

**From:** [Bryon Boyce](#)  
**To:** [Pete Walter](#)  
**Cc:** [Jerry Herrmann](#); [Dan Fowler](#); [Bob Mahoney](#)  
**Subject:** Abernethy Place Documents  
**Date:** Friday, September 29, 2017 4:59:07 PM  
**Attachments:** [20170125-signed.doc](#)  
[Two Rivers Neighborhood Association Letter f.doc](#)  
[Signed Resolution and Agreement.05-15-13.pdf](#)

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The accompanying (attached) letter, titled “Two Rivers Neighborhood Association Letter f.doc” was made in response to claims that this neighborhood association is inactive. As can be seen from that document, that claim is not based on fact. Several pertinent documents are attached.

On Jan. 25th of this year, the Chair of Two Rivers Neighborhood met with Mark Foley of Hackett House Hospitality Group and Lloyd Hill of Lloyd Hill Architects, who had requested that meeting. This was our normal quarterly meeting date. Details of that meeting are included in the attached document “20170125-signed.doc”. In accordance with the below code, the Two Rivers Neighborhood Association accepted emails to communicate with Mark Foley in setting up the meeting. Communications were initiated with an email by Dan Fowler on December 9th, 2016 and continued by Mark Foley.

The Two Rivers NA President approved "other communication" besides a certified letter, return receipt requested, as allowed by OCMC 17.50.055.A.2.: *“The applicant shall send, by certified mail, return receipt requested letter to the chairperson of the neighborhood association and the citizen involvement committee describing the proposed project. Other communication methods may be used if approved by the neighborhood association.”*

Bryon Boyce  
503-655-4457

The Two Rivers Neighborhood Association was established in 2013 for the purposes of representing Oregon City's North End Development Area and the Downtown District, starting from Blue Heron site to the north-easterly-most City limits.

The organization has provided input at the request of the City on matters of:

- Land Use Decisions
- Recommendations for individual project and major developments
- Input regarding degraded lands and how they can be rehabilitated
- Advancement of Oregon City into the arena of financial support and planning for major mitigation strategies funded under Portland's lower harbor trust fund and other mitigation fund provisions

The organization has given input as requested by the City and held meetings for that purpose on the following projects:

- Pacific Properties Search LLC. concepts for Clackamette Cove
- Oregon City's urban renewal fund applications to degraded lands in Oregon City's North End District
- Waterfront redevelopment strategies for SportCraft Landing and a possible "8<sup>th</sup> Street Dock"
- Review and establishment of America's Tire Company Facilities in North End District
- Input and support of Tri-City Environmental Services Expansions at Pollution Abatement Plant
- Initial review and consideration of Abernethy Place Hotel
- Initial and intermediate review of Oregon City's Legacy Project
- Review of Cutter Construction variance.

These projects and processes were conducted with varying business groups in attendance, including among others: Coastal Farm Supply, Rodda Paint, Mercury Development Corporation (Owner/Operators of Oregon City Shopping Center), Best Western Rivershore Hotel & Rivershore Restaurant, SportCraft Landing, Pacific Properties Search LLC., & Clackamette Cove LLC., Twin Peaks Development LLC, and attending residents from SportCraft Landing, and residents of riverside homes.

A handwritten signature in black ink that reads "Bryan D. Boye". The signature is written in a cursive, flowing style with a large initial 'B' and 'B'.

Bryon Boyce, Two Rivers Neighborhood Association Chairman

RESOLUTION NO. 13-12

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**A RESOLUTION PROVIDING FOR FORMAL RECOGNITION OF THE TWO RIVERS NEIGHBORHOOD ASSOCIATION AND APPROVING AN AGREEMENT FOR THE NEIGHBORHOOD ASSOCIATION'S FORMATION, OPERATION AND CONTINUATION, THEREBY FOSTERING A PARTNERSHIP OF OPEN COMMUNICATION BETWEEN THE CITY AND THE NEIGHBORHOOD ASSOCIATION**

**WHEREAS**, the City Commission understands the great importance of citizen participation and recognizes that it is necessary and desirable to maintain and improve the quality of life for all Oregon City residents; and

**WHEREAS**, the City Commission desires to foster a sense of civic pride and responsibility for the community; and

**WHEREAS**, the City Commission recognizes that participation of the greatest number of citizens with a wide diversity of viewpoints leads to better understanding of mutual concerns and encourages independent voices within the community; and

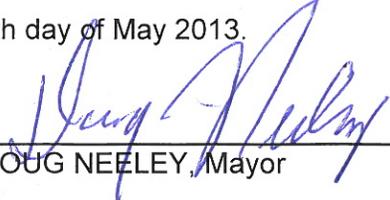
**WHEREAS**, it is essential for citizens to provide information to aid the City Commission in decisions on matters affecting the City's quality of life, including land use, housing, the annual City budget, community facilities and infrastructure, human resources, social and recreational programs, traffic and transportation, environmental quality, public safety and other matters; and

**WHEREAS**, an independent group that is not a part of the City will help to encourage a diversity of views and suggestions and will also result in a better understanding and acceptance of those decisions by the citizens of Oregon City; and

**WHEREAS**, the Comprehensive Plan states that neighborhood associations shall be established throughout the neighborhood planning areas defined in the Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Oregon City, Oregon, that the Two Rivers Neighborhood Association is hereby recognized as an official neighborhood association of the City of Oregon City, Oregon, subject to compliance with the Two Rivers Neighborhood Association Agreement attached hereto as Exhibit A and made a part hereof.

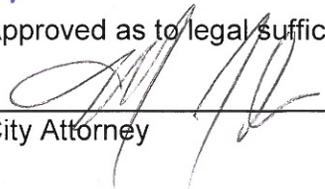
Adopted, signed and approved this 15th day of May 2013.

  
\_\_\_\_\_  
DOUG NEELEY, Mayor

Attested on this 15th day of May 2013:

  
\_\_\_\_\_  
City Recorder

Approved as to legal sufficiency:

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

**CITY OF OREGON CITY  
and  
TWO RIVERS NEIGHBORHOOD ASSOCIATION  
AGREEMENT**

AN AGREEMENT PROVIDING FOR FORMAL RECOGNITION OF THE TWO RIVERS NEIGHBORHOOD ASSOCIATION AND PROVIDING A FOUNDATION FOR OPEN COMMUNICATION BETWEEN THE CITY AND NEIGHBORHOOD ASSOCIATION.

Section 1. Purpose. The purpose of this agreement is for the City of Oregon City to formally recognize the Two Rivers Neighborhood Association as an independent entity in the City of Oregon City. It is through this agreement that the City hopes to insure a maximum of opportunity for involvement by the residents of the Two Rivers Neighborhood in the processes of government as well as other activities concerning neighborhood and community livability. Although a major function of neighborhood associations is to augment the citizen involvement process in land use related matters, such as planning and zoning activities, as is required by applicable law, it is the intent of the City Commission to encourage of a wide range of activities that promote the general health and welfare of the community and a spirit of harmony and pride for all citizens of Oregon City.

Nothing in this agreement will limit the right of any person, group of persons or organization from exercising their lawful rights. Membership in the Two Rivers Neighborhood Association confers no extraordinary rights, standing or legal capacity solely on the basis of membership, nor is the association itself given any special status by this agreement. The Two Rivers Neighborhood Association is an independent entity that is separate from the City and not an agency of the City and does not have the obligations of a City agency and is not covered by the City's insurance. It is not the intent of the City to delegate any portion of its authority to the Two Rivers Neighborhood Association but to enter into an agreement with it.

Section 2. Principles and Functions.

A. The City shall treat the Two Rivers Neighborhood Association as a primary means of communication between the City and neighborhood residents, and the Two Rivers Neighborhood Association shall provide a forum for exchange of concerns and ideas, promote and facilitate open communication; and

B. The Two Rivers Neighborhood Association shall strive to keep neighborhood residents informed about all aspects of government by serving as an information resource to the members of the neighborhood association by conducting studies, sponsoring informational meetings and conducting public forums and educational programs; and

C. The Two Rivers Neighborhood Association intends to participate in the development of long range comprehensive plans by independently reviewing, providing input and making recommendations concerning particular actions, policies, plans, programs, projects and other matters occurring citywide, including the City's annual budget, all of which may affect the quality of life within the neighborhood; and

D. The Two Rivers Neighborhood Association intends to communicate that input to various offices, departments, commissions, boards, committees and the City Commission to the extent the Two Rivers Neighborhood Association believes it will benefit the residents of the Two Rivers Neighborhood; and

E. The Two Rivers Neighborhood Association shall work for physical and social improvement of the character of the neighborhood, including issues affecting area livability; and

F. The Two Rivers Neighborhood Association shall independently work for adoption of improved city ordinances which will benefit the neighborhood and the City; and

G. The Two Rivers Neighborhood Association shall serve as an independent voice for the neighborhood residents by presenting views and testimony before public bodies, including, but not limited to, the City Commission on issues and concerns having both neighborhood and citywide impacts; and

H. The Two Rivers Neighborhood Association shall promote continuous and effective citizen involvement in governmental processes, thereby insuring maximum contribution to those persons or agencies which are required to make decisions affecting a neighborhood or the community; and

I. The Two Rivers Neighborhood Association shall provide better channels of communication and flows of accurate and timely information between the government of the City and its citizens; and

J. The Two Rivers Neighborhood Association shall promote neighborhood and City identity and community spirit; and

K. The Two Rivers Neighborhood Association shall encourage the neighborhood residents to engage in their choice of neighborhood activities to promote such things as neighborliness, safety, cultural opportunities and the general livability of the community.

Section 3. Standards for Formal Recognition. The City Commission hereby establishes the standards whereby it formally recognizes the Two Rivers Neighborhood Association within the corporate limits of the City of Oregon City. The City Commission encourages and endorses the formation, operation and continuation of this neighborhood association, pursuant to the standards set forth below, to provide maximum citizen involvement in the community.

The Two Rivers Neighborhood Association certifies that it meets these standards, and, as a condition of continued recognition by the City, agrees to continue to meet such standards on an ongoing basis. The Two Rivers Neighborhood Association further agrees that the City Commission may amend or alter such standards as it deems necessary to meet the changing needs of the City, and the Two Rivers Neighborhood Association will determine whether it wishes to continue as a recognized neighborhood association.

A neighborhood association that seeks formal recognition by the City Commission shall meet and continue to maintain conformity with the following minimum standards for formal recognition:

A. Membership.

1. Any resident, property owner, business licensee or representative of a nonprofit organization, or any others who show cause for interest within the boundaries of a neighborhood shall be entitled to membership.
2. Any member who is at least eighteen (18) years of age shall have one vote on any matter to be decided by the association.
3. Membership or participation shall not be conditioned in any way upon the requirement of the payment of dues or fees. However, an association may accumulate resources of income to carry out its purposes through other means, including voluntary contributions, projects, grants, and contracts.

B. Two Rivers Neighborhood Association Boundaries. In order to implement the City Commission's stated purpose of ensuring maximum opportunity for citizen involvement, the Two Rivers Neighborhood Association shall confine its boundaries to those identified in the map adopted by the City Commission. The City Commission shall make the final determination of whether boundaries used by the Two Rivers Neighborhood Association conform to the boundaries set by the City Commission. The Commission shall look to the following factors in adopting neighborhood boundaries, to the extent the factors may be applicable to the particular situation:

1. Boundaries should be contiguous and mutually exclusive to those of other formally recognized neighborhood associations.
2. Boundaries should follow readily identifiable physical features, such as property lines, major arterial or collector streets, or be set at some other clearly defined and relatively permanent natural or manmade features.
3. Boundaries describing the territory should be logical and the City Commission may consider other features such as:
  - a) a community of interest, common identity and social communication,
  - b) existing commercial patterns,
  - c) existing boundaries of other agencies, such as a school district boundary,
  - d) the views and desires of citizens seeking association recognition.

Such boundaries may be amended by the City Commission either at its initiative or after being proposed by the neighborhood association and reviewed and approved by the City Commission. Amendments will not be considered within the first year following the establishment of the boundaries.

The boundaries of the Two Rivers Neighborhood Association shall be as shown on the attached map and as described below:

The Two Rivers Neighborhood Association shall be bounded on the West by the Willamette River and the North by the Clackamette River. From the City Limits on the north and in line with the east boundary of taxlot 22E21C03000, proceed south to a point in the middle of Clackamas River Drive. Proceed west and south following the centerline of Clackamette Drive, to a point south of Melinda Drive and the north boundary of taxlot 22E20DD05400. Follow this taxlot boundary east then south, continuing along the east boundary of taxlot 22E2901200 to a point west of the centerline of Cleveland Street. From the centerline intersection of Cleveland and Apperson Blvd., continue along the centerline of Apperson Blvd. to a point in line with the north boundary of taxlot 22E29AD00900, and rejoining the south boundary of 22E2901200. Follow this taxlot boundary to the centerline of Hwy 213. Proceed to the intersection of Hwy 213 and Redland Road, and follow Redland Road to a point in line with the north boundary of taxlot 22E29DC01000. Proceed west then south on the boundary of this, continuing south on the east boundary of taxlot 22E29DC01200, then west on the south boundary of taxlot 22E29DC01200. Follow the south boundary of taxlot 22E29CD00100, to include the centerline of McLoughlin Avenue, then north along this taxlot boundary to the centerline of Abernethy Blvd. Continue west to the centerline intersection of Abernethy Blvd. and Washington Street. Proceed south along Washington Street, past 14<sup>th</sup> Street, and west along the south boundary of taxlot 22E30DD03100 to the centerline of Center Street. Proceed south on Center Street, then west on the centerline of 12<sup>th</sup> Street, then along the north and west boundary of taxlot 22E31AA15500, crossing Moss Street, and along the southern boundary of the taxlots in that block to the centerline of Singer Hill Road. Follow the north boundary of taxlot 22E31CA09200, known as the Promenade, and proceed south along the centerline of 99E. Prior to Tumwater Drive, and at the pedestrian crossing over Hwy 99E, proceed west to taxlot 22E31BD00300 and follow the south boundary of this taxlot approximately 590 feet to the non-taxlot area between 22E3100600 and 22E31BD00300. Follow this to the centerline of the river, and the City limits.

C. Organization and Bylaws. Following determination of the boundary for the Two Rivers Neighborhood Association, the persons seeking formal recognition shall:

1. Hold at least one public organizational meeting that has been well publicized in the neighborhood and adopt written bylaws which provide at a minimum for the following:
  - a) election of officers,
  - b) meetings to be conducted in conformance with the requirements of the public meetings law in those situations where the association meets for the purpose of deliberating toward, making recommendations concerning, or acting in an advisory capacity on any issue, on which the City may make a decision through its governing body, its boards and commissions or in an administrative capacity. This provision shall apply to meetings of the association regardless of the size of its membership and notwithstanding the absence of a required quorum provision in its bylaws,
  - c) written minutes required by the public meeting law also record minority opinions and copies of the minutes be forwarded with a reasonable time to the City's Community Involvement Coordinator,
  - d) a current list of names and addresses of the officers of the association be kept on file with the City's Community Involvement Coordinator,

e) a minimum of two (2) general membership meetings to be held each year, at least sixty (60) days apart with the time, place and purpose being well publicized throughout the neighborhood at least seven (7) days in advance of the meeting.

2. Following adoption, a copy of the bylaws shall be filed with the City's Community Involvement Coordinator and maintained and updated to reflect amendments by the association.

3. Bylaws of the association shall be adopted for the conduct of business which provide for full participation, democratic decision-making and open meetings. Robert's Rules of Order Revised, latest revision, shall govern the procedures of the association when procedure is not otherwise covered by the bylaws.

D. Formal Recognition. The Two Rivers Neighborhood Association, having met the standards set forth in subsections A, B and C of this section, is formally recognized when the City Commission has approved this agreement by resolution and the Mayor has signed it on behalf of the City Commission,

Section 4. Termination of Recognition and Grievances. The formal recognition of the neighborhood association may be terminated by the City Commission for any reason, including failure to abide by the bylaws or the provisions of this agreement. However, prior to termination by the City Commission, upon request, the City Commission may, but is not required to, hold a hearing to determine the validity of any charges and allow representatives of the neighborhood association to be heard. If the City Commission terminates recognition, it shall advise the membership of the association of the appropriate procedures and means to regain recognition through letters by the Mayor to the principal officers of the neighborhood association, as well as to the general membership by sending the letter to the address of record of the neighborhood association, and by other notice as deemed appropriate by the City Commission under the circumstances.

Section 5. City Support of Associations. The City, through the City Manager's office and subject to his/her judgment concerning the availability of resources or budgetary limitations, shall provide support and assistance to the recognized Two Rivers Neighborhood Association. The City shall develop administrative procedures, as deemed appropriate, to provide the neighborhood association the support and encouragement to allow the successful operation of the association. Such support shall include at a minimum, as practical under the circumstances, the following:

- a) Materials and supplies to aid an association in the formation, recognition and operation;
- b) Reprographic services;
- c) Distribution costs for the mailing of the neighborhood association newsletter or meeting notices prior to each general membership meeting;
- d) Staff assistance as available;
- e) Use of City facilities and equipment as available;

f) Mail notifications of meetings, hearings, pending decisions, elections and other citizen participation events; and

g) Other economic assistance and support as available.

Section 6. Statutory Requirements. Oregon Revised Statutes (ORS) provide for specific activities and actions related to formally recognized neighborhood associations, as follows:

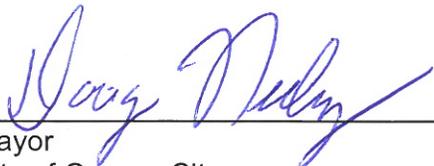
ORS 197.763(2)(b): Notice of land use hearing shall be provided to any "neighborhood or community organization recognized by the governing body [the city] and whose boundaries include the site [of the applicant]."

ORS 227.175(10)(b): The fee charged for an appeal to an administrative decision or for requesting a hearing on an administrative decision is waived for a "neighborhood or community organization recognized by the governing body [the city] and whose boundaries include the site [of the applicant]."

Although not a statutory requirement, the City will also waive the fee charged for an appeal on a Planning Commission decision to the City Commission.

Section 7. City Commission and Association Review. Periodically, the City Commission or the neighborhood association may seek review of the Association, this agreement, the boundaries of the Association or the standards for formal recognition set forth herein. The City Commission may subsequently amend, modify or change any decision made pursuant to the standards for formal recognition or any other provision of this agreement.

Adopted, signed and approved this 15<sup>th</sup> day of May, 2013.

  
\_\_\_\_\_  
Mayor  
City of Oregon City

  
\_\_\_\_\_  
Neighborhood Chair  
Two Rivers Neighborhood Association

Two Rivers Neighborhood Association  
Re: Development of Abernethy Place, Washington Street.

On January 25<sup>th</sup>, 2017 at 7 pm the Two Rivers Neighborhood Association met at the Verdict to hold a specially scheduled meeting.

In attendance:

Bryon Boyce - Chair  
Mark Foley - Hackett House Hospitality Group  
Lloyd Hill - Lloyd Hill Architects

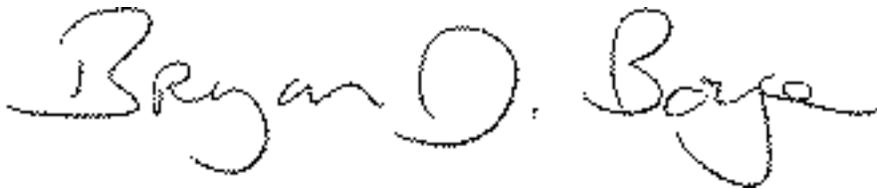
The topic of our meeting was to receive a presentation by Lloyd Hill on the proposed development on Washington Street north of 17<sup>th</sup> Street. This development consists potentially of a 100-unit Hampton Inn Hotel, and a 130-unit mixed use commercial / apartment complex.

Items of discussion:

- layout
- size and height
- flood plain issues
- How the hackett House relates to the project.

Since this meeting, I have discussed this project with other committee members. We appreciate the information that was presented, and feel that the development is appropriate for the neighborhood.

Respectfully submitted,  
Bryon Boyce  
Two Rivers Neighborhood Association Chair

A handwritten signature in black ink that reads "Bryon O. Boyce". The signature is written in a cursive style with a large, looped initial "B".