



City of Oregon City

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

Meeting Minutes - Draft City Commission

Doug Neeley, Mayor
Betty Mumm, Commission President
Kathy Roth, Carol Pauli, Rocky Smith, Jr.

Wednesday, March 19, 2014

7:00 PM

Commission Chambers

1. Convene Regular Meeting and take Roll Call

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

Present: 5 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm, Commissioner Carol Pauli and Commissioner Kathy Roth

Staffers: 13 - City Manager David Frasher, City Attorney Ed Sullivan, Police Chief and Public Safety Director James Band, Public Works Director John Lewis, Community Development Director Tony Konkol, Community Services Director Scott Archer, City Recorder Nancy Ide, Human Resources Director Jim Loeffler, Finance Director Wyatt Parno, Library Director Maureen Cole, Economic Development Manager Eric Underwood, Planner Pete Walter and Planner Christina Robertson-Gardiner

2. Flag Salute

3. Ceremonies, Proclamations, Presentations

3a. 14-153 Oath of Office, Oregon City Police Department, K-9 Mac

Jim Band, Police Chief and Public Safety Director, introduced K-9 Mac and his handler, Officer Bill Horton, and Officer Brian Willard. He explained how many cases the K-9 dogs had been involved in over the last year.

Mayor Neeley administered the oath of office to Mac.

3b. 14-170 Proclamation Declaring April 1, 2014 as National Service Recognition Day

Mayor Neeley read the proclamation declaring April 1, 2014, as National Service Recognition Day.

3c. 14-171 Restore Oregon Presentation

Peggy Moretti, Executive Director, and Brandon Spencer-Hartle, Field Programs Manager, gave a presentation on Restore Oregon, an initiative aimed at saving a remnant of the Oregon Trail pioneer farmsteads. Ms. Moretti gave a background on Restore Oregon. Mr. Hartle discussed the pioneer properties that were endangered, styles of the buildings, list of Oregon City properties, what threatened those properties, recently demolished houses, what had been done, and what was still to come. This information would also be presented to the Historic Review Board.

Ms. Moretti then discussed the need for state rehabilitation tax credits for revitalizing

Main Street properties. She discussed current financial incentives for Preservation Oregon, economic impacts of a federal historic tax credit, closing the development gap, impact of state tax credits, what it would achieve in Oregon City, and the next steps.

There was discussion regarding what properties would be eligible for the tax credits and how to encourage commercial business owners to put their buildings on the historic register.

4. Citizen Comments

Kathy Hogan, resident outside of Oregon City, discussed maps she passed out to the Commission. They were of an area where a new eight lot subdivision was being planned near Filbert Run Park where water was going through the park and the culvert and under the driveways on Hazel Nut Drive. She was worried about construction on that property and where the water would go. There were also beavers in a creek nearby that needed to be protected.

James Nicita, resident of Oregon City, asked whether the upcoming Planning Commission and City Commission hearings regarding the Blue Heron site were going to be quasi-judicial or legislative. He thought the decision was very important and that it should be legislative. That way the Commission would not be burdened with concern over ex parte contact and could discuss the issues with the community.

Ed Sullivan, City Attorney, would bring back his advice to the Commission.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

6a. 14-166 Ordinance No.13-1017 for Introduction: Adoption of the South End Concept Plan, Implementing Zoning Code

Mayor Neeley opened the public hearing.

Pete Walter, Planner, presented the staff report. He summarized the Code amendments for the South End Concept Plan. The neighborhoods would face out to open space and neighborhood centers would serve daily needs. The requirement for dedication of open space and trails would be developed through a separate legislative process in late 2014. There would be revisions to the annexation, land division, R-2 multi-family district, single family residential, neighborhood commercial, and landscaping codes. Staff and the Planning Commission recommended the City Commission approve the proposed Code amendments to implement the South End Concept Plan.

Kathy Hogan, resident outside of Oregon City, expressed concern about the wetlands and construction ruining the habitat of the area. She did not think the density was appropriate, questioned if there would be enough volume of business for the neighborhood commercial, and if there would be enough parking for the apartments and small lots so they would not park on the street.

Paul Edgar, resident of Oregon City, discussed landslide susceptibility maps from the Oregon Department of Geology. South End Road was a landslide area and could not

be expanded. The issue was 54% of the land that would be designated R-2 and R-3. This area did not have buses, cross streets, and the only road in and out was South End. The transportation issues did not make sense and the Planning Commission had given it to the City Commission to decide. The density was inappropriate for the area and not what the people wanted. It should not be on the fringe of the City without transportation capacity or capability of expanding South End Road. He asked the Commission to reduce the density and pass a responsible plan.

Christine Kosinski, resident of unincorporated Clackamas County, stated transportation, density, and landslides were unresolved issues. Transportation and lack of infrastructure were the demise of the Beavercreek and Park Place Concept Plans. The transportation numbers were wrong and the high density homes would tower over existing homes and were out of character for the community. The forest canopy would be removed with development. In 2007, the City Engineer promised more complete geologic hazard requirements. She had asked the Planning Commission not to approve the Plan until the landslide requirements were completed and applied to both this concept plan and all further development in the City. She thought the promise needed to be kept.

Mayor Neeley thought the current Code provisions would protect the trees.

Tony Konkol, Community Development Director, discussed how it was a balance between personal property rights and the desire of those in the community to regulate trees on private property. Improvements had been made to the Code to protect as much of the private property trees as possible. As part of the Park Place Concept Plan, significant changes were made to increase protections because of the topography of the area.

Mr. Walter discussed the buildable lands analysis for concept plans that was required by Metro and the State as well as in the City Code. The Planning Commission had recommended the landslide susceptibility mapping be done and it would be part of the legislative process in late 2014. These recommendations were part of the Ordinance that would be adopted by the Commission.

Bob Mahoney, resident of Oregon City, said the increased density in the South End Concept Plan was a result of living inside an urban growth area which Metro and State legislature controlled. This was a 25 to 30 year build out plan and it all depended on the economy.

Ed Sullivan, City Attorney, said the Commission could direct staff to bring to the Commission's attention when an annexation petition came in from this area that there was outstanding work that needed to be done with regard to landslides. He could draft something to that effect to bring back for approval with the second reading of the ordinance if the Council approved the first reading or the ordinance could be amended.

The Commission wanted the ordinance amended to require annexations received for the South End area before the work program was completed, to reference the fact the work plan had not been completed and that fact would enter into the Commission's decision whether to allow the annexation to move forward.

A motion was made by Commissioner Mumm, seconded by Commissioner Smith, to continue Ordinance No. 13-1017, adoption of the South End Concept Plan and implementing Zoning Code to April 2, 2014. The motion carried by the following vote:

Aye: 5 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm, Commissioner Carol Pauli and Commissioner Kathy Roth

6b. 14-144

Continuance of Woodlawn Avenue Land Use Application (ZC 13-02), Requesting Approval of a Zone Change from R-10 Single-Family Dwelling District to R-8 Single-Family Dwelling District

Mayor Neeley opened the public hearing.

Mr. Konkol requested a continuance of the hearing to April 16, 2014.

There was no public testimony.

Mayor Neeley closed the public hearing.

A motion was made by Commissioner Roth, seconded by Commissioner Pauli, to continue the Woodlawn Avenue Land Use Application (ZC 13-02) to April 16, 2014. The motion carried by the following vote:

Aye: 5 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm, Commissioner Carol Pauli and Commissioner Kathy Roth

6c. PC 14-028

Zone Change Request for Properties located at 19882 White Lane (Planning file ZC 13-03): Request for Continuance to May 7, 2014

Mayor Neeley opened the public hearing.

Kathy Hogan, resident outside of Oregon City, discussed the increased traffic on Central Point and South End Roads. She thought R-8 was appropriate for the area and 150 people signed a petition for the lots to be larger than proposed.

A motion was made by Commissioner Pauli, seconded by Commissioner Roth, to continue the zone change request for properties located at 19882 White Lane (Planning file ZC 13-03) to May 7, 2014. The motion carried by the following vote:

Aye: 5 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm, Commissioner Carol Pauli and Commissioner Kathy Roth

7. General Business

7a. 14-169

Second Reading, Ordinance No. 13-1016: South End Concept Plan, Amending the Oregon City Comprehensive Plan

Mr. Sullivan explained the South End Concept Plan was the basis for any land use regulations and zoning map changes. This ordinance adopted the Concept Plan. The ordinance the Commission continued was the implementing regulations for the Concept Plan. There was no issue with adopting this ordinance before the other one. The Commission could wait and adopt both as one package.

The Commission thought it would be cleaner to do it all together.

Paul Edgar, resident of Oregon City, requested the Commission consider reducing the density. That level of density with 2,500 square foot lots on the fringe of the City was not appropriate.

Mr. Konkol said the City had negotiated with Metro for maximum/minimum

assumptions for the housing that would be in this area and the City was able to come underneath what was required by Metro.

Bob Mahoney, resident of Oregon City, explained how the market played into development of properties and how the City had to protect its tax base in the process. They had to build to keep up with the tax base and plan for the long term.

A motion was made by Commissioner Smith, seconded by Commissioner Mumm, to continue the second reading of Ordinance No. 13-1016, South End Concept Plan, amending the Oregon City Comprehensive Plan to May 21, 2014. The motion carried by the following vote:

Aye: 5 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm, Commissioner Carol Pauli and Commissioner Kathy Roth

7b. 14-172

Intergovernmental Agreement with Metro for Canemah Bluff Trail Construction & Property Management

Scott Archer, Community Services Manager, explained the Intergovernmental Agreement with Metro for a City owned property in Canemah adjacent to the property Metro owned. The agreement allowed Metro to improve a trail connection at the site and to help maintain the property.

A motion was made by Commissioner Pauli, seconded by Commissioner Roth, to approve the Intergovernmental Agreement with Metro for Canemah Bluff Trail construction & property management. The motion carried by the following vote:

Aye: 5 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm, Commissioner Carol Pauli and Commissioner Kathy Roth

8. Consent Agenda

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

Aye: 5 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm, Commissioner Carol Pauli and Commissioner Kathy Roth

8a. 14-150

OLCC: Liquor License Application - Limited On-Premises Sales, Applying as Individuals, Arturo Covarrubias, dba Don Pepe's Fresh Mexican Food, 705 Main St., Oregon City, OR 97045

8b. 14-151

OLCC: Liquor License Application - Off-Premises Sales, Applying as a Limited Liability Company, Pizza for Dinner, LLC, dba Noble Roman's, 1346 Leland Rd., Suite B, Oregon City, OR 97045

8c. 14-164

Minutes of the February 19, 2014 Regular Meeting

8d. 14-165

Minutes of the February 11, 2014 Work Session

8e. 14-168

Personal Services Agreement for Design and Bid Phase Services for the 14th Street Storm Drain Improvements

8f. 14-181**Amendment #3 to Personal Services Agreement with Architectural Resources Group for Ermatinger House Rehabilitation Project**

Mr. Archer discussed the amendment to the architect agreement for the Ermatinger House project. The amendment was for the final phase to take the project through the permitting process and construction oversight. The plans had been done for rehabilitation of the house and the project was bid ready. The County would do the bidding process and Community Block Grant funds would be used. There was still a funding gap and staff was looking into potential grants or construction items that could be taken off the list. Construction should begin late spring and be completed by the end of the year.

9. Communications**a. City Manager**

Mr. Archer discussed the temporary closure of Waterboard Park due to the recommendation of the City's insurance agent of record because of possible rock slides. The situation needed to be assessed further before it could be reopened.

There was discussion regarding future plans for the site and keeping people off of the site due to the natural dangers.

Mayor Neeley asked how Waterboard Park got its name. Mr. Archer thought it was because the property was given to the City by a previous Water Board.

Maureen Cole, Library Director, stated an architect had been chosen for the library renovation project. Very little work would be done before the vote on the ballot measure. The architect would introduce himself at the next Commission Work Session.

Eric Underwood, Economic Development Manager, stated Oregon City would be hosting the Oregon Economic Development Association Spring Conference this weekend.

Nancy Ide, City Recorder, announced Oregon City would be hosting the Clackamas Cities Association Dinner on April 24.

Mr. Frasher said he and Mayor Neeley would be welcoming several students and chaperones from the City's sister city Tateshina on Friday.

b. Mayor

Mayor Neeley participated in the Metro tree planting event in Newell Creek Canyon and he discussed properties the City wanted to give Metro in the Newell Creek Canyon area. He also attended the Small Cities Consortium where a Greater Portland, Inc. survey for major employment clusters in the Portland area was discussed. He suggested staff look at the categories and see what businesses fell into the clusters in Oregon City.

Mr. Underwood said that analysis was currently being done.

c. Commission

Commissioner Pauli reported on the State of the City Address.

Commissioner Roth attended an emergency management class. A new program was being proposed to change the way emergency management disaster declarations were done.

Commissioner Mumm encouraged public participation on April 14 regarding the Sign Code project.

Commissioner Smith reported on the Oregon City Heritage Coordinating Committee meeting and Clackamas Heritage Partners meeting. The High School Girls Basketball Team won the championship again.

Mayor Neeley thanked Kattie Riggs, Assistant to the City Manager, for her help on the State of the City address.

10. Adjournment

Mayor Neeley adjourned the meeting at 9:25 PM.

Respectfully submitted,

Nancy Ide, City Recorder