buyer, subject only to the Permitted Exceptions and for such matters that would be shown by a true and correct ALTA survey, and such affidavits, resolutions and other documents agreed between the parties, required for a legal conveyance of real estate in the state where the Property is located or otherwise required by the Title Company to issue the Title Policy. All proration required hereunder shall be computed as of the Closing Date. Possession of the Property shall be delivered to Buyer on the Closing Date. Seller shall pay for recording the deed. Seller shall pay the title insurance premium for the Title Policy to be issued to Buyer. Buyer shall pay for all other endorsement charges and the title insurance premium for any loan policy, including endorsement charges related thereto. All escrow fees and Title Company closing charges shall be shared equally by Seller and Buyer.

**10 Taxes.** Seller shall pay in full all general taxes and all installments of special assessments, of whatever kind, due and payable with respect to the Property prior to the Closing Date, provided that any such taxes for a period after the Closing Date shall be prorated between Seller and Buyer. Buyer shall be responsible for all general real property taxes and all installments of special assessments payable with respect to the Property after the Closing Date.

**11 Casualty.** If the Property is damaged by fire or other casualty after the Effective Date of this Contract but prior to the Closing Date, such that the cost to restore the Property to its condition immediately prior to the casualty is in excess of one percent (1%) of the Purchase Price, Buyer shall have the option to:

a. proceed to close this transaction on the terms contained herein and receive an assignment of the insurance proceeds (or the right to receive the same, if they are not received before Closing) payable to Seller as a result of the casualty; or

b. terminate this Contract by written notice delivered to Seller within ten (10) days after Buyer receives notice of the casualty, in which event the Earnest Money Deposit shall be refunded to Buyer.

If the Property is damaged by fire or other casualty prior to the Closing Date and the cost of restoration does not exceed one percent (1%) of the Purchase Price, this Contract shall remain in full force and effect upon the terms stated herein and at Closing, Seller shall assign to Buyer the insurance proceeds (or the right to receive the same, if they are not received before Closing) payable to Seller as a result of the casualty.

**12 Condemnation.** If any of the Realty is condemned under the power of eminent domain, is the subject of a threatened condemnation, or is conveyed to a condemning authority in lieu of condemnation, Seller shall notify Buyer in writing of the threat, condemnation or conveyance within five (5) business days of its occurrence. Buyer shall within ten (10) days of the notice have the option of (a) proceeding with the Closing and receiving the award or condemnation payment (or an assignment thereof, if the same is not received by Closing), or (b) canceling this Contract and receiving back the Earnest Money Deposit.

**13 Access to Property.** From the Effective Date to the date of closing, Buyer and Buyer's authorized agents and contractors shall be permitted access to the Property during regular business hours and upon reasonable notice to Seller for the purpose of conducting any of the following at Buyer's election: a survey of the Property, a Phase I environmental assessment of the Property and/or a physical inspection and related improvements located on the Property, including paragraph 6 above. Buyer acknowledges that Buyer must be accompanied by a representative of Seller during any inspections of the Property.

**14 Indemnification and Insurance.** Buyer shall indemnify, defend and hold Seller harmless from and against any and all losses, claims, actions, liabilities, damages, liens, costs and expenses, incurred by Seller (or its agents, consultants or affiliates) arising out of or related to (i) any activities upon the Property by Buyer, its agents, contractors and employees, or (ii) the failure by Buyer to observe or perform any of its covenants, representations or obligations under this Contract. Prior to entering the Property for any purposes under this Contract, Buyer shall provide Seller evidence that Buyer maintains a commercial general liability insurance policy of not less than \$2,000,000 combined single limit which insurance shall: (i) name Seller an additional insured, and (ii) be primary and noncontributing to any insurance maintained by Seller. This paragraph 14 shall survive the Closing or termination of this Contract.

**15 Notices.** All notices required or permitted to be given hereunder shall be given by certified mail, postage prepaid, or by overnight delivery service, or shall be personally served, to Buyer and Seller at the following addresses:

**BUYER: Clackamas County Vector Control District**  
 1102 Abernethy Road  
 Oregon City, OR 97045  
 503.655.8394  
 Attn: David Green  
 Email: greentreefarm@msn.com

**SELLER: City of Oregon City**  
 c/o Oregon City Police Department  
 320 Warner Milne Road  
 Oregon City, OR 97045  
 Attn: Jim Band, Police Chief  
 Email: jband@orcite.org

All notices shall be deemed received either when actually received or three (3) days after posting (if mailed), one business day after deposit with the delivery service (if sent by overnight delivery), or when delivered (if personally delivered). Either party may change the above addresses by written notice to the other. All notices shall be additionally and contemporaneously sent by email and upon the request of either party, the other party shall promptly confirm receipt of any notice.

**16 Default.** If Buyer defaults in the performance of its obligations hereunder, Seller shall be entitled to terminate this Contract and retain the Earnest Money Deposit as liquidated damages, as the Parties agree that in the event of a default hereunder actual damages would be difficult to determine with any reasonable certainty and that the Earnest Money Deposit, after review and consideration, is a reasonable estimate of the damages that Seller would suffer as a result of Buyer's default. If Closing does not occur due to a default by Seller in the full and timely performance of any of its obligations hereunder, Buyer, as its sole and exclusive remedy, may elect to terminate this Contract and receive a refund of the Earnest Money Deposit, provided that if (a) Closing does not occur solely as a result of Seller's failure to execute and deliver the Special Warranty Deed on the Closing Date in accordance with Section 10 of this Contract, and (b) Seller's failure to execute and deliver the Special Warranty Deed is not related to Mechanics Liens, and (c) Buyer has

affirmatively waived in writing all of the contingencies under this Contract, and (d) Buyer has performed all of its obligations under this Contract, including without limitation, payment of the Purchase Price, then upon notice to Seller not more than ten (10) business days after Buyer becomes aware of such failure by Seller and provided such action is filed within thirty (30) days thereafter, Buyer may seek specific performance of Seller's obligation to execute and deliver a Special Warranty Deed (but not to resolve the Mechanics Liens or to perform any other obligation under this Contract). Buyer's failure to seek specific performance under this Section shall constitute Buyer's election to seek a return of the Earnest Money Deposit as its sole remedy upon Seller's default. In consideration of the foregoing right to seek specific performance, Buyer waives any right it may now or hereafter have to seek any damages from Seller.

**17. Entire Agreement.** This Contract contains the entire agreement between Seller and Buyer and there are no other terms, conditions, promises, understandings, statements or representations, express or implied, regarding the transaction contemplated hereby. This Contract may be amended only by a further written document signed by each of the parties.

**18. Successors and Assigns.** The provisions of this Contract shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, assigns, executors, administrators and legal representatives. Buyer shall have the right to assign its interest in this Contract to any entity owned or controlled by Buyer, provided that Buyer shall not be released from any liability under this Contract upon such assignment.

**19. Captions.** The captions of the paragraphs in this Contract have been inserted for convenience of reference only and shall in no way modify or restrict any provision hereof or be used to construe any of the provisions hereof.

**20. Severability.** If any provision of this Contract is held invalid or unenforceable, the invalidity or shall be limited to the particular provision(s) involved and shall not affect the validity or enforceability of the remaining provisions.

**21. Time is of the Essence.** Time is of the essence of each and every provision of this Contract.

**22. Waiver.** Failure of either party at any time to require performance of any provision of this Contract shall not limit the party's right to enforce the provision. Waiver of any breach of any provision shall not be a waiver of any succeeding breach of the provision or a waiver of the provision itself or any other provision.

**23 Attorneys' Fees.** In the event suit or action is instituted to interpret or enforce the terms of this Contract or to rescind this Contract, the prevailing party shall be entitled to recover from the other party such sum as the court may adjudge reasonable as attorneys' fees at trial, on any appeal, and on any petition for review, in addition to all other sums provided by law.

**24 Prior Agreements.** This Contract supersedes and replaces all written and oral agreements previously made or existing between the parties, if any.

**25 Applicable Law.** This Contract shall be construed, applied and enforced in accordance with the laws of the State of Oregon.

**26 Changes in Writing.** This Contract and any of its terms may only be changed, waived, discharged or terminated by a written instrument signed by the party against whom enforcement of the change, waiver, discharge or termination is sought.

**27 Counterparts.** This Contract may be executed simultaneously or in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Contract.

**28 [Intentionally Omitted].**

**29 Statutory Notice.** THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF

NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

**30 Access Way.** There is an access way between the Realty and the adjoining Hilltop Mall (“**Access Way**”). The Access Way has been used from time to time to traverse between the Realty and Hilltop Mall. The owner of the Hilltop Mall has constructed improvements adjacent to the Access Way currently preventing use of the Access Way. Without diminishing the effect of the Permitted Exceptions and the form of the Special Warranty Deed, Seller affirmatively disclaims from the effect of any term or condition of this Contract any rights or obligations of any kind as to the Access Way.

**The remainder of this page intentionally left blank.**

**-Signature Page Follows-**

**IN WITNESS WHEREOF**, the Parties hereto have caused this Contract to be executed as of the day and year first above written.

Date:

**Buyer:**

Clackamas County Vector Control District

By: *[Handwritten Signature]*

Name & Title: *Chairman of Board of Tracts*  
*Oct 13, 2020*

Date:

**SELLER:**

City of Oregon City

By: \_\_\_\_\_

Name & Title:



# CITY OF OREGON CITY

## Staff Report

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

**To:** City Commission **Agenda Date:** 10/21/2020  
**From:** Community Development Director Laura Terway

### SUBJECT:

Resolution No. 20-30, Extending Temporary Restaurant Parklets in the Right-of-Way and Temporary Dining and Retail in Private Parking Lots Through the Winter

### STAFF RECOMMENDATION:

Approval of Resolution No. 20-30.

### EXECUTIVE SUMMARY:

In response to social distancing guidelines related to COVID-19, the City Commission adopted a program to allow temporary outdoor dining in parking spaces in the right-of-way (parklets) and temporary dining and retail in private parking lots from July 16, 2020 to November 30, 2020 and again from March 15, 2021 to November 30, 2021. Resolution No. 20-30 would allow the temporary facilities that submitted a permit by November 30, 2020 to continue from December 1, 2020 to March 14, 2021. The standards have been updated to reflect the extension through the winter.

### BACKGROUND:

On March 23, 2020, Governor Brown issued Executive Order 20-12, Stay Home, Save Lives, which closed non-essential businesses and severely limited others that were still able to remain open, including restaurants which prohibited on premises food consumption. Due to these social distancing measures, many have experienced loss of business, through reduction of sales and closures. On May 22, 2020, the Governor accepted Clackamas County's application to enter Phase 1 of Reopening Oregon, effective May 23, 2020.

On July 15, 2020, the City Commission adopted a pilot program allowing outdoor dining parklet and outdoor dining/retail within parking lots. This program established the applicability, exceptions, and general to allow temporary outdoor dining in the right-of-way and outdoor dining and retail in private parking lots from July 16, 2020 to November 30, 2020 and again from March 15, 2021 to November 30, 2021.

The City Commission provided direction to staff at the October 7<sup>th</sup> City Commission hearing to create a Resolution allowing the temporary facilities that submitted a permit by November 30<sup>th</sup> to continue, in compliance with the guide, from December 1, 2020 to March 14, 2021. The guide was updated to reflect the extension dates as well as to clarify that any changes to the facilities would require additional review by the City. For example, of a parklet would like to add a heat source or a parking lot restaurant would like to add a tent, a revised permit is required. The general standards within the guide have not changed.

**OPTIONS:**

1. Approve Resolution No. 20-30
2. Do not approve Resolution No. 20-30

**RESOLUTION NO. 20-30**

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**A RESOLUTION TO ALLOW TEMPORARY PARKLETS IN THE RIGHT-OF-WAY AND TEMPORARY OUTDOOR DINING AND RETAIL IN PRIVATE PARKING LOTS**

**WHEREAS**, the State of Oregon has placed restrictions on the use of commercial spaces due to the pandemic known as COVID-19; and

**WHEREAS**, providing an opportunity for businesses to expand their operations outdoors, either in the public right-of-way or private parking lots, will generate greater pedestrian activity, help increase business patronage and overall interest in the area, and off-set some of the losses resulting from the spacing minimums required to reduce the spread of COVID-19; and

**WHEREAS**, temporary parklets are public spaces located in the public right-of-way that provide increased outdoor dining capacity; and

**WHEREAS**, temporary outdoor dining and retail activities located in private parking lots will also provide additional seating or retail display space for local restaurants, bars, and retail businesses; and

**WHEREAS**, to be successful, parklets and outdoor dining and retail on private parking lots must adequately address infrastructure and parking impacts, be tied to a specific location, be safe for the public to use, be easily maintained by the permittee, be for a limited and certain term, and be capable of easy and fast installation and removal; and

**WHEREAS**, Oregon City Municipal Code (“OCMC”) Section 12.04.120 identifies requirements for temporary obstructions in the right-of-way, OCMC Section 12.04.130 sets forth the requirements for sidewalk sales and OCMC Titles 15.28, 16 and 17 includes planning standards such as minimum and maximum off-street parking requirements; and

**WHEREAS**, the Engineering Fee schedule establishes a fee for temporary obstructions and the Planning Fee schedule would ordinarily apply where changes to off-street parking areas are proposed; and

**WHEREAS**, the City Commission approved Resolution No. 20-22 temporary allowing these uses from July 16, 2020 to November 30, 2020 and again from March 15, 2021 to November 30, 2021; and

**WHEREAS**, this Resolution will temporary allow the business that submitted a permit by November 30<sup>th</sup>, in compliance with Exhibit A, to continue the use from December 1, 2020 to March 14, 2021 without additional review; and

**WHEREAS**, after the facilities are initially permitted, any changes require an additional City review. Each review requires submittal of a separate application and associated fee.

**NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:**

**Section 1.** The City hereby allows Exhibit A, The Oregon City COVID-19 Recovery Assistance Program (the “Program”), which authorizes parklets on a limited basis within the MUD zone extending along 7<sup>th</sup> Street between Singer Hill Road and Jackson Street and the use of private parking lots on a limited basis throughout the City.

**Section 2.** All engineering and planning fees that otherwise would apply to a request to expand or alter a business into the right-of-way or private parking lot consistent with the Program terms shall be waived and instead, shall be subject to a fee of \$25 per business for each application type.

**Section 3.** All applicable engineering standards set forth in OCMC 12.04.120 and 12.04.130 for all temporary obstructions relating to restaurant, bar seating and retail sales within the public right-of-way that otherwise complies with the Program shall be waived for the period of December 1, 2020 to March 14, 2021.

**Section 4.** All applicable land use planning standards set forth in in OCMC Titles 15.28, 16 and 17 for development on private property necessary to accommodate temporary outdoor dining and retail in private parking lots that otherwise complies with the Program shall be waived for the period of December 1, 2020 to March 14, 2021.

**Section 5.** Authorizations granted pursuant to this resolution are temporary and may occur only from December 1, 2020 to March 14, 2021.

**Section 6.** This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 21<sup>st</sup> day of October 2020.

\_\_\_\_\_  
DAN HOLLADAY, Mayor

Attested to this 21<sup>st</sup> day of October 2020:

Approved as to legal sufficiency:

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

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

Attachments:

Exhibit A - Oregon City COVID-19 Recovery Assistance Program - December 1, 2020 to March 14, 2021

## **Oregon City COVID-19 Recovery Assistance Program: December 1, 2020- March 14, 2021**

Due to the COVID-19 pandemic, the City of Oregon City supports alternative ways to help increase patronage of local businesses effected by physical distancing requirements. This program includes temporarily allowing the following with restrictions:

- **Parklet Pilot Program:** Restaurants in certain locations downtown and along 7<sup>th</sup> Street to temporarily use adjacent on-street parking for outdoor temporary use as an extension of dining; and
- **Outdoor Dining and Retail in Private Parking Lots Program:** Retail and Restaurants throughout the City to use up to half their parking lot for additional retail and/or dining.

Both programs are temporary from July 16, 2020 – November 30, 2020 and again from March 15, 2021-November 30, 2021. Temporary facilities that submitted a permit by November 30<sup>th</sup> may continue the use, in compliance with this Guide, from December 1, 2020 to March 14, 2021. The City Commission will review the programs after November 30, 2020 but before March 15, 2021 to determine if any changes to the standards are needed prior to March 15, 2021.

### **Parklet Pilot Program**

Restaurants in the Mixed Use Downtown District and along 7<sup>th</sup> Street (Singer Hill Road to Jackson Street) may construct a parklet in adjacent on-street parking areas to allow expanded outdoor dining.

These expanded seating areas called “parklets” will allow restaurants throughout the business community to temporarily increase seating capacity and safely serve more customers, while maintaining social distancing, by locating chairs and tables along sidewalks, in on-street parking areas.



## **ELIGIBILITY OF BUSINESSES**

Eating and drinking establishments within the Mixed Use Downtown (MUD) District and within a block of 7th Street (from Singer Hill Road to Jackson Street).

## **PARKLET LOCATIONS**

The parklet program limits the number of allowed parklets per block as necessary to accommodate for ADA accessibility for pedestrians, protect accessible parking and no-parking areas such as loading zones.

### **1. Location**

A parklet must be located within an existing on-street parking stall abutting or partially abutting the business utilizing the parklet. Only one parklet utilizing one stall is allowed per business, per frontage. Businesses may work together to create a parklet using two or more on-street parking stalls if the businesses are adjacent to each other. In addition, any business may allow customers of other nearby business to utilize the parklet.

### **2. Approval**

A parklet shall only be located in designated on-street parking areas that have been approved by the City of Oregon City after careful review and authorization via a Parklet Permit. The property owner, any additional building tenants, along with all other businesses located adjacent to and immediately abutting within the same block of the parklet must provide written consent supporting the request. After the facilities are initially permitted, any changes require an additional City review. Each review requires submittal of a separate application and associated fee.

### **3. Posted Speed Limit**

A parklet may be established along roadways where the posted speed limit is 25 mph or less.

### **4. Parking Zones**

Parklets are prohibited in accessible parking spaces and the accessible aisle adjacent to the accessible spaces and no parking zones. See Exhibit 1 for locations that are prohibited from parklet use in downtown; areas marked in red.

## **TERM OF USE**

Parklets are to be temporary in construction. They may be assembled March 15 through November 30. Permits will be for this period only, pending review and approval. This

means parklets must not be installed before March 15 and must be completely removed on or before November 30 of each year. Parklets submitted by November 30, 2020, in compliance with this Guide, may continue the use of the facility from December 1, 2020 to March 14, 2021.

## **GENERAL GUIDELINES**

- Public parklets must be located adjacent to the applicant's business.
- If all accessibility and design requirements are met, installation of a parklet platform is not required, provided that existing pavement is not damaged or otherwise altered.
- Design for easy removal. The parklet will sit on top of the existing street surface. Because parklets may sit on top of critical infrastructure and utilities such as gas lines, sewer and water mains, etc., they need to be designed for easy removal in case of an emergency.
- No additional signage is allowed within or on the parklet other than those required by law.
- Maintenance and litter removal are the responsibility of the applicant/owner. Failure to maintain the parklet may result in the revocation of the permit.
- No audio systems or other sound amplification devices are permitted for incorporation in the design of any parklet and shall not be used on any parklet.
- No smoking or vaping is permitted within a parklet at any time.
- If applicable, the applicant is responsible for obtaining separate Oregon Liquor Control Commission (OLCC) permits.
- If applicable, the applicant is responsible for following food safety guidelines regulated by the Oregon Health Authority.

## **MAINTENANCE OF THE PARKLET**

The parklet will be owned and maintained by the applicant. The applicant is responsible for all costs associated with the design development, construction, installation, maintenance, and removal of the parklet. Approval of an application obligates the applicant to keep the parklet free of debris, grime, and graffiti, and to keep all plants in good health.

The permit requires that the facility is swept daily and debris is removed from under (if applicable) and around the parklet a minimum of once a week. A maintenance plan and agreement are required to ensure compliance.

## **PARKLET DESIGN STANDARDS**

The following design standards ensure that all parklets are safe, accessible, attractive, and functional.

## **1. BASE AND DECKING**

If proposed, parklet decking must be designed such that the parklet has a vertical lip of no more than ¼-inch as it connects to the curb and may not have more than a ½ inch gap from the curb. The cross slope from the curb to the street must not exceed 2%. This means that most parklets will likely have an elevated base decking. The submitted design must demonstrate that the deck is compliant with ADA accessibility requirements including at least one ADA-compliant access point for each parking space used.

The parklet platform may not be attached to or damage the street and must be easily assembled and disassembled. Any damage to the street is the responsibility of the applicant.

The parklet platform must be designed to allow for curblinestormwater drainage and include a minimum twelve (12") inch gutter bar. The parklet platform must be designed to not allow debris to collect underneath the deck.

## **2. PARKLET FOOTPRINT**

A buffer is required in the locations in which the parklet abuts adjacent on-street parking stalls. For parallel parking there must be a twenty-four (24") inch setback on either end of the parklet, adjacent to parallel parking, and to the roadway. Wheel stops may be used but are not required.

For diagonal and perpendicular spaces, the edge of the parklet must be set back eighteen (18") inches from the adjacent parking space on either side. This setback space must be included within the parklet space, and not be taken from the adjacent space.

For multiple businesses adjacent to each other that want to assemble a parklet, adjoining stalls are allowed without a buffer.

## **3. BUFFER**

Parklet design must include a physical continuous physical barrier along the street able to withstand impact while maintaining clear visual sightlines to the street.

To protect a parklet located on a parallel parking space from parking maneuvers, substantial planters, weighted bollards, or other structures that can withstand light vehicular impact, must be installed on either end of the parklet and at the street edge. Cones or Type II barricades are not acceptable. Parklets occupying diagonal parking spaces are not required to have such substantial edge materials, except for the side and corners at the street edge. Additional traffic safety items may be added to the final design by City staff.

Barriers and fencing may not extend into the street side setback zone or bolted into the street. If portable fencing is used, each section must be connected together. If cable is used for the barrier, spacing between cables cannot exceed 6-inches.

A reflective delineator post must be placed at the outer corners of the parking space/parklet, 6-inches from the wheel stops. Delineator posts must be 36-inches tall, cylindrical, white, flexible, and must include reflective striping.

#### **4. VERTICAL ELEMENTS**

Vertical elements, such as planters and umbrellas over tabletops, should be included so that the facility is visible to vehicles. Umbrellas or sails cannot be placed within 20 feet of a stop sign and must be contained within the parklet.

Applicants with overhead canopies, sails, or similar must demonstrate that the structures have the ability to withstand wind loads equal to the standards which apply on private property. Covers comprised of more substantial materials such as wood or metal are not allowed.

Applicants proposing a cover must demonstrate that visual obstruction to adjacent businesses, both to storefronts and identifying signage, is minimized.

#### **6. MATERIALS**

The use of high quality, durable materials capable of withstanding prolonged use is required. Examples include wood and metal. Membrane/pop-up structures, pallets, construction fencing, or chain link are not allowed.

Surface materials: loose particles, such as sand or loose stone, are not permitted on the parklet. A non-slip surface is required.

#### **7. SEATING**

Everyone should be able to travel adjacent sidewalks and enjoy parklets. Furniture must be able to accommodate a minimum of one accessible space per parklet. To accommodate for social distancing measures currently in place, tables, including their seating, and circulation areas must be a minimum of 6 feet from one another.

#### **8. LIGHTING**

Lighting that extends across the sidewalk must be a minimum of 8 feet above the sidewalk. Any single lighting source more than 40 watts shall be shielded.



## **9. HEATING APPLIANCES**

Portable outdoor gas-fired heating appliances (such as propane heaters) shall be approved by Clackamas Fire District #1.

### **APPLICATION**

An application for a Parklet Permit is required and must be approved before installation of the parklet. Once the parklet is constructed, an inspection is required to verify compliance with the approved application. Applications will be accepted on a rolling basis. A parklet applicant must comply with the applicable standards and agree to the terms of the Indemnity and Release Agreement required as part of the application including Liability Insurance covering Permittee's activity described in the Release.

Any changes to the parklet associated with this program shall be submitted to the City for review with a revised application.

### **PARKLET PERMIT FEE**

During the initial pilot program, a \$25 parklet fee will be required per year, but the sidewalk fee will be waived. A new review fee is required for each City review.

### **LIABILITY INSURANCE**

A parklet applicant must maintain general liability insurance in the amount no less than \$2 million per occurrence/\$4 million aggregate throughout the term of the parklet permit, in accordance with the Indemnity and Release Agreement obligations and City of Oregon City standards.

### **SITE PLAN**

A design document is required at the time of application submittal. A complete set of proposal drawings is required in order to be considered for approval. This site plan/design will help staff understand how your parklet would fit within the street. The site plan does not need to be drawn by a design professional, it can be done by hand or computer, and shows the exact location of the parklet, the area around the parklet, the proposed layout and dimensions, and where parklet amenities (e.g., seating and landscape features) would be placed. Staff will determine if your selected site is appropriate for a parklet and how the parklet would integrate into the neighborhood context.

# EXHIBIT 1



Main Street from 6<sup>th</sup> Street to Hwy 99E



Main Street from 6<sup>th</sup> Street to 8t Street



Main Street from 8<sup>th</sup> Street to 10<sup>th</sup> Street



Main Street from 10<sup>th</sup> Street to 11<sup>th</sup> Street

# Outdoor Dining and Retail in Private Parking Lots Program



The following temporary program is designed to support local restaurants/bars and retail subject to COVID-19 minimum spacing requirements. The purpose of the program is to temporarily allow the use of up to half of a private parking lot for outdoor seating or retail use in an on-site parking lot adjacent to a business.

This program is temporary. Outdoor dining and retail areas constructed in compliance with these provisions may be assembled from July 16, 2020 – November 30, 2020 and again from March 15, 2021-November 30, 2021. Temporary facilities that submitted a permit by November 30, 2020 may continue the use, in compliance with this Guide, from December 1, 2020 to March 14, 2021. The minimum parking requirements as well as other applicable land use standards are suspended and replaced with the requirements within this policy.

## DESIGN STANDARDS

### 1. SIZE

Up to 50% of the parking spaces in a parking lot on the same property as a restaurant/bar or retail business may be converted to outdoor dining/retail space. Within shopping centers, where a lot serves more than one business, the 50% limit applies to the shopping center parking lot as a whole.

### 2. DESIGN

- a. To protect the outdoor dining or retail area from parking maneuvers, substantial planters, weighted bollards, or other structures that can withstand light vehicular impact must be installed between vehicular areas and the expanded outdoor space. Cones or Type II barricades are not acceptable.
- b. No existing landscaping may be removed.
- c. An unlimited number of temporary tents, umbrellas, or and other shade structures are allowed within the expanded outdoor area with documentation demonstrating they are secured to the ground or otherwise protected from movement. The structures may be any size.
- d. No use of the ADA stall(s) or adjacent striping is allowed.
- e. No change to the vehicular ingress/egress of the site is allowed.
- f. The following minimum clearance must be maintained within the parking lot:

8 feet above sidewalks/pedestrian accessways

No cords, structures, sails, coverings, or similar may cover or extend across a space for vehicle maneuvering or parking.

- g. Any single lighting source more than 40 watts shall be shielded. Excessive lighting may be deemed a nuisance.
- h. If seating is provided, a minimum of one accessible (ADA) seat shall be provided per parklet.

### 3. **MATERIALS**

- a. The outdoor dining area shall be designed for easy removal.
- b. No installation of gravel, sand, or other surface materials is allowed.
- c. No chain link, pallets, or construction fencing is allowed.

### 4. **OTHER STANDARDS**

- a. Approval from the property owner is required.
- b. Approval from the Building Department and Clackamas County Fire District #1 is required.
- c. Applications must be submitted to the Planning Division.
- d. A fee of \$25 each year will be charged for participation in this program.
- e. Any changes to the outdoor dining/retail associated with this program shall be submitted to the City for review with a revised application and associated fee.

### 5. **PERMIT SUBMITTAL REQUIREMENTS**

An application for the Outdoor Dining and Retail in Private Parking Lots Program is required and must be approved before installation. Once construction is complete, an inspection is required to verify compliance with the approved application

- ✓ Application Form
- ✓ Site Plan drawing or sketch including:
  - Footprint of the proposed outdoor dining/retail area
  - Building footprints and entrances
  - Existing parking stalls
  - Existing driveways
  - Proposed vehicle circulation diagram
  - Location of barricades around outdoor dining/retail area

If an owner wishes to continue use of the outdoor dining or retail area after the closure of this program, the owner shall be responsible for obtaining proper approvals as well as compliance with all applicable standards in the Oregon City Municipal Code.

**Laura Terway**

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**From:** Arch Bridge <archbridgetaphouse@gmail.com>  
**Sent:** Monday, October 12, 2020 5:48 PM  
**To:** Laura Terway  
**Subject:** Re: Comments About Your Parklet Experience

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Laura,

The parklets have been incredibly helpful. Even with just two extra tables it is a 40% increase in the number of tables we have and, and a 50% increase to our usable seats. They are by far our most popular seats on any nice day, and we get many comments even from people just passing by about how great they look. Not only do they give us added seating, but they increase our visibility and help let people know that we are still open. Many people that have used the parklet have mentioned they are only going places that have outdoor seating. It will be difficult to use without allowing for a temporary covering or something more substantial than umbrellas to block the rain, but not having to remove it, and taking advantage of the few sunny days we have in the winter would be worth keeping it up for us.

Thanks,  
Gene Gligorea



---

**OREGON CITY BREWING COMPANY**



Bryce Morrow  
C: (503) 347-0399  
bryce@ocbeerco.com

October 7, 2020

Dear City Commission,

1401 Washington Street  
Oregon City, OR  
97045

Extending the temporary outdoor dining in private parking lots through March 15 is critical to hospitality businesses. A recent study by the Japan Agency for Medical Research in partnership with Harvard Medical School concludes that indoor COVID transmission is nearly 19 times greater compared to open-air environments<sup>12</sup>.

For the health of my staff and customers, I ask you to please extend the program.

Thank you for your consideration.

Sincerely,

Bryce Morrow

---

<sup>1</sup> <https://www.medrxiv.org/content/10.1101/2020.02.28.20029272v2.full.pdf>

<sup>2</sup> <https://www.epa.gov/coronavirus/indoor-air-and-covid-19-key-references-and-publications>



City of Oregon City Commission  
625 Center Street  
Oregon City, OR 97045

Thank you for the opportunity to clarify the Downtown Oregon City Association’s support for the extension of the parklet program through the winter months.

Having spoken with many of the restaurant owners who have put in applications for parklets over the last few months, I have heard many of those businesses give up the process because they didn’t want to put money and effort into something that they would have to take down in a few months, store, and then pay to replace. This is an additional burden on the businesses who have worked hard to stay afloat during one of the worst economic crises in a century.

Lowering the barrier to participation in this program for the restaurants would encourage more investment and support the economic success of downtown Oregon City.

Thank you for the opportunity to comment.

Sincerely,  
Liz Hannum  
Executive Director

**2020 Board**

**President**  
Zach Stokes

**Vice President**  
Mike Mitchell

**Treasurer**  
Craig Morrow

**Secretary**  
Brian Slack

**Board Members**  
Gene Gligorea  
Mike Mitchell  
Victoria Meinig  
Denyse McGriff  
Ray Stobie  
Kelli Upkes

**Executive Director**  
Liz Hannum



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

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

**To:** City Commission  
**From:** City Recorder Kattie Riggs

**Agenda Date:** 10/06/2020

**SUBJECT:**

Media Request to Attend Executive Session

**STAFF RECOMMENDATION:**

This is based on a Commission policy, so the staff does not have a recommendation for the Commission on this request.

**EXECUTIVE SUMMARY:**

The City has received a request from The Canby Current to attend future Oregon City Executive Session meetings. The City Commission needs to review the established policy regarding media in Executive Session and the application with supplemental materials submitted, to determine if it meets the criteria in the policy. Then a decision of approval or denial would be determined based on the criteria and submittal.

**BACKGROUND:**

In 2011, the City Commission adopted Resolution No. 11-22, establishing a policy regarding media in Executive Session. During this time, the Commission formally recognized two media organizations for their already established history of publishing, broadcasting or disseminating news in, affecting, or about Oregon City to the public.

Those already recognized news media organizations are:

- The Oregonian
- Oregon City News/Clackamas Review

The City Commission will now need to look at the policy, specifically section 4. Recognition of Other Entities. subsection C. which reads:

The Commission may consider any relevant evidence provided or gathered in making a decision whether to recognize an entity as a news media organization. The Commission

shall make its determination whether to recognize the entity as a news media organization based on the following criteria:

- i. Regular publication, regular broadcasts or regular updates (at least once weekly) of news;
- ii. Publication, broadcast or website must contain a minimum of 25% news content, and include news produced by its own staff;
- iii. The publication, broadcast or website must not serve primarily as a platform to promote the interest and/or opinions of a special interest group, individual or cause, or as a forum to air grievances, engage in gossip, or for personal attacks or character assassination.

The Commission will need to review the application submitted with supplemental materials, which includes:

- An official application
- Redacted copy of an Oregon Driver's License
- Press Badge
- Correspondence with recent articles

Compare the application and materials to both Sections 4C and 5C. of the policy, then determine if all criteria has been met and approve or deny the request.

Included in the attachments are:

1. Submitted application and supplemental materials
2. Resolution No. 11-22

**OPTIONS:**

1. Request more information for the applicant.
2. Approve the request.
3. Deny the request.

Approved  
By: \_\_\_\_\_  
  
 Denied  
By: \_\_\_\_\_

City of Oregon City  
**APPLICATION – MEDIA REQUEST TO  
ATTEND EXECUTIVE SESSION**  
Please type or print clearly  
**Resolution No. 11-22**

Application Complete  
  
 Yes  
 No

**Media Personnel:**

Name	Tyler Francke	News/Media Organization	The Conby Current
Street	675 NW 2nd Ave, Ste 1	City/State/Zip	Conby, OR 97013
		Phone	503-953-5893

**Proof Provided by Applicant:**

One of the following three:

- Press identifications – press badge or identification issued by recognized news media organization, plus proof of identity (such as a driver's license); or
- A recently published news article by a news media organization with the person's byline, or a masthead showing the person's name as a member of the editorial staff of a recognized news media organization, plus proof of identity; or
- A letter on letterhead from the editor of a recognized news media organization in which the editor state that the reporter is covering the meeting for the news media organization, plus proof of identity (freelancers must provide clippings or proof of work with a recognized news media organization within the last six months).

The following must also be provided:

- Proof, satisfactory to the Commission, that the person is gathering news, even though the information discussed or considered in executive session may not be disclosed in any form, and/or to any other person.

- If the executive session is for the purpose of discussing current litigation or litigation likely to be filed, and the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation, the person **shall not be allowed** to attend the executive session. TJF (initial)
- **Cameras and Other Recording Devices.** Cameras, tape recorders and other recording devices may not be used in executive sessions, except the official executive session recordings made by City staff. The Commission, in its discretion, may prohibit representatives of the news media from taking notes or otherwise memorializing the contents of the executive sessions. TJF (initial)

Tyler Francke

Media Personnel

*[Handwritten Signature]*

By (Signature)

10/01/2020

Date of Submittal

## Kattie Riggs

---

**Subject:** Executive Session

**From:** Tyler Francke <francke@canbyfirst.com>

**Sent:** Thursday, October 1, 2020 6:19 PM

**To:** Kattie Riggs <kriggs@orcity.org>

**Cc:** Tony Konkol <tkonkol@orcity.org>; Bill Kabeiseman (billkab@batemanseidel.com) <billkab@batemanseidel.com>

**Subject:** Re: Executive Session

Hello Kattie,

Thanks so much for your prompt reply! I apologize, I did not realize there was a process to this or I certainly would have reached out sooner. Please let me know if the attached materials will suffice. One of my recent articles is available here: <https://canbyfirst.com/rally-at-clackamas-town-center-to-demand-in-person-learning/>

I also include digital copies of my press badge and driver's license. My driver's license is expired but I have a grace period due to Covid-19. I have an appointment to renew it next week.

--



**Tyler Francke | Owner/Editor/Publisher**

**a:** The Canby Current | 675 NW 2nd Ave. #1

**e:** [francke@canbyfirst.com](mailto:francke@canbyfirst.com) | **w:** [canbyfirst.com](http://canbyfirst.com)

**p:** 971-318-0798

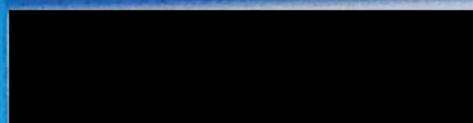
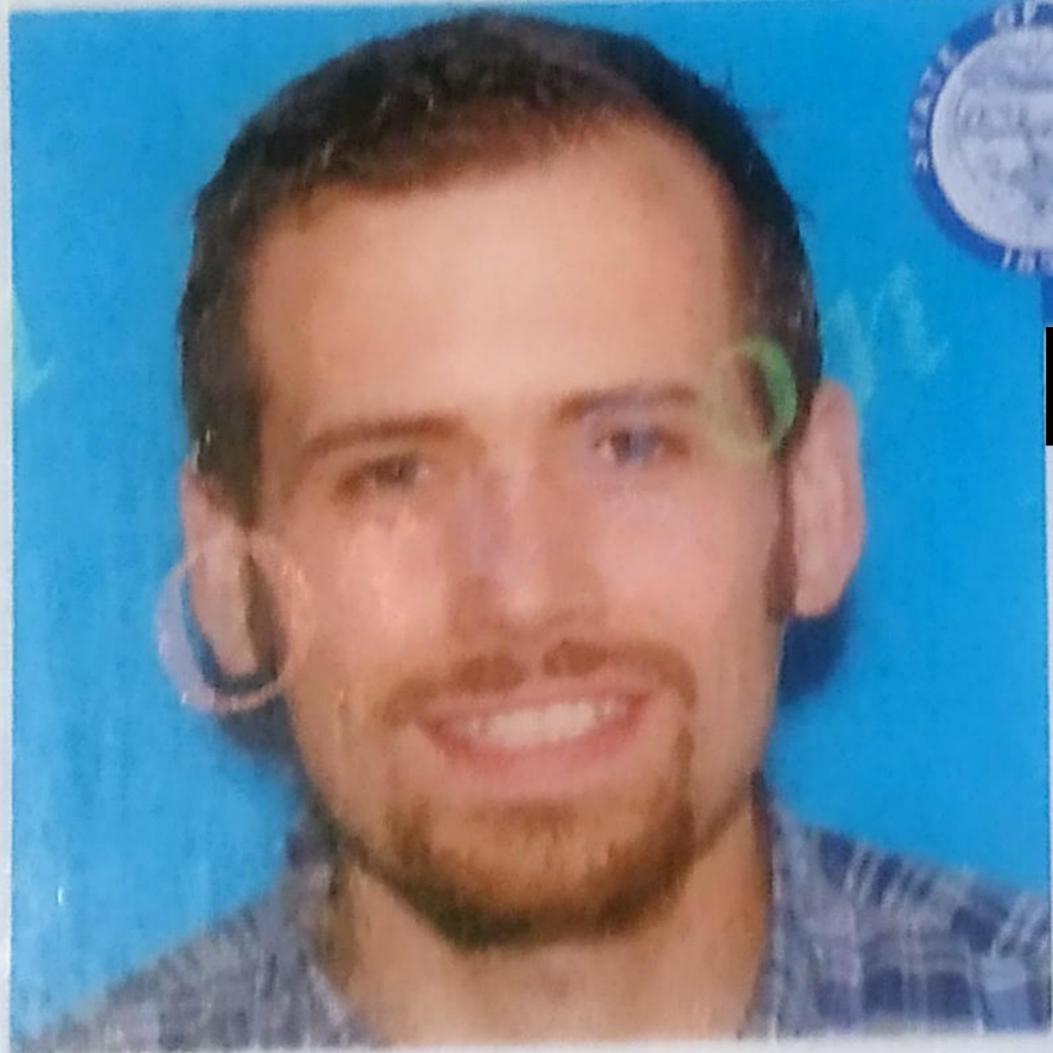


# OREGON

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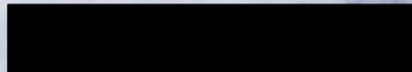


## DRIVER LICENSE



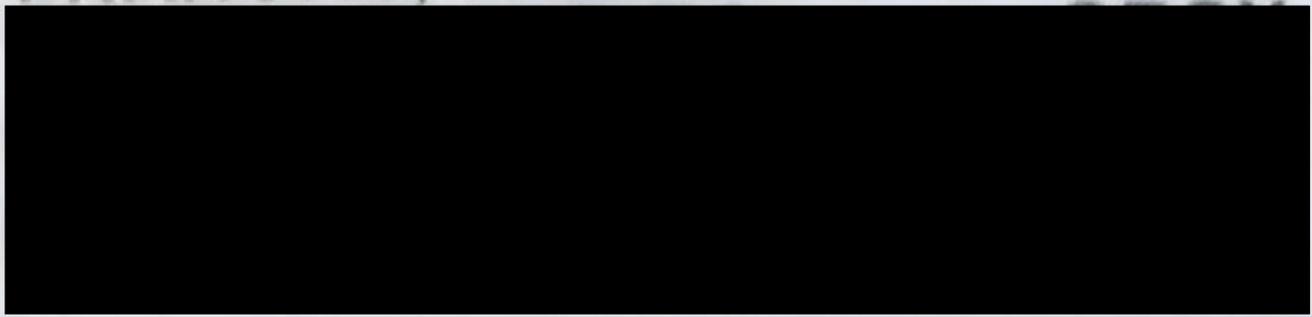
Expires **05-31-2020**

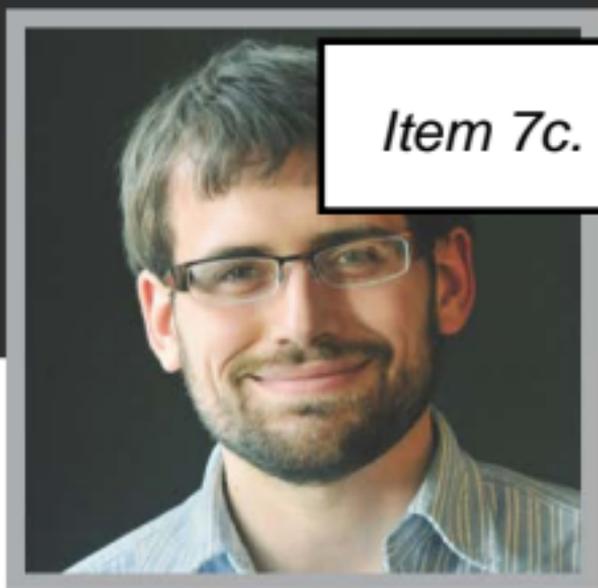
FRANCKE, TYLER JULIAN

DOB		Issue Date	<b>07-12-2012</b>
Endorsements		Sex	<b>M</b>
		First Licensed	<b>07-12-2012</b>
Restrictions		Height	<b>5'08"</b>
<b>B</b>		Weight	<b>145</b>



FRANCKE, TYLER JULIAN





*Item 7c.*

**TYLER FRANCKE**



Page 40

**PRESS**



# Parents Rally for Safe Return to In-Person Learning

OCTOBER 1, 2020 • TYLER FRANCKE • CORONAVIRUS, GOVERNMENT, NEWS, SCHOOL

“Zoom Is Not School.” “Open Our Schools.” “Bring Me Back to the Classroom.” “Disney World Is Open But I Can’t Go to School.”

These and other messages are expected to be on display today at a planned rally at Clackamas Town Center, protesting [the governor’s strict coronavirus metrics](#) that have prevented most school districts — including Canby’s — from [returning to in-person instruction this fall](#).

The event is being organized by [Clack to School](#), a parent-led effort calling on state leaders to reopen classrooms “in a hybrid, Covid-safe model.”

“We are advocating that students and teachers be given the choice to return to school as early as October, adhering to the safety guidelines in place for proper masking, hygiene and social distancing,” organizers said in a press release. “To do this, we would like leaders to re-evaluate the metrics, return more autonomy to local districts, and examine other reasonable, science-based, and safety-minded considerations.”

Clack to School is a relatively new group, which began on Sept. 19 when several local moms began discussing the difficulties their children were having with online learning.

One of the founders, Jennifer Dale, said her efforts stem from advocacy on behalf of one of her three children, a daughter with Down syndrome who has struggled with distance learning.



Be the first of your friends to like this

My Tweets



"We've spent three weeks with my daughter's team trying to find solutions, [not Canby First](#) good solution," Dale tells the *Current*. "She learns best from peers, through their support and role modeling. That can't be replicated in the online environment."

They reached out to other parents and found similar concerns, ranging from technology failures to emotional distress to disabilities that prevented kids from using the online learning platform effectively.

The group's Facebook following has grown to nearly 3,000 in less than two weeks.

"We just want students ... to have the choice to access a learning environment that supports their needs," Dale says. "For many of our vulnerable students, in-person learning supports their needs and the online platform does not. Parents are concerned. Families are struggling and kids deserve better."

The governor's [threshold for reopening schools relies](#) on state and countywide coronavirus metrics, including that the county has seen 10 or fewer new cases of Covid-19 per 100,000 people over 7 days for 3 weeks in a row, and test positivity of 5% or less in both the county and state for the same period.

Clack to School says that's too strict.

"We prioritized reopening the economy; we should be prioritizing reopening schools," Dale says. "We would like Gov. Brown to revisit the metrics that are keeping schools closed and restore local control for the districts to begin the process. Right now, local leaders have their hands tied by the governor's orders."

After a low of 20.5 cases per 100,000 residents in the first week of September — which is still more than double what it would need to be to meet the state's guidelines for reopening classrooms — [Clackamas County's weekly case load is](#) back up in the 35 range, where it has been for most of the summer.

The numbers are slightly better in terms of the percentage of tests that come back positive for the coronavirus. Clackamas County has been below the 5% threshold since July, but the state has hit that mark only a few times in the past three months. Currently, Oregon's rate is at 6.3% and climbing.

Parents are asking that the governor begin a conversation with about "finding a real solution," and identify collaborative solutions toward getting children safely back into the classroom.

They stress that they are not against protecting the health and safety of students, teachers and staff.

"We recognize the fear and dangers of Covid-19. But there's an equal and devastating consequence of keeping our kids locked inside," Dale says. "We can't all go back tomorrow, but it's time to start a phased re-entry recognizing the importance of safety and the value of connection and community offered by school."

"Many kids are safer at school where they have friendships, peers and teachers as amazing role models."



Help us build a sustainable news organization to serve Canby for generations to come. Canby First now if you can [support our efforts](#) to launch a 21st-century newspaper today. #SwimWithTheCurrent!



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What do you think?

3 Responses

- Upvote
- Funny
- Love
- Surprised
- Angry
- Sad

The Canby Current Comment Policy

We welcome relevant and respectful comments. Rude, off-topic comments may be removed.



Please read our [Comment Policy](#) before commenting.

0 Comments The Canby Current Disqus' Privacy Policy Login

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Start the discussion...

LOG IN WITH

OR SIGN UP WITH DISQUS

Name

## Trump Signs Hearing Device Act

Hearing Enhancer Revolution in America After Donald Slashes Prices by over 90%

Aidion



Item 7c.

 Dishwasher Detergent Pods, Unscented... <b>\$4.90</b>	Sensitive Skin/Laundry Detergent... <b>\$4.80</b>	Sensitive Skin Laundry Detergent... <b>\$4.80</b>	Laundry & House Booster... <b>\$4.80</b>
Stain & Odor Laundry Detergent Pods,...	Stain & Odor Laundry Detergent Pods,...	Sensitive Skin Laundry Detergent,...	Laundry Oxi Boos
<b>\$4.70</b>	<b>\$4.70</b>	<b>\$126</b>	Scent Booster w/ Softener... <b>\$4.80</b>
		Sensitive Skin Laundry Detergent,...	Scent Bc Fabric S...
<b>\$4.70</b>	<b>\$4.70</b>	<b>\$126</b>	<b>\$25</b>
			<b>\$25</b>



PO Box 930  
222 NE 2nd Avenue  
Canby, OR 97013  
503.266.4021  
FAX: 503.266.7961



# CITY OF CANBY BUSINESS LICENSE APPLICATION Annual Fee \$50.00

Date Paid:	PA	Item 7c.
Amount Paid:	PA	
Check #		
Business License #	7447	
NAICS:		

## CITY LIMITS

- New       Change of Ownership       Business Relocation (Inside City Limits)

Please Print or Type and Fill Out the Application Completely

Now Hear This Media      Canby Now Podcast  
 Business Name      DBA- Doing Business As

675 NW 2nd Ave., Ste. 1      Canby      OR      97013  
 Business Street Address (no PO Box)      City      State      Zip

P.O. Box 264      Canby      OR      97013  
 Business Mailing Address (if different than above)      City      State      Zip

503-953-5893

Business Phone      Cell Phone      FAX      Owner/Manager Contact Phone

info@canbynowpod.com      canbynowpod.com  
 Email Address      Website Address

Tyler Francke      12111 S. Costo Road, Oregon City, OR  
 Owner/Manager Name      Owner/Manager Home Address (no PO Boxes)

Please describe the type of service / goods you will provide, sell or manufacture: podcast & advertising, contract writing, graphic design, marketing services

**Date you began/will begin doing business in Canby:** 9/01/19

Do you own or lease your building/space? Own \_\_\_ Lease  Total square footage of space owned/leased: 350

The following additional information is required if this is a new business located within Canby City limits:

Is the business a Home Occupancy? Yes \_\_\_ No  If yes, how many customers daily on average: \_\_\_\_\_

If the building is leased commercial or industrial property, give name, address and phone number of the property owner:

Three Sisters Land Co., 675 NW 2nd Ave., 503-263-6616

Type of Alarm System: None \_\_\_ Burglary \_\_\_ Holdup \_\_\_ Fire \_\_\_ Combo Fire/Burglary \_\_\_

Other \_\_\_ Central Alarm Station Name and Phone Number \_\_\_\_\_

### CANBY AREA TRANSIT TAX CLASSIFICATION:

Please note: All wages and self-employment income earned within the Canby Urban Growth Boundary are subject to Canby Area Transit tax. Tax return forms will be sent quarterly and/or annually as applicable and must be filed for wages/earnings in the Canby Transit District.

**Continued on back page**

**Please initial the following statement that applies to your business:**

Item 7c.

- I have employees **and** receive non-payroll income from the profits of my business (report a profit/loss on IRS Schedule C). (Quarterly payroll **and** annual self-employment returns are applicable.)  
Number of FTE (full-time equivalent): \_\_\_\_\_
- I have employees (myself included). (Quarterly payroll returns are applicable.)  
Number of FTE (full-time equivalent): \_\_\_\_\_
- I have no payroll but receive income from the profits of my business (report a profit/loss on IRS Schedule C). (Annual self-employment returns are applicable.)
- I am a non-profit or claim the following exemption: \_\_\_\_\_

**None of the above?** One or the other type of forms needs to be filed unless an exemption applies. Our understanding is that corporate officers are paid reasonable wages for their work, but if there are no wages for a given period, a return certifying "0" needs to be submitted. Consultation with a tax professional is recommended.

Accounting/Payroll Administrator Contact Information:

Tyler Francke 503-953-5893  
 Name Phone  
 P.O. Box 264 Canby OR 97013  
 Address City State Zip  
 info@canbynowpod.com  
 E-Mail Address

**The information provided on this form is true and complete to the best of my knowledge. I agree to comply with all ordinances of the City of Canby, including filing of Canby Area Transit Tax, and any applicable building, and zoning, and signage, fire and police requirements and with federal, state and municipal law:**

  
 Applicant's Signature 83-1989392  
 Member/Manager Federal Tax ID Number/EIN Number  
 Title 11/15/19  
 Date

**DEPARTMENTAL APPROVALS REQUIRED FOR BUSINESSES LOCATED INSIDE CANBY CITY LIMITS**

City Planner/Building Official: Date 11.22.19 Initials BB Approved

Comments: \_\_\_\_\_

Police Department: Date \_\_\_\_\_ Initials \_\_\_\_\_ Approved \_\_\_\_\_

Comments: \_\_\_\_\_

Fire Department: Date \_\_\_\_\_ Initials \_\_\_\_\_ Approved \_\_\_\_\_

Comments: \_\_\_\_\_

\*\*Fire Inspection required when a new business or re-located business occupies a new space or building. Final inspection can only be made once the business is in a "ready to open" condition

**EMERGENCY CONTACT: FOR POLICE AND FIRE RECORDS**

Name \_\_\_\_\_ Phone \_\_\_\_\_

8/2017

**RESOLUTION NO. 11-22**

---

**A RESOLUTION OF THE CITY OF OREGON CITY ESTABLISHING A POLICY  
REGARDING MEDIA IN EXECUTIVE SESSIONS**

**WHEREAS**, ORS 192.610(2) provides: “Executive session’ means any meeting or part of a meeting of a governing body that is closed to certain persons for deliberation on certain matters”; and

**WHEREAS**, ORS 192.660(4) provides: “Representatives of the news media shall be allowed to attend executive session ... but the governing body may require that specified information be undisclosed;” and

**WHEREAS**, the Oregon City Commission (the “Commission”) currently has no policy or procedure for determining what is a news media organization and who is a representative of the news media; and

**WHEREAS**, it is in the public interest to establish a policy that defines “news media organization” and who is a “representative of the news media” in order to preserve the purposes of having executive sessions while safeguarding the rights of news media organizations; and

**WHEREAS**, the Commission also desires to establish as its policy that it requires all information discussed or considered in executive sessions to be undisclosed.

**NOW, THEREFORE, OREGON CITY HEREBY RESOLVES** as follows:

1. Definitions. As used in this resolution, the following definitions apply:
  - A. “News” means factual information that is about current events.
  - B. “News media organization” means an entity that is organized and operated to publish, broadcast or disseminate news to the public as determined by Sections 3 or 4 below.
  - C. “Representative of the news media” means an employee, agent or contractor of a news media organization who is engaged in the act of gathering news for that news media organization as determined by Section 5 below.
  
2. Policy that Information Be Undisclosed. It is the Commission’s policy that all information discussed or considered in executive sessions of the Commission may not be disclosed in any form, and/or to any other person so long as the information is properly within the scope of statutory authorization of the executive session. This policy extends to all statements made in executive sessions, to all documents considered, and all other information presented or considered regardless of the format, within the proper scope of the executive sessions of the Commission. To the extent this policy may be inconsistent with Oregon law, Oregon law shall control. This policy shall apply regardless whether persons attending any particular executive session are reminded of the policy. The Commission, in its sole discretion, may make exceptions to this policy if it is in the public interest to do so, and if a majority of the members thereof vote to do so.

3. Recognized News Media Organizations. The following entities are hereby recognized as news media organizations without requiring further proof because they have an established history of publishing, broadcasting or disseminating news in, affecting, or about Oregon City to the public:

- A. The Oregonian
- B. Oregon City News/Clackamas Review

No other entity shall be recognized as a news media organization unless it is recognized through the process described in Section 4 below.

4. Recognition of Other Entities.

A. In order to be recognized as a news media organization, an entity other than those recognized in Section 3 above must: (i) submit a written request for recognition as a news media organization to the Commission; and (ii) provide evidence that the entity is organized and operated to publish, broadcast or disseminate news to the public.

B. It shall be the entity's burden to persuade the Commission by a preponderance of the evidence that it is organized and operated to publish, broadcast or disseminate news to the public. The entity may be a news component of a larger organization which isn't necessarily a news media organization.

C. The Commission may consider any relevant evidence provided or gathered in making a decision whether to recognize an entity as a news media organization. The Commission shall make its determination whether to recognize the entity as a news media organization based the following criteria:

- (i) Regular publication, regular broadcasts or regular updates (at least once weekly) of news;
- (ii) Publication, broadcast or website must contain a minimum of 25% news content, and include news produced by its own staff;
- (iii) The publication, broadcast or website must not serve primarily as a platform to promote the interest and/or opinions of a special interest group, individual or cause, or as a forum to air grievances, engage in gossip, or for personal attacks or character assassination.

D. The Commission's decision to recognize or not to recognize an entity as a news media organization is a quasi-judicial decision reviewable as provided by ORS 34.010 to 34.100.

5. Attendance at Executive Sessions. Representatives of the news media are allowed to attend executive sessions, except as otherwise allowed by law. In order to determine whether someone requesting permission to attend an executive session is a representative of the news media, the following procedure shall be followed:

A. Any person who wishes to attend an executive session must: (i) submit a written request for permission to attend an executive session to the Commission; and (ii)

provide evidence that the person is an employee, agent or contractor of a news media organization who is engaged in the act of gathering news for that news media organization.

B. The request for permission shall be on a form provided by the Commission. The person requesting permission to attend an executive session must complete and sign the request form. The request form shall include a space for the person to indicate his or her name and the entity for which he or she is an employee, agent or contractor. The request form shall also include a space for the person to sign his or her signature certifying that he or she is gathering news for a news media organization; that the information submitted is true; and that he or she understands that it is the Commission's policy, and that he or she agrees to comply with the Commission's policy, that all information discussed or considered in executive sessions of the Commission shall not be disclosed in any form, and/or to any other person as long as it was properly within the scope of the announced statutory authorization of the executive session and as long as the media's reporting has not independently verified it.

C. It shall be the person's burden to persuade the Commission or Commissioners by a preponderance of the evidence that he or she is an employee, agent or contractor of a news media organization engaged in the act of gathering news for a news media organization. The Commission shall make its determination whether to recognize the person as a representative of the news media based on the following criteria:

(i) Proof, satisfactory to the Commission, that the person is associated with a recognized news media organization. Such proof can come in the form of the following:

- Press identification - press badge or identification issued by recognized news media organization, plus proof of identity (such as a driver's license);

- Proof of A recently published news article by a news media organization with the person's byline, or a masthead showing the person's name as a member of the editorial staff of a recognized news media organization, plus proof of identity; or

- A letter on letterhead from an editor of a recognized news media organization in which the editor states that the reporter is covering the meeting for the news media organization, plus proof of identity (freelancers must have clippings or proof of work with a recognized news media organization within the last six months); and

(ii) Proof, satisfactory to the Commission, that the person is gathering news, even though the information discussed or considered in executive session may not be disclosed in any form, and/or to any other person.

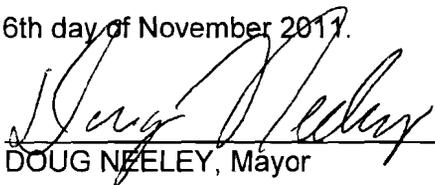
D. If the entity disclosed on the request for permission form is not recognized as a news media organization, the person shall not be allowed to attend an executive session until the entity is granted recognition.

E. If the executive session is for the purpose of discussing current litigation or litigation likely to be filed, and the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation, the person shall not be allowed to attend the executive session. If the Commission has reason to believe that the person has submitted false information or has previously failed to comply with the Commission's policy regarding disclosure of information properly within the scope of previous executive sessions, it may refuse permission for the person to attend the executive session.

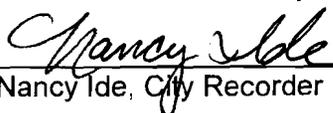
F. The Commission may consider any relevant evidence provided or gathered in making a decision whether a person is a representative of the news media. The Commission's decision to recognize or not to recognize a person as a representative of the news media, and/or to grant permission to attend an executive session, is a quasi-judicial decision reviewable as provided by ORS 34.010 to 34.100.

6. Cameras and Other Recording Devices. Cameras, tape recorders and other recording devices may not be used in executive sessions, except the official executive session recordings made by City staff. .

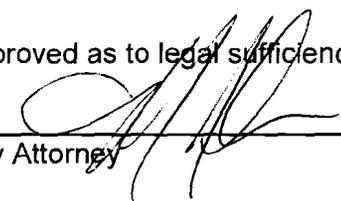
Adopted, signed and approved this 16th day of November 2011.

  
DOUG NEELEY, Mayor

Attested to this 16th day of November 2011:

  
Nancy Ide, City Recorder

Approved as to legal sufficiency:

  
City Attorney

## REGARDING MEDIA IN EXECUTIVE SESSIONS

### PURPOSE

The purpose of this policy is to provide guidelines for determining what is a news media organization and who is a representative of the news media according to ORS 192.610(2) and ORS 192.660(4).

### APPLICABILITY

This policy applies to all executive session meetings held by the City Commission and any other board or committee of the City.

### IN GENERAL

ORS 192.610(2) provides any meeting or part of a meeting of a governing body may deliberate in closed meetings on certain matters; and ORS 192.660(4) provides that representatives of the news media shall be allowed to attend executive sessions, but that the governing body may require that specified information be undisclosed. This policy defines news media organizations and who is a representative of the news media for access into executive sessions.

### DEFINITIONS

1. **Definitions.** As used in Resolution No. 11-22, the following definitions apply:
  - A. **News.** Means factual information that is about current events.
  - B. **News Media Organization.** Means an entity that is organized and operated to publish, broadcast or disseminate news to the public as determined by section 3 or 4 below.
  - C. **Representative of the News Media.** Means an employee, agent or contractor of a news media organization who is engaged in the act of gathering news for that news media organization as determined by Section 5 below.
2. **Policy that Information be Undisclosed.** It is the Commission's policy that all information discussed or considered in executive sessions of the Commission may not be disclosed in any form, and/or to any other person so long as the information is properly within the scope of the statutory authorization of the executive session. This policy extends to all statements made in executive sessions, to all documents considered, and all other information presented or considered regardless of the format, within the proper scope of the executive sessions of the Commission. To the extent this policy may be inconsistent with Oregon law, Oregon law shall control. This policy shall apply regardless whether persons attending any particular executive session are reminded of the policy. The Commission, in its sole discretion, may make exceptions to this policy if it is in the public interest to do so, and if the majority of the members thereof vote to do so.
3. **Recognized News Media Organizations.** The following entities are hereby recognized as news media organizations without requiring further proof because they have an established history of publishing, broadcasting or disseminating news in, affecting, or about Oregon City to the public:

- A. The Oregonian
- B. Oregon City News/Clackamas Review

No other entity shall be recognized as a news media organization unless it is recognized through the process described in Section 4 below.

4. **Recognition of Other Entities.**

- A. In order to be recognized as a news media organization, an entity other than those recognized in Section 3 above must: (i) submit a written request for recognition as a new media organization to the Commission; and (ii) provide evidence that the entity is organized and operated to publish, broadcast or disseminate news to the public.
- B. It shall be the entity's burden to persuade the Commission by a preponderance of the evidence that it is organized and operated to publish, broadcast or disseminate news to the public. The entity may be a news component of a larger organization which isn't necessarily a news media organization.
- C. The Commission may consider any relevant evidence provided or gathered in making a decision whether to recognize an entity as a news media organization. The Commission shall make its determination whether to recognize the entity as a news media organization based on the following criteria:
  - (i) Regular publication, regular broadcasts or regular updates (at least once weekly) of news;
  - (ii) Publication, broadcast or website must contain a minimum of 25% news content, and include news produced by its own staff;
  - (iii) The publication, broadcast or website must not serve primarily as a platform to promote the interest and/or opinions of a special interest group, individual or cause, or as a forum to air grievances, engage in gossip, or for personal attacks or character assassination.
- D. The Commission's decision to recognize or not to recognize an entity as a news media organization is a quasi-judicial decision reviewable as provided by ORS 34.010 to 34.100.

5. **Attendance at Executive Sessions.** Representatives of the news media are allowed to attend executive sessions, except as otherwise allowed by law. In order to determine whether someone requesting permission to attend an executive session is a representative of the news media, the following procedure shall be followed:

- A. Any person who wishes to attend an executive session must: (i) submit a written request for permission to attend an executive session to the Commission; and (ii) provide evidence that the person is an employee, agent or contractor of a news media organization who is engaged in the act of gathering news for that news media organization.

- B. The request for permission shall be on a form provided by the Commission. The person requesting permission to attend an executive session must complete and sign the request form. The request form shall include a space for the person to indicate his or her name and the entity for which he or she is an employee, agent or contractor. The request form shall also include a space for the person to sign his or her signature certifying that he or she is gathering news for a news media organization; that the information submitted is true; and that he or she understands that it is the Commission's policy, and that he or she agrees to comply with the Commission's policy, that all information discussed or considered in executive sessions of the Commission shall not be disclosed in any form, and/or to any other person as long as it was properly within the scope of the announced statutory authorization of the executive session and as long as the media's reporting has not independently verified it.
- C. It shall be the person's burden to persuade the Commission or Commissioners by a preponderance of the evidence that he or she is an employee, agent or contractor of a news media organization engaged in the act of gathering news for a news media organization. The Commission shall make its determination whether to recognize the person as a representative of the news media based on the following criteria:
- (i) Proof, satisfactory to the Commission, that the person is associated with a recognized news media organization. Such proof can come in the form of the following:
    - Press identification - press badge or identification issued by recognized news media organization, plus proof of identity (such as a driver's license);
    - Proof of A recently published news article by a news media organization with the person's byline, or a masthead showing the person's name as a member of the editorial staff of a recognized news media organization, plus proof of identity; or
    - A letter on letterhead from an editor of a recognized news media organization in which the editor states that the reporter is covering the meeting for the news media organization, plus proof of identity (freelancers must have clippings or proof of work with a recognized news media organization within the last six months); and
  - (ii) Proof, satisfactory to the Commission, that the person is gathering news, even though the information discussed or considered in executive session may not be disclosed in any form, and/or to any other person.
- D. If the entity disclosed on the request for permission form is not recognized as a news media organization, the person shall not be allowed to attend an executive session until the entity is granted recognition.
- E. If the executive session is for the purpose of discussing current litigation or litigation likely to be filed, and the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation, the person shall not be allowed to attend the executive session. If the

Commission has reason to believe that the person has submitted false information or has previously failed to comply with the Commission's policy regarding disclosure of information properly within the scope of previous executive sessions, it may refuse permission for the person to attend the executive session.

- F. The Commission may consider any relevant evidence provided or gathered in making a decision whether a person is a representative of the news media. The Commission's decision to recognize or not to recognize a person as a representative of the news media, and/or to grant permission to attend an executive session, is a quasi-judicial decision reviewable as provided by ORS 34.010 to 34.100.

6. **Cameras and Other Recording Devices.** Cameras, tape recorders and other recording devices may not be used in executive sessions, except the official executive session recordings made by City staff.

*This policy was approved by the City Commission via Resolution No. 11-22 on November 16, 2011.*

**Approved**  
By: \_\_\_\_\_

**Denied**  
By: \_\_\_\_\_

**City of Oregon City**  
**APPLICATION – MEDIA REQUEST TO**  
**ATTEND EXECUTIVE SESSION**  
 Please type or print clearly  
**Resolution No. 11-22**

Item 7c.

**Application Complete**

Yes  
 No

**Media Personnel:**

<b>Name</b>	<b>News/Media Organization</b>
<b>Street</b>	<b>City/State/Zip</b>
	<b>Phone</b>

**Proof Provided by Applicant:**

One of the following three:

- Press identifications – press badge or identification issued by recognized news media organization, plus proof of identity (such as a driver’s license); *or*
- A recently published news article by a news media organization with the person’s byline, or a masthead showing the person’s name as a member of the editorial staff of a recognized news media organization, plus proof of identity; *or*
- A letter on letterhead from the editor of a recognized news media organization in which the editor state that the reporter is covering the meeting for the news media organization, plus proof of identity (freelancers must provide clippings or proof of work with a recognized news media organization within the last six months).

The following must also be provided:

- Proof, satisfactory to the Commission, that the person is gathering news, even though the information discussed or considered in executive session may not be disclosed in any form, and/or to any other person.

- If the executive session is for the purpose of discussing current litigation or litigation likely to be filed, and the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation, the person **shall not be allowed** to attend the executive session. \_\_\_\_\_(initial)
- **Cameras and Other Recording Devices.** Cameras, tape recorders and other recording devices may not be used in executive sessions, except the official executive session recordings made by City staff. The Commission, in its discretion, may prohibit representatives of the news media from taking notes or otherwise memorializing the contents of the executive sessions. \_\_\_\_\_(initial)

\_\_\_\_\_  
**Media Personnel**

\_\_\_\_\_  
**By (Signature)**

\_\_\_\_\_  
**Date of Submittal**



# CITY OF OREGON CITY

## Staff Report

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

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

**Agenda Date:** 10/21/2020

### **SUBJECT:**

Request for Local Designation of Historic Landmarks: The Community Cannery & Workshop Annex Camp Adair Buildings (122 and 220 S. John Adams Street)

### **STAFF RECOMMENDATION:**

Staff recommends the City Commission take testimony and instruct staff to proceed with the demolition of the Camp Adair buildings pursuant to the 2017 decision revoking consent. If public testimony is received, the City Commission's decision may be tentative with adoption of written findings to follow on November 4, 2020.

### **EXECUTIVE SUMMARY:**

This is the second time that the City has received a request for local designation of historic landmarks for the Community Cannery & Workshop Annex Camp Adair buildings located at 122 and 220 S. John Adams Street. After the first application was filed in 2017, the City Manager withheld property owner consent so that no further designation action could not be considered. After an appeal and remand from the Land Use Board of Appeals, the City Commission supported and refined the position. The Commission's decision was affirmed by LUBA, the Court of Appeals and the Oregon Supreme Court denied review. The new designation application for local designation is identical, except for the name of the applicant. Staff is seeking direction from the City Commission about how it would like to proceed.

### **BACKGROUND:**

In 2004, the City completed an historic inventory of the buildings located within the City's Public Works Operations Center, including two buildings on the upper campus, then known as the Cannery and Warehouse buildings. The inventory concluded a determination that these buildings were not eligible for designation on the National Register of Historic Places either because they "lacked distinction" or they had been "altered."

On March 2, 2017, the McLoughlin Neighborhood Association filed an application to designate the Cannery and Warehouse buildings as historic landmarks on the City's local historic inventory. The application provides that these buildings were suitable for designation because of new information - their association with Camp Adair, a US Army World War II training facility, located near the City of Corvallis.

Upon receiving the request, the City researched the eligibility of the structures and received communications from a Historian with the State Historic Preservation Office indicating that, notwithstanding this new information, these buildings would be ineligible for listing in the National Register of Historic Places. A letter from Restore Oregon confirmed this result.

On April 18, 2017, the City Manager Tony Konkol issued a letter refusing to consent to the historic designation of these two buildings pursuant to ORS 197.772(1). Attached to the City Manager's letter was a memorandum to the HRB explaining that the City had previously created and approved a Master Plan for the property to improve services for the public. In order to achieve that goal, the Camp Adair structures were proposed to be removed. The memorandum included consideration for the designation of the structures and indicated that the City would attempt to find a suitable place to relocate the buildings and if the structures could not be relocated, they would be deconstructed. At its April 25 hearing, the HRB received a briefing on the historic nomination for the Camp Adair buildings including a presentation by staff and public comments from MNA's attorney. Consistent with ORS 197.772, the application was removed from any further consideration by the HRB. On April 27, city staff mailed notice to MNA that the HRB would be taking no further action to consider the request.

MNA appealed Mr. Konkol's April 18th letter as well as the HRB's failure to take action on the application to LUBA. Before LUBA, MNA raised the following issues: (1) whether a local government is entitled to withdraw consent for a historic designation under ORS 997.772(1); (2) whether Oregon City waived the right to refuse consent; (3) whether the City Manager had authority to withdraw consent under the City Charter; and (4) that the HRB had an obligation to hold a hearing and make a decision on the substance of the application consistent with the City's hearing requirements set forth in Oregon City Municipal Code 17.50.

LUBA agreed with MNA, in part. LUBA found that the City should have addressed items 2 and 3 in the list above. First, the City must consider whether it waived its right to refuse consent for historic designations under ORS 197.772(1) by delegating authority to designate resources to the HRB. Second, the City must consider whether the city manager had authority under the city charter to refuse to consent. LUBA did not make any ruling on whether public property owners are entitled to withdraw consent under ORS 197.772(1). As a result, the City Commission should make a decision on the scope of ORS 197.772(1) as well.

The City Commission held a public hearing to resolve the issues raised in LUBA's opinion in *MNA v. City of Oregon City*, LUBA Nos. 2017-052/054 on November 15,

2017. On December 6, 2017, the City Commission adopted findings which included conclusions that Oregon City had not waived the right to refuse consent and that the City Manager had the right to withdraw consent. This decision was affirmed by LUBA, the Court of Appeals and the Oregon Supreme Court declined review.

On October 9, 2020, James Nicita filed an application to once again designate the Cannery and Warehouse buildings as historic landmarks on the City's local historic inventory. Staff is asking the City Commission to clarify the City Commission's position regarding processing the application for local designation of the Cannery and Warehouse structures.

**OPTIONS:**

1. Take no further action relying on the previous decision to revoke consent to designation.
2. Adopt a formal decision revoking consent to this particular designation request triggering 120-day demolition delay.
3. Provide consent for local designation and instructing staff to schedule the matter for hearing before the HRB.

**BUDGET IMPACT:**

Amount: Unknown

FY(s):

Funding Source(s):

## MEMORANDUM

TO: Oregon City Commission  
 FROM: Carrie Richter, Deputy City Attorney  
 DATE: October 14, 2020  
 RE: Request to designate the Camp Adair Buildings Historic

At the last City Commission meeting the Commission instructed staff to proceed with removal of the Camp Adair buildings along with presentation of an ordinance designating the Upper Yard as a Charter Park. Since that time, the City has received an application to designate the Camp Adair buildings as historic landmarks under the city code, triggering review before the buildings could be altered, demolished or relocated. This memorandum provides some background about this request and set forth some options for the Commission's consideration in response.

### Background

On March 2, 2017, the McLoughlin Neighborhood Association filed an application to designate the Camp Adair buildings as historic landmarks under OCMC 17.40.050. In a letter dated April 18, 2017, the City Manager refused to consent to a designation pursuant to ORS 197.772(1), a state law that grants property owners this right. See attached. As a result, the City took no further action on the designation application, although the Historic Review Board (HRB) did receive a briefing on the issue at a subsequent hearing. The revocation of consent was appealed to the Land Use Board of Appeals (LUBA).

In the fall of 2017, LUBA remanded the City's actions, finding that the City failed to address some of the objections raised at the HRB briefing, most notably whether: (1) the historic landmark designation regulations affirmatively precluded the City from waiving consent to a historic designation; and (2) whether the City Manager had authority to withdraw consent. When the matter came back to the City, the City Commission adopted a decision re-affirming the City's approach allowing the City Manager's withdrawal to stand. Also attached. In a second appeal, LUBA affirmed the City's approach. This matter was subsequently appealed to the Oregon Court of Appeals, which affirmed LUBA's decision, and in March, 2019, the Oregon Supreme Court denied review.

The Camp Adair designation application that was filed on October 9, 2020 is identical in all respects to the one that was filed in 2017, except that the applicant is no longer the McLoughlin Neighborhood, but has been replaced by James Nicita.

**Bateman Seidel Miner Blomgren Chellis & Gram, P.C.**

1000 SW Broadway, Suite 1910 Portland, Oregon 97205 | Telephone 503 972-9920 Fax 503 972-9921 |

Oregon City Commission  
October 14, 2020  
Page 2

### Summary of Relevant Standards

ORS 197.772(1) provides:

Notwithstanding any other provision of law, a local government shall allow a property owner to refuse to consent to any form of historic property designation at any point during the designation process. *Such refusal to consent shall remove the property from any form of consideration for historic property designation under ORS 358.480 (Definitions for ORS 358.480 to 358.545) to 358.545 (Rules) or other law except for consideration or nomination to the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.).* (Emphasis added.)

This law allows a property owner, including a local government, to refuse to consent to a historic property designation and upon submittal of that objection, a City may no longer consider it for designation.

ORS 197.772(2) also states:

No permit for the demolition or modification of property removed from consideration for historic property designation under subsection (1) of this section shall be issued during the 120-day period following the date of the property owner's refusal to consent.

In other words, if a property owner refuses to consent to a historic designation, the City must wait for at least 120-days before issuing a demolition permit.

Under OCMC 17.40.060, the HRB is charged with determining whether a resource qualifies for historic landmark designation based on an evaluation of the Historic Overlay purpose statements and consistency with the Comprehensive Plan. Upon designation, any proposal to demolish, relocate or alter the landmark is subject to HRB review, with a review on appeal to the City Commission.

### Commission Options

- 1) The City could rely on the April 18, 2017, refusal to consent, as affirmed by the City Commission on December 6, 2017, as a basis to forgo any further proceedings on this current request. Under this theory, the 120-day demolition delay period started when consent was revoked – April 2017 - and has now expired. Interested parties have had over 3 years to come up with a plan for relocating the Camp Adair buildings as a means to save them from demolition and no alternative proposal has been forthcoming. By relying on the original revocation, the demolition permit could issue immediately and demolition could proceed in advance of the designation of the Upper Yard as a charter park. This theory makes some sense; if a refusal to consent did not apply to future applications, a property owner could be subject to a never-ending cycle of application, refusal to consent, 120 day delay, and, on the 119<sup>th</sup> day, a new application

resetting the clock. However, this approach could also be subject to appeal to LUBA, which could nonetheless result in a lengthy delay before demolition, if a stay is granted.

- 2) The City Manager or City Commission could issue a written decision re-affirming the refusal of consent issued in April 2017, effectively formally withdrawing consent for this second designation request. Replacing the April 2017 revocation may have the effect of re-starting a new 120-day demolition delay clock. Waiting 120 days would delay demolition until late February or early March, after the effectiveness of the charter park designation. The benefit of this approach is that it would offer more certainty about the decision that is subject to appeal and given that the City prevailed in the previous challenges, make the potential risk from an appeal fairly low. However, as noted above, if no plan to relocate the buildings is developed, the applicant, or someone else, could file a new application that could theoretically re-set the demolition clock.
- 3) Allow the designation request to proceed to a hearing before the HRB as set forth in OCMC 17.40. Processing this request is likely to take two to four months to reach completion. The HRB has not weighed in on whether the buildings are suitable for designation. The State Historic Preservation Office did indicate that because the buildings had been removed from Camp Adair, they would not be eligible for the National Register for Historic Places. This process could not be completed before the timeline that the Commission has identified for effective designation of the charter park. If the HRB agrees with the application and designates the buildings as landmarks, demolition review would be required in order to demolish or relocate the buildings.

## CONCLUSION

The new application for the designation of the Camp Adair buildings is a new twist in the City's attempts to move forward on the area known as the upper yard and may complicate the designation of that area as a charter park, by creating uncertainty as to what the City may do with those buildings. There are options to resolve these issues, but none of them provide a direct and clear path to demolish the buildings without potential legal challenges.

## Laura Terway

---

**From:** James Nicita <james.nicita@gmail.com>  
**Sent:** Friday, October 9, 2020 1:54 PM  
**To:** Laura Terway  
**Subject:** Fwd: Application for Landmarks Designation -- Camp Adair Buildings  
**Attachments:** Petition (Local Historic Landmark)(Camp Adair buildings)(Final)(with exhibits).pdf

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Laura,

This version includes more info for the application (more pages after the signature page). Please add those pages to my application file.

Thanks!

Jim

----- Forwarded message -----

**From:** James Nicita <james.nicita@gmail.com>  
**Date:** Fri, Oct 9, 2020 at 1:51 PM  
**Subject:** Application for Landmarks Designation -- Camp Adair Buildings  
**To:** Rachel Lyles Smith <rlsmith@orcify.org>, Rocky Smith, Jr. <rsmith@orcify.org>, <dmcgriff@orcify.org>, Frank O'Donnell <fodonnell@orcify.org>, Tony Konkol <tkonkol@orcify.org>, Kattie Riggs <kriggs@orcify.org>, Bill Kabeiseman <billkab@batemanseidel.com>, Laura Terway <lterway@orcify.org>, <jlewis@orcify.org>  
**Cc:** Paul Edgar <pauloedgar@q.com>

Commissioners:

I write regarding the Camp Adair buildings.

Though traveling, I was able to watch this past Wednesday's City Commission meeting on the City's YouTube channel, including Paul Edgar's presentation indicating the interest of a serious and capable party, Mr. Emmert, in taking the two Camp Adair Buildings to the Clackamas County Veterans Village for repurposing as veterans' housing. Mr. Edgar indicated that Mr. Emmert's interest was contingent upon the Board of County Commissioners of Clackamas County giving its approval to use the Veterans Village site, which the County owns.

I was struck by the fact that all four of the City Commissioners of Oregon City went on record to state that they preferred moving and restoration of the two Camp Adair buildings to seeing them demolished.

And yet, the discussion that evening gave the impression that the decision to demolish the two Camp Adair buildings if no proposal was submitted by 2:00 pm today, October 9, 2020, the City would proceed with demolition.

I would like to suggest respectfully that the timelines and schedules that the City of Oregon City established for the notice of sale process might not have been realistic. The concept of offering the two Camp Adair buildings for sale prior to demolition was discussed way back in the spring of this year, yet the City waited until early September to place an actual notice in the Daily Journal of Commerce. Once the ad was placed, it allowed parties only 30 days to submit a bid, and then only 45 days to move the buildings.

The situation everyone finds themselves in now is an unsurprising result of that process. The process did not seem to anticipate that almost any party wishing to purchase the two buildings and move them would face issues like Mr. Emmert faces now. For example, securing owner consent. Or, to take another example, securing land use approvals or even zone changes. If I were in Mr. Emmert's shoes, I can't say that I would undertake the time and expense to move the

buildings to off-site storage while waiting for an uncertain approval from the County.

Because it seemed from Wednesday's meeting that there would be no ability to amend or alter the process from within the City to allow for a realistic decision making process that would allow a small, reasonable amount of time for the County to grant its approval to place the Camp Adair buildings on the Veterans Village site, I have resolved to try to do so from the outside.

It seems that four months would be sufficient time to allow the County to make a decision. A mechanism exists in state law that would allow the City of Oregon City to pause, take a deep breath, and not rush into a needless and unwarranted demolition of the two Camp Adair buildings. That mechanism is ORS 197.772, which states in pertinent part:

197.772 Consent for designation as historic property.

(1) Notwithstanding any other provision of law, a local government shall allow a property owner to refuse to consent to any form of historic property designation at any point during the designation process. Such refusal to consent shall remove the property from any form of consideration for historic property designation under ORS 358.480 to 358.545 or other law except for consideration or nomination to the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.).

(2) No permit for the demolition or modification of property removed from consideration for historic property designation under subsection (1) of this section shall be issued during the 120-day period following the date of the property owner's refusal to consent.

With this email, therefore, on which I am cc'ing Laura Terway as Director of Community Development, I am, pursuant to Oregon City Municipal Code (OCMC) Sec. 17.40.050, making an application to designate the two Camp Adair buildings as Oregon City historic landmarks. That section states, in pertinent part:

A. Institution of Proceedings. The city commission, the planning commission, the historic review board, a recognized neighborhood group or any interested person may initiate the proceedings for designation of an historic or conservation district, landmark, or historic corridor as follows:

(...)

2.

Any interested person or recognized neighborhood group may start designation proceedings by sending a written application to the planning staff.

I am an "interested person," in that I am a property owner, a taxpayer, and a voter in Oregon City. I am also an "interested person" in that I was the researcher who actually discovered that the Cannery and the Vocational Education Building Annex were in fact originally officers club buildings from Camp Adair. Finally, I am an "interested person" in that I have been part of the struggle for over a decade, including my time as a City Commissioner, to prevent expansion into the Lower Water Board Park area, and restore the area as part of Water Board Park. My vision of that restoration has always included restoration of the Camp Adair buildings. If restoration within Water Board Park is not possible politically, at least preservation somewhere else should be the end result.

This email constitutes my "written application." I am incorporating by reference the prior application for landmark designation submitted by the McLoughlin Neighborhood Association. I hereby substitute my own name and address for the name and address listed on the incorporated application:

James Nicita  
302 Bluff Street  
Oregon City, OR 97045  
503-799-0725  
[james.nicita@gmail.com](mailto:james.nicita@gmail.com)

I believe the actual addresses of the two buildings are 121 S John Adams St. and 220 (or 206) S John Adams Street, respectively.

It does not appear from city code that there is a fee associated with this application, and I find no such fee on the current version of the City's planning fee schedule.

Under the code, the application now as a matter of law be submitted to the Historic Review Board for Consideration. Under OCMC 2.28.060:

B. The following matters shall be submitted to the historic review board for its approval or decision:

1. Landmark designations;

And under OCMC 17.40.050:

C. The planning staff shall deliver a proposal or an application for the designation to the historic review board within

thirty days after the day on which a proposal or application is received. The historic review board shall review the proposal on the application and prepare a written recommendation or decision approving or rejecting the proposed designation.

These code provisions give me a legal entitlement to have my application heard, and any refusal on the City's part to provide a hearing on my application would constitute a violation of my substantial rights.

The exception is if the City refuses to grant consent to the designation. However, if it does so, the provision in ORS 197.772(2) gets triggered, and the City must wait 120 from that point before granting a demolition permit. As of this morning, according to the City's permit search function, a demolition permit has not been granted, or even applied for. I will state that I would not be taking this step if no credible buyer had stepped forward on the Camp Adair buildings. But one has, and he is due a fair opportunity to go through the process of securing permission from the County to place the Camp Adair buildings on the Veterans Village site.

I am also taking this step in recognition of the heroic and herculean efforts made by Paul Edgar over the past month. I think he has done everything humanly possible to advance an excellent concept. But I think the City's process placed him in an impossible position.

Needless to say, I am willing to withdraw this application at any time the County approves the placement of the Camp Adair buildings on the Veterans Village site and the City approves the sale; or if the matter of the Camp Adair buildings is otherwise resolved in a satisfactory manner.

I respectfully ask that the City not enter into any demolition contract pending resolution of this application. I believe that would also constitute a violation of my substantial rights.

James Nicita  
Oregon City

	<p><b>APPLICATION FOR DESIGNATION OF HISTORIC LANDMARKS</b></p> <p><b>HISTORIC REVIEW BOARD</b></p>	<p>City of Oregon City 625 Center Street P.O. Box 3040 Oregon City, Oregon 97045 Phone 503.657.0891 Fax 503.657.7892 www.orcity.org</p>
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**APPLICANT & OWNER INFORMATION**

<p><b>APPLICANT NAME:</b> James Nicita</p>	<p><b>APPLICANT E-MAIL:</b> james.nicita@gmail.com</p>
<p><b>APPLICANT ADDRESS:</b> 302 Bluff St., Oregon City, OR 97045</p>	<p><b>APPLICANT PHONE:</b> 503-799-0725</p>
<p><b>NAME of PROPERTY OWNER (if different):</b> City of Oregon City</p>	
<p><b>PROPERTY OWNER'S MAILING ADDRESS:</b> 625 Center St., Oregon City OR 97045</p>	<p><b>PROPERTY OWNER'S PHONE:</b> 503-657-0891</p>

**PROPOSED LANDMARK INFORMATION**

<p><b>SITE ADDRESSES:</b></p> <p>122 &amp; 220 S. John Adams St., Oregon City OR 97045</p>
<p><b>DESCRIPTIONS OF PROPOSED LANDMARKS:</b></p> <p>These two nearly identical buildings are located in Lower Waterboard Park. They were constructed in Camp Adair (Oregon’s U.S. Army WWII training facility) in 1942, where they were used as officers’ clubs. In 1947 the buildings were moved from Camp Adair to their current location, where the building located at 122 S. John Adams St. was used as Oregon City’s community cannery, and the building located at 220 S. John Adams St. was used as a workshop annex by the vocational school then operating in Lower Waterboard Park.</p> <p>Sources: 1947 newspaper articles (attached); 1947 Oregon City Commission minutes (attached); <i>Camp Adair: The Story of a World War II Cantonment</i>, John Baker, 2005.</p> <p><u>122 S. John Adams St. (“the Community Cannery Building”):</u></p> <p>The utilitarian style of the Community Cannery Building is similar to that of most other Camp Adair buildings. It is rectangular in plan, with a small projection on the north elevation and is one story high. It sits on a concrete slab foundation. The roof has small eave overhands along the north and south elevations and is eaveless at the gable ends on the other elevations. The roof has a gable form and is covered in a panel metal roofing material. The walls are clad in drop channel wood siding with wood corner boards. All of the windows on this building have been covered by panels of drop siding on the exterior and by boards and drywall on the interior. <i>The original windows still remain underneath the</i></p>

*coverings, and consist of eight-over-eight double-hung wood sashes.* The west elevation of the building has a single metal garage door, which appears to have replaced a garage door that operated on an existing overhead track. A metal pent roof is located over this entry and extends across the width of the elevation. On the south elevation there is a non-original metal door, and an original wood garage door that operates on an overhead track. This door may be similar to that which once existed on the west elevation. Both of these doors on the south elevation are covered by small shed roofs. The interior of the building is relatively unaltered, though the partitioning of a small room at the east end of the structure and an addition on the north elevation are notable alternations. The floors consist of concrete slab, with a channel down the center (consistent with its use as the Community Cannery). There is a concrete sink at the east end of the building, consistent with the building's use as the Community Cannery. There is an overhead metal track that circles the east end of the building, and which appears to have been used in conjunction with the concrete sink during the building's use as the Community Cannery. The building sits on a relatively flat site, which begins to slope downward to the south and west about 20 feet from the building. The building is in fair condition and has good integrity.

Sources: 2004 Historic Resource Survey Form (attached); 1947 newspaper articles (attached).

220 S. John Adams St. ("the Workshop Annex Building"):

This building is very similar to the Community Cannery Building because both buildings served as officers' clubs at Camp Adair. The differences between the buildings are the result of modifications made to them once they were moved from Camp Adair to their present location. The Workshop Annex Building is a simple one-story rectangle with an eaveless gabled roof. Approximately two feet of the concrete foundation is visible above ground. The exterior wall surfaces are clad in channel drop siding. The roof is clad in modern interlocking metal panels. The west elevation features four garage-type openings. A track for sliding doors runs across the entire elevation. The three northern-most openings have been filled with modern roll-up doors, while the southern-most opening has an older door. There are also three boarded-up windows on this elevation. The north gable-end has three windows, which are evenly spaced but are placed at staggered heights and boarded-up. Two evenly-spaced openings are punched into the south gable-end. More boarded-up windows can be found on the east elevation. It is not possible to determine the window configuration or evaluate their integrity without removing some window coverings because the windows are fully covered on the interior and the exterior. The Workshop Annex Building is in fair to good condition, and its integrity is fair. The building's integrity rating would be raised to "good" if the original windows are discovered under the coverings.

Sources: 2004 Historic Resource Survey Form (attached); 1947 newspaper articles (attached).

**THE LOCATIONS OF THE PROPOSED LANDMARKS ARE ILLUSTRATED ON THE FOLLOWING MAPS:**



Source: Google Maps

Note: the Community Cannery Building (north) and the Workshop Annex Building (south) are marked with stars.

**CURRENT PHOTOGRAPHS OF THE PROPOSED LANDMARKS:**

The Community Cannery Building:



Source: James Nicita, 2017.

The Workshop Annex Building:



Source: James Nicita, 2017.

Note: Due to a tall fence enclosing this area, it was not possible to get closer to the building.

**HISTORIC PHOTOGRAPH OF THE INTERIOR OF A CAMP ADAIR OFFICERS' CLUB DURING WWII:**



Source: <https://www.pinterest.com/pin/534732155733992354/> (last accessed 2017-03-01)

**EXAMPLE OF THE CAMP ADAIR CONSTRUCTION STYLE:**

Source: [http://www.gazettetimes.com/news/local/barracks-go-downtown/article\\_a7b272a2-2f2b-11df-85d7-001cc4c002e0.html](http://www.gazettetimes.com/news/local/barracks-go-downtown/article_a7b272a2-2f2b-11df-85d7-001cc4c002e0.html) (last accessed 2017-03-01). This 2010 photograph shows some Camp Adair barracks being relocated from Camp Adair to Adair Village, where they are currently being restored.

**CAMP ADAIR BARRACKS CURRENTLY BEING RESTORED IN ADAIR VILLAGE:**

Source: <http://adairlivinghistory.org/> (last accessed 2017-03-01)

**EXPLAIN WHY THE PROPOSED LANDMARKS SHOULD BE DESIGNATED:**

According to historian John Baker, the author of *Camp Adair: The Story of a World War II Cantonment* (which was adapted into a DVD video by the same name in 2010), of the 1800 buildings that once stood in Camp Adair, he is unaware of any other officers' clubs that have remained intact. In fact, most of the buildings in Camp Adair were demolished shortly after WWII.

Camp Adair was Oregon's WWII army training facility, where ~130,000 soldiers trained for combat during WWII. At any given time from 1942 to the end of the war, ~40,000 people lived there, making it Oregon's second largest city at the time, after Portland.

Historic resource surveys were completed for these two buildings in 2004, but those surveys failed to identify or accurately report the true history of the buildings. That is, the survey reports incorrectly identify the age of the buildings, their origin, their original use. The surveys mention nothing about the buildings' history in Camp Adair or their association with WWII.

The buildings should be designated as historic landmarks primarily because of their unique history and association with Camp Adair. As mentioned above, of the few Camp Adair buildings that have survived, there are no other known intact officers' clubs. These unique pieces of WWII history should be preserved and rehabilitated for their educational value and for community use.

The buildings' histories as the community cannery (where community members could go to have their produce, etc., preserved) and as part of the vocational school, respectively, are also of historic value to the community.

Sources: *Camp Adair: The Story of a World War II Cantonment*, John Baker, 2005; 2004 historic resource forms (attached); 1947 newspaper articles (attached); 1947 Oregon City Commission minutes (attached).

**LIST AND EXPLAIN THE POSITIVE AND NEGATIVE EFFECTS, IF ANY, WHICH DESIGNATION OF THE PROPOSED LANDMARK WOULD HAVE ON THE RESIDENTS OR OTHER PROPERTY OWNERS IN THE AREA:**

Positive Effects:

- (1) The Waterboard Park/Lower Waterboard Park area is predominantly residential in nature. Because the Camp Adair buildings are located within the park, the local residents (both those living in close proximity to the park and those visiting the park from other areas of Oregon City) and tourists will benefit from having historic resources readily accessible from within a public park. If the buildings are restored and made available for public use (for example, as meeting/event venues or, in the case of the Cannery Building [122 S. John Adams St.], perhaps as an OSU Extension Service building to pay respect to the building's history as the Oregon City Community Cannery), then direct benefits will flow to the general public. Currently, both buildings are secured and are inaccessible to the general public.
- (2) The local, state, and national historic preservation societies/associations will benefit from preservation of WWII Camp Adair buildings, especially considering that no other Camp Adair officers' clubs are known to have survived.
- (3) Historic designation of these structures, readily assessable to the public, would be consistent with the historic designation and use of the Lower Waterboard Park area as a city park.

Negative Effects: While restoration of the buildings would require some level of investment (either by the City or through independent efforts to raise money for restoration, or both), the expense of restoration should not be considered a negative effect. Rather, the expenses of preservation/restoration should be considered the price to pay for the above-described positive effects. The MNA does not envision any negative effects from historic designation of these structures.

**EXPLAIN HOW DESIGNATION OF THE PROPOSED LANDMARK WOULD SERVE THE PURPOSE OF THE HISTORIC OVERLAY DISTRICT AS STATED IN OCMC 17.40.010:**

OCMC 17.40.010 reads as follows:

It is declared as a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this chapter is to:

- A. Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history;
- B. Safeguard the city's historic, aesthetic and cultural heritage as embodied and reflected in such improvements and districts;
- C. Complement any National Register Historic districts designated in the city;
- D. Stabilize and improve property values in such districts;
- E. Foster civic pride in the beauty and noble accomplishments of the past;
- F. Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- G. Strengthen the economy of the city;
- H. Promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing and public welfare of the city; and
- I. Carry out the provisions of LCDC Goal 5.

The proposed historic designation of the two Camp Adair buildings would serve the purposes of OCMC 17.40.010 as follows:

- A. Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history.

Response: The historic designation of the Camp Adair buildings in Lower Waterboard Park would protect, enhance, and perpetuate scarce historic resources originating from Camp Adair and Oregon's involvement in WWII. Designation would also protect, enhance, and perpetuate the historic remnants of the two buildings' use as the Oregon City Community Cannery and vocational school workshop annex, respectively.

- B. Safeguard the city's historic, aesthetic and cultural heritage as embodied and reflected in such improvements and districts.

Response: Designation of the Camp Adair buildings will add to the rich inventory of historic resources which make up the history of Oregon City. Designation will safeguard the aesthetic and cultural heritage as embodied in the place we know as historic Oregon City.

- C. Complement any National Register Historic districts designated in the city.

Response: The Camp Adair buildings are located with the McLoughlin Conservation District. Further, the Camp Adair buildings are within walking distance of the Canemah National Register District.

- D. Stabilize and improve property values in such districts.

Response: The historic landmark designation of the Camp Adair buildings would add value to the Waterboard Park/Lower Waterboard Park area, which should improve property values in the McLoughlin Neighborhood.

- E. Foster civic pride in the beauty and noble accomplishments of the past.

Response: The historic landmark designation of the Camp Adair buildings would foster civic pride in Oregon's role in defeating the axis powers in WWII, as well as appreciation for the sacrifices Oregonians made during that war. It is difficult to conceive of more fitting landmarks for fostering civic pride in noble accomplishments of the past than actual buildings used at Oregon's WWII army training facility.

Further, and apart from the associated Camp Adair history, by itself the use of the Cannery Building as Oregon City's Community Cannery was a beautiful and noble community endeavor.

- F. Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided.

Response: Historic landmark designation of the Camp Adair buildings will allow residents and tourists/visitors to learn about, access, and appreciate the buildings' historic values/resources.

- G. Strengthen the economy of the city.

Response: Tourism is a substantial part of Oregon City's economy largely because Oregon City has a unique history and many interesting historic resources. The historic landmark designation of the Camp Adair buildings would bring attention and contribute to the variety of historic resources available for tourists to visit. Ultimately, attracting more visitor/tourists through the historic value of the Camp Adair buildings will encourage spending at local shops and restaurants.

- H. Promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing and public welfare of the city.

Response: The educational value of the Camp Adair buildings cannot be easily overstated. Many lifelong residents of Oregon do not know about Camp Adair and its historic significance to the WWII effort. The preservation and restoration of the Camp Adair buildings would allow for improved educational opportunities in that regard. Many local citizens would have trained at Camp Adair during its active years. Accordingly, many current citizens will have family that trained at Camp Adair. The Camp Adair buildings could be a destination for local elementary school field trips. The location of the buildings in Lower Waterboard Park, in close proximity to Waterboard Park, would allow any educational trips to also capitalize on the surrounding natural park environment.

- I. Carry out the provisions of LCDC Goal 5.

Response: The purpose of LCDC's Statewide Planning Goal 5 is "to protect natural resources and conserve scenic and historic areas and open spaces." OAR 660-015-0000(5). To achieve compliance with Goal 5, "[l]ocal governments shall adopt programs that will protect natural resources and conserve scenic, *historic*, and open space resources for present and future generations." OAR 660-015-0000(5) (emphasis added). In addition, "[s]ignificant natural areas that are *historically*, ecologically or scientifically unique, outstanding or important, including those identified by the State Natural Area Preserves Advisory Committee, should be inventoried and evaluated." OAR 660-015-0000(5) at B(6) (emphasis added).

The City of Oregon City initially achieved compliance with LCDC Goal 5 through the adoption of its Comprehensive Plan. The Comprehensive Plan has been amended several times since then, and compliance with LCDC Goal 5 remains a requirement of ongoing Comprehensive Plan implementation. To that end, since initial adoption of the Comprehensive Plan Oregon City has added to its historic resources inventory. Part of the historic inventory update process involves completing historic resource information forms for properties that are potentially eligible for historic designation. For the Camp Adair buildings, historic inventory forms were completed in 2004, but the buildings were not identified as being of historic value at that time because the buildings' Camp Adair history was then unknown. With the recently-discovered information about the buildings' history in Camp Adair, their LCDC Goal 5 values have drastically increased.

The historic landmark designation of the Camp Adair buildings would help carry out the provisions of LCDC Goal 5 because designation would protect and conserve valuable national, state, and local historic resources. Further, designating the Camp Adair buildings as local historic landmarks would be consistent with and complement Oregon City's extensive existing inventory of LCDC Goal 5 historic resources in the McLoughlin Conservation District. Accordingly, the proposed designation would help carry out the provisions of LCDC Goal 5.

**EXPLAIN WHY DESIGNATION OF THE PROPOSED LANDMARK WOULD BE CONSISTENT WITH THE PURPOSES OF THE CITY COMPREHENSIVE PLAN:**

Response: The current Oregon City Comprehensive Plan (2004) addresses the preservation of historic landmarks:

Historic Landmarks

Historic landmarks are structures or sites with unusual historic importance and contribute to the city's identity. Maintenance costs are often returned in tourism revenues. Appreciation of local culture and history is enhanced. Criteria for designation as a historic landmark are:

- association with a major historic person
- association with an historic event or period of time
- association with a former or continuing institution that has contributed to the life of the city
- embodiment of the distinctive characteristics of a type, period, or method of construction, or representation of the work of a master, or possession of high artistic values, or representation of a significant and distinguishable entity where components may lack individual distinction
- association with a group, organization, enterprise in history

Oregon City Comprehensive Plan at 33-34. The historic landmark designation of the Camp Adair buildings is consistent with the above-quoted section of the Comprehensive Plan, as follows:

- Association with a major historic person: N/A
- Association with an historic event or period of time: The Camp Adair buildings are primarily associated with Oregon's involvement in WWII. Further, the Cannery Building is associated with its historic use as the Oregon City Community Cannery, and the workshop annex is associated with the historic operation of the vocational school in the park.
- Association with a former or continuing institution that has contributed to the life of the city: The army, of course, with which the buildings are associated, is a continuing institution that, especially during WWII, strongly impacted the lives of everyone in the community. Further, once the Cannery Building was transferred from Camp Adair to Lower Waterboard Park, the Community Cannery was moved into the building. The Community Cannery was operated by the City's school authorities, much like the OSU Extension service currently offers canning and preservation-related classes throughout the state (e.g. the OSU Extension Service Master Food Preserver Program), including in Oregon City. The legacy of the Community Cannery has also continued to some extent through Clackamas Community College's (CCC) community garden program. The same, of course, is true of the workshop annex building's association with CCC, which still offers vocational and technical training. In fact, CCC was located in Lower Waterboard Park before it moved to its current location in

- Embodiment of the distinctive characteristics of a type, period, or method of construction, or representation of the work of a master, or possession of high artistic values, or representation of a significant and distinguishable entity where components may lack individual distinction: Oregon City's Camp Adair buildings are representative of the style of buildings constructed in Camp Adair, most of which are lost to history.
- Association with a group, organization, enterprise in history: As discussed above, there are multiple historic groups, organizations, and enterprises associated with the Camp Adair buildings.

<b>APPLICANT'S SIGNATURE:</b>  _____
James Nicita
<b>DATE:</b>  10-9-2020

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- Association with a group, organization, enterprise in history: As discussed above, there are multiple historic groups, organizations, and enterprises associated with the Camp Adair buildings.

APPLICANT'S SIGNATURE:

James Nicita

DATE:

10-9-2020



APPLICATION FOR DESIGNATION  
OF HISTORIC LANDMARKS  
  
HISTORIC REVIEW BOARD

City of Oregon City  
625 Center Street  
P.O. Box 3040  
Oregon City, Oregon 97045  
Phone 503.657.0891  
Fax 503.657.7892  
www.orcity.org

APPLICANT & OWNER INFORMATION

APPLICANT NAME: McLoughlin Neighborhood Association (MNA)	APPLICANT E-MAIL: <a href="mailto:guttmcg@msn.com">guttmcg@msn.com</a> (Denyse McGriff, MNA Chair)
APPLICANT ADDRESS: PO Box 1027, Oregon City OR 97045	APPLICANT PHONE: 503-656-3912 (Denyse McGriff, MNA Chair)
NAME of PROPERTY OWNER (if different): City of Oregon City	
PROPERTY OWNER'S MAILING ADDRESS: 625 Center St., Oregon City OR 97045	PROPERTY OWNER'S PHONE: 503-657-0891

PROPOSED LANDMARK INFORMATION

SITE ADDRESSES:

122 & 220 S. John Adams St., Oregon City OR 97045

DESCRIPTIONS OF PROPOSED LANDMARKS:

These two nearly identical buildings are located in Lower Waterboard Park. They were constructed in Camp Adair (Oregon's U.S. Army WWII training facility) in 1942, where they were used as officers' clubs. In 1947 the buildings were moved from Camp Adair to their current location, where the building located at 122 S. John Adams St. was used as Oregon City's community cannery, and the building located at 220 S. John Adams St. was used as a workshop annex by the vocational school then operating in Lower Waterboard Park.

Sources: 1947 newspaper articles (attached); 1947 Oregon City Commission minutes (attached); *Camp Adair: The Story of a World War II Cantonment*, John Baker, 2005.

122 S. John Adams St. ("the Community Cannery Building"):

The utilitarian style of the Community Cannery Building is similar to that of most other Camp Adair buildings. It is rectangular in plan, with a small projection on the north elevation and is one story high. It sits on a concrete slab foundation. The roof has small eave overhands along the north and south elevations and is eaveless at the gable ends on the other elevations. The roof has a gable form and is covered in a panel metal roofing material. The walls are clad in drop channel wood siding with wood corner boards. All of the windows on this building have been covered by panels of drop siding on the exterior and by boards and drywall on the interior. *The original windows still remain underneath the*

*coverings, and consist of eight-over-eight double-hung wood sashes.* The west elevation of the building has a single metal garage door, which appears to have replaced a garage door that operated on an existing overhead track. A metal pent roof is located over this entry and extends across the width of the elevation. On the south elevation there is a non-original metal door, and an original wood garage door that operates on an overhead track. This door may be similar to that which once existed on the west elevation. Both of these doors on the south elevation are covered by small shed roofs. The interior of the building is relatively unaltered, though the partitioning of a small room at the east end of the structure and an addition on the north elevation are notable alternations. The floors consist of concrete slab, with a channel down the center (consistent with its use as the Community Cannery). There is a concrete sink at the east end of the building, consistent with the building's use as the Community Cannery. There is an overhead metal track that circles the east end of the building, and which appears to have been used in conjunction with the concrete sink during the building's use as the Community Cannery. The building sits on a relatively flat site, which begins to slope downward to the south and west about 20 feet from the building. The building is in fair condition and has good integrity.

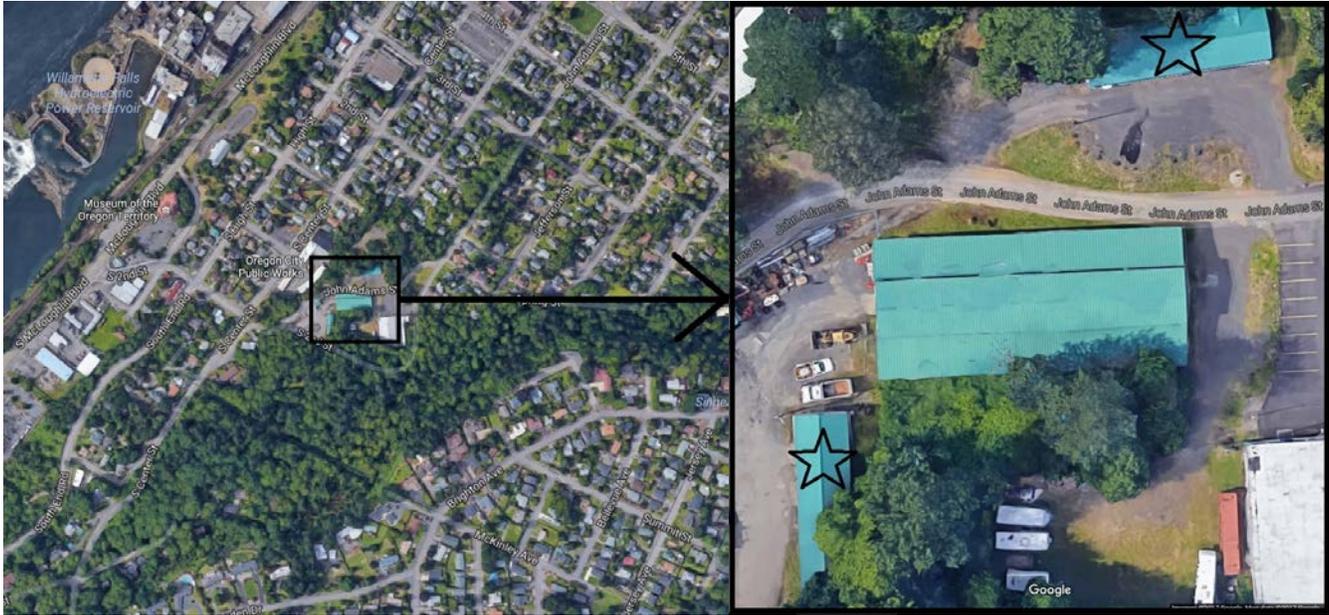
Sources: 2004 Historic Resource Survey Form (attached); 1947 newspaper articles (attached).

220 S. John Adams St. ("the Workshop Annex Building"):

This building is very similar to the Community Cannery Building because both buildings served as officers' clubs at Camp Adair. The differences between the buildings are the result of modifications made to them once they were moved from Camp Adair to their present location. The Workshop Annex Building is a simple one-story rectangle with an eaveless gabled roof. Approximately two feet of the concrete foundation is visible above ground. The exterior wall surfaces are clad in channel drop siding. The roof is clad in modern interlocking metal panels. The west elevation features four garage-type openings. A track for sliding doors runs across the entire elevation. The three northern-most openings have been filled with modern roll-up doors, while the southern-most opening has an older door. There are also three boarded-up windows on this elevation. The north gable-end has three windows, which are evenly spaced but are placed at staggered heights and boarded-up. Two evenly-spaced openings are punched into the south gable-end. More boarded-up windows can be found on the east elevation. It is not possible to determine the window configuration or evaluate their integrity without removing some window coverings because the windows are fully covered on the interior and the exterior. The Workshop Annex Building is in fair to good condition, and its integrity is fair. The building's integrity rating would be raised to "good" if the original windows are discovered under the coverings.

Sources: 2004 Historic Resource Survey Form (attached); 1947 newspaper articles (attached).

THE LOCATIONS OF THE PROPOSED LANDMARKS ARE ILLUSTRATED ON THE FOLLOWING MAPS:



Source: Google Maps

Note: the Community Cannery Building (north) and the Workshop Annex Building (south) are marked with stars.

CURRENT PHOTOGRAPHS OF THE PROPOSED LANDMARKS:

The Community Cannery Building:



Source: James Nicita, 2017.

The Workshop Annex Building:



Source: James Nicita, 2017.

Note: Due to a tall fence enclosing this area, it was not possible to get closer to the building.

HISTORIC PHOTOGRAPH OF THE INTERIOR OF A CAMP ADAIR OFFICERS' CLUB DURING WWII:



Source: <https://www.pinterest.com/pin/534732155733992354/> (last accessed 2017-03-01)

EXAMPLE OF THE CAMP ADAIR CONSTRUCTION STYLE:



Source: [http://www.gazettetimes.com/news/local/barracks-go-downtown/article\\_a7b272a2-2f2b-11df-85d7-001cc4c002e0.html](http://www.gazettetimes.com/news/local/barracks-go-downtown/article_a7b272a2-2f2b-11df-85d7-001cc4c002e0.html) (last accessed 2017-03-01). This 2010 photograph shows some Camp Adair barracks being relocated from Camp Adair to Adair Village, where they are currently being restored.

CAMP ADAIR BARRACKS CURRENTLY BEING RESTORED IN ADAIR VILLAGE:



Source: <http://adairlivinghistory.org/> (last accessed 2017-03-01)

EXPLAIN WHY THE PROPOSED LANDMARKS SHOULD BE DESIGNATED:

According to historian John Baker, the author of *Camp Adair: The Story of a World War II Cantonment* (which was adapted into a DVD video by the same name in 2010), of the 1800 buildings that once stood in Camp Adair, he is unaware of any other officers' clubs that have remained intact. In fact, most of the buildings in Camp Adair were demolished shortly after WWII.

Camp Adair was Oregon's WWII army training facility, where ~130,000 soldiers trained for combat during WWII. At any given time from 1942 to the end of the war, ~40,000 people lived there, making it Oregon's second largest city at the time, after Portland.

Historic resource surveys were completed for these two buildings in 2004, but those surveys failed to identify or accurately report the true history of the buildings. That is, the survey reports incorrectly identify the age of the buildings, their origin, their original use. The surveys mention nothing about the buildings' history in Camp Adair or their association with WWII.

The buildings should be designated as historic landmarks primarily because of their unique history and association with Camp Adair. As mentioned above, of the few Camp Adair buildings that have survived, there are no other known intact officers' clubs. These unique pieces of WWII history should be preserved and rehabilitated for their educational value and for community use.

The buildings' histories as the community cannery (where community members could go to have their produce, etc., preserved) and as part of the vocational school, respectively, are also of historic value to the community.

Sources: *Camp Adair: The Story of a World War II Cantonment*, John Baker, 2005; 2004 historic resource forms (attached); 1947 newspaper articles (attached); 1947 Oregon City Commission minutes (attached).

**LIST AND EXPLAIN THE POSITIVE AND NEGATIVE EFFECTS, IF ANY, WHICH DESIGNATION OF THE PROPOSED LANDMARK WOULD HAVE ON THE RESIDENTS OR OTHER PROPERTY OWNERS IN THE AREA:**

Positive Effects:

- (1) The Waterboard Park/Lower Waterboard Park area is predominantly residential in nature. Because the Camp Adair buildings are located within the park, the local residents (both those living in close proximity to the park and those visiting the park from other areas of Oregon City) and tourists will benefit from having historic resources readily accessible from within a public park. If the buildings are restored and made available for public use (for example, as meeting/event venues or, in the case of the Cannery Building [122 S. John Adams St.], perhaps as an OSU Extension Service building to pay respect to the building's history as the Oregon City Community Cannery), then direct benefits will flow to the general public. Currently, both buildings are secured and are inaccessible to the general public.
- (2) The local, state, and national historic preservation societies/associations will benefit from preservation of WWII Camp Adair buildings, especially considering that no other Camp Adair officers' clubs are known to have survived.
- (3) Historic designation of these structures, readily assessable to the public, would be consistent with the historic designation and use of the Lower Waterboard Park area as a city park.

Negative Effects: While restoration of the buildings would require some level of investment (either by the City or through independent efforts to raise money for restoration, or both), the expense of restoration should not be considered a negative effect. Rather, the expenses of preservation/restoration should be considered the price to pay for the above-described positive effects. The MNA does not envision any negative effects from historic designation of these structures.

**EXPLAIN HOW DESIGNATION OF THE PROPOSED LANDMARK WOULD SERVE THE PURPOSE OF THE HISTORIC OVERLAY DISTRICT AS STATED IN OCMC 17.40.010:**

OCMC 17.40.010 reads as follows:

It is declared as a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this chapter is to:

- A. Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history;
- B. Safeguard the city's historic, aesthetic and cultural heritage as embodied and reflected in such improvements and districts;
- C. Complement any National Register Historic districts designated in the city;
- D. Stabilize and improve property values in such districts;
- E. Foster civic pride in the beauty and noble accomplishments of the past;
- F. Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- G. Strengthen the economy of the city;
- H. Promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing and public welfare of the city; and
- I. Carry out the provisions of LCDC Goal 5.

The proposed historic designation of the two Camp Adair buildings would serve the purposes of OCMC 17.40.010 as follows:

- A. Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history.

Response: The historic designation of the Camp Adair buildings in Lower Waterboard Park would protect, enhance, and perpetuate scarce historic resources originating from Camp Adair and Oregon's involvement in WWII. Designation would also protect, enhance, and perpetuate the historic remnants of the two buildings' use as the Oregon City Community Cannery and vocational school workshop annex, respectively.

- B. Safeguard the city's historic, aesthetic and cultural heritage as embodied and reflected in such improvements and districts.

Response: Designation of the Camp Adair buildings will add to the rich inventory of historic resources which make up the history of Oregon City. Designation will safeguard the aesthetic and cultural heritage as embodied in the place we know as historic Oregon City.

- C. Complement any National Register Historic districts designated in the city.

Response: The Camp Adair buildings are located with the McLoughlin Conservation District. Further, the Camp Adair buildings are within walking distance of the Canemah National Register District.

- D. Stabilize and improve property values in such districts.

Response: The historic landmark designation of the Camp Adair buildings would add value to the Waterboard Park/Lower Waterboard Park area, which should improve property values in the McLoughlin Neighborhood.

- E. Foster civic pride in the beauty and noble accomplishments of the past.

Response: The historic landmark designation of the Camp Adair buildings would foster civic pride in Oregon's role in defeating the axis powers in WWII, as well as appreciation for the sacrifices Oregonians made during that war. It is difficult to conceive of more fitting landmarks for fostering civic pride in noble accomplishments of the past than actual buildings used at Oregon's WWII army training facility.

Further, and apart from the associated Camp Adair history, by itself the use of the Cannery Building as Oregon City's Community Cannery was a beautiful and noble community endeavor.

- F. Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided.

Response: Historic landmark designation of the Camp Adair buildings will allow residents and tourists/visitors to learn about, access, and appreciate the buildings' historic values/resources.

- G. Strengthen the economy of the city.

Response: Tourism is a substantial part of Oregon City's economy largely because Oregon City has a unique history and many interesting historic resources. The historic landmark designation of the Camp Adair buildings would bring attention and contribute to the variety of historic resources available for tourists to visit. Ultimately, attracting more visitor/tourists through the historic value of the Camp Adair buildings will encourage spending at local shops and restaurants.

- H. Promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing and public welfare of the city.

Response: The educational value of the Camp Adair buildings cannot be easily overstated. Many lifelong residents of Oregon do not know about Camp Adair and its historic significance to the WWII effort. The preservation and restoration of the Camp Adair buildings would allow for improved educational opportunities in that regard. Many local citizens would have trained at Camp Adair during its active years. Accordingly, many current citizens will have family that trained at Camp Adair. The Camp Adair buildings could be a destination for local elementary school field trips. The location of the buildings in Lower Waterboard Park, in close proximity to Waterboard Park, would allow any educational trips to also capitalize on the surrounding natural park environment.

- I. Carry out the provisions of LCDC Goal 5.

Response: The purpose of LCDC's Statewide Planning Goal 5 is "to protect natural resources and conserve scenic and historic areas and open spaces." OAR 660-015-0000(5). To achieve compliance with Goal 5, "[l]ocal governments shall adopt programs that will protect natural resources and conserve scenic, *historic*, and open space resources for present and future generations." OAR 660-015-0000(5) (emphasis added). In addition, "[s]ignificant natural areas that are *historically*, ecologically or scientifically unique, outstanding or important, including those identified by the State Natural Area Preserves Advisory Committee, should be inventoried and evaluated." OAR 660-015-0000(5) at B(6) (emphasis added).

The City of Oregon City initially achieved compliance with LCDC Goal 5 through the adoption of its Comprehensive Plan. The Comprehensive Plan has been amended several times since then, and compliance with LCDC Goal 5 remains a requirement of ongoing Comprehensive Plan implementation. To that end, since initial adoption of the Comprehensive Plan Oregon City has added to its historic resources inventory. Part of the historic inventory update process involves completing historic resource information forms for properties that are potentially eligible for historic designation. For the Camp Adair buildings, historic inventory forms were completed in 2004, but the buildings were not identified as being of historic value at that time because the buildings' Camp Adair history was then unknown. With the recently-discovered information about the buildings' history in Camp Adair, their LCDC Goal 5 values have drastically increased.

The historic landmark designation of the Camp Adair buildings would help carry out the provisions of LCDC Goal 5 because designation would protect and conserve valuable national, state, and local historic resources. Further, designating the Camp Adair buildings as local historic landmarks would be consistent with and complement Oregon City's extensive existing inventory of LCDC Goal 5 historic resources in the McLoughlin Conservation District. Accordingly, the proposed designation would help carry out the provisions of LCDC Goal 5.

**EXPLAIN WHY DESIGNATION OF THE PROPOSED LANDMARK WOULD BE CONSISTENT WITH THE PURPOSES OF THE CITY COMPREHENSIVE PLAN:**

Response: The current Oregon City Comprehensive Plan (2004) addresses the preservation of historic landmarks:

Historic Landmarks

Historic landmarks are structures or sites with unusual historic importance and contribute to the city's identity. Maintenance costs are often returned in tourism revenues. Appreciation of local culture and history is enhanced. Criteria for designation as a historic landmark are:

- association with a major historic person
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- association with a group, organization, enterprise in history

Oregon City Comprehensive Plan at 33-34. The historic landmark designation of the Camp Adair buildings is consistent with the above-quoted section of the Comprehensive Plan, as follows:

- Association with a major historic person: N/A
- Association with an historic event or period of time: The Camp Adair buildings are primarily associated with Oregon's involvement in WWII. Further, the Cannery Building is associated with its historic use as the Oregon City Community Cannery, and the workshop annex is associated with the historic operation of the vocational school in the park.
- Association with a former or continuing institution that has contributed to the life of the city: The army, of course, with which the buildings are associated, is a continuing institution that, especially during WWII, strongly impacted the lives of everyone in the community. Further, once the Cannery Building was transferred from Camp Adair to Lower Waterboard Park, the Community Cannery was moved into the building. The Community Cannery was operated by the City's school authorities, much like the OSU Extension service currently offers canning and preservation-related classes throughout the state (e.g. the OSU Extension Service Master Food Preserver Program), including in Oregon City. The legacy of the Community Cannery has also continued to some extent through Clackamas Community College's (CCC) community garden program. The same, of course, is true of the workshop annex building's association with CCC, which still offers vocational and technical training. In fact, CCC was located in Lower Waterboard Park before it moved to its current location in

- Embodiment of the distinctive characteristics of a type, period, or method of construction, or representation of the work of a master, or possession of high artistic values, or representation of a significant and distinguishable entity where components may lack individual distinction: Oregon City's Camp Adair buildings are representative of the style of buildings constructed in Camp Adair, most of which are lost to history.
- Association with a group, organization, enterprise in history: As discussed above, there are multiple historic groups, organizations, and enterprises associated with the Camp Adair buildings.

APPLICANT'S SIGNATURE:

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Denyse McGriff, Chair  
McLoughlin Neighborhood Association

DATE:

3/2/2017

Oregon City, Oregon, March 12, 1947

SPECIAL MEETING

The City Commission met in special session on the above date in the office of the City Manager at the City Hall at 1:00 o'clock p.m.

Roll call showed the following present:

W. G. H. Krueger, Commissioner  
Raymond P. Caufield, Commissioner  
Robert A. Finlayson, City Manager

The following ordinance No. 1340 was read the first time and ordered published.

ORDINANCE NO. 1340

An ordinance reducing all of the alley running through Block 167 Oregon City, according to the duly recorded plat thereof, between Jackson Street and Van Buren Street, from 26 feet in width to 10 feet in width in its entirety.

OREGON CITY DOES ORDAIN AS FOLLOWS:

Section 1. That all of that certain alley running through Block 167 Oregon City, according to the duly recorded plat thereof, between Jackson Street and Van Buren Street, be and the same is hereby reduced from 26 feet in width to 10 feet in width in its entirety and a strip of land 8 feet in width along the entire Northeasterly side of said alley adjoining lots 2 and 7 in said Block 167, and a strip of land 8 feet in width along the entire Southwesterly side of said alley adjoining lots 3 and 6 in said Block 167 be and the same are hereby vacated.

Read first time and ordered published at a special meeting of the City Commission of Oregon City, Oregon, held on the 12th day of March, 1947, and to come up for second reading and final passage at a regular meeting of said City Commission to be held on the 2nd day of April, 1947, at the hour of 1:00 o'clock p.m.

Mary E. Brady  
City Recorder

There being no further business, the meeting adjourned.

*Mary E. Brady*  
City Recorder.

Oregon City, Oregon, March 26, 1947

SPECIAL MEETING

The City Commission met in special session on the above date in the office of the City Manager at the City Hall at 1:00 o'clock p.m.

Roll call showed the following present:

W.G.H. Krueger, Commissioner  
Raymond P. Caufield, Commissioner  
George Woodward, Mayor  
Robert A. Finlayson, City Manager

The following resolution was read and on motion adopted.

RESOLUTION

WHEREAS, The National Youth Administration was granted permission by the City Commission of Oregon City on April 2, 1941, to construct a building for their uses and needs and primarily for the purpose of fabrication of buildings, commonly known as a prefabrication plant, in Water Board Park, and

WHEREAS, said building was constructed and used for approximately two years, and

WHEREAS, about June, 1945, School District No. 62 of Oregon City, Clackamas County, Oregon, opened a vocational educational school in said building by permission from the City, and

WHEREAS, said school is now operating with a staff of four teachers and has insufficient room to care for the students, principally consisting of World War Veterans who are availing themselves of the vocational education provided thereby under the GI Bill of Rights, and

WHEREAS, the Federal Works Agency, Bureau of Community Facilities, under project Ore. 35-V-25, has offered two buildings from Camp Adair to be added to the site of present building above to provide additional facilities for said vocational school and relieve the serious lack of facilities with the proviso that said buildings shall be used for vocational educational purposes for not less than six years, and

WHEREAS, said vocational education is of great benefit to the returning veterans and

WHEREAS, said vocational educational school is under the direct supervision of School District No. 62, Clackamas County, Oregon, and the state Board of Vocational Education, and

WHEREAS, said buildings will revert to the City of Oregon City at the conclusion of their use for said purposes, Now, therefore,

BE IT RESOLVED, that permission is hereby given to School District No. 62, Oregon City, Clackamas County, Oregon, to place said two buildings above referred to near the present building in Water Board Park in Oregon City, Oregon, said buildings to be placed according to blue prints prepared by Jones and Marsh, Architects, Portland, Oregon, heretofore submitted to said School District and said Federal Works Agency, Bureau of Community Facilities, for a period of six years from the date hereof and thereafter on such terms and conditions and for such a period of time as may be agreed upon by the City and the School District.

Dated, March 26, 1947

OREGON CITY

By GEORGE WOODWARD  
Mayor-Commissioner

By RAYMOND P. CAUFIELD  
Commissioner

By W.G.H. KRUEGER  
Commissioner

Comprising the City Commission  
of Oregon City, Oregon

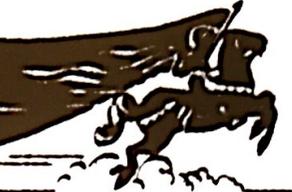
Attest:

MARY E. BRADY  
City Recorder

The City Commission discussed the Moser property on the corner of Division street and Molalla Avenue and also made a visit to the site in connection with the thought that the Moser building was built in the street.

There being no further business the meeting adjourned.

*Mary E. Brady*  
City Recorder.



NER-COURIER, OREGON CITY, ORE., FRIDAY, MARCH 14, 1947



...estone model, years of the ly in December manufacturers of within the limits imposed upon the industry by current business conditions. Top-ranking executives of Chevrolet who "delivered" this welcome souvenir "wrapped in cellophane" are Nicholas Dreystadt (left), general manager, and T. H. Keating, general sales manager.

## Adair Buildings to Be Used by School In Vocational Work

Foundation plans are being prepared by Portland Architects Jones & Marsh for two surplus Camp Adair buildings to be erected as additions to the Oregon City vocational school in Waterboard park here, according to L. A. King, city school superintendent.

Federal works agency approval of the school's application for the two structures, which had been used as officer's clubs, was reported this week to King in telegram from Oregon congressman.

**THE BUILDINGS**, each 25 by 95 feet, will be dismantled in panels and transported at government expense to the new site, the superintendent advises. One structure, to be erected on a knoll near the present school, will house the community cannery. The other will be joined to the present building as a workshop annex.

All moving, dismantling and erecting will be borne by the federal government, with the school responsible for providing outside foundations and making necessary sewer and water connections, King says. The contractor also will provide both buildings with concrete floors. The structures will be shipped complete with toilet, lavatory and lighting facilities.

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are dialed directly. On other calls of an emergency nature, the company will give the best service possible.

## Army Buildings to Be Moved to OC

Contract for moving two recreation-type buildings from Camp Adair, near Corvallis, and erecting them on a site in Oregon City's Waterboard park for use in the vocational plant there, was let recently to Dan Malarkey, Portland contractor, according to C. E. Stewart, district engineer for the federal works agency.

Cost of moving the buildings, to be borne by the federal government, is estimated at \$25,000. Portland Architects Jones and Marsh have prepared plans for foundations and floors of the structures, one of which will be used as an addition to the school shops and the other for a community cannery.

## Anti-Dog Ordinance to Be Enforced by OC Cops

Strict enforcement of an ordinance making it unlawful to permit dogs

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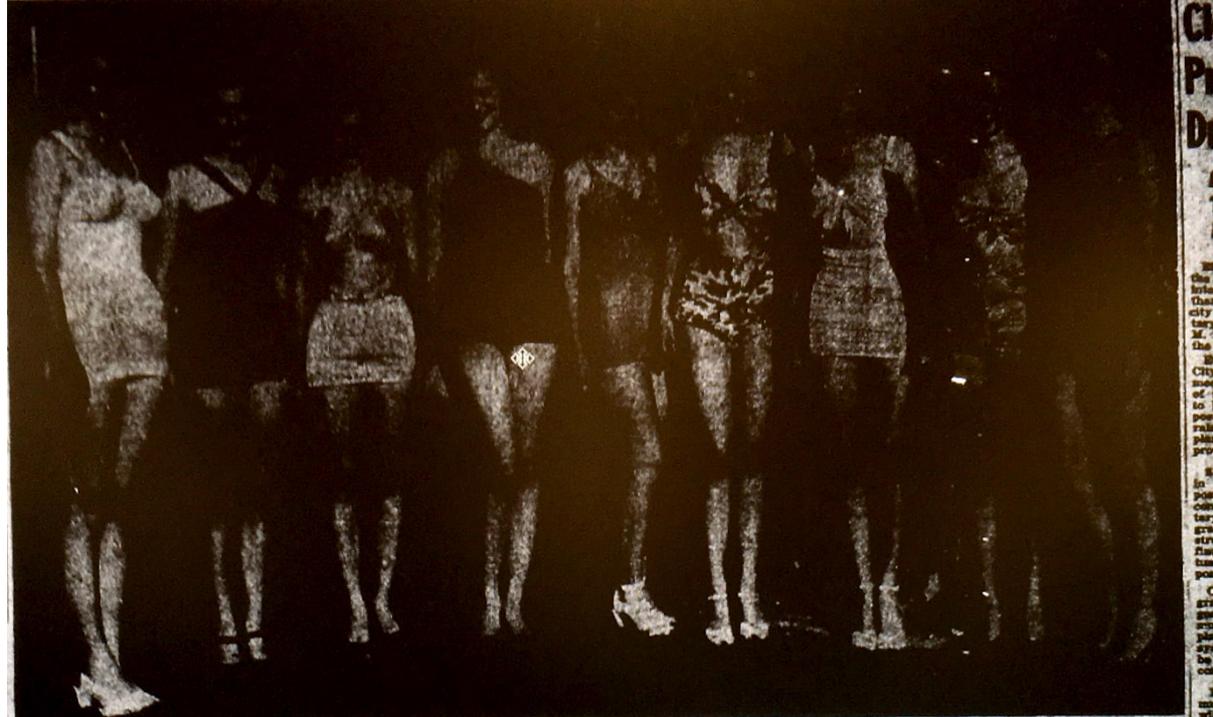
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THE GRACE AND BEAUTY of Clackamas county is portrayed in this picture of the nine contestants for the "Miss Oregon City" title which was won Tuesday afternoon by Miss Harriette Stewart, third from left. From left, the carriageous beauties are Sally Marston Fox, Elaine Hellberg, Miss Oregon City, Lauraine Bird, Kathleen Malar, Elnora Christensen, Phyllis Larson, Lois Rigdale and Elaine Thon. (Mr. Fox Photo 6988)

### Low-Test, Low-Price Milk Said Injurious to Dominant Breeds

Dominant breeds of dairy cattle in Oregon are being done an injustice by the state milk price order, it was unanimously agreed by some 75 Clackamas County Jersey Cattle club members in regular meeting Sunday near Molalla.

C. E. Gordon, Carlton, assigned by the state Jersey club to organize assistance to the order, was principal speaker and outlined the ruling and its effect on producers of high-quality milk. A considerable loss is faced by these producers, Gordon told the club, in addition to damaging progress in the dairy industry toward breeding and maintenance of purebred dairy stock with backgrounds of high butterfat production.

### Community Cannery To Open Next Week In New Quarters

Opening of the Oregon City community cannery in new quarters at Waterboard park, delayed about a month due to materials and equipment shortages, is scheduled for the middle of next week, announces Theodor Leach, cannery supervisor.

First produce expected to be processed in the plant will be the end of the canberry crop, first greens and large runs of beans, beets and early apples, Leach says. The day preceding the formal opening of the plant, Leach and Mrs. Helen McDowell, home economics instructor who is assisting in running the cannery, will hold a demonstration class for new patrons.

**THE HOME-CANNING** plant, housed last year in the vocational school building, has been moved into a war surplus building, formerly an officers' club at Camp Adair. Nearly all cannery equipment has been installed in the structure, and workmen are expected to complete the project by the first of the week.

Main delay in finishing the job resulted from a shortage of cement during erection of the building. That problem overcome, school authorities handling the job then found that the old cannery boiler had been condemned due to age and the opening set for July 16 was postponed pending acquisition of a boiler.

**ARRANGEMENTS** were made last week to procure two steam generators from war surplus stocks through the University of Washington. The generators, which will be used to heat water and cooking tanks, were designed as sterilizing equipment for medical apparatus.

Leach says canning prices will be the same as those in effect last year, with a charge of 6 cents a No. 2 can and 7 cents a No. 2½ can for regular produce and 1 cent a can higher on corn, squash and other produce which requires additional cooking and processing. Cards held by last year's patrons still are in effect, he says.

### Willamette Residence Damaged by Fire

Fire, presumably caused by defective wiring, Tuesday afternoon caused extensive damage to the O. Bullington residence, Seventh avenue

Anton Malar, Sandy, a director in the Dairy Cooperative association, spoke at the meeting and said he was at a loss to know why his association supports this price program and stated that he could not afford such a loss. Malar suggested that Will Henry, manager of the Dairy co-op, be invited to the next meeting to explain the association's stand.

C. E. EASTMAN, Marks Prairie, president of the board of directors of the Mt. Angel Cooperative association, declared the consumer, as well as the dairyman, is being talked by the milk control order.

Swindling the public with low-test milk, declared John Gale, Canby, has been the aim of distributors for years and that the threat of higher prices for milk enabled them to sell this low-test, low-price program to the unsuspecting consumers. Gale said that he has experienced this trend for many years as a dairyman and that his observations led to no other conclusion.

"BLUE" MILK, with little cream, cuts consumption and creates dissatisfied customers, thus defeating the aim of the dairy industry to lower costs and prices by greater consumption of good milk.

"I demand," he said, "that 4 percent milk be four percent, not 3.2 percent as is being forced on the public today at the expense of the Jersey."

Gale called on all Jersey and Guernsey herd owners who are applying to the Dairy Cooperative association to appeal to the board of directors to support the purebred herdmen on the ground that such owners cannot long stand the loss sustained in shipping high-test milk under control of the low-test, low-price ruling.

**COMPLETE COOPERATION** with the state Jersey club and other organizations of purebred dairy cattle owners has been assured by the Clackamas County Jersey Cattle club.

J. Francis Kilford, Liberal, has joined the Jerseys and his son, Michael, is a new member of the Challengeurs 4H Jersey club.

Early ordering of fertilizer was recommended by County Agent Inskip in his talk on winter pastures assuring those seeding for such pastures that fertilizer will be required.

**OTHER SPEAKERS** included Ross Wurn of the Western Dairy Journal, and Monroe Sweetland, Molalla newspaper editor.

Due to lack of time, other business scheduled was turned over to the board of directors to handle.

The hosts, Mr. and Mrs. A. W. Gibble, were voted thanks for their efficient and complete arrangements for the meeting.

### Hop Growers Asked To Place Orders Soon for Pickers

With hop-picking scheduled to get underway in earnest next week in Clackamas county, Ralph Loe, county farm agent, is urging hop growers to place orders for pickers to avoid a last-minute rush and a possible dearth of harvesters.

Loe says to date he has received few orders for picking crews, but his office is besieged with calls from prospective harvesters ready to go into the yards. Planning for the harvest is being held up pending his receipt of these orders, he says.

**EARLY HOP PICKING** at the Dalbert Hiesner yard near Donald is being completed this week, and two other growers have informed Loe that they expect to start the harvest Monday. Harvest at the Hiesner ranch started about two weeks ago, the earliest of the season in the county, the labor assistant advises.

The bean harvest, expected to start early this week, is being delayed, but growers are planning to start picking next week. The county bean crop appears to be good, Loe says.

### State Portions Fair Money Clackamas

Clackamas county will receive \$2041 of the 1946-47 apportioned Wednesday by the state to county fairs on a basis of assessed valuation in each county. This money is in addition to funds turned over to county fairs from racing revenues.

Only counties that received more than Clackamas were Multnomah, which was given \$1832, and Lane, \$1314.

### Red Cross Swim Campaigns in County Attracting Hundreds

Hundreds of Clackamas county children as well as a good many adults are taking advantage of the Red Cross "learn to swim" campaigns now running in several parts of Clackamas county, according to the report of Alice Maxwell, executive secretary, to the chapter board meeting Wednesday in the court house. Four additional campaigns are being started, giving everyone in the county an opportunity to participate.

Mrs. Maxwell emphasized that instructors in each of the schools are volunteer workers. The Red Cross motor corps and office staff service the activity. At Oswego, for instance, George Little is the instructor and reports approximately 100 beginners, 40 intermediates, 25 life savers and 10 swimmers participating. The classes there will continue until July 26.

The Carver-Estabrook school is being held at Mumpowee park. Carver with the facilities of the park donated to participants. Mrs. Orlean Rife is in charge and reports an attendance of over 100 each day. This campaign is scheduled to end today but may continue if interest is shown.

**THE THIRD CAMPAIGN** now running is at the Riverside (Case) park, Molalla, which also donates its facilities. Virginia Ruppell, the instructor, reports attendance of 100 or so each day with the campaign slated to continue through July 28.

Biggest turnout is expected at the Milwaukie campaign which may have as many as 700 participants. Leah Peake is the instructor and turns out swimmers a-la-navy in six time, according to past records. Her campaign will start July 28.

Other campaigns now scheduled are Oregon City, July 25, Mary Lena, instructor; Lake Grove community pool, date to be announced; Willard Calvin Watson, instructor, and Gladstone at a time, and with an instructor, to be announced.

According to Irene Kirchen, chap-

ter corps captain, the Red Cross station wagons have been driven more than 500 miles per week in serving the campaign. Transportation also was provided for 75 persons attending the safety program meetings, 18 persons to hospitals, with 25 assignments handled during the past month by volunteer drivers.

**THE SECRETARY'S REPORT** noted the exceptional record in home nursing training made by Florence Mehren during the past year. Some 1000 certificates have been issued to Clackamas county women who have taken this tremendously worthwhile course.

Harvey Orcutt, accident prevention chairman, reported a considerable increase in interest throughout the county. Meetings at Molalla and at Milwaukie grange have been especially well attended.

The board of directors elected three members to the executive committee of the chapter as provided in the by-laws. Mrs. Pauline L. Scheer, Bevo Thomas and Edw. P. Koen were so elected to serve during the coming year. Chairman



# Community Cannery To Open Next Week In New Quarters

Opening of the Oregon City community cannery in new quarters at Waterboard park, delayed about a month due to materials and equipment shortages, is scheduled for the middle of next week, announces Therlow Leach, cannery supervisor.

First produce expected to be processed in the plant will be the end of the caneberry crop, first greens and large runs of beans, beets and early apples, Leach says. The day preceding the formal opening of the plant, Leach and Mrs. Helen McDowell, home economics instructor who is assisting in running the cannery, will hold a demonstration class for new patrons.

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# Community Cannery Opens Wednesday In Waterboard Park

Oregon City's community cannery, which was moved recently to new quarters in a war surplus building in Waterboard park, will open Wednesday for the season, according to Supervisor Therlow Leach.

Test run of the new equipment was made Monday, with a consignment of apricots, peaches and green beans being processed, and another test is scheduled today. Most equipment proved satisfactory in the trial operation Monday and no difficulties are expected to hold up the opening, Leach says.

**NEW QUARTERS** for the plant, formerly an army officers' club at Camp Adair, provide about 50 per cent more floor space than the old location in the vocational school building, the supervisor advises. In addition, table space, new cookers and two new automatic boilers have been installed to expedite processing. These changes are expected to increase capacity about one-third, Leach says.

In the absence of Mrs. Helen McDowell, who conducts demonstrations of processing for new patrons, the cannery will be opened without a preliminary demonstration class, and staff workers will assist new patrons in learning the functions of the plant, states Leach.

**ALSO PERSONS WHO PLAN** to use the facilities, however, should call the plant, Oregon City 2-8241, and notify Leach of the amount and types of produce they expect to process. The cannery will open at 8:30 AM, and tentative plans call for operating Wednesdays and Fridays until more working days are needed.

The cannery, operated under the direction of city school authorities, last year processed 26,500 cans of produce.

**Traffic Tangle Talk**

**HISTORIC RESOURCE SURVEY FORM**

Note: For properties 35 years old and newer, starred (\*) sections are the only required fields.

\*County: **Clackamas**

\*Street Address: **122 S JOHN ADAMS ST** \*City: **OREGON CITY**

USGS Quad Name: **Oregon City** GPS Latitude: **45 21 05 N** Longitude: **122 36 36 W**

Township: **02S** Range: **02E** Section: **31** Block: **NA** Lot: **NA** Map #: **22E31** Tax Lot #: **500**

\*Date of Construction: **c. 1930** Historic Name: **Cannery Building** Historic Use or Function: **Education - other**

Grouping or Cluster Name: **NA** \*Current Name or Use: **Oregon City Public Works** Associated Archaeological Site: **Unknown**

Architectural Classification(s): **Utilitarian** Plan Type/Shape: **Rectangle** Number of Stories: **1.0**

Foundation Material: **Poured concrete** Structural Framing: **Platform** Moved? **No**

Roof Type/Material: **Gable / Metal** Window Type/Material: **8/8 wood double-hung**

Exterior Surface Materials Primary: **Channel drop** Secondary: Secondary: **Decorative:**

Exterior Alterations or Additions/Approximate Date: **Early gable addition on north side; new steel garage doors; new entry doors**

Number and Type of Associated Resources: **None**

Integrity: **Good** Condition: **Good** Local Ranking: National Register Listed? **No**

Preliminary National Register Findings: Potentially Eligible:  Individually or  As a contributing resource in a district  
 Not Eligible:  Intact but lacks distinction  
 Altered (choose one):  Reversible/Potentially eligible individually or in district  
 Reversible/Ineligible as it lacks distinction  
 Irretrievable loss of integrity  
 Not 50 years old

Description of Physical and Landscape Features:  
**FOR FULL DESCRIPTION, SEE CONTINUATION PAGE**

Statement of Significance [Required ONLY for Intensive Level Surveys] (use additional sheets if necessary)  
 The Cannery building is part of the Oregon City Public Works complex. It is absent from 1925 Sanborn maps and present on 1950 maps, indicating that it was constructed some time between these dates. The Cannery building is associated with two other nearby warehouse structures of the same style (including a machine and auto shop and auto body repair and welding shop). The 1950 Sanborn map notes these three structures as the campus of the Oregon City Vocational School, and the Cannery building served as the kitchen for this facility. In 1966, the Vocational School was absorbed into the newly established Clackamas Community College. The three occupational courses continued to be offered at this site, at least until 1968, when the college finally established a permanent home of its own. The Cannery was later used for the purpose for which it is named. No information was uncovered about this canning facility, though the wash tank, drainage channel, and overhead track inside the structure indicate such a use.

\*Researcher/Organization: **Caitlin Harvey / HPNW** \*Date Recorded: **10/18/2004**

Survey Form Page 1 \*Photo Roll# **1** \*Frame #(s) **7, 8** Local Designation # SHPO #

HISTORIC RESOURCE SURVEY FORM

\*County: Clackamas

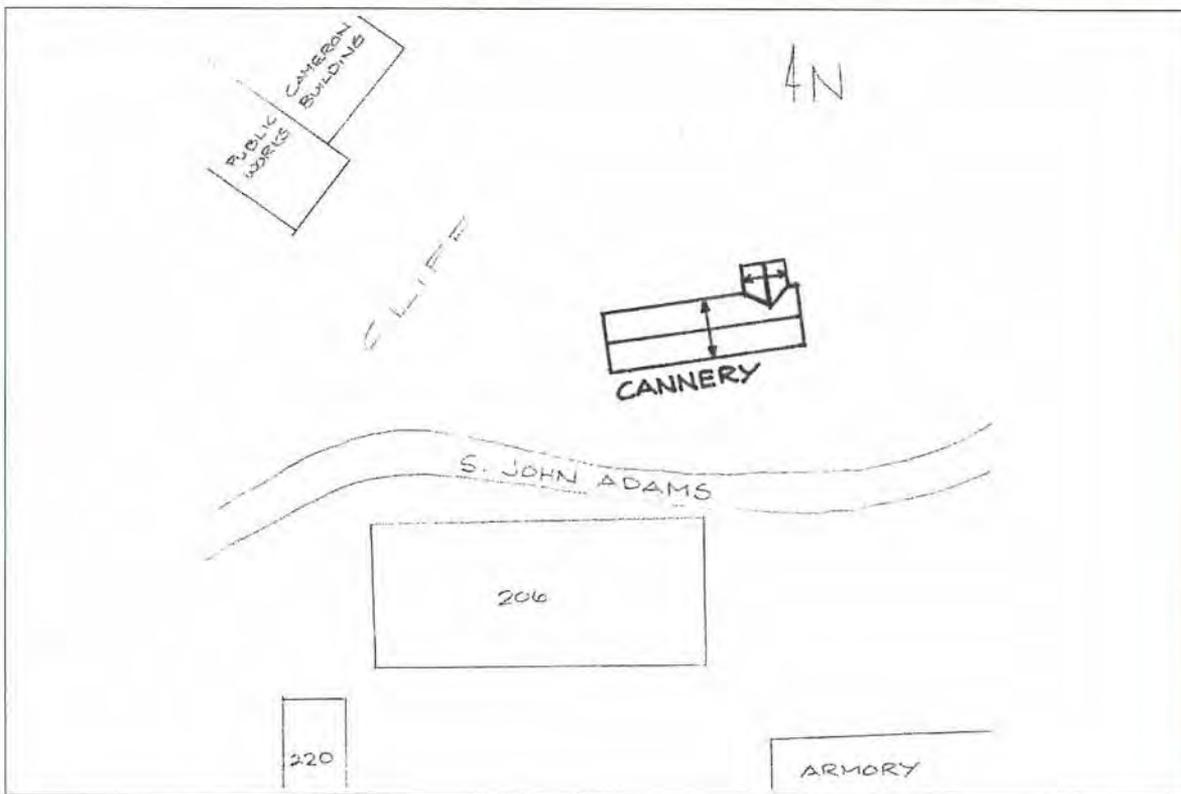
\*Street Address: 122 S JOHN ADAMS ST

\*City: OREGON CITY

Photo:



Site Plan:



*Researcher/Organization: Caitlin Harvey / HPNW			*Date Recorded: 10/18/2004	
Survey Form Page 2	*Photo Roll# 1	*Frame #(s) 7, 8	Local Designation #	SHPO #

**HISTORIC RESOURCE SURVEY FORM**

Note: This page of the survey form is required ONLY for Intensive Level Survey

\*County: **Clackamas**

\*Street Address: **122 S JOHN ADAMS ST** \*City: **OREGON CITY**

Architect and/or Builder:	Owner Type: <input type="checkbox"/> Private <input checked="" type="checkbox"/> Local <input type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> Mixed  Owner Name: <b>CITY OF OREGON CITY</b> Address: <b>PO BOX 3040</b> City State ZIP: <b>OREGON CITY OR 97045</b> Phone: <b>NOT ON FILE</b>
Addition or Subdivision Name: <b>Unplatted</b>	
Area(s) of Significance: <b>Education</b>	
Property Category: <input checked="" type="checkbox"/> Building <input type="checkbox"/> Structure <input type="checkbox"/> Site <input type="checkbox"/> Object <input type="checkbox"/> District	

**Documentation**

Research Sources: <input type="checkbox"/> Title/Deed Records <input checked="" type="checkbox"/> Sanborn Maps <input type="checkbox"/> Obituary Index <input checked="" type="checkbox"/> City Directories <input type="checkbox"/> Census Records <input type="checkbox"/> Biographical Encyclopedias <input type="checkbox"/> Newspapers	<input type="checkbox"/> Building Permits <input type="checkbox"/> Tax Records <input type="checkbox"/> SHPO Files <input type="checkbox"/> State Archives <input type="checkbox"/> State Library <input type="checkbox"/> Local Histories <input checked="" type="checkbox"/> Personal Interviews <input type="checkbox"/> Historic Photographs	Local Library (specify): <b>Oregon City Public Library</b>  University Library (specify):  Historical Society (specify): <b>Clackamas County Family History Center</b>  Other (specify):
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Bibliographic References (books, articles, interviews, etc.):

City directories and telephone books at the Oregon City Public Library: 1916, 1933, 1941, 1947, 1953, 1958.  
 Irving, Peter. Operations Supervisor, Public Works. Interview, 10/18/04.  
 Sanborn Fire Insurance Maps: 1892, 1900, 1911, 1925, 1950.

\*Researcher/Organization: **Caitlin Harvey / HPNW** \*Date Recorded: **10/18/2004**

Survey Form Page 3 \*Photo Roll# **1** \*Frame #(s) **7, 8** Local Designation # SHPO #

**HISTORIC RESOURCE SURVEY FORM**

Continuation Sheet

\*County: **Clackamas**

\*Street Address: **122 S JOHN ADAMS ST** \*City: **OREGON CITY**

Continuation of Physical and Landscape Features:

The Cannery building was constructed circa 1930 in a utilitarian style. It is rectangular in plan, with a small projection on the north elevation and is one story high. It sits on a concrete slab foundation. The roof has small eave overhangs on along the north and south elevations and is eaveless at the gable ends on the other elevations. The roof has a gable form and is covered in a panel metal roofing material. The walls are clad in drop channel wood siding with wood corner boards. All of the windows on this building have been covered by panels of drop siding on the exterior and by boards and drywall on the interior. The original windows still remain, however; and consist of eight-over-eight double-hung wood sashes. The west elevation of the building has a single metal garage door, which appears to have replaced a garage door that operated on an existing overhead track. A metal pent roof is located over this entry and extends across the width of the elevation. On the south elevation there is a non-original metal door, and an original wood garage door that operates on an overhead track. This door may be similar to that which once existed on the west elevation. Both of these doors on the south elevation are covered by small shed roofs. The interior of the building is relatively unaltered, though the partitioning of a small room at the east end of the structure and what may be an early addition on the north elevation are notable alterations. The floors consist of concrete slab, with a channel down the center. An original concrete wash tank exists at the east end of the building and was once used in conjunction with a metal overhead track that circles the east end of the building. The Cannery sits on a relatively flat site, which begins to slope downward steeply to the south and west about 20 feet from the building. A piece of heavy machinery (a kind of hopper) sits next to the south elevation. Landscaping around the structure consists primarily of dirt, with overgrown areas to the north and east. The Cannery building is in fair condition and has good integrity.



\*Researcher/Organization: **Caitlin Harvey / HPNW** \*Date Recorded: **10/18/2004**

Continuation Page \*Photo Roll# **1** \*Frame #(s) **7, 8** Local Designation # SHPO #

**HISTORIC RESOURCE SURVEY FORM**

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\*County: **Clackamas**

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USGS Quad Name: **Oregon City** GPS Latitude: **45 21 03 N** Longitude: **122 36 38 W**

Township: **02S** Range: **02E** Section: **31** Block: **NA** Lot: **NA** Map #: **22E31** Tax Lot #: **500**

\*Date of Construction: **c. 1930** Historic Name: \_\_\_\_\_ Historic Use or Function: **Education - other**

Grouping or Cluster Name: **NA** \*Current Name or Use: **Oregon City Public Works** Associated Archaeological Site: **Unknown**

Architectural Classification(s): **Utilitarian** Plan Type/Shape: **Rectangle** Number of Stories: **1.0**

Foundation Material: **Concrete** Structural Framing: **Platform** Moved? **No**

Roof Type/Material: **Gable / Metal** Window Type/Material: **Window openings covered on outside/inside**

Exterior Surface Materials Primary: **Channel drop** Secondary: \_\_\_\_\_ Decorative: \_\_\_\_\_

Exterior Alterations or Additions/Approximate Date: **New garage doors; windows covered**

Number and Type of Associated Resources: **None**

Integrity: **Fair** Condition: **Good** Local Ranking: \_\_\_\_\_ National Register Listed? **No**

Preliminary National Register Findings: Potentially Eligible:  Individually or  As a contributing resource in a district  
 Not Eligible:  Intact but lacks distinction  
 Altered (choose one):  Reversible/Potentially eligible individually or in district  
 Reversible/Ineligible as it lacks distinction  
 Irretrievable loss of integrity  
 Not 50 years old

Description of Physical and Landscape Features:  
**FOR FULL DESCRIPTION, SEE CONTINUATION PAGE**

Statement of Significance [Required ONLY for Intensive Level Surveys] (use additional sheets if necessary)  
 The 2,500 square foot warehouse building is part of the Oregon City Public Works complex. It is absent from 1925 Sanborn Fire Insurance maps and present on 1950 maps, indicating that it was constructed some time between these dates, probably around 1930. The small warehouse is associated with two nearby structures of the same utilitarian style and construction materials. According to the 1950 Sanborn, these three structures formed the core of the Oregon City Vocational School. The school courses appear to have included auto mechanics, body and fender repair, and machine shop. In 1966, the Vocational School was absorbed into the newly established Clackamas Community College. The three occupational courses continued to be offered at this site, at least until 1968, when the college finally established a permanent home of its own. Soon afterwards, the Oregon City Public works assumed control of the structures, which are now primarily used as storage facilities.

\*Researcher/Organization: **Bernadette Niederer / HPNW** \*Date Recorded: **10/18/2004**

Survey Form Page **1** \*Photo Roll# **1** \*Frame #(s) **4, 3** Local Designation # \_\_\_\_\_ SHPO # \_\_\_\_\_

HISTORIC RESOURCE SURVEY FORM

\*County: **Clackamas**

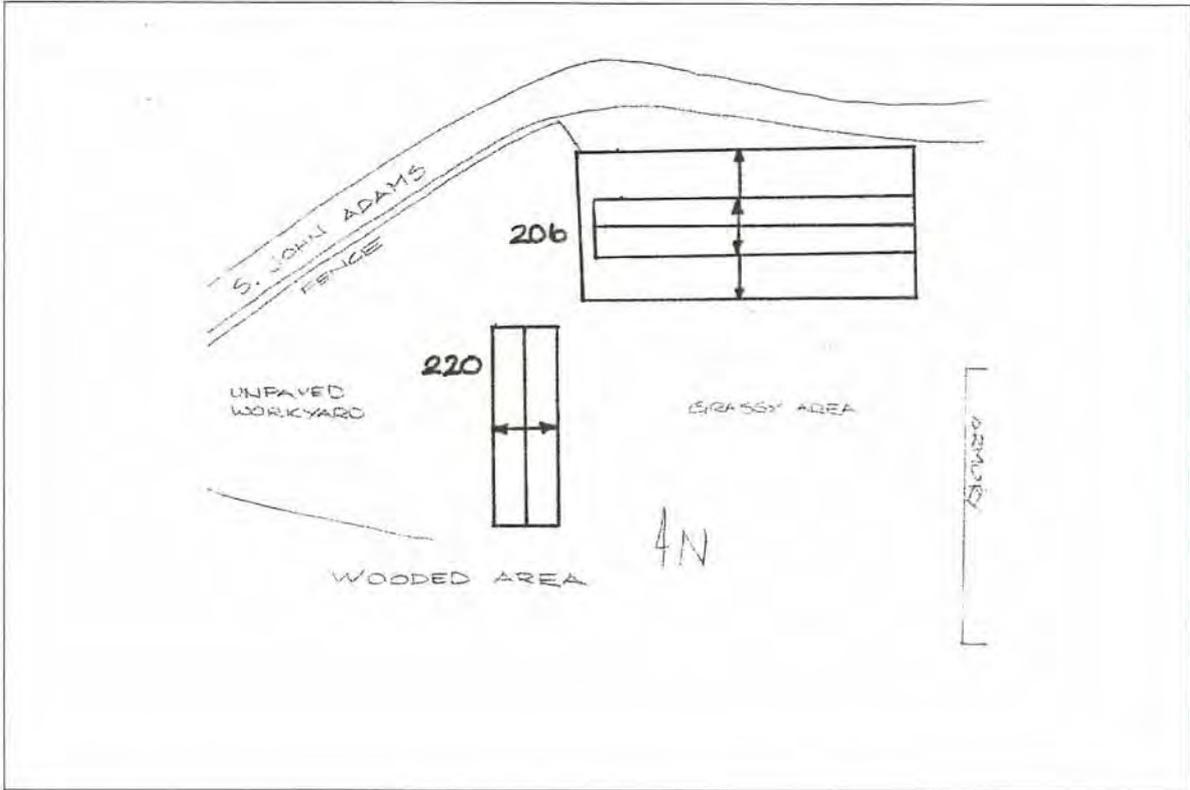
\*Street Address: **220 S JOHN ADAMS ST**

\*City: **OREGON CITY**

Photo:



Site Plan:



*Researcher/Organization: <b>Bernadette Niederer / HPNW</b>			*Date Recorded: <b>10/18/2004</b>	
Survey Form Page 2	*Photo Roll# <b>1</b>	*Frame #(s) <b>4, 3</b>	Local Designation #	SHPO #

**HISTORIC RESOURCE SURVEY FORM**

Note: This page of the survey form is required ONLY for Intensive Level Survey

\*County: **Clackamas**

\*Street Address: **220 S JOHN ADAMS ST** \*City: **OREGON CITY**

Architect and/or Builder:  Addition or Subdivision Name: <b>Unknown</b>  Area(s) of Significance: <b>Education</b>  Property Category: <input checked="" type="checkbox"/> Building <input type="checkbox"/> Structure <input type="checkbox"/> Site <input type="checkbox"/> Object <input type="checkbox"/> District	Owner Type: <input type="checkbox"/> Private <input checked="" type="checkbox"/> Local <input type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> Mixed  Owner Name: <b>CITY OF OREGON CITY</b> Address: <b>PO BOX 3040</b> City State ZIP: <b>OREGON CITY OR 97045</b> Phone: <b>NOT ON FILE</b>
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**Documentation**

Research Sources: <input type="checkbox"/> Title/Deed Records <input checked="" type="checkbox"/> Sanborn Maps <input type="checkbox"/> Obituary Index <input checked="" type="checkbox"/> City Directories <input type="checkbox"/> Census Records <input type="checkbox"/> Biographical Encyclopedias <input type="checkbox"/> Newspapers	<input type="checkbox"/> Building Permits <input type="checkbox"/> Tax Records <input type="checkbox"/> SHPO Files <input type="checkbox"/> State Archives <input type="checkbox"/> State Library <input type="checkbox"/> Local Histories <input checked="" type="checkbox"/> Personal Interviews <input type="checkbox"/> Historic Photographs	Local Library (specify): <b>Oregon City Public Library</b>  University Library (specify):  Historical Society (specify): <b>Clackamas County Family History Center</b>  Other (specify):
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Bibliographic References (books, articles, interviews, etc.):

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 Irving, Peter. Operations Supervisor, Public Works. Interview, 10/18/04.  
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*Researcher/Organization: <b>Bernadette Niederer / HPNW</b>			*Date Recorded: <b>10/18/2004</b>	
Survey Form Page 3	*Photo Roll# <b>1</b>	*Frame #(s) <b>4, 3</b>	Local Designation #	SHPO #

**HISTORIC RESOURCE SURVEY FORM**

Continuation Sheet

\*County: **Clackamas**

\*Street Address: **220 S JOHN ADAMS ST**      \*City: **OREGON CITY**

**Continuation of Physical and Landscape Features:**

The small workshop at 220 South John Adams Street was built in the 1930s. It is located within a fenced work yard that also includes another, larger structure. The shop is a simple, one-story rectangle with an eaveless, gabled roof. Approximately two feet of the concrete foundation is visible above ground. The exterior wall surfaces above are clad in channel drop siding. The roof is clad in modern interlocking metal panels. The west elevation features four garage-type openings. A track for sliding doors runs across the entire elevation, but only the southern most door retains the original configuration. The three remaining openings have been filled with modern roll-up doors. There are also three boarded-up windows on this elevation. The north gable-end has three windows, evenly spaced but placed at staggered heights and boarded-up as well. Two evenly spaced openings are punched into the south gable-end. More boarded-up windows can be found on the east elevation. It is not possible to determine the window configuration or evaluate their integrity because they are covered on the interior, as well as exterior. The interior of the building is currently used for storage. There are only a few vestiges that recall the building's former use as a metal shop. The workshop is in fair to good condition. At present, its integrity is fair as well. The structure's integrity would be raised to good should original windows be present under the protective covering.



*Researcher/Organization: <b>Bernadette Niederer / HPNW</b>			*Date Recorded: <b>10/18/2004</b>	
Continuation Page	*Photo Roll# <b>1</b>	*Frame #(s) <b>4, 3</b>	Local Designation #	SHPO #



# CITY OF OREGON CITY

## Staff Report

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

**To:** City Commission  
**From:** Public Works Director John Lewis

**Agenda Date:** 10/21/2020

### **SUBJECT:**

Resolution No. 20-32, Declaring an Emergency and Exempting the Molalla Avenue Streetscape Project from Prohibition Against Unlawful Noises on a Temporary Basis

### **STAFF RECOMMENDATION:**

Staff recommends that the City Commission review and approve Resolution No. 20-32, allowing night work to occur on the Molalla Avenue project from October 21, 2020 to December 1, 2021.

### **EXECUTIVE SUMMARY:**

The City is continuing construction of the Molalla Avenue Streetscape Project. This resolution will extend night work for the public communication utilities and Kerr Contractors Oregon LLC, to complete portions of the work during night hours. Night work was included in the project scope and is necessary to avoid disruption to the high traffic volumes along this corridor and business hour interruption of services and access to businesses. During the timeframe of the last Molalla night work resolution, Oregon City did not receive any complaints of the night work or any noise complaints. During this timeframe, we personally reached out to businesses along the corridor multiple times and have published communication of the work being performed nearly every week through project websites, mailings, and social media.

Work outside of daytime hours is prohibited without City Commission approval in residentially-zoned neighborhoods per Oregon City Municipal Code Section (OCMC) 9.12.023. Most of the area along the project is commercial with pockets of residential housing along the west side of Molalla Avenue.

OCMC Section 2.52.020 defines “emergencies” to include “utility or transportation emergencies.” Night work on this project is anticipated to be limited to normally busy travelways and key construction elements that take several hours to complete. The project team understands that work at night is impactful to residential property, and as such they intend to follow City Commission direction regarding discretion on permitting night work and providing adequate neighborhood notification.

## **BACKGROUND:**

Molalla Avenue from Beaver Creek Road to Oregon Highway 213 in Oregon City is a key corridor for motorists, transit users, pedestrians, and bicyclists. The corridor connects Oregon City's Downtown and Regional Center with Clackamas Community College and the Clackamas County Red Soils Campus and connects residential areas on the west side to commercial areas on the north and east sides.

This project consists of constructing roadway improvements mostly on the west side of Molalla Avenue to make the corridor safer for people biking, walking, and taking transit. The project also includes critical new and replacement waterlines within the corridor.

The City has entered a contract with Kerr Contractors Oregon, LLC to construct the Molalla Avenue Streetscape Project. The contract work involves many aspects. Both Kerr Contractors and the City's project team are recommending that some elements of construction be done at night to minimize impacts to traffic at Beaver Creek Road and to local businesses.

Most of the project work will be done during regular construction hours. However, given the high volume of traffic that uses this corridor, and to protect the public and the contractor's safety, we are proposing that waterline construction and road work between the intersection of Beaver Creek Road and Clairmont Way be constructed at night to prevent traffic impacts. The public communication utilities are thought to be in a similar situation. Other project work in key areas, such as fronting the Post Office and the Fire Station, may require night work. Other work that involves water system tie-ins or placement of signal equipment may require construction staging at night. All night work would be expected to begin after the peak evening travel time (6:00 p.m.) and then finish before the peak morning travel time (6:00 a.m.).

OCMC 9.12.023.E declares the construction, demolition, alteration or repair of any building or the excavation of any streets and highways in a residentially-zoned neighborhood between the hours of ten p.m. and seven a.m., Monday through Saturday; and between eight p.m. and nine a.m. on Sunday to be a code violation. Per Oregon City Municipal Code (OCMC) 2.52.020, "emergencies" include "utility or transportation emergencies." OCMC 2.52.040 (L) authorizes the City, in cases of emergency, to "order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency." Adoption of Resolution 20-32 provides City Commission approval for temporary emergency night work.

Because of the significant impacts to the neighborhood that would result from daytime work on the project – including limited emergency services, disrupted power supply, construction safety, and impacted transportation facilities that require nighttime work – staff is recommending that the City Commission declare a limited emergency for this particular location to allow for nighttime work to occur that would otherwise be prohibited by the City's Code. City staff recognizes that, even with the emergency declaration, this project will have impacts on neighbors, property owners, and

businesses along this corridor and will work with the affected parties to ensure the impacts are limited and that the project is ultimately successful.

On June 17, 2020, City Commission approved Resolution No. 20-21 authorizing four months of night work. In the past four months, staff have allowed the contractor to work at night three times for traffic control staging switchovers and three consecutive weeks in the last month to bore signal conduit and install water services across Molalla Avenue. During this night work, staff has received no calls or complaints.

#### **OPTIONS:**

1. Approval of Resolution No. 20-32 exempting the Molalla Avenue Streetscape Project from prohibition against unlawful noises on a limited and emergency temporary basis **as written** from October 21, 2020 to December 1, 2021. This option will help to ensure that the project will accommodate businesses and through traffic and allow for greater safety for the contractor and the public during the construction of these improvements.
2. Approval of Resolution No. 20-32 exempting the Molalla Avenue Streetscape Project from prohibition against unlawful noises on a limited and emergency temporary basis **with modifications** to the proposed date range.
3. Disapproval of Resolution No. 20-32 exempting the Molalla Avenue Streetscape Project from prohibition against unlawful noises on an emergency temporary basis. This option will adversely impact the public and the contractor and disrupt businesses during the construction of these improvements.

**RESOLUTION NO. 20-32**

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**A RESOLUTION DECLARING AN EMERGENCY AND EXEMPTING THE OREGON CITY DEPARTMENT OF PUBLIC WORKS FROM THE PROHIBITION AGAINST UNLAWFUL NOISES ON A TEMPORARY BASIS**

**WHEREAS**, Oregon City Municipal Code (OCMC) 2.52.020 defines “emergencies” to include “utility or transportation emergencies”; and

**WHEREAS**, OCMC 2.52.040(L) authorizes the City, in cases of emergency to “order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency”; and

**WHEREAS**, the City has set aside funds to construct certain roadway improvements, including Molalla Avenue Streetscape Project (the “Project”); and

**WHEREAS**, transportation in the vicinity of the Project is vital to the community and interfering with transportation use during the day will cause significant disruption to the economic life of the City; and

**WHEREAS**, the Project also includes overhead communication lines relocation work that will likely have minimal disruptions to some businesses and residents in the vicinity of the Project; and

**WHEREAS**, the Project includes work done in the vicinity of Clackamas County Fire District #1's Station 16, which may temporarily impede traffic to or from the Station; and

**WHEREAS**, the method that allows the City to best effectuate the Project requires that work be done at night to minimize impacts on the City's residents, businesses, transportation facilities, communication system, and emergency services; and

**WHEREAS**, OCMC 9.12.023(E) declares the construction, demolition, alteration or repair of any building or the excavation of any streets and highways in a residentially-zoned neighborhood between the hours of ten p.m. and seven a.m., Monday through Saturday; and between eight p.m. and nine a.m. on Sunday to be a violation.

**NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:**

**Section 1.** The Oregon City Commission hereby declares an emergency, limited to the Project Area at the north end between Warner Milne Road and down Molalla Avenue through the intersection of OR Hwy 213 on the south of the project. Consistent with OCMC 2.52.070 and, by this resolution, the Commission declares an intermittent emergency as Molalla Avenue Streetscape Project is under construction beginning October 21, 2020 and ending December 1, 2021.

**Section 2.** Based on the emergency identified above, the City Commission grants the Oregon City Department of Public Works an exemption from Section 9.12.020 of the Oregon

City Municipal Code for excavation and paving in the Project Area for intermittent night work during the period identified above in Section 1 of this resolution.

**Section 3.** This resolution shall take effect immediately upon its adoption by the City Commission.

**Section 4.** The City Commission hereby directs the City Manager and City staff to undertake all appropriate and practical measures to lessen the impacts of night-time work on City residents and businesses as authorized by this resolution.

**Section 5.** The City Commission adopts the following procedures to prevent, minimize, respond to, or recover from the emergency consistent with OCMC 2.52.040:

D. Barricade streets and prohibit vehicular or pedestrian traffic or regulate the same on any public street leading to the emergency area for such distance as may be deemed necessary under the circumstances.

Approved and adopted at a regular meeting of the City Commission held on the 21st day of October, 2020.

\_\_\_\_\_  
DAN HOLLADAY, Mayor

Attested to this 21st Day of October 2020

Approved as to legal sufficiency:

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

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



# CITY OF OREGON CITY

## Staff Report

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

**To:** City Commission **Agenda Date:** 10/21/2020  
**From:** Public Works Director John M. Lewis, PE

### SUBJECT:

Personal Services Agreement with Wallis Engineering for the 2021 Oregon City Roadway Reconstruction Project (CI 20-011)

### STAFF RECOMMENDATION:

Authorize the City Manager to execute the contract with Wallis Engineering in the amount of \$288,092.35 for design services, preparation of bid documents, and construction services for the 2021 Oregon City Roadway Reconstruction (Pavement Maintenance Utility Fee (PMUF)) project (CI 20-011).

### EXECUTIVE SUMMARY:

Staff anticipates completing the annual resurfacing program in summer 2021 utilizing an apportionment of anticipated PMUF revenues.

Wallis Engineering has been selected to complete the civil engineering design, bid phase and construction phase services and together with staff reached a negotiated scope of work, level of service and contract fee totaling the amount of \$288,092.35.

### BACKGROUND:

In 2019, the City of Oregon City updated the 5-year Pavement Maintenance Plan to identify and rank streets most in need of repairs. The lions share of these fees are allocated to reconstruction and/or resurfacing of existing roadways by the City as needing rehabilitation.

In 2019, the City approved a contract with Wallis Engineering for the annual PMUF program which included design for resurfacing of High Street (3<sup>rd</sup> Street to 7<sup>th</sup> Street) to be completed after and separately from the water main replacement which we are about to finish. For the High Street work, as well as the 2020 Roadway Reconstruction Project, the decision was made to hold the work and save the funding in favor of ensuring the Meyers Road and Molalla Avenue projects remained on time and on

budget. The City's in progress project load is moving forward as planned and as such we are ready to re-implement our five-year plan.

The attached scope outlines the detail by which the project will move forward through the design process, solicitation of bids, and construction phase. Staff is seeking to enter into a new contract with Wallis Engineering for the 2021 Oregon City Roadway Reconstruction Project in the amount of \$288,092.35.

The streets that this contract is targeting for a summer 2021 rehabilitation and resurfacing are:

- High Street: 3<sup>rd</sup> to 7<sup>th</sup>
- 8<sup>th</sup> Street: John Adams to Jackson
- John Adams Street: 8<sup>th</sup> to 10<sup>th</sup>
- Division Street: near 15<sup>th</sup>
- 14<sup>th</sup> Street: Buchanan to Division
- Beaver Lane
- Fox Lane
- Hilltop Avenue
- Hartke Loop
- Latourette Street
- Dimick Street
- Joyce Court

Staff anticipate design and bidding by June 30<sup>th</sup>, 2021 and the cost of these fees along with the construction phase services were anticipated in the 2020/21 budget. Construction is anticipated to occur post July 1 so a portion of Wallis Engineering services will occur in the next fiscal year 21/22 and will need budget authority accordingly.

Wallis Engineering is a consultant on the City's shortlist to prepare bid documents for capital projects.

#### **OPTIONS:**

1. Approve the contract with Wallis Engineering
2. Approve the contract with Wallis Engineering with specific modifications
3. Deny the contract with Wallis Engineering

#### **BUDGET IMPACT:**

Amount: \$288,092.35  
 FY(s): FY 21/22 and FY 21/22  
 Funding Source(s): PMUF

**CITY OF OREGON CITY  
PERSONAL SERVICES AGREEMENT**

**2021 OREGON CITY ROADWAY RECONSTRUCTION PROJECT (CI 20-011)**

This PERSONAL SERVICES AGREEMENT (“Agreement”) is entered into between the CITY OF OREGON CITY (“City”) and **WALLIS ENGINEERING, PLLC, LLC** (“Consultant”).

**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 **December 31, 2021**, 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 **two hundred eighty-eight thousand ninety-two and 35/100 dollars (\$288,092.35)**.
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 to 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.

To the City: City of Oregon City  
PO Box 3040  
625 Center Street  
Oregon City, OR 97045  
Attention: John M. Lewis

To Consultant: **Wallis Engineering, PLLC, LLC**  
**215 W. 4<sup>th</sup> Street, Suite 200**  
**Vancouver, WA 98660**  
**Attention: Wes Wegner**

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 \_\_\_\_\_, 20\_\_\_\_.

CITY OF OREGON CITY

**WALLIS ENGINEERING, PLLC, LLC**

By: \_\_\_\_\_  
Anthony J. Konkol, III  
Title: City Manager

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_, 20\_\_.

DATED: \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_  
John M. Lewis  
Title: Public Works Director

DATED: \_\_\_\_\_, 20\_\_.

APPROVED AS TO LEGAL SUFFICIENCY:

By: \_\_\_\_\_  
City Attorney

\\depot\Departments\PublicWorks\CIP\_PS\_RFQ\_RFP\CIP\_Open\CI 20-011 2021 Oregon City Roadway Reconstruction Project PMUF\CONSULTANT\Contract\CI 20-011 PSA - Wallis - 2021 PMUF Projects.docx

**PROJECT BACKGROUND**

The City of Oregon City’s (City) transportation system includes about 135 miles of City-owned surface streets of varying sizes and capacities, requiring periodic maintenance to keep them operational. The City established a Pavement Maintenance Utility Fee (PMUF) in 2007 to address maintenance needs for City streets. A portion of the fees collected are allocated to the reconstruction and/or resurfacing of existing roadways identified by the City as needing rehabilitation.

**GENERAL SCOPE OF PROJECT**

This project includes the evaluation of existing pavement conditions and the preparation of contract documents to solicit bids for pavement rehabilitation in areas of Oregon City. Minor utility maintenance upgrades and adjustments may also be completed as part of the project if found to be necessary in the specific project areas covered.

The City has identified multiple streets to receive pavement rehabilitation in 2021. Several of these streets will receive pavement rehabilitation following the replacement of existing utilities prior to the summer of 2021. Wallis Engineering will design rehabilitation improvements to the streets identified by the City based on available budget. The proposed improvements shall build upon previously completed design efforts where applicable. To meet the requirements of recent Department of Justice rulings, pedestrian ramps at each intersection within the project areas will be evaluated and replaced if found to be out of compliance with current ADA requirements. A list of the identified streets and assumed rehabilitation improvements are provided below:

Street	From	To	Length (ft)	Proposed Improvement (assumed)	Existing Intersection Quadrants	Anticipated Curb Ramp Installations
High St <sup>1</sup>	3rd St	7th St	1,425	Full Reconstruction	14	14
8th St <sup>3</sup>	John Adams St	Jackson St	1,302	2" Mill & Inlay	20	19
John Adams St <sup>3</sup>	8th St	10th St	603	2" Mill & Inlay	4	0
Division St	100' South of 15th St	Emergency Entrance	390	Full Depth Reclamation	4	3
14th St	Buchanan St	Division St	310	Reconstruct Structure (AC)	4	1
Hilltop Ave	Molalla Ave	End	1,046	2" Overlay w/ Wedge Grind	14	3
Beaver Ln	Hilltop Ave	End	405	2" Overlay w/ Wedge Grind	0	0
Fox Ln	Hilltop Ave	Warner-Milne Rd	285	2" Overlay w/ Wedge Grind	2	1
Hartke Lp	Hazelwood Dr	Hazelwood Dr	2,700	2" Mill & 4" Inlay	15	0
Latourette St	Caufield St	End	595	Reconstruct Structure (AC)	4	0
Dimick St	Caufield St	Cul-de-sac	995	Reconstruct Structure (AC)	4	0
Joyce Ct	Shenandoah Dr	Cul-de-sac	510	Reconstruct Structure (AC)	0	0

**Notes:**

1. High Street improvements will build upon previous design efforts completed in early 2020.

2. Water main improvements are being completed within High St, Latourette St, and Dimick St during the Summer of 2020.
3. Improvements will also include construction of new curb and sidewalk where such improvements do not currently exist in the roadways cross section on 8<sup>th</sup> Street between Madison and Monroe Street and on John Adams Street between 9<sup>th</sup> and 10<sup>th</sup> Street.

## CONTRACT DURATION

Contract term shall be from the date contract is fully executed until December 31, 2021.

## PROJECT TEAM

Wallis Engineering will serve as the prime consultant for this project, leading a team of subconsultants to complete all the services identified in the specific scope of work. The project team is listed below, with the responsibilities which they will complete.

Consultant	Responsibilities
Wallis Engineering (Wallis)	Civil Engineering
Compass Land Surveyors (Compass)	Surveying
GeoDesign	Geotechnical Engineering

## SPECIFIC SCOPE OF WORK

### TASK 1 PROJECT MANAGEMENT AND ADMINISTRATION

#### 1.1 Define Project Objectives

The project manager will coordinate with City Staff to define the project goals, locations, design criteria, quality control procedures, scope of improvements and the project schedule. These items will be included in the final scope of work.

#### 1.2 Project Management and Administration

Provide management, coordination, and direction to the project design team to complete the project.

- Prepare project design schedules outlining design and deliverable milestones.
- Prepare monthly status reports and schedule updates to be included with consultant invoices.
- Coordinate project team meetings and prepare meeting agendas and meeting minutes. Coordinate the proposed improvements with TriMet and as necessary, including proposed bus stop closures and detours during construction.

This task assumes the following meetings:

- PreDesign Review Meeting
- 50% Design Review Meeting
- 90% Design Review Meeting

#### Assumption:

- Design phase of the project is assumed to be October 2020 – May 2021
- Construction phase is assumed to be July 2021 – October 2021

- City project manager or designees will complete all stakeholder coordination, public involvement, and lead and obtain all necessary permits unless described otherwise

**Deliverables:**

- Final scope and schedule
- Monthly status reports and invoices
- Meeting agendas and minutes

## **TASK 2 DATA COLLECTION**

### **2.1 Site Investigation and Data Collection**

Review as-built/record drawings, existing mapping, aerial photos, GIS provided by the City and private utility providers, and survey information provided by the City. Conduct site investigation of the project areas to verify mapping accuracy, examine the condition of catch basins and manholes and examine site drainage.

### **2.2 Surveys Performed by Compass Land Surveyors**

- Monument Research and Pre- and Post-Construction Monument Survey. Compass will conduct research of the project areas to determine the presence of existing monuments. Following this research effort, pre-construction surveys will be conducted and recorded with Clackamas County to record the location of all monuments within the project areas as needed. The location of monuments for select roadways will be recorded without a pre-construction record of survey and replaced within 90 days of disturbance (see assumptions). A post-construction survey will be recorded with the County following construction, and will include all monuments replaced during construction and the verified location of undisturbed monuments.
- Topographical Survey. Compass will complete base map, surface and field topographic survey as needed to complete the final design of the new curb and sidewalk proposed on 8<sup>th</sup> Street and John Adams Street. Survey limits include John Adams Street from 9<sup>th</sup> to 10<sup>th</sup> Street and 8<sup>th</sup> Street from Madison Street to Monroe Street. Survey will include data collection of all above ground features, all utilities and identification of right-of-way and property lines.

### **2.3 Base Map Preparation**

Prepare a project base map utilizing topographic survey information provided by the City or collected under other tasks, City GIS data, field survey work and information obtained from other tasks. This base map will include edge of pavement, curb lines, and location of utilities as documented in the field based on utility locates, including valve boxes, manholes, catch basins, and other utility structures. The base map will also include the collected monument information and any topographic survey information collected.

### **2.4 Ramp Data Collection**

Conduct intersection reviews based on aerial and street-view imagery to identify existing curb ramp locations and locations where new curb ramps are needed. Evaluate existing curb ramps on-site for ADA compliance and document using the ODOT Curb Ramp Design Check List. Collect horizontal and vertical information of the existing, non-compliant ramps and adjacent improvements using a robotic total station. Information will be collected within the roadway, at the curb line, within the existing sidewalk and will include all utility and above ground features. The information will be translated to design

software to be used for contract plan preparation. A localized horizontal and vertical datum will be used for data collection which will not be reproduced in the form of construction staking.

## **2.5 Utility Notification**

Notify private utility providers of the proposed improvements and coordinate to determine if any infrastructure improvements are planned in these areas. Maps of the project areas will be sent to each private utility. The maps will be followed up with phone conversations and a letter or email to each utility. If utility providers are planning improvements, Wallis Engineering will coordinate with the City regarding any scheduling impacts. It is anticipated that the first notification will be sent to all utilities by December 1, 2020.

### **Assumptions:**

- The City will provide City GIS and previously completed survey information in AutoCAD format, and available as-builts/record drawings for use by Wallis Engineering.
- The City will provide information on historical drainage issues and other proposed City utility needs including; all existing drainage, sewer and water structures requiring repair, modification or replacement.
- Approximately three (3) existing curb ramps will be evaluated for ADA compliance.
- No utility potholing will be completed by the Consultant. The City or contractor, as part of the construction contract, will complete all potholing of existing public utility lines and services as necessary in project areas requiring full reconstruction or full depth reclamation to identify utility conflicts with the proposed reconstruction section.
- It is anticipated that several PGE poles will require relocation as part of the ADA ramp retrofits. All coordination efforts are included in Task 2.5.
- It is anticipated that several NW Natural gas lines will require relocation as part of full reconstruction and full depth reclamation improvements. All coordination efforts are included in Task 2.5.
- Only a Post Construction Record of Survey is required for the High Street segment as Pre-Construction Record of Survey was completed with previous projects.
- Compass will prepare a Pre-Construction Record of Survey Tie-Out for Division/14<sup>th</sup> Street, Hilltop Ave/Beaver Ln/Fox Ln and Latourette/Dimick Street in lieu of filing a Pre-Construction Record of survey with the County. If monuments are disturbed, they will be reset within 90 days of disturbance and a Post Record of Survey will be filed.
- No monumentation work is required for Hartke Loop or Joyce Court as no monuments are present in the roadway.
- No topographical information will be collected for roadways recommended for full reconstruct. Finished roadway grades will match existing topography and will be established by the contractor. Compass will not provide construction staking and any required construction staking will be provided by the Contractor. Note that topographic survey was completed for High Street under a previous contract and will be utilized to complete the improvement design.

### **Deliverables:**

- Pre and Post Construction Record of Surveys, as noted.
- Project base map in AutoCAD format.
- ADA compliancy documentation.
- Utility contact list.

- Informational letters and project notices to each affected utility.

### **TASK 3 PAVEMENT EVALUATION SERVICES**

GeoDesign will assist in evaluating pavement conditions, participate in discussions regarding rehabilitation treatment selection, and review the Pre-Design Memorandum prepared by Wallis Engineering. The specific scope of services includes the following:

- Participate in site visits to the street segments, together with City and Wallis Engineering representatives, to observe pavement conditions, discuss the findings, and assist in proposing an appropriate treatment. We assume a total of eight (8) hours for a site visit.
- Review past information and explorations for High Street.
- Field locate core exploration locations, request One-Call locates, and obtain permits through the City.
- Complete a total of 19 core boring explorations:
  - Explorations up to three (3) feet below ground surface or to refusal
  - One (1) core each on John Adams, Division, 14th, Beaver, Fox, Latourette, and Joyce Court
  - Two (2) cores on Hilltop and Dimick Street
  - Three (3) cores on 8th Street
  - Five (5) cores on Hartke Loop
  - Patch holes with polymer-modified asphalt cold patch
  - Conduct laboratory testing of moisture content from one sample from each exploration
- Complete dynamic cone penetrometer tests (DCP) at each exploration location.
- Conduct GPR tests in the outside wheel track of the main travel lanes using a 2 GHz truck-mounted horn antenna on each street section being considered for rehabilitation.
- Review and discuss traffic information and estimates with the project team for each street section. Estimating traffic in lieu of conducting traffic counts appears more appropriate based on the classifications of the roadways. Existing pavement capacity and recommendations will be based on traffic information, sub-surface explorations, GPR, and DCP results.
- Provide recommendations for pavement rehabilitation.
- Provide recommendations for materials and construction.
- Complete a draft and final letter report.

#### **Assumptions:**

- All permitting requirements and fees will be completed by the City
- Full reconstruction road sections will be determined through work completed under Task 3 Preliminary assessments suggest that High St, Division St, and Joyce Ct will require complete reconstruction. No additional Geotechnical information will be obtained for High Streets as part of this work and improvements will follow previously completed recommendations

#### **Deliverables:**

- Field investigation findings summary letter
- Rehabilitation recommendations for each street segment
- Construction material specification recommendations

- Provide street section recommendations for full reconstruct areas

## TASK 4 DESIGN PHASE

### 4.1 Predesign Memorandum

A brief pre-design memo will be prepared, discussing the following items:

- An outline of the project areas.
- A summary of the pavement evaluation and recommended pavement design section for each area.
- A summary of known drainage issues and recommended solutions.
- A summary of the required ADA curb ramps improvement locations. ODOT Curb Ramp Design Check Lists will be provided as an appendix for existing curb ramps.
- A summary of any private utility improvement projects/upgrades identified from efforts completed in other tasks.
- Discussion on maintaining traffic and public access during construction.
- An outline of contract documents, including scale and level of detail on plan sheets.

### 4.2 50% Plans, Specifications Outline and Opinion of Cost

Plans will be prepared to 50% design level for pavement, curb ramp, utility improvements, as necessary, and new curb/sidewalk segments on John Adams and 8<sup>th</sup> Street to complete the roadway cross section and fill in gaps within each block. Pavement and curb ramp improvements will be as determined in the predesign phase. Drawing format will be AutoCAD Civil 3D 2018+, and will be prepared using standard City title block as provided by the City. Plans will include the following:

- Plans and detail sheets. Where necessary, more detail will be included such as centerline or curb line profiles as needed (if topographical survey is available), striping plans, utility improvement plans, erosion control plans and demolition plans. No street profiles will be included in the plan sheets unless necessary.
- Traffic control, phasing and coordination details.
- Erosion control plans prepared to meet City standards.
- The following is the anticipated list of plan sheets:

Description	Sheets	Running Total
Cover, Drawing Index	1	1
Legend, General Notes, Traffic Control Notes and Phasing	1	2
Typical Sections	4	6
Plan Sheet – High Street	2	8
Plan Sheet – 8 <sup>th</sup> Street	3	11
Plan Sheet – John Adams Street	2	13
Plan Sheet – Division Street	1	14
Plan Sheet – 14 <sup>th</sup> Street	1	15
Plan Sheet – Beaver Lane	1	16
Plan Sheet – Fox Lane	1	17

Description	Sheets	Running Total
Plan Sheet – Hilltop Avenue	2	19
Plan Sheet – Hartke Loop	4	23
Plan Sheet – Latourette Street	1	24
Plan Sheet – Dimick Street	2	26
Plan Sheet – Joyce Court	1	27
Pedestrian Ramp Details	13	40
Details	5	45

A specification outline and 50% opinion of cost will be prepared.

### **4.3 90% Plans, Specifications and Opinion of Cost**

90% plans will be prepared incorporating review comments from the City. Specifications will use City of Oregon City standards and the “2018 Oregon/APWA Standard Specifications for Public Works Construction”. Special Provisions will be prepared, as needed, to address project work not adequately covered in the Standard specifications and will include any Special Provisions previously prepared by the City to address asphalt concrete workmanship. Wallis Engineering will attend one meeting to review City comments. Design will include:

- Horizontal design for rehabilitated and reconstructed surfaces including utility adjustments, street amenity relocations and striping provisions.
- Areas of curb replacement necessary to replace failed or missing curb segments.
- Improvements to pedestrian facilities curbs along project streets as approved by the City. Curb and sidewalk will be added to sections of the 8<sup>th</sup> Street and John Adams Street project segments where those facilities do not pre-exist.
- Replacement/relocation of catch basins that interfere with ADA compliancy or as identified by the City.
- Permanent trench restoration limits required as part of the waterline improvements completed prior to this contract.
- Two-dimensional curb ramp retrofit/replacement layouts. Layouts will be developed to the extent possible based on City GIS information and field measurements. Ramp layouts will conform to PROWAG and ODOT/APWA standards utilizing City and ODOT standard drawings. It is assumed the construction contractor will be ultimately responsible for new ramps meeting ADA requirements. Wallis Engineering will coordinate and verify final layout and grades with the construction contractor under Task 6.
- Curb ramps at 5<sup>th</sup> and High Street will be designed with bulb-outs similar to those constructed at 3<sup>rd</sup> and High Street as part of past projects.
- Improvements on High Street were previously designed to a 90% level under previous contracts and will be included in this set of Construction Documents. Final design of these improvements will be completed in other tasks.

### **4.4 Final Plans, Specifications and Opinion of Cost**

Final plans, specifications, and an opinion of cost will be prepared as a reproducible set incorporating review comments from the City.

#### **4.5 MEF Documentation (Contingency Task)**

Should any existing topography or utility structures preclude the installation of a fully ADA-compliant pedestrian curb ramp, Wallis Engineering will generate Maximum Extent Feasible (MEF) Documentation recording the analysis, findings, and design decisions made for each curb ramp with non-compliant elements per recommendations stated in the PROWAG. An allotment of 16 hours is included for this Contingency Task.

##### **Assumptions:**

- Of the 85 existing intersection quadrants within the proposed project areas, approximately 41 locations appear to require installation or reconstruction of pedestrian curb ramps based on a preliminary visual survey of existing geometry using aerial and street view software. 14 of the 41 locations were brought to 90% design in a previous contract.
- All ramp reconstructions will be completed within the limits of the existing sidewalk and it is therefore assumed that adequate right-of-way is available for these reconstructions.
- Any Temporary Construction Permits, right of way acquisition or easements necessary to construct sidewalk outside of the limits of the existing sidewalk will be coordinated and obtained by the City.
- No walls will be required to construct infill sidewalk sections.
- No arborist support required for potential tree impacts.
- Signing and striping improvements will be limited to replacing the existing delineation and signs in like kind and location unless specifically noted. Crossing closure signs will be installed as necessary.
- Utility improvements will be limited to adjusting existing structures to grade, replacing frames and lids as identified by the City and replacing catch basins and lateral as identified by the City. No utility mainline replacements are anticipated.
- Traffic control plans included in the Contract plans will be limited to general notes and ODOT standard plans. No site-specific traffic control plans will be prepared. It is assumed that the Contractor will prepare detailed and site-specific traffic control plans.
- The City will provide legal review of all front-end bidding documents.
- Wallis Engineering will attend two (2) meetings to review City comments and one (1) meeting with the utility consultant. The hours and cost for these meeting is incorporated under Task 1.
- No stormwater improvements to address hydromodification or treatment will be required as part of these improvements. Additional curb and sidewalk on 8<sup>th</sup> Street and John Adams Street are expected to create less than 5,000 square feet of new impervious surfaces and therefore does not require additional stormwater management per COC Stormwater Standards 1.2.1.

##### **Deliverables:**

- Predesign Memorandum
- Electronic versions of the 50%, 90% and final PS&E
- MEF Documentation (Contingency Task)

#### **TASK 5 BIDDING SERVICES**

Wallis Engineering will provide bidding services to the City, including responding to bidder's questions and preparing addenda (as needed). A summary sheet of all bidder questions and responses will be provided to the City following the opening of bids, or as requested.

**Assumptions:**

- City will distribute the contract documents, maintain a plan holder's list, and distribute addenda as needed.
- Wallis Engineering will not attend the bid opening.

**Deliverables:**

- Addenda (as needed).
- Bidder question and response summary sheet.
- Recommendation of Award.

**TASK 6 CONSTRUCTION PHASE**

The Consultant will provide construction administration and inspection services with support from the City for additional inspection, public notifications and other coordination related items as needed.

Construction phase services shall include:

**6.1 Construction Administration**

- Conduct the pre-construction meeting with City staff, the contractor and representatives of the utility companies to effectively communicate those areas of the project which will require special attention during construction.
- Review monthly payment requests by the contractor, verify quantities included in each pay request and prepare payment recommendations to the City. Complete a final pay estimate at project completion.

**6.2 Construction Engineering and Field Inspection**

- Review and respond to contractor submittals, shop drawings, requests for information, notifications of differing site conditions, the Contractor-prepared Quality Control, Quality Assurance plan, Work plans and completed field testing for conformance to the contract documents. Consult with the City regarding the acceptability of material substitutes or 'as-equal' items proposed by the contractor.
- Provide construction management oversight of the Contractor's work schedule and quality, coordinate construction tasks with City, public and other non-agency entities, and evaluate field design changes as necessary to complete the project. The budget assumes eight (8) hours per week for a thirteen-week construction period.
- Attend weekly construction progress meetings as needed to address construction related issues.
- Provide daily site inspections to monitor the quality and progress of the work. Provide inspector's daily report of construction activities for each day of inspection along with project photos. The budget assumes 45 hours per week for a thirteen-week construction period and includes assistance with monthly progress payments and attendance of the weekly meetings. Daily inspection services can be supplemented or replaced by City Staff at the discretion of the City. Additional construction inspection support by the Construction Manager is assumed for four (4) hours per week for a thirteen-week construction period.
- GeoDesign will provide up to 21 hours of construction observation in three trips (as required).

- Provide a final walk-through with the Contractor and City staff at the project completion. Provide written punch list to the contractor and recommendation of final acceptance when appropriate.
- Prepare record drawings for the improvements upon completion of construction.
- Complete an ADA Curb Ramp Inspection Form for each constructed ramp improvement on ODOT Form 734-5020B.

**Assumptions:**

- Inspection hours based on a thirteen-week construction schedule at 45 hours per week.
- Construction staking services will be provided by the Contractor including any monument staking within the roadways (as needed).
- Post-Construction as-built survey will not be performed.

**Deliverables:**

- Monthly pay estimates and recommendations.
- Submittal comments and response log.
- Inspector's daily report for each working day of inspection.
- Weekly meeting minutes for each construction meeting.
- Final Punch List and Recommendation of Final Acceptance.
- Electronic version of As-built / Record Drawings.
- ODOT ADA Curb Ramp Inspection Form for each constructed pedestrian ramp.

*P:\15\1506A 2021 PMUF Paving Improvements\100 Agmt\102 Working Docs\Prime\1506A Scope.docx*

**Fee Estimate**  
 City of Oregon City | 2021 PMUF Paving Improvements  
 September 2020 | WE# 1506A

		E1	E2	E5	E6	Insp.	Tech 1	TW	Clerical	Wallis Labor	Expenses	Subconsultants		Total Cost
												Compass	GeoDesign	
<b>Task 1</b>	<b>Project Management and Administration</b>	\$162.59	\$151.97	\$102.03	\$90.32	\$96.71	\$102.03	\$90.32	\$74.40					
1.1	Define Project Objectives	1	8		4				2	\$ 1,888.43				\$ 1,888.43
1.2	Project Management and Administration	1	27	0	6	0	0	6	4	\$ 5,647.22	\$ 95.00 (M)			\$ 5,742.22
	<b>TASK 1 SUBTOTAL</b>	<b>2</b>	<b>35</b>	<b>0</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>6</b>	<b>\$ 7,535.65</b>	<b>\$ 95.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 7,630.65</b>
<b>Task 2</b>	<b>Data Collection</b>													
2.1	Site Investigation and Data Collection		8		28					\$ 3,744.72	\$ 80.00 (M)			\$ 3,824.72
2.2	Surveys Performed by Compass Land Surveyors									\$ -				\$ -
	Monument Research and Pre- and Post-Construction Monument Survey		8				2			\$ 1,419.82		\$ 42,067.00		\$ 43,486.82
	Topographical Survey		1		2		4			\$ 740.73		\$ 5,368.00		\$ 6,108.73
2.3	Base Map Preparation		4	8	16		18			\$ 4,705.78	\$ 80.00 (M)			\$ 4,785.78
2.4	Ramp Data Collection		5		120		32			\$ 14,863.21	\$ 125.00 (M)			\$ 14,988.21
2.5	Utility Notification		6		20					\$ 2,718.22				\$ 2,718.22
	<b>TASK 2 SUBTOTAL</b>	<b>0</b>	<b>32</b>	<b>8</b>	<b>186</b>	<b>0</b>	<b>56</b>	<b>0</b>	<b>0</b>	<b>\$ 28,192.48</b>	<b>\$ 285.00</b>	<b>\$ 47,435.00</b>	<b>\$ -</b>	<b>\$ 75,912.48</b>
<b>Task 3</b>	<b>Pavement Evaluation Services</b>		8							\$ 1,215.76			\$ 21,945.00	\$ 23,160.76
	<b>TASK 3 SUBTOTAL</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$ 1,215.76</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 21,945.00</b>	<b>\$ 23,160.76</b>
<b>Task 4</b>	<b>Design Phase</b>													
4.1	Predesign Memorandum	1	8		8				2	\$ 2,249.71				\$ 2,249.71
4.2	50% Plans, Specifications Outline and Opinion of Cost	4	44	16	100		120			\$ 30,245.12				\$ 30,245.12
4.3	90% Plans, Specifications and Opinion of Cost	6	32	16	120		48		6	\$ 23,653.30				\$ 23,653.30
4.4	Final Plans, Specifications and Opinion of Cost	4	20		40		16		4	\$ 9,232.64				\$ 9,232.64
4.5	MEF Documentation (Contingency Task)		4		11				1	\$ 1,675.80				\$ 1,675.80
	<b>TASK 4 SUBTOTAL</b>	<b>15</b>	<b>108</b>	<b>32</b>	<b>279</b>	<b>0</b>	<b>184</b>	<b>0</b>	<b>13</b>	<b>\$ 67,056.57</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 67,056.57</b>
<b>Task 5</b>	<b>Bidding Services</b>		6		8				1	\$ 1,708.78				\$ 1,708.78
	<b>TASK 5 SUBTOTAL</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>\$ 1,708.78</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,708.78</b>
<b>Task 6</b>	<b>Construction Services</b>													
6.1	Construction Administration	0	24	0	4	0	0	0	2	\$ 4,157.36	\$ 32.00 (M)			\$ 4,189.36
6.2	Construction Engineering and Field Inspection	0	220	0	108	585	8	0	8	\$ 101,174.75	\$ 2,859.00 (M)		\$ 4,400.00	\$ 108,433.75
	<b>TASK 6 SUBTOTAL</b>	<b>0</b>	<b>244</b>	<b>0</b>	<b>112</b>	<b>585</b>	<b>8</b>	<b>0</b>	<b>10</b>	<b>\$ 105,332.11</b>	<b>\$ 2,891.00</b>	<b>\$ -</b>	<b>\$ 4,400.00</b>	<b>\$ 112,623.11</b>
	<b>Project Subtotal</b>	<b>17</b>	<b>433</b>	<b>40</b>	<b>595</b>	<b>585</b>	<b>248</b>	<b>6</b>	<b>30</b>	<b>\$ 211,041.35</b>	<b>\$ 3,271.00</b>	<b>\$ 47,435.00</b>	<b>\$ 26,345.00</b>	<b>\$ 288,092.35</b>

Depending on availability, actual staff usage may not match the above estimated hours breakdown. Billing rates for all staff are listed in the Rate Schedule.

<b>FEE SUMMARY</b>	
Wallis Labor	\$ 211,041.35
Wallis Expenses	\$ 3,271.00
<i>(M) = Mileage at current IRS Rate, (P) = Printing</i>	
<b>Subconsultants</b>	
Compass	\$ 47,435.00
GeoDesign	\$ 26,345.00
<i>NOTE: Fee includes 10% markup</i>	
<b>TOTAL BUDGET</b>	<b>\$ 288,092.35</b>

## RATE SCHEDULE

Rate Schedule good through December, 31, 2020

<u>Staff</u>	<u>Hourly Rate</u>
QA/QC Mgr	\$207.23
Engineer 3	\$132.84
Senior Engineer	\$187.04
Engineer 1	\$162.59
Engineer 2	\$151.97
Engineer 4	\$108.40
Engineer 1	\$162.59
Engineer 5	\$102.03
Engineer 6	\$90.32
Inspector	\$96.71
Technician 1	\$102.03
Technical Writer	\$90.32
Clerical 1	\$74.40

These hourly rates include in-house office expenses, photocopying, and other incidental items. Mileage will be reimbursed at the current standard IRS rate. Outside expenses will be billed at cost plus 10%.

**STANDARD CONDITIONS TO OREGON CITY  
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Item 8b.

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**

Item 8b.

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 (12/2015)

Page 2 of 5

**EXHIBIT B**

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**STANDARD CONDITIONS TO OREGON CITY  
PERSONAL SERVICES AGREEMENT**

Item 8b.

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**

Item 8b.

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  
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Item 8b.

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**  
**Staff Report**

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

**To:** City Commission  
**From:** Chief of Police Jim Band

**Agenda Date:** 10/21/2020

**SUBJECT:**

OLCC: Liquor License Application – Limited On-Premises, applying as an LLC, Shelton Holdings LLC (dba VIP Deli), 1346 Leland Road, Suite C, Oregon City

**STAFF RECOMMENDATION:**

Staff recommends the City Commission approve OLCC Application for Shelton Holdings LLC (dba VIP Deli), 1346 Leland Road, Suite C, Oregon City.

**EXECUTIVE SUMMARY:**

The attached application is for an OLCC Limited On-Premises license for VIP Deli.

**BACKGROUND:**

The Oregon City Police Department ran background checks on Nicholas Cederberg and Hayley Shelton, and they are eligible to hold a liquor license. All applicants must obtain an Oregon City business license before submitting their application for an OLCC liquor license. The Oregon City business license application process includes routing of the application for review through various City departments.

**OPTIONS:**

1. Approve the OLCC Application for VIP Deli
2. Deny the OLCC Application for VIP Deli



# LIQUOR LICENSE APPLICATION

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
<input type="checkbox"/> Brewery 1st Location	Date application received and/or date stamp:
<input type="checkbox"/> Brewery 2nd Location	
<input type="checkbox"/> Brewery 3rd Location	Name of City or County:
<input type="checkbox"/> Brewery-Public House 1st Location	
<input type="checkbox"/> Brewery-Public House 2nd Location	Recommends this license be:
<input type="checkbox"/> Brewery-Public House 3rd Location	
<input type="checkbox"/> Distillery	<input type="checkbox"/> Granted <input type="checkbox"/> Denied
<input type="checkbox"/> Full On-Premises, Commercial	By: _____
<input type="checkbox"/> Full On-Premises, Caterer	Date: _____
<input type="checkbox"/> Full On-Premises, Passenger Carrier	<b>OLCC USE ONLY</b>
<input type="checkbox"/> Full On-Premises, Other Public Location	
<input type="checkbox"/> Full On-Premises, For Profit Private Club	Date application received:
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club	8/25/20
<input type="checkbox"/> Grower Sales Privilege 1st Location	By: _____ SR
<input type="checkbox"/> Grower Sales Privilege 2nd Location	License Action(s):
<input type="checkbox"/> Grower Sales Privilege 3rd Location	C/O
<input checked="" type="checkbox"/> Limited On-Premises	
<input type="checkbox"/> Off-Premises	
<input type="checkbox"/> Off-Premises with Fuel Pumps	
<input type="checkbox"/> Warehouse	
<input type="checkbox"/> Wholesale Malt Beverage & Wine	
<input type="checkbox"/> Winery 1st Location	
<input type="checkbox"/> Winery 2nd Location	
<input type="checkbox"/> Winery 3rd Location	
<input type="checkbox"/> Winery 4th Location	
<input type="checkbox"/> Winery 5th Location	

2. Identify the applicant(s) applying for the license(s). ENTITY (example: corporation or LLC) or INDIVIDUAL(S) applying for the license(s):

~~Hayley A~~ Shelton Holdings LLC  
\_\_\_\_\_  
(Applicant #1)

Nicholas R Cederberg  
\_\_\_\_\_  
(Applicant #2)

\_\_\_\_\_  
(Applicant #3)

\_\_\_\_\_  
(Applicant #4)

3. Trade Name of the Business (Name Customers Will See)		
VIP Deli		
4. Business Address (Number and Street Address of the Location that will have the liquor license)		
1346 Leland RD STE C		
City	County	Zip Code
Oregon City	Clackamas	97045



# LIQUOR LICENSE APPLICATION

5. Trade Name of the Business (Name Customers Will See) VIP Deli			
6. Does the business address currently have an OLCC liquor license?		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
7. Does the business address currently have an OLCC marijuana license?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your mail) 1211 Josephine St			
City Oregon City	State OR	Zip Code 97045	
9. Phone Number of the Business Location 503-557-9999		10. Email Contact for this Application nicman3535@yahoo.com	
11. Contact Person for this Application Nicholas Cederberg		Phone Number 971-264-8356	
Contact Person's Mailing Address (if different)	City	State	Zip Code

Please note that liquor license applications are public records. A copy of the application will be posted on the OLCC website for a period of several weeks.

I understand that marijuana (such as use, consumption, ingestion, inhalation, samples, give-away, sale, etc.) is **prohibited** on the licensed premises.

I attest that all answers on all forms, documents, and information provided to the OLCC are true and complete.

**Applicant Signature(s)**

- Each individual person listed as an applicant must sign the application.
- If an applicant is an entity, such as a corporation or LLC, at least one person who is authorized to sign for the entity must sign the application.
- A person with the authority to sign on behalf of the applicant (such as the applicant's attorney or a person with power of attorney) may sign the application. If a person other than an applicant signs the application, please provide proof of signature authority.

(Applicant #1)

(Applicant #2)

\_\_\_\_\_  
(Applicant #3)

\_\_\_\_\_  
(Applicant #4)



# CITY OF OREGON CITY CITY COMMISSION REGULAR MEETING - REVISED MINUTES

Commission Chambers, 625 Center Street, Oregon City  
Wednesday, August 19, 2020 at 7:00 PM

## REGULAR MEETING OF THE CITY COMMISSION

*The public is strongly encouraged to relay concerns and comments to the Commission in one of three ways:*

- *Email at any time up to 12 p.m. the day of the meeting to recorderteam@orcity.org.*
- *Phone call (Monday – Friday, 8 am – 5 pm) to 503-496-1505, all messages will be relayed and/or citizens can sign-up to be called during the meeting to provide over-the-phone testimony.*
- *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*

### 1. CONVENE MEETING AND ROLL CALL

*Mayor Dan Holladay called the meeting to order at 7:18 PM.*

**PRESENT – 5** Mayor Dan Holladay, Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith and Commissioner Rocky Smith, Jr.

**STAFFERS – 12** City Manager Tony Konkol, City Attorney William Kabeiseman, City Recorder Kattie Riggs, Community Communications Coordinator Kristin Brown, Public Works Director John Lewis, Assistant to the City Manager Lisa Oreskovich and Parks & Recreation Director Kendall Reid.

*Mayor Holladay made a statement that due to an ongoing medical situation, he has a noticeable issue with his speech and he wanted to make the public aware.*

### 2. FLAG SALUTE

### 3. CEREMONIES, PROCLAMATIONS, AND PRESENTATIONS

3a. The Regional Coalition of Clean Rivers and Streams 2020 Student Video Contest Award Presented to Oregon City Student Charlie Johnson

*John Lewis, Public Works Director, outlined the video contest provided by the Regional Coalition of Clean Rivers and Streams. There were 7 overall winners and student Charlie Johnson won top prize for his stop motion video. The Commission reviewed the video and then awarded Mr. Johnson with the prize certificate and check.*

### 3b. Oregon Department of Transportation Presenting I-205 Tolling Project Update

*Mr. Lewis introduced Lucinda Broussard, Heather Wills and Mat Dolata with the Oregon Department of Transportation (ODOT). Ms. Broussard presented current issues with I-205, proposed solutions, tolling concerns and current forty-five-day public comment period between August 3<sup>rd</sup>- September 16<sup>th</sup>. Also outlined was the Environmental Assessment phase. Heather Wills outlined the current congestion issues and funding issues. Mat Dolata presented the potential tolling alternatives and additional rerouting from tolls.*

*Commissioner McGriff asked what other freeway systems ODOT is looking at. Ms. Broussard indicated other than I-5, ODOT does not have any other freeways in consideration in the near future.*

*Commissioner Lyle Smith asked is a portion of Highway 43 intersection was included in the tolling project. Mr. Dolata indicated that there is portion of Highway 43 that does have a prior widening project that is included.*

*Commissioner O'Donnell commented that he had taken the survey and he is against the concept of tolling and thinks there should be other alternatives explored.*

*Commissioner Smith commented he has looked at the website for the I-5 to Stafford Road widening website and did not see mention of tolling and wondered why tolling is now presented as the only option.*

*Mayor Holladay expressed his concern with how the public will respond to tolling and feels it will substantially increase road congestion. Mayor Holladay does not feel tolling will be the needed solution.*

## 4. CITIZEN COMMENTS

*Jeana Gonzales, resident of Oregon City and chief petitioner for the Recall Mayor Holladay effort, expressed her concern regarding a communication she had sent to the Mayor in June and received no response.*

*Adam Marl, resident of Oregon City and also with the Recall Mayor Holladay effort, provided an update of the signature collection process and urged Oregon City residents to participate in the recall process.*

*Jesse Hernandez, resident of Oregon City, provided comment on what he felt was double-standards on COVID restrictions on playgrounds in City parks, being more restrictive for children than adults. City Manager Konkol expressed that contact sports activities and playgrounds/structures are prohibited currently in parks, per orders from the Governor. Parks & Recreation Director Reid commented that the Parks Department are doing the best they can, given the current COVID restrictions.*

*Meg Anderson, resident of Oregon City, expressed her concerns about Mayor Holladay and his responses to the COVID situation and the Black Lives Matter movement. Ms. Anderson also mentioned an earlier incident involving a candidate in the 2018 election. Mayor Holladay responded that he had not directed city staff to participate in reprisals against the candidate.*

*Lisa Novak, resident of Oregon City, expressed gratitude to the Commissioners for supporting the Holcomb Boulevard crosswalk project and requested that Public Works Director Lewis provide the Commission regular updates on the progress of the project.*

## 5. ADOPTION OF THE AGENDA

*The revised agenda was adopted.*

## 6. PUBLIC HEARINGS

## 7. GENERAL BUSINESS

### 7c. 2020 Community Satisfaction Survey

*Mr. Konkol explained that the City started a community satisfaction survey in 2018 and plans to conduct the survey every other year. In 2020, the next community satisfaction survey is being prepared to be distributed to Oregon City citizens. Mr. Konkol mention there are three questions that the City can change with each new survey, per the vendor they use. For 2020, the three proposed questions are: What makes Oregon City special, what about Oregon City would you like to change and a multiple-choice question regarding how to pay for changes to the water distribution system.*

*Commissioner O'Donnell commented that there needed to be clarification whether a rate increase would only pertain to repairing the existing system and not future development. Public Works Director Lewis responded that the proposed rate increase would not cover the existing system needs. He indicated that he could work with Communications Coordinator Kristin Brown to refine the question. Commissioner O'Donnell responded that he felt there will be better public response if the question is reworded to indicate a 3% rate increase will not cover existing needed repairs and whether the public would be willing to pay additional amounts for repairs. Commissioner O'Donnell asked the current status of the water system.*

*Director Lewis indicated Public Works has been monitoring, but the system has not reached maximum this summer.*

*Commissioner Lyle Smith commented that she does not like the water system question and would like the prior 2018 question on parks to remain on the survey.*

*Mayor Holladay concurred with Commissioner Lyle Smith's comments.*

*Commissioner McGriff asked if it will be a random survey and that she had encountered any residents that had received the last survey.*

*Commissioner Smith indicated he was fine with the water question remaining.*

*Communication Coordinator Kristin Brown clarified how the questions are compiled by the vendor and that there was a limit of three open ended questions.*

*There was further discussion on questions to include/exclude.*

*Mayor Holladay directed that staff rework the questions and get back to the Commission on possible revisions.*

### 7d. The Guaranteed Maximum Price (GMP) and Construction for the Public Works and Parks Operations Complex Facility

*John Lewis, Public Works Director, introduced the topic and Gerry Mulrooney from Plan B to present the topic.*

*Gerard Mulrooney, Plan B Project Manager, provided an overview and update on the new Oregon City Operations Complex. The Complex has reached the final stage of the project prior to construction, which requires presentation of the GMP and requesting approval from City Commission to proceed to construction. Despite some construction cost increases, they have worked with City staff to readjust in order to stay within the established budget and timeline.*

*Commissioner O'Donnell commented that he participated in many of the project meetings and he is pleased with how Plan B has run the process.*

*Mayor Holladay expressed that he is also pleased with how Plan B has run the new Police Station Complex.*

*Commissioner McGriff asked if an earlier design for workspace lockers had been resolved. Commissioner O'Donnell indicated that the issue was resolved.*

Commissioner Smith commented he was pleased with how well the project has gone.

*Finance Director Parno commented that there was the need to adjust the biennium budget based on the Commission's approval.*

**A motion was made by Commissioner McGriff, seconded by Commissioner Lyle Smith to approve the Guaranteed Maximum Price and Construction for the Public Works and Parks Operations complex facility. The motion carried with the following vote:**

**Aye: 5- Mayor Holladay, Commissioner McGriff, Commissioner O'Donnell, Commissioner Lyle Smith, Commissioner Smith.**

#### 7e. Intergovernmental Agreement with Clackamas County for Records Storage Services

*Kattie Riggs, City Recorder, outlined past issues with the vendor Iron Mountain Records Storage. The City's contract with Iron Mountain had expired and after reviewing options Clackamas County seemed to fit the needs of the City best. They had the extra space and were willing to work well with the City on cost effectiveness, ease of access, retrievability, and other available records management services such as microfilming. Additionally, the stored records would be located in Oregon City and there are cost savings annually. The County Records Center does not have a viewing space where the public could physically review historic materials.*

*Mayor Holladay expressed concerns with the public checking out documents.*

*City Recorder Riggs clarified an earlier comment regarding the viewing of historic documents.*

*Commissioner McGriff commented that she felt a solution on viewing documents can be arrived at in the future.*

**A motion was made by Commissioner O'Donnell, seconded by Commissioner McGriff to approve the Intergovernmental Agreement with Clackamas County for Records Storage Services. The motion carried with the following vote:**

**Aye: 5- Mayor Holladay, Commissioner McGriff, Commissioner O'Donnell, Commissioner Lyle Smith, Commissioner Smith.**

## 8. CONSENT AGENDA

**A motion was made by Commissioner McGriff, seconded by Commissioner Smith to approve the consent agenda items 8f – 8l. The motion carried with the following vote:**

**Aye: 5- Mayor Holladay, Commissioner McGriff, Commissioner O'Donnell,**

**Commissioner Smith, Commissioner Smith.**

- 8f. Agreement with Polar Systems for the Local and Wide Area Network Installation at the New Police Facility
- 8g. Agreement with Klasstech AV Services for Audio, Video, and Control Systems and Installation at the New Police Facility
- 8h. OLCC: Liquor License Application – Limited On-Premises, Applying as a LLC, Blue Ox Axe Throwing Oregon, LLC, 230 12th Street, Oregon City
- 8i. OLCC: Liquor License Application – Off-Premises, Commercial, Applying as a Limited Liability Company, MOD Super Fast Pizza, LLC (dba MOD Pizza), 19550 Molalla Ave, Ste. 145
- 8j. Minutes of the May 12, 2020 Work Session
- 8k. Minutes of the May 20, 2020 Work Session
- 8l. Minutes of the May 20, 2020 Regular Meeting

**9. COMMUNICATIONS****City Manager****Commissioners**

*Commissioner McGriff encouraged the public to respond to the National Census.*

**Mayor****10. ADJOURNMENT**

*Mayor Holladay adjourned the meeting at 8:56 PM.*

*Respectfully submitted,*

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*Kattie Riggs, City Recorder*



# CITY OF OREGON CITY CITY COMMISSION WORK SESSION MINUTES

Commission Chambers, 625 Center Street, Oregon City  
Tuesday, July 07, 2020 at 6:00 PM

## **5:30 PM - EXECUTIVE SESSION OF THE CITY COMMISSION**

*Executive Session will be held in the Commission Chambers at City Hall beginning at 5:30 PM.*

- i. 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.*

## **6:00 PM - CITY COMMISSION WORK SESSION**

### **CONVENE WORK SESSION AND ROLL CALL**

*Commission President Rachel Lyles Smith called the meeting to order at 6:17 PM.*

#### **PRESENT - 4**

*Commissioner Denyse McGriff  
Commissioner Frank O'Donnell  
Commissioner Rachel Lyles Smith  
Commissioner Rocky Smith, Jr.*

#### **ABSENT - 1**

*Mayor Dan Holladay*

#### **STAFFERS – 12**

*City Manager Tony Konkol, City Attorney William Kabeiseman, Police Chief James Band, Community Development Director Laura Terway, Senior Planner Christina Robertson-Gardiner, City Recorder Kattie Riggs, Assistant City Recorder Charlie Killian, Assistant to the City Manager Lisa Oreskovich, Economic Development Manager James Graham, Finance Director Wyatt Parno, Library Director Greg Williams, and Human Resources Director Patrick Foiles*

### **FUTURE AGENDA ITEMS**

#### **1. List of Future Work Session Agenda Items**

*Tony Konkol, City Manager, reviewed the list of upcoming agenda items.*

*Commissioner O'Donnell would like to discuss the Farmer's Market banner request. He had misunderstood Doug Neeley's and Karla Laws' comments from the July 1, 2020 Commission meeting regarding the upper yard. He would like to clarify their intentions.*

*The Commission added both items to the Work Session agenda.*

*Commissioner McGriff asked about the Metro food waste requirements review. Mr. Konkol said it would be coming back to the Commission in August.*

*Commissioner McGriff suggested delaying the Clackamette Park boat ramp discussion until the new Parks Director was hired. She would like to move up the Park Place crosswalks discussion.*

*Commissioner Lyles Smith would like to get an update on Trillium Drive. Mr. Konkol said that would be part of the Park Place crosswalks and prioritization of projects discussion.*

*Commissioner Lyles Smith suggested a discussion regarding the requirement to have personal cell phone numbers listed on the City's website.*

*Commissioner O'Donnell would like to discuss these issues at a Retreat including how to be more efficient together and Commission conduct.*

*Commissioner Lyles Smith asked about using an equity lens for City operations and procedures. Mr. Konkol explained that the City hired a consultant to provide training for staff. Commissioner McGriff would like to see the training extended to the Commission.*

## **CITY MANAGER'S REPORT**

*Mr. Konkol invited James Graham to speak on the Oregon City Debt Relief Program.*

*James Graham, Economic Development Manager, provided an overview of the Debt Relief Program round one which took place in May through the City's General Fund and mentioned that there would be a round two with funds provided by the State from grant funds the City applied for. This second round of funding would be available to both non-profit and for-profit businesses affected by the COVID-19 pandemic. The businesses that already received other funding would not be eligible. These were businesses with 1-5 employees and sole proprietorships. Staff was currently doing outreach for the program. Applications could be submitted from July 15, 2020, 9:00 am until August 19, 2020. There might be a round three available through the state and he planned to submit an application for more funding.*

*The Commission complimented Mr. Graham for his work.*

*Commissioner McGriff asked if round two would have the same requirements as round one. Mr. Graham said yes, they would be the same only with less documentation required. If a business received funding in round one they would not be eligible for round two.*

## **DISCUSSION ITEMS**

### **2. Citizen Involvement Committee (CIC) Draft By-Laws**

*Laura Terway, Community Development Director, introduced the topic.*

*Bob La Salle, Chair of the Citizen Involvement Committee (CIC), explained that the CIC didn't have current by-laws. He had used the old by-laws as the template and he was in favor of the recommended changes from staff.*

*Ms. Terway noted the by-laws would match the purpose language in the code. The by-laws would come back to the Commission on July 15, 2020*

*Commissioner Lyles Smith would like to change the language to read, "The City Recorder shall maintain the official copy of the meeting minutes."*

*Commissioner O'Donnell agreed with the comments submitted by William Gifford about having two representatives for each neighborhood, but he would like to leave the language the way it was right now and if it didn't work it could be changed at a later date.*

### 3. Proposed Revisions to Oregon City Municipal Code 17.44 - Geologic Hazards

*John Lewis, Public Works Director, introduced the topic and turned it over to Josh Wheeler to provide the presentation.*

*Josh Wheeler, Assistant City Engineer, provided a history of the City's geologic hazard code, the new landslide hazard guidelines published in October 2019, and areas for code enhancement. The proposed code enhancements included clarifying when a review was required, clarifying exemptions, referencing the new State guide, additional application requirements for stormwater management, construction phasing, and construction methods, requirement to include a hydrology report for any property within a mapped landslide, codifying the waiver process, clarity on the weather window, certification by a professional engineer, clarity on density calculation, clarity on storm drainage, clarity of construction standards, and clarity on liability. He then discussed the existing resources which included the City code, OC maps, DOGAMI guides, City website, Geologic Hazard Development Checklist, and presentation from October 13, 2011. The next steps were: Option 1, proceed with a public open house and seek legislative approval or Option 2, do not proceed further.*

*There was discussion regarding the additional code enhancements, the unpredictability of weather in the area, and subjective vs. clear and objective standards,*

*Commissioner Lyles Smith would like staff to move forward with Option 1. She asked when the Measure 56 notice would go out to the public, before the open house or later when they were closer to the legislative process.*

*Commissioner McGriff wanted to make sure notice was sent to the hamlet of Beavercreek.*

*Ms. Terway said they could send the Measure 56 notice out before the open house. They would also send notice to the hamlet of Beavercreek and residents on Holly Lane.*

*Commissioner O'Donnell was also in favor of Option 1 and would like the open house to be recorded.*

*Commissioner McGriff would like to know if there was a provision for denial and if an application was denied, could they use a density transfer. She thought a building permit should be required for anything over 200 square feet, not 500 square feet as it was currently. Were they requiring proof for the exemptions and emergencies to explain why there was an exemption or to show there was an emergency?*

*Mr. Wheeler said once potential applicants were given all of the requirements, many of them did not move forward because it was either cost prohibitive or they could not meet code. The 500 square feet was in the current code, but he could look into changing it. They currently documented exemptions and now the information was being added to OC maps.*

*There was consensus for staff to move forward with Option 1.*

### 4. Permitting and Notification Draft Process for Tree Removal on Institutional and City Owned Properties

The Commission took a break at 7:51 PM and reconvened at 7:56 PM.

*Ms. Terway introduced Pete Walter and turned the presentation over to him.*

*Pete Walter, Senior Planner, said in response to a recent tree removal on City property, the City Manager directed staff to draft code amendments and policies to avoid inappropriate tree removal on City owned property. To be included were a public notification process and an internal approval process. The City Commission had directed that the policy apply to all institutional properties throughout the City, to reuse the wood from removed trees, and to require larger caliper replacement trees rather than many smaller caliper trees. One of the proposed amendments to the code included a new definition for institutional lands. He explained the comments received from the Natural Resources Committee, Planning Commission, Public Works, and Parks and Recreation staff. Public Works recommended maintaining the current code and process due to financial and efficiency issues. Parks and Recreation staff thought a 1.5 inch caliper replacement was a good standard.*

*Mr. Walter said the proposed policy steps were: determine if the tree was exempt, obtain an arborist report, apply for permits, notice process, and removal, mitigation, and re-use. Staff suggested not imposing the additional process and standards on institutional properties until the Comprehensive Plan update process was completed. Options to discuss were: adopt an internal policy for notice and mitigation applicable to only city-owned lands and city tree removals or continue the current permit process and adopt a new code section for notification and mitigation applicable to all institutional lands.*

*There was discussion regarding permit requirements for Heritage Trees and trees in the public right-of-way.*

*Commissioner Lyles Smith was concerned that staff had different opinions on the policy and that a quarter inch lift in a sidewalk was considered a tripping hazard. She thought the policy should only apply to City owned land, not all institutional lands.*

*Commissioner McGriff thought if the City required citizens to do something, then the City should be required to do it as well. She suggested changing the code for trip hazards to require mitigation before a tree was removed. She thought a quarter inch was unreasonable. Something needed to be done in the interim and not wait until the end of the Comprehensive Plan process.*

*Commissioner O'Donnell agreed about the quarter inch. He mentioned the letter from Craig Danielson who thought the City should have to follow all the same requirements the public was required to follow. He did not think an arborist report was necessary in all circumstances. He thought replacing trees with larger caliper trees was preferred. He agreed there should be an interim plan.*

*Commissioner Smith wanted the departments to come to more of an agreement on the policy. He thought the requirements should only apply to City owned properties and not all trees needed to go through the same process. He agreed with the comments about the quarter inch tripping hazard.*

*There was discussion regarding possibly adding a fine for tree removal without a permit, more staff training, removal of the tree was not the first resort but the last resort, how the quarter inch sidewalk lift was a requirement of the Americans with Disabilities Act, setting up a budget for alternatives other than tree removal, and the difference between a tree in the right-of-way and a tree in a park.*

*Commissioner Lyles Smith said there was consensus to move forward with a resolution as an interim measure that applied to City property only, however the details needed to come back to another Work Session.*

## 5. Oregon City Farmer's Market Banner Request

*Commissioner O'Donnell would like to see if there was an exemption due to the pandemic for the Farmer's Market banner to be placed on Clackamas County property. He would like this to be a temporary 90-day exemption.*

*Ms. Terway explained the Farmer's Market was located on Clackamas County property and previously had a banner. The City's sign code was changed and did not allow this particular type of banner anymore. The City Manager had the authority to exempt things related to COVID-19, and this could be a short term solution. A long term solution would be exempting all government agencies from the sign code.*

*Commissioner Lyles Smith read the request from the Farmer's Market.*

*There was discussion regarding setting a precedent by allowing this exception, how this was not COVID-19 related, other options for the Farmer's Market sign that did not violate the sign code, and discussing an exemption for special events in the future.*

*The consensus of the Commission was to not approve the request.*

## 6. Upper Yard Charter Park Clarification

*Commissioner O'Donnell clarified the letters submitted by Doug Neeley and Karla Laws who thought there was no need for any more public process before designating the property as a Charter park. If the land was designated as a park, there should be a public process for the development of the park. Commissioner O'Donnell suggested removing the public process for the designation, using the 2004 survey, and describing the property lines with the boundary being the basalt cliffs to expedite moving forward with this item.*

*There was discussion regarding the timeline and getting the designation done before the end of the year.*

*Mr. Konkol gave an update on where he was in the process. He could give the Commission monthly updates.*

## COMMISSION COMMITTEE REPORTS

*Commissioner McGriff was recently appointed to the Metro South Relocation Committee.*

- A. Beaver Creek Employment Area Blue Ribbon Committee - Commissioner Frank O'Donnell**
- B. Brownfield Grant Committee - Mayor Dan Holladay**
- C. Citizen Involvement Committee Liaison - Commissioner Rachel Lyles Smith**
- D. Clackamas County Coordinating Committee (C4) - Mayor Dan Holladay and Commissioner Rachel Lyles Smith**
- E. Clackamas Heritage Partners - Commissioner Rocky Smith, Jr.**

*Commissioner Smith explained the Clackamas Heritage Partners was working with the tribes to get a movie developed to show at the End of the Oregon Trail Interpretive Center.*

- F. Downtown Oregon City Association Board - Commissioner Denyse McGriff**

*Commissioner McGriff provided an update regarding the parklets and take-out dining. Downtown Oregon City Association was looking at doing a fundraiser with more information to come.*

*There was discussion regarding COVID-19 impacts to DOCA's revenue.*

**G. Metro Policy Advisory Committee (MPAC) - Commissioner Rachel Lyles Smith**

*Commissioner Lyles Smith mentioned MPAC would be meeting tomorrow night.*

**H. Oregon Governor's Willamette Falls Locks Commission - Mayor Dan Holladay**

*Commissioner McGriff stated Representative Mark Meek would not be able to bring this bill forward in the short legislative session.*

**I. South Fork Water Board (SFWB) - Mayor Dan Holladay, Commissioners Frank O'Donnell and Rocky Smith, Jr.**

**J. Willamette Falls and Landings Heritage Area - Commissioner Denyse McGriff**

*Commissioner McGriff said they would be changing the meeting date to allow a Clackamas County Commissioner to attend. They were moving forward with acquisition of the former West Linn City Hall.*

**K. Willamette Falls Legacy Project Liaisons - Mayor Dan Holladay and Commissioner Frank O'Donnell**

*Commissioner O'Donnell said the action of the Grand Ronde to not allow access through Main Street added to the cost of the project as a bridge would be required. If they did not demonstrate some progress, the funding from the state could be in jeopardy.*

**ADJOURNMENT**

*Commission President Lyles Smith adjourned the meeting at 9:47 PM.*

*Respectfully submitted,*

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*Kattie Riggs, City Recorder*