



City of Oregon City

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

Meeting Minutes - Final

City Commission

Dan Holladay, Mayor
Renate Mengelberg, Commission President
Brian Shaw, Nancy Ide, Frank O'Donnell

Wednesday, April 4, 2018

7:00 PM

Commission Chambers

1. Convene Regular Meeting and Roll Call

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

Present: 5 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

Staffers: 10 - City Manager Tony Konkol, City Attorney William Kabeiseman, Assistant City Recorder Jaime Reed, James Band, Community Services Director Phil Lewis, Economic Development Manager Eric Underwood, Library Director Maureen Cole, Finance Director Wyatt Parno, Public Works Director John Lewis and Community Communications Coordinator Kristin Brown

2. Flag Salute

3. Ceremonies, Proclamations and Presentations

3a. Proclamation for Oregon City Arbor Day on Saturday, April 7, 2018

Mayor Holladay read the proclamation declaring Oregon City Arbor Day on Saturday, April 7, 2018.

Phil Lewis, Community Services Director, explained the events that would take place on Arbor Day.

4. Citizen Comments

Betty Mumm said as Chair of the Barclay Hills Neighborhood Association she clarified some statements that had been made at the last Commission meeting regarding the issues surrounding Free on the Outside. She also discussed the issues that arose at the last Association meeting which led to the resignation of the Vice Chair and Secretary. She asked the Commission to reach out to those two individuals.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

6a. AP 17-01 and AP 17-02: Appeal of the Historic Review Board's June 27,

2017 Approval with Conditions of HR 17-04: Historic Review for a New Public Works Operations Facility in the McLoughlin Conservation District

Laura Terway, Community Development Director, gave a background on the Historic Review Board approval of the new Public Works Operations Facility in the McLoughlin Conservation District. Two appeals had been received on the approval of that application. The Commission heard the appeals and made a tentative decision to deny the appeals and uphold the Historic Review Board's decision. Staff had come back with final findings supporting that decision. The record on this issue was currently closed.

A motion was made by Commissioner Shaw, seconded by Commissioner Ide, to approve the denial of AP 17-01 and AP 17-02 and to affirm the Historic Review Board's decision approving HR 17-04 with conditions. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide and Commissioner Frank O'Donnell

6c.

Remand of Land Use Board of Appeals Court Decision for Planning Files PZ 15-01: Comprehensive Plan Amendment and ZC 15-03: Zone Change Located near Beaver Creek Road and Highway 213

Ms. Terway said the City approved a Comprehensive Plan amendment and zone change for properties located near the northeast corner of Beaver Creek Rd. and Highway 213, that decision was appealed to LUBA. LUBA remanded the decision back to the City for additional Goal 5 findings. Staff requested that the City Commission remand the decision back to the Planning Commission for the limited scope of the Goal 5 findings. The Planning Commission would make a recommendation to the City Commission who would make the final decision.

A motion was made by Commissioner Ide, seconded by Commissioner Shaw, to remand the Land Use Board of Appeals court decision for Planning Files PZ 15-01: Comprehensive Plan Amendment and ZC 15-03: Zone Change located near Beaver Creek Road and Highway 213 to the Planning Commission limited to the Goal 5 findings. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide and Commissioner Frank O'Donnell

6b.

First Reading of Ordinance No. 18-1005, Amending the Development Sections of the Oregon City Municipal Code (Including Lot Averaging), Planning file L 17-04

Mayor Holladay opened the public hearing.

Bill Kabeiseman, City Attorney, explained the legislative hearing process. He asked if anyone on the Commission had a conflict of interest to declare. There were none.

Ms. Terway detailed the Code amendments to Chapter 16 and 17 which included revisions to lot averaging, minor code clean-up, and efficiencies. She discussed the current and proposed lot averaging language, approximate power line corridors, and examples of lot averaging. The Code clean-up included amending some of the definitions, clarifying single-family and duplex uses in mixed-use zones, clarifying the decision making processes, adding a parking reduction, clarifying the applicability of nonconforming upgrades, amending the Type I site plan, amending the landscaping

requirements, amending the site plan and design review standards, and updating the communication facilities.

Commissioner Ide proposed to retain the existing language for lot averaging except removing power line easements from the calculation of net developable area.

Commissioner O'Donnell was opposed to that suggestion as he thought it would not fix the problem. He supported the recommendation of the Planning Commission.

William Gifford, resident of Oregon City, said there was a housing shortage and to reduce the number of possibilities for housing would not serve the community well. He thought the language for lot averaging should not be changed except for the power line easements being removed from the calculation.

James Adkins, representing the Homebuilders Association, concurred with Mr. Gifford and Commissioner Ide's proposal as it would help builders use the land efficiently and encourage a variety of housing sizes and prices.

Debbie Derusha, resident of Oregon City, said these rules already existed and neighbors who complained had not understood the Code. Lot averaging was designed to allow for a mix of housing and for people to use their investments to the maximum benefit.

Brenda Martin, resident of Oregon City, wanted transparency in the process. If the property was zoned R-8, the majority of the homes built should be R-8.

Mayor Holladay closed the public hearing.

Commissioner Shaw discussed the history of lot averaging. He thought the current language was sufficient with the exception of the power line easements.

Commissioner Mengelberg arrived at the meeting at 7:37 PM. She agreed that the current language should be used except taking out the power line easements.

Mayor Holladay said making this change could negatively affect the work being done on equitable housing and he suggested tabling this amendment until after that process.

Commissioner O'Donnell thought the issue was there was no limitation on the number of lots that could be reduced.

There was discussion regarding the equitable housing process.

A motion was made by Commissioner O'Donnell, seconded by Commissioner Mengelberg, to adopt a 20% maximum number of lots that could be reduced to a maximum of 20% reduction of lot size and elimination of the powerline easement in the calculation. The motion failed by the following vote:

Aye: 2 - Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

Nay: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

Ms. Terway gave examples of lot averaging from previous applications.

A motion was made by Commissioner Ide, seconded by Commissioner Shaw,

to retain the current code except to remove the powerline easements from the calculation of the net developable area. The motion passed by the following vote:

Aye: 4 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide and Commissioner Renate Mengelberg

Nay: 1 - Commissioner Frank O'Donnell

Chain Link Fence Discussion

Mayor Holladay brought up the issue of putting a chain link fence around Optimized Technologies on Fir Street. He suggested adding an exception under prohibited building materials for "property within the general industrial district."

Ms. Terway explained the current fencing regulations.

There was discussion regarding the location of general industrial in the City and unintended consequences.

There was consensus for staff to come back with options for this issue.

First Reading of Ordinance No. 18-1005, Amending the Development Sections of the Oregon City Municipal Code (Including Lot Averaging), Planning file L 17-04

A motion was made by Commissioner Ide, seconded by Commissioner Mengelberg, to continue Planning File L 17-04 to April 18, 2018. The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

7. General Business

7a. Second Reading of Ordinance No. 18-1003, LE 17-02 Legislative Amendment to Adopt the McLoughlin-Canemah Trail Plan, Amending the Transportation System Plan, Trails Master Plan, and Parks Master Plan

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to approve the second reading and final adoption of Ordinance No. 18-1003, LE 17-02 Legislative Amendment to adopt the McLoughlin-Canemah Trail Plan, amending the Transportation System Plan, Trails Master Plan, and Parks Master Plan. The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

7b. Resolution No. 18-11, Congratulating Downtown Oregon City Association for the Great American Main Street Award

Eric Underwood, Economic Development Manager, described the achievement of the Great American Main Street Award that had been bestowed on the Downtown Oregon City Association for 2018. This was the first time a main street organization in Oregon

had won the national award.

A video on downtown Oregon City was played.

Jonathan Stone, Executive Director of the Downtown Oregon City Association, spoke about the revitalization efforts in downtown and thanked everyone for their support.

A motion was made by Commissioner Ide, seconded by Commissioner Shaw, to approve Resolution No. 18-11, congratulating the Downtown Oregon City Association for the Great American Main Street Award. The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

8. Consent Agenda

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

Aye: 5 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

8a. Minutes of the February 21, 2018 Regular Meeting

9. Communications

a. City Manager

Ms. Terway gave an update on the relocation of the Community Development Department offices.

Tony Konkol, City Manager, announced the Oregon City Brewing Company charity event on April 10, 2018 where the proceeds would go to the Library Foundation.

b. Commission

Commissioner Shaw attended the County dinner in Tualatin, South Fork Water Board meeting, CIC meeting, and spoke at the Hillendale and Tower Vista Neighborhood Association meeting. There was 100% compliance for all of the marijuana dispensaries in Oregon City.

Commissioner Ide extended thanks from Father's Heart ministries for extension of the emergency shelter due to the cold weather. She announced the Main Street Open House on April 7, 2018.

c. Mayor

Mayor Holladay attended the Great American Main Street Award ceremony. The City had prevailed in a lawsuit regarding the Public Works upper yard that was confirmed was not a park.

10. Adjournment

Mayor Holladay adjourned the meeting at 8:34 PM.

Respectfully submitted,

Kattie Riggs

Kattie Riggs, City Recorder