



City of Oregon City

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

Meeting Minutes - Final City Commission

Dan Holladay, Mayor
Carol Pauli, Commission President
Brian Shaw, Rocky Smith, Jr., Daphne Wuest

Wednesday, February 18, 2015

7:00 PM

Commission Chambers

1. Convene Regular Meeting and Roll Call

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

Present: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli and Mayor Dan Holladay

Absent: 1 - Commissioner Daphne Wuest

Staffers: 12 - City Manager David Frasher, Assistant City Attorney Carrie Richter, Police Chief and Public Safety Director James Band, City Engineer Aleta Froman-Goodrich, Community Development Director Tony Konkol, Community Services Director Scott Archer, City Recorder Kattie Riggs, Human Resources Director Jim Loeffler, Finance Director Wyatt Parno, Library Director Maureen Cole, Economic Development Manager Eric Underwood and Planner Pete Walter

2. Flag Salute

3. Ceremonies, Proclamations

4. Citizen Comments

There were no citizen comments.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

6a. Two Appeals of Planning File SP 14-01- Beaver Creek Road Live/Work Apartments (Planning Files: AP 14-01 and AP 14-02).

Mayor Holladay opened the public hearing.

Carrie Richter, City Attorney, read the public hearing format and asked if the Commission had any conflicts of interest, ex parte contacts, bias, or statements to declare since the last hearing.

Commissioner Smith declared that he worked across the street at the High School. He had a few people from the school wanting to talk about the topic, but he had

stated that he could not talk about it.

Tony Konkol, Community Development Director, stated this was an appeal concerning a proposed 121 unit live/work apartment complex on Beaver Creek Road. The hearing had been continued from February 4. In the staff report, staff included a memo from Ms. Froman-Goodrich, City Engineer, regarding infrastructure issues and a memo from staff with updated information.

Ms. Richter discussed who was able to participate in the appeal hearing. Because it was contested and staff was not as clear as they could have been, she thought they should open it up and take testimony from everyone.

There was consensus to allow anyone to testify.

Ms. Richter explained the applicant's appeal for revisions to two conditions. For Condition 34, staff agreed with the applicant on the location of the sanitary sewer collection system. For Condition 37, reimbursement of \$545,000 if the Glenn Oak improvements were not made, the condition had been revised to provide expressly that the payment would be used for Glenn Oak or Beaver Creek and the applicant would not be included in an LID or similar contribution structure in the future. Staff believed the applicant's issues were resolved.

Pete Walter, Planner, summarized the issues that had been raised since the last hearing. Regarding traffic issues, there was no significant effect due to the modest increase in trip generation rates used to calculate the impacts. The intersection performance at Highway 213 and Beaver Creek Road was expected to exceed the mobility standard, but that intersection was exempt from the mobility standards in the TSP. The other intersections that were analyzed were expected to function normally. With respect to the Beaver Creek Road corridor, the three lane proposal met the City's TSP and County standards for an urban arterial road. No parallel parking would be constructed on Beaver Creek Road. The School District's transportation proposal was not complete at this time and there was no requirement to delay a decision on this application pending completion of a master plan of an off site development over which the applicant had no control. The access, access control, site circulation, and intersection spacing were found to be adequate by the County and City. The City's Transportation Engineer thought the system would be able to handle this development and accommodate the traffic impacts. Regarding sewer, the City Engineer modeled four flow routing scenarios to analyze the capacity of the Glenn Oak basin and the applicant's proposed proportional share would be adequate to make needed inflow and infiltration reductions and improvements to accommodate flows without compromising capacity. The applicant would not be required to bolt down manhole covers. Staff recommended amending the conditions as stated by the City Attorney. Regarding water pressure, with the interim water service agreement with Clackamas River Water to have a water meter on Beaver Creek Road, that would provide adequate water pressure to the development. It would meet with the required Clackamas Fire District fire flows. Regarding adequate notice, there was adequate notice given to the Caufield Neighborhood Association and other groups both during the site plan review and appeal. Regarding construction impacts, this would be a routine and temporary inconvenience and would be reviewed by the City and County in order to minimize traffic interruptions. Regarding fire, EMT, and police service, response times would be met at an urban standard. Urbanization may precede adoption of a concept plan, and the development would not hamper, block, or pre-empt adoption of the Beaver Creek Road Concept Plan. Approval of the application would not stop coordinated development in the Beaver Creek area. Staff did not see any geologic hazards associated with the development.

Elizabeth Graser-Lindsey, appellant, thought this development was premature because of LUBA's decision and Oregon City law that specified an adopted concept plan needed to precede urbanization and development. City Code required development comply with master plans. The Community Development Director claimed at the last meeting that the community desired a two lane Beaver Creek Road. This was untrue as 70% of those who attended the open house opposed this plan. The opposition was mostly due to road crowding. The added traffic from this development would diminish road services to existing residents. The diminishment was the most severe at Highway 213 and Beaver Creek Road. The City needed to require the development be conditioned on Beaver Creek Road being expanded so services were not diminished. The right-of-way is not being collected by this development. She thought it would box in Beaver Creek Road by putting the buildings right next to the right-of-way, which made it enormously difficult to widen Beaver Creek in the future. The parallel alternate route linking to Highway 213 by Holly Lane did not help because there was not adequate finances to carry it out and because of landslide issues on Holly Lane. Parallel parking would happen once the County was out of the picture and would substantially slow down this major arterial. Staff needed to reject parking along Beaver Creek once and for all. The City had not updated its System Development Charges, and this application should not be approved until then. The City needed to require that the apartments would be served by a sewer main in Beaver Creek Road. Building these apartments would result in an overload on the current sewer system. She thought the City should require that the constriction be corrected. Making these short term changes made a barrier to the Sewer Master Plan being followed and the proper funds being raised to get it funded. The SDCs were not high enough to cover the sewer line costs and that needed to be corrected. When the developer was excluded from the LID it intensified the problem and made their financial contribution even farther from what was needed to get the projects completed. The City also needed to correct the water pressure problem in this area by putting in the needed reservoir. The City needed to follow the spirit and the letter of the law and needed to do development the right way.

Steve Hultberg, representing the applicant, would save comments for the rebuttal. The revised conditions satisfied their concerns and they considered their appeal resolved.

Mary Johnson, resident of Oregon City, thought parallel parking on Beaver Creek would be dangerous and she thought it should be erased as a possibility. Her main concern was the sewer. The Glenn Oak sewer was already over-taxed and there had been problems in that area. It was already a situation and what was proposed by the development was not in compliance with the Sewer Master Plan. Their cost contribution was 25%, and she questioned who would pay the other 75%.

Paul Edgar, resident of Oregon City, thought if this was approved, it would be appealed to LUBA. He thought it would hurt the citizens of Oregon City. The infrastructure needed to be in place before development occurred and there needed to be a funding plan for the infrastructure. This was not the time for this development to happen.

Christine Kosinski, resident of unincorporated Clackamas County, discussed the final draft of the Beaver Creek Road Concept Plan regarding the road improvements that would be made. The City suggested Beaver Creek would only be a three lane road, but the Concept Plan stated it would be five lanes. Holly Lane was not part of this development, however this was all about using Holly Lane to save failing Beaver Creek and Highway 213. She gave the Commission a handout with the landslides on Holly Lane. Should the City try to widen Holly and the landslides reactivate, the homeowners had no insurance for losses. There were no roads or

infrastructure to support the development. This was why there needed to be a master plan and why the application should not be approved.

Bob Mahoney, resident of Oregon City, said the City was facing a universal problem of not having money for the needed infrastructure. He thought there should be coordination of services and phased development as the project took place. He thought it would be beneficial to the public to phase in large projects. Developers had to recognize that a project this big had to be phased in and it was to their benefit as well.

Mike Mitchell, resident of Oregon City, was concerned that this would only be the beginning of development in the area. The applicant had come to a neighborhood meeting and discussed developing around the intersection of Beaver Creek and Highway 213 which would cause more traffic. They had to look at all of the developments and the traffic they produced. No developer was held responsible for the accumulated affect of all the developments and breaking the intersection. He also questioned who would pay for it.

Mike Mermelstein, Chair of the Caufield Neighborhood Association, said the neighborhood was concerned about the bus barn being moved which would introduce more bus traffic on Beaver Creek. In the long run they would need to do the Beaver Creek Road sewer improvements, and he thought that should be done now rather than later.

Mr. Hultberg and Andrew Brand, applicant, thought the theme of the opposition was long term, big picture problems. These were not issues that could be applied to one single application. There was limited criteria the application had to meet and that was all the City could apply. This property was not required to go through master planning to be developed. There was evidence in the record that there was adequate service for transportation, sewer, and water. Every applicable standard had been met. They were not required to address long term issues.

Mayor Holladay closed the public hearing.

There was discussion regarding a three lane vs. five lane on Beaver Creek and the 75% funding for the capacity improvements. The Commission confirmed there would be no parallel parking on Beaver Creek.

Mayor Holladay thought they should attempt to get enough right-of-way for five lanes on Beaver Creek for future capacity.

A motion was made by Commissioner Shaw, seconded by Commissioner Pauli, to approve Planning File SP 14-01- Beaver Creek Road Live/Work Apartments with the amended conditions and denying the two appeals (Planning Files: AP 14-01 and AP 14-02). The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli and Mayor Dan Holladay

7. General Business

7a. Personal Services Agreement Between The City of Oregon City and MIG for The Willamette Falls Legacy Project Cultural Landscape / Cultural Resource Report

Mr. Konkol said currently there was a Request for Proposals for the Riverwalk project. The Cultural Resource Landscape Report would help inform the design and

decision making of the Riverwalk. It would be a three phased agreement and would cost \$150,000.

A motion was made by Commissioner Pauli, seconded by Commissioner Shaw, to approve the Personal Services Agreement between the City of Oregon City and MIG for the Willamette Falls Legacy Project Cultural Landscape / Cultural Resource Report. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli and Mayor Dan Holladay

8. Consent Agenda

Commissioner Shaw discussed item 8a and how he looked forward to working with the County on the project.

Kattie Riggs, City Recorder, said there was an error in the minutes and she would correct it. Glenn Oak Road had been incorrectly spelled with one n, not two.

A motion was made by Commissioner Smith, seconded by Commissioner Pauli, to approve the Consent Agenda as corrected. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli and Mayor Dan Holladay

- 8a. Intergovernmental Agreement for Oregon City Enterprise Zone Management
- 8b. 2015-2017 City Commission Biennium Goals and Priorities
- 8c. OLCC: Liquor License Application-Limited On-Premises Sales, New Outlet; Applying as a Corporation, Sushi Valley Incorporated, 419 Beaver Creek Road, Oregon City, OR 97045.
- 8d. Minutes of the January 21, 2015 Regular Meeting

9. Communications

a. City Manager

Mr. Frasher said the City's library project was on the cover of the Daily Journal of Commerce and the Willamette Falls Legacy Project was on the cover of MetroScape magazine.

b. Commission

Commissioner Shaw reported on the Library Building Committee meeting and how the project was on schedule. He attended the Chamber Awards Dinner and toured South Fork. He also attended the South Fork Water Board meeting. He would be attending the Cub Scout Blue and Gold Banquet next week.

Commissioner Smith attended a tourism meeting where the Tourism Action Plan was discussed.

c. Mayor

Mayor Holladay attended the Regional Water Provider's Consortium meeting. He was working on redeveloping relationships with the City of Portland. Staff had looked into requiring front and rear bike lights for better visibility of people on bikes at night and found out it was covered under the Motor Vehicle Code. The Police Department would be giving extra attention to the issue. He also attended the 90th anniversary of the Three Rivers VFW Post.

10. Adjournment

Mayor Holladay adjourned the meeting at 8:26 PM.

Respectfully submitted,

Kattie Riggs, City Recorder