

CITY OF OREGON CITY
PLANNING COMMISSION WORK SESSION
City Commission Chambers - City Hall
320 Warner Milne, Oregon City, Oregon 97045
June 23, 2008, 7:00 P.M.

Commissioners Present:

Chairperson, Tim Powell
Commissioner Paul Carter Stein
Commissioner Allan Dunn
Commissioner Chris Groener

Staff Present:

Tony Konkol, Senior Planner
Christina Robertson-Gardiner, Associate Planner
Bill Kabeisman, Consulting City Attorney

1. MEETING WITH THE HISTORIC REVIEW BOARD (HRB)

Board Members Present:

Chair Rick Winterhalter
Jim Nicita

2. DISCUSSION OF DEMOLITION DENIAL AND NEGLECT CODE LANGUAGE

Christina Robertson-Gardiner, Associate Planner briefly introduced the proposed Demolition Denial and Demolition by Neglect amendments, noting:

- The Demolition Denial Code sections were presented in the June 10, 2008 memo, with the existing Demolition Delay process deleted in the Code and replaced by new language.
- The Demolition Denial was proposed for inclusion in Title 15, the City's Building Chapter and would not be a land use process.
 - City Staff, the HRB and building official would work together to identify a potential building with neglect issues and work with property owner to identify strategies to remedy it. A worst-case scenario would allow the City to take a lien against the property to do the work.
- Demolition by Denial and Demolition by Neglect work hand in hand. If a property could not be repaired due to extensive neglect, a demolition permit could always be applied for through the land use process.

Rick Winterhalter, Historic Review Board Chairman expressed frustration that though the City's goal is to preserve historic buildings, the HRB, as voluntary citizens, could really do nothing toward accomplishing that goal.

Jim Nicita, Historic Review Board Member, said he was concerned about how little information regarding structural integrity of historic buildings was included in applications for demolition and if information was insufficient for the HRB to make a determination, the Code did not give the Board any way to require more information.

- He noted that Section D, addressed information about structural integrity, enabling Staff to deem an application incomplete until sufficient information was submitted.
- There were a wide variety of legal tools that municipalities used to enforce Demolition by Neglect ordinance. Tacoma, Washington attempted to acquire the Elks' Temple through eminent domain, but the developer sold the property to a private party rather than have that City take it over.

Ms. Robertson-Gardiner liked Demolition Denial and Demolition by Neglect because from the beginning it weeded out potential purchasers whose primary intent was redevelopment.

- About 500 existing historically designated commercial and residential structures were subject to Demolition Denial and Demolition by Neglect, including every structure in Canemah, all the designated structures in McLoughlin, and landmarks throughout the City.
- She confirmed that landmark was defined in the amendment.
- The building next to WB Market on 7th St was in disrepair but was not subject to the proposed amendment because owner consent was required to designate it a historic structure.
 - Once designated, owner consent is required, but properties designated prior to the owner consent regulation in the 1990s were not subject to that.
 - The City is focusing on its existing Historic buildings.
 - Future designated historic buildings would require owner consent, but the City could not force a designation on a property. A citywide demolition denial on non-historic buildings was a different area.

Chair Powell was concerned about older homes not on the historic that could be torn down for redevelopment not in keeping with historic standards. He liked the proposed changes, but was concerned about loopholes and wished the City had more control.

Ms. Robertson-Gardiner reiterated that historic designation at the local level required owner consent as mandated by the State Legislature.

- She agreed the amendment could be thought of as a variance with C1 through C9 given as criteria.

Commissioner asked at what point the detriment to the owner was more important than the condition of the house. The reasons for demolishing a house should be made clear.

Ms. Robertson-Gardiner replied that historic preservation laws did exist on takings when neglect had gone so far and economics were brought into the analysis. She noted that existing case law stemming from previous court cases would be used for establishing parameters regarding neglect and economic return in historic preservation.

Bill Kabeisman, City Attorney, noted that such cases included Dolan versus City of Tigard. Essentially, a jurisdiction cannot regulate in such a way as to eliminate all economic value. In most cases, some level of economic activity was allowed with a historic building, although it may not be what the owner wanted to do. However, the question was whether there was any economic value available. If so, a three-part test was applied that included reasonable investment-backed expectations. A case-by-case analysis was required for determining the result, but ordinances were in place making it clear that the expectation is the preservation of historic structures and that the reasonable investment backed expectations would be preserving the building instead of demolition.

- Some historic structures might have negative economic value, such as a Portland property that appraised at minus \$1 million before any work was started.
- There were limitations, but as a general rule, it was not necessarily a taking and the City could do this type of regulation.

Ms. Robertson-Gardiner explained that the circumstances would change based on the court case precedent available at the time each case came in.

Mr. Kabeisman clarified that C1 through C9 did set some criteria; some were more clear than others and some very murky. Some discretionary standards could be set, but applicants would

want to know what they were judged against. The Planning Commission and HRB could try to clarify the criteria for developers.

Ms. Robertson-Gardiner agreed the language helped initiate the conversation, but noted the criteria would never be black and white. Some rewording and reframing could be done as the HRB would be reviewing the historic significance, condition, hardship, and economic value of rehabilitation of existing historic structures.

- She knew cities and counties could not turn down National Register nominations if someone performed a third party nomination for a municipality or county structure, but asked if that was the same for local designations.
- For instance if a local landmark, like the courthouse was nominated, could the County refuse consent for the local designation?

Mr. Kabeisman replied he was uncertain whether or not the City could turn down local designations. Locally the City could determine whether a structure qualified or not and turn something down, unless Code said otherwise.

- The County however, could say no and stop any sort of historic designation. Current statute stated that 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.

Ms. Robertson-Gardiner stated if a building was on the National Registry, it was usually locally designated. National registry was just a list of buildings that met qualifications for historic significance. There was no land use control over National Register. Many grant opportunities opened up with a listing on the National Registry.

Chair Powell gave the example of the two-block downtown area with one designated historic building. It was not a historic district, although it should be, and houses not designated historic could be demolished. He was very concerned that there was no way to manage the entire two-block downtown area.

Ms. Robertson-Gardiner reiterated that State law required owner consent to designate historic status; therefore a Code amendment would not remedy that issue.

Commissioner Powell asked if local governments could be more stringent than State law in this instance.

Mr. Kabeisman replied that the statute clearly said local government shall allow a property owner to refuse to consent to any form of historic property designation.

- The City could initiate a historic designation listing, but the property owner needed to be allowed to say no at any point in the process.

Ms. Robertson-Gardiner clarified that Section 17.40 of the Code stated that anyone could designate a historic property. Local historic matching grants encouraged people to apply for historic status. Additional information was available online under the Planning Division homepage on Demolition Denial. The link was in the memo.

- Once the amendment was accepted, an update would be sent out with the Measure 56 notice. A special notice would most likely be sent to historic property owners to let them know that hearings would be held. A post card was sent out in February introducing the issue.

3. INCENTIVES FOR DESIGNATING PROPERTIES

Ms. Robertson-Gardner reviewed proposed City incentives for designating properties as historic with the following additional comments:

- Incentives already existed for National Registry properties; however properties in the locally designated conservation district, particularly in McLoughlin, currently had no incentives or support for being historically designated.
- HRB was starting a matching grant program, based on a Forest Grove program, for historically designated properties.
 - Funds received from a Metro Enhancement Grant, State Historic Preservation Office (SHPO) and the Oregon City Community Development Division totaled \$28,000, which was to be given away next year just for historically designated structures in a process similar to the Urban Renewal Grant process.
 - The Board would consider goals, application materials, time line, and schedule with a two-point approach:
 - 1) Window repair and window replacement. Historic wood windows were old growth, insulating, the most sustainable, but need repair or the addition of storm windows to increase their energy efficiency and longevity.
 - For historic accuracy, window repair was encouraged versus replacement. The money could also be used to replace a vinyl window with a historically appropriate wood window. Window repair/replacement grants would be on a first come, first serve basis.
 - 2) Grant money for non-window related historic rehab, including porches, siding, and unique features would be awarded based on competitions.
 - HRB would send notices about the grant program to property owners by the end of summer.
 - HRB had the option to pursue a cap on the grant money. The Forest Grove program generally had a \$3,000 cap.

Ms. Robertson-Gardiner provided the following review and update regarding the Canemah resurvey:

- SHPO supplied a grant for a reconnaissance level survey last year. Oregon City was chosen as a test case for the new online computer inventory system that would allow public access to historic inventory records online.
- Rob Dortignacq and Associates was hired to resurvey the Canemah District and was also redoing the City's contact statement and Canemah's District boundaries.
- The resurvey would give a better grounding of what Canemah was, helping Staff with the design guidelines when new construction was reviewed, enabling them to return to the base document to determine whether proposed construction might affect the identity of Canemah.
- The 1977 nomination did not include the natural resource contact statement, rock walls, stairs, and other items that make Canemah unique.
- Old Canemah Park and the cemetery were not in the National Register boundaries. Neither the boundaries nor the period of significance could be changed without restarting the entire nomination process. Since the issue was time and politically intensive, an update was being done instead.
- The historic district of Canemah basically consisted of the original plat, except for the McMerchie's addition, the 5th place segment of south Canemah built in the 1960s. A lot of the area that was not buildable was actually platted.

CITY OF OREGON CITY PLANNING COMMISSION MEETING

1. CALL TO ORDER

Chair Powell called the meeting to order.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

There was none.

3. ADOPTION OF PLANNING COMMISSION MINUTES: N/A

4. PUBLIC HEARING

- A. ZC 08-03, TP 08-08, LL 08-02 (*Quasi-Judicial Hearing*): Applicant: Gentry Homes, LLC.** The Applicant was seeking approval of a 9-lot subdivision, a zone change from R-10 to R-8, and a lot line adjustment. The property was located at 19510 Leland Rd (Clackamas County Map 3-2E-07D, Tax Lot 600) 19526 Leland Rd (Clackamas County Map 3-2E-07D, Tax Lot 700), No Address, Oregon City, OR 97045 (Clackamas County Map 3-2E-07D, Tax Lot 601), No Address, Oregon City, OR 97045 (Clackamas County Map 3-2E-07D, Tax Lot 701) and No Address, Oregon City, OR 97045 (Clackamas County Map 3-2E-07D, Tax Lot 401).

Recommendation: Continue Public Hearing to July 14, 2008.

Tony Konkol, Senior Planner stated that the application included part of the Wesley Lynn Park property, but the original notice did not include some of the properties on park's south side, so a re-notice would be sent to ensure everyone was involved in the process.

- The Applicant requested an extension of the 120-day decision deadline to allow additional time to process the application. Public testimony was welcome; otherwise Staff recommended continuation to July 14, 2008.

There was no public testimony.

Commissioner Dunn moved to continue ZC 08-03, TP 08-08, and LL 08-02 to July 14, 2008. Commissioner Groener seconded the motion, which passed unanimously.

- B. L 08-03 (*Legislative Hearing*): Applicant: CenterCal Properties, LLC.** The Applicant was proposing to amend the Oregon City Transportation System Plan to remove the designated minor arterial through the center of the Rossman Landfill site and adopt the "Jug Handle" improvement at Hwy 213/Washington St/Clackamas River Dr into the Transportation System Plan. The "Jug Handle" improvements will include a new street under Hwy 213, connecting Washington St to Clackamas River Dr, and intersection modifications to Hwy 213 at Washington St, Clackamas River Dr and the I-205 northbound off ramp and southbound on ramp.

Recommendation: Continue Public Hearing to July 28, 2008.

Mr. Konkol stated Staff was still working with the Applicant, Oregon Department of Transportation (ODOT), Metro, Department of Land Conservation and Development (DLCD), etc. Public testimony was welcome; otherwise Staff recommended continuing the hearing to July 28, 2008.

- As a legislative amendment, the 120-day requirement did not apply.

There was no public testimony.

Commissioner Groener moved to continue L 08-03 to July 28, 2008. Commissioner Stein seconded the motion, which passed unanimously.

The order of the agenda was changed.

C. CP 07-01: (*Quasi-Judicial Hearing*): Applicant: Clackamas Community College.

The Applicant was seeking approval of a Master Plan for the Clackamas Community College Campus located at 19600 Molalla Avenue, Oregon City, Oregon 97045.

Recommendation: Approval with Conditions.

This agenda item was addressed following Item D, CU 07-05 and SP 07-13.

D. CU 07-05, SP 07-13: (*Quasi-Judicial Hearing*): Applicant: Douglas M. Tiner. The applicant was seeking Conditional Use and Site Plan and Design Review approval for the construction of a drive-thru coffee shop (zoned "MUC-1" Mixed Use Corridor District).

Recommendation: Approval with Conditions.

Mr. Konkol reported that Applicant had requested a continuance and had agreed to extend the 120-day deadline to August 24, 2008. He added that anyone present could speak regarding the proposed coffee shop; otherwise Staff recommended a continuation to July 14, 2008.

There was no public testimony.

Commissioner Dunn moved to continue CU 07-05, SP 07-13 to a date certain of July 14, 2008. Commissioner Groener seconded the motion, which passed unanimously.

C. CP 07-01: (*Quasi-Judicial Hearing*): Applicant: Clackamas Community College.

The Applicant was seeking approval of a Master Plan for the Clackamas Community College Campus located at 19600 Molalla Avenue, Oregon City, Oregon 97045.

Recommendation: Approval with Conditions.

Chair Powell read the Conduct of Hearing and Statement of Public Notice into the record.

Ex parte contacts, conflicts of interest, bias, or any other statement to declare.

No Commissioner declared a conflict of interest, bias, or conclusion from a site visit. No Commissioner participation was challenged by any member of the audience.

Mr. Konkol presented the Staff report and responded to questions from the Commission as follows:

- Regarding concern about not addressing adequate improvements to the intersection initially, which would result in needing even further improvements in later phases, he noted:
 - The large ticket transportation items were Beaver Creek Rd, Abernathy Rd, Redland Rd, Washington St, and I-205. Meyers Rd would be built, addressing the college's impact to the Molalla/Hwy 213 intersection. Issues at the Beaver Creek Rd entrance to the college would be addressed.
 - The City was accepting a fee in lieu of for improvements at the larger, regionally-impacted intersections because of the costs associated with those improvements.
 - Incremental improvements to Meyers Rd would not occur, instead, Meyers Rd would be built to the intersection and function appropriately for the legs brought online by the Applicant, as would the Molalla/Hwy 213 intersection with the college's main entrance.

- He clarified that if the City proceeded with Meyers Rd in the next year, the college would be treated the same as any other property owner in the City.
 - There was a condemnation process for the public infrastructure, if necessary. Something else might occur once conversations began with the college, but there was no guarantee. If the project moved forward before the Applicant began Phase 2 and met the Condition of Approval, it was a City project.
- Though some wording of the Master Plan was a concern, exact wording was difficult when multiple future years were planned. Unforeseen issues with surrounding property owners were certainly beyond the control of the City.
 - He noted that unless the right-of-way was dedicated, it was non-binding. The Master Plan acknowledged that a road [Meyer Rd] would need to come across, but the exact location was conceptual and open to discussion.
 - He assured the Master Plan benefitted the City, in terms of identifying infrastructure, but also the Applicant, providing some certainty that the rules would not change halfway through the process.

Chair Powell expressed concern about impacts to the Beavercreek and Park Place subdivisions, since they were not included in the transportation study.

Mr. Konkol continued addressing questions from the Commission:

- He did not believe the college's expansion would require changing the TSP, because no zoning change was proposed for a different use.
 - When the TSP is updated, the Beavercreek Concept Plan area would be included and the proposed Master Plan would not impact the TSP amendment or other projects. Projects identified in the TSP, if implemented, would accommodate the trips anticipated from the proposed Master Plan.
 - The only exception could be Washington/I-205 because no final design or access management plan was really in place from the State or Federal government. For the intersections before that, plans could be implemented to accommodate the level of service (LOS) necessary to support the trips.
- He deferred to the Applicant about whether it would be completed as one big project or as small incremental projects before 2010. Phase 1 could include up to 50,000 sq ft and specific buildings were not identified by the Applicant but would depend on the funding and needs of the college at that time.
- He clarified that City Code required that traffic counts be less than one year old; however counts leaving and entering the site may be required by the Transportation Engineer. It would be a full-blown transportation analysis review instead of a letter.

Chair Powell called for the Applicant's testimony.

Ben Schonberger, Winterbrook Planning addressed the Commission's questions as follows:

- The Concept Master Plan was being presented for approval as a framework for future development that allowed flexibility to make infrastructure improvements in a cost effective and sensible manner without changing the ultimate goal.
 - As an example, since no net increase in flows off site was a goal, the Master Plan enabled stormwater elements to be located in different areas of the site, rather than only in one place.
- Funding had to be raised before the project could continue, which caused some of the uncertainty about how much development would occur by a specific time. Phase 2 might not reach its full threshold depending on funding and whether a future bond measure passed.

- The character of the campus would be similar at the end of the project; as square footage is added, density would increase and buildings would be slightly taller and closer together.
 - For instance, a cluster of buildings was planned to expand on what was already at the Beavercreek entrance and around the environmental learning center.
- A traffic impact analysis would be submitted as part of the detailed development plans.
 - Building groups of buildings benefitted the college from a construction standpoint, but also because the traffic impact analysis could be done for three buildings at a total of 55,000 sq ft each, or for all eight buildings that would be 200,000 sq ft in Phase 2. Expansion would most likely come in spurts instead of trickles.

Judith Gray, Kittleson and Associates added the following comments:

- She clarified that the traffic impact analysis showed no need for additional improvements beyond what was in the TSP, other than addressing the specific access issues with left turn mitigated with Meyers Rd improvements.
- A new, updated traffic impact analysis would be completed as for any new development. Updated traffic counts as well as new information about the Beavercreek area and CenterCal Developments would be included. The analysis would provide a very detailed look with input from the City, Clackamas County, and Oregon Department of Transportation (ODOT).

Bill Lynch, Dean of Campus Services, clarified that the Applicant was considering 300,000 sq ft because the college wanted to consider the maximum build-out capacity for the site and use the Master Plan as a planning tool to go beyond the 300,000 sq ft development. The Master Plan enabled the college to consider what programs to offer, organizing the campus as well as when additional property should be required.

- He believed it was unlikely that 300,000 sq ft would be built by 2015, but the foundation was laid to carry forward for many years.

Chair Powell asked if the Applicant was still considering integrating green building standards into the buildings, noting he was most concerned about pavement and parking lots. Impervious pavement had been mentioned previously and he inquired what other green building elements might be utilized. Master plans involved more than the transportation piece, and sustainability was a hot issue that he believed was a key point in master planning.

Mr. Schonberger answered it was too soon to say which stormwater solutions would be chosen. The Concept Master Plan set a very aggressive goal of having no net increase in flows off the site so the level of run off generated from the new development would be managed onsite for that incremental increase. It made sense economically to use eco roofs, swales, and pervious paving versus larger detention ponds, etc., which also contributed educationally to the students' appreciation of sustainable building concepts.

Commissioner Stein commended the Applicant for treating water as a valuable resource and asked how the water might be reused.

Mr. Schonberger replied that the stormwater management techniques it depended on technology. The idea was not to just pave the surface and let water run through a giant pipe into the creek. He reviewed various ideas for treating the stormwater for reuse in watering the landscaping, adding that many tools were available to use. A performance standard had been set and the Master Plan allowed for many economic, sustainable solutions, which would be determined by industry professionals.

Mr. Lynch assured the college was committed to environmental stewardship and leaving a legacy to the Oregon City community. Sustainable development, sustainable buildings, solar, wind, and other alternative energy sources were all being explored.

- The newest building at Harmony incorporated a number of sustainable features and LEED standards were followed as a fundamental building standard as much as economically possible; however the college did not pursue LEED certification.

Chair Powell called for testimony in favor of, opposed, and neutral to the application. Seeing none, he closed the public hearing.

The Commission appreciated the Applicant's sustainability approach and for being a model in the community. The continuances had brought about reasonable solutions for dealing with any uncertainty.

Commissioner Groener moved to approve CP 07-01. Commissioner Dunn seconded the motion, which passed unanimously.

Chair Powell read the rules of appeal into the record.

Mr. Konkol updated the Commission on the following items:

- The two Park Place annexation requests before the Commission a few months ago were approved by the City Commission and would be on the November 4, 2008 ballot.
 - One more house on eight acres was added to the annexation.
 - CP 07-05, the eastern annexation from Holcomb to Redland, passed with a 3 to 2 vote. The annexation further west passed 5 to 0.
- Clackamas County Red Soils site application, proposing to amend their concept master plan, was received. The jail was initially in Phase 3, but was being bumped to Phase 2 because funding was currently available.
- The Rivers application was proceeding with an aggressive time line.
- The Hall annexation, approved by the voters, went to LUBA. LUBA affirmed the City's position of approval. It was appealed to the Court of Appeals, but no hearing date was set.
- Herberger Airport annexation was denied by voters, but was appealed to LUBA last Thursday. A decision would probably be available within a month.

Mr. Konkol added that LUBA asked for an additional briefing as to whether the issue was moot since the voters denied it. The City Commission could put the annexation on the ballot again. Currently, the Code stated that land use decisions were good for a year, so a decision was still to be worked out.

5. ADJOURN

Respectfully Submitted,

By Paula Pinyerd, ABC Transcription for
Laura Butler, Associate Planner

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September 22, 2008, 7:00 P.M.

Commissioners Present:

Chairperson, Tim Powell
Commissioner Daniel Lajoie
Commissioner Allan Dunn
Commissioner Chris Groener

Staff Present:

Pete Walter, AICP, Associate Planner
Christina Robertson-Gardiner, Associate Planner

Commissioners Excused:

Commissioner Paul Carter Stein

1. CALL TO ORDER

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA: There was none.

3. ADOPTION OF PLANNING COMMISSION MINUTES: There were none.

4. PLANNING COMMISSION HEARING

A. L 08-01 (*Legislative Hearing*): Applicant: City Of Oregon City. Amendments to the Oregon City Municipal Code (city-wide).

Recommendation: Hear Testimony And Continue Hearing To October 13th, 2008 Planning Commission Meeting

Pete Walter, Associate Planner reviewed the Staff report. Staff addressed questions and the Commission discussed the proposed amendments regarding Heritage tree designation as follows:

- The removal of Heritage tree designation (Covenant Removal) mentioned in Chapter 12.080.050 Heritage trees, Section G, was introduced in Section C, Subsection 4A, which stated "If a tree is located on private property then designation shall be complete upon of the execution by the property owner of the covenant."
 - The covenant would stay with the land when ownership changed, and the Heritage tree designation could only be extinguished upon proof that the tree was dead, dying, or hazardous and required removal.
- Section G incorrectly referenced Subsection 5. The process for removal of a tree would have the same burden and process as outlined under the Zoning Code section regarding Public Street Tree Removal criteria, requiring an arborist report. The appropriate section needed to be referenced.
- Once a tree was designated Historic, it stayed designated, similar to Historic designations for other items. Historic designation could only be undesignated based on merit, such as a diseased or dying tree.
- The Heritage tree designation process would be coupled with incentives, which could be changed and added to over time. The Chapter 12 process included Heritage tree designation, but incentives would be a policy or a program done outside of the Municipal Code. For example, Historic designation ran though the Historic Resource Overlay, but there was a new matching grant program for historic resources that provided an incentive outside of the Municipal Code process.
- Property owners should be notified that a qualifying Heritage tree was on their property, but the ability to map out and identify possible Heritage Trees was beyond the City's current ability. To have a tree program like Lake Oswego or West Linn, the City had to have the staff to fulfill the requirements, such as requiring a permit to take down a single tree.

- Designating a Heritage tree without mapping or identifying, and providing no incentives caused problems when neighbors did not have any regulations on their own trees. It was different when everyone was regulated for trees, but to regulate one property in a neighborhood became more of a political issue.
- The proposed Code was based on owner consent and nomination because of the mapping issue. If a grant provided money for mapping, at that point property owners with qualifying Heritage trees could be notified. Some flexibility should be left in the Code to allow for the possibility of grant money.
- Staff felt that going beyond owner consent for non-land use tree removal was a Planning Commission and City Commission discussion. Staff could provide background information, but it was still more of a political step and required funding. Just designating trees in the city would cause difficulty with the Code enforcement aspect for those trees.

Commissioner Lajoie:

- Did not believe that owner consent was enough because Heritage trees were the responsibility of a landowner and a community at large.
- Understood there were challenges to address, but the incentive was that it was the right thing to do; no other incentive should be provided.
 - If all site plans, including those for single-family housing, were required to show existing trees and caliper, then mapping was not needed.
 - Each Heritage tree would be identified as it came in on site plans for new construction permits as well as permits for additions.
- **Commissioner** noted that would be closer to a citywide tree ordinance; then the challenge would be staffing, fees, site visits, defining what needed to be identified, etc.
- Asked where the Commission stood on the Heritage tree issue, because he was adamant about his stance.

Ms. Robertson-Gardiner noted that good points had been raised and that the Planning Commission would meet with the City Commission in a November work session for further discussion before formally voting on a Heritage tree recommendation.

- She requested a clear response from the Commission regarding Heritage tree designation because a unified recommendation was needed

Commissioner Groener agreed with Commissioner Lajoie that there must be a way other than mapping to determine trees that qualify as Heritage trees. He inquired what the process was for property owners after a potential Heritage tree was identified.

Commissioner Dunn:

- Believed that it was important to know if a particular tree was a Heritage tree or not. His property had one large tree, but he wouldn't know if it was a Heritage tree until he went through a land use process or a remodel.
 - **Ms. Robertson-Gardiner** explained that the table was available so any tree could be measured to determine if it was a Heritage tree.
- Realized Staff's limitations, but rather than having Heritage trees by decree, it seemed education was needed about what qualified as a Heritage tree, so that they could be mapped as such.
- Stated that another concern was trees that would become Heritage size, which got into owner issues.
- Saw trees as part of the community and agreed this was a community issue; similar to regulating water run off, they needed to act as a community.
- Agreed with Commissioner Lajoie's approach to start identifying Heritage trees through the permit process.

Chair Powell believed [using the permitting process] was a good idea, but the downside was that it would only pertain to those doing development. Anyone who did not go through the land use process could cut down a large tree on their own property. Trees in his neighborhood were cut down and the City could not do anything because they were private property.

- The replacement tree process was not the best for public or private property; it needed more teeth. He cited the Carnegie property, which lost three big trees that were replaced with one, but should have had 24 replacement trees.
- He preferred doing Heritage tree designation with owner consent.
- Agreed education was also important. Previously, the Natural Resources Committee hoped that grants would allow a study to define and identify Heritage trees, allowing public education, but now the Natural Resources Committee was inactive. He wanted to lay the groundwork for when it did happen
- He believed it was good to pursue mapping, because they needed to start somewhere.

Ms. Robertson-Gardiner clarified that mapping was good for coverage but not for determining the caliper. An onsite survey was needed to determine caliper size of trunk, which worked in the front yard, but trees in the back required permission for access. Metro used canopy coverage, but dealing with an inventory base was difficult.

- Lake Oswego's tree ordinance required a permit to remove trees of a certain sizes or quantity, so everyone in the community was affected whether they had a Heritage tree or not. Small maintenance of trees was allowed, but any extensive removal required a tree removal permit.

Commissioner Lajoie asked why Oregon City did not have similar tree protection ordinance.

Mr. Walter replied that it took about 1.5 to 2 full-time equivalents (FTEs) to enforce the ordinance in Lake Oswego, which was split between Code Enforcement, a forester, and the Planning Division for the extra people.

Chair Powell believed a tree protection plan similar to that of Lake Oswego could be developed and made part of the application with fees applied. He emphasized that trees were important and often the first item discussed when a development started, but the Commission was not prepared to address it at this point. A good plan that could be enforced was needed, and even if the FTEs were not available to carry it out, Code Enforcement would have the documentation to fight it.

Ms. Robertson-Gardiner said that Staff would respond to all the Commission's comments, talk to the attorney and Dan Drentlaw to provide technical details. The Planning Commission seemed to be united in the same direction, so Staff wanted to work with the Commission to find the best way to present it to the City Commission at the work session.

Commissioner Lajoie stated that the physical character of Oregon City would be lost without re-education to protect trees, especially the old growth trees. The bar was set by Lake Oswego and he did not see why Oregon City could not have a similar bar. He would hate to miss the opportunity while the Commission was going through the Code changes.

Ms. Robertson-Gardiner worried about finding the middle approach because Staff did not want to be stuck trying to enforce something that was difficult to enforce. However, the discussion should be opened regarding what could be adopted this year to set the stage for later enforcement. Political discussion should also be initiated with the City Commission about not requiring owner consent.

Mr. Walter said the progressive tree protection ideas in the subdivision and land division ordinances would probably change if a Comprehensive Tree Protection Ordinance was developed. He continued with the Staff report from Section 12.08.020 Street Tree Planting and Maintenance Requirements, Item C.

Ms. Robertson-Gardiner noted that 1.5-in caliper size for a street tree was considered a more appropriate transfer size than 2-in. Rather than argue over smaller than 2-in caliper size, the City needed to do a better job of making sure a developer planted replacement trees to the nurseryman standards and put tree guards as needed.

- She offered to research facts about transplanting 1.5-in, 2-in versus 3-in sizes. Some parking lot standards required 3-in trees at one time, but arborists felt that the larger caliper did not make for healthy transplantation. Planting the tree correctly was of more concern than differences in caliper sizes.
- Currently, the 1.5-in caliper was a minimum, not a maximum.

Chair Powell was concerned about the damage done to 1.5-in trees due to their small size and abuse by people walking by. He preferred some flexibility so that in a development where people were walking along sidewalks, a 3-in tree could be required.

- The minimum would be preferred by the developer. Streets were designed to be pedestrian friendly, but little trees suffered in high traffic areas and were not very attractive or beneficial. A street with 3-in to 4-in caliper trees made a nice neighborhood.

Ms. Robertson-Gardiner noted a large cost difference existed between 1.5-in and 2-in trees for property owners wanting to plant trees. After two years, the tree usually became a 2-in caliper and owners would care for their own tree in front of their house; it was an apples versus oranges issue.

Commissioner Lajoie offered there was a big difference between the public and private realms and different standards were appropriate.

Chair Powell requested feedback and facts from Nancy Kraushaar, and the Public Works Department to facilitate discussions, especially if a range was being considered.

Mr. Walter added that an arborist would be consulted regarding the recommended minimum, eligible size for a Heritage tree at maturity. The table gave estimated sizes so far, pending expert opinion.

- Planting replacement trees was the first priority, but if it could not be done, due to utility spacing problems for example, then a developer could pay into a dedicated tree fund in lieu of planting.

Chair Powell was concerned about owners accidentally cutting down street trees and then putting money in the tree fund if they did not want to replace them.

Ms. Robertson-Gardiner clarified that the City had authority over street trees. The process was done informally at present, but Staff wanted to write in a formal tree fund. If a diseased or dying tree was to be replaced, but the City determined it was in an inappropriate place, a replacement tree could be planted on a neighbor's property or at a detention pond across the street, as long as it would receive care for its first few years of life. Options were reviewed, and if there really was no option, then money would be accepted in the tree fund.

- **Mr. Walter** added that the deliberative process for replacement of street trees was defined under Chapter 12.08.020.

Ms. Robertson-Gardiner gave an example when payment to the tree fund was preferred. If a developer had to replace many trees, but could not do so on site or could not guarantee survivability of them, the City may prefer the money paid to the tree fund to use for a future riparian planting. Hoped the amendment help be more focused on how the City spent the replanting money.

Mr. Walter continued with the Staff report, noting that comments were still being received from Public Works Department regarding revisions in Chapter 12.04, so another hearing might be needed. Staff responded to questions as follows:

- Changes to Table 12.04.220 Public Street Intersection Spacing Standards were clarified and explained, including how the maximum distance for a dead end street was measured, as shown in Chapter 12.04.280 Cul-de-sacs and dead-end street.
- Level of Service (LOS) levels were established through Metro and the Transportation Planning Rule and often regarded peak hour trips served. Proportionality issues for different LOS levels regarded trade-offs about costs and also functionality. AM/PM peak service trips affect how an intersection functions and a light is not always the solution to resolve LOS issues. In considering a potential increase of SDCs, Nancy Kraushaar was analyzing whether the City is properly capturing the impact of each new house to pay for a future light at a certain intersection through new SDC subdivision fees.
- Speed bumps were outside of the land use process and addressed through the Transportation Advisory Committee with recommendations to the Public Works Department and City Commission and input from first responders. The Planning Department looked at traffic calming through the construction of the public right-of-way, not necessarily speed bumps, such as curb extensions, chicanes, etc.
- In Chapter 12, "land division" was changed to "development," but in Chapter 16 "land division" was used because it was the land division chapter. Chapter 12 broadened the definition of development and land division was just a part of development, along with site plan review, potentially getting a new right-of-way permit for new driveway curb cut, etc; all fell within development review.
 - Previously, the street standards were included in the subdivision chapter and also in Chapter 17 Site Plan Design review, which then directed back to Chapter 16, which did not make sense. Why direct someone doing site plan and design review back to the City's land division chapter?
- Chapter 16.12.200 Blocks--Length needed additional wording to reference Chapter 16.12.190 Blocks--Generally to allow flexibility from the 500 ft maximum measurement as needed.
- A development such as the one on Warner Milne that developed a through lot could be covered in Chapter 16.12.250 Building site--Through lots. If Community Development determined that a vegetative corridor was needed, the City could restrict that. The Warner Milne example allowed the balance of two different needs and the need for an aligned street overcame the need for the through lots, because it was another local street, it was determined that it did not need a planter screen.
- Chapter 16.12.290 Building site--Setbacks and building location clarified that on corner lots the most architecturally significant elevation and the front setback shall face the neighborhood collector, collector, or minor arterial. This requirement was already in practice, but when designing houses, building permit applicants were meeting the letter of the law but not the intent. This chapter gave Staff what was needed to enforce the requirement.
- Table 16.12.360-1 Tree Replacement Requirements allowed for protection of a tree that was within a rear yard setback of a lot, causing developers to consider each tree and perhaps build around it before removing and replacing it. Some lots had so many trees that some had to be removed, but the question was how to mitigate for the loss of the existing trees to some extent and also make the applicant work around it as much as possible.
 - As written, a designated Heritage tree on a property being developed would be a regulated tree as defined by the Code.
- Chapter 16.16.030 Partition Application Submission Requirements, Item B was removed. An accurate, preliminary partition plat prepared to scale, essentially an accurate preliminary plan, was required at Staff level. The actual partition plat following the statutory requirements could be turned in during the final plat process.
 - Regarding species canopy, a requirement to show all trees over 6-in caliper was already in place.

- Chapter 16.16.050 Flag Lots, the last line of Item B was removed to allow flexibility so a flag lot could utilize an abutting, almost private road rather than having the owner build a new driveway off the street. The bigger connectivity issue was met with existing Code.
- Chapter 17.44.025, Geologic Hazard Overlay Zone, Item C should indicate a ratio instead of 2,500 sq ft, which Staff would correct.
- Chapter 17.44.030, Procedures, Item C provided a continuation of what currently occurred. Applicants in the Geologic Hazard Overlay Zone were sent to meet with Nancy Kraushaar who would modify the application, require that the entire Code adhered to, or waive a Type 2 process if the applicant followed certain requirements. Her letter was then attached to the building permit and Guy Sperb, Building Official and Residential/Commercial Plans Examiner would review it. Often the Geologic Hazard Overlay was on a portion of an applicant's property, and perhaps only a kitchen addition or small deck was planned.
 - Buildings needed to be designed specifically for one's geotechnical report and someone must concur that the design met geotechnical requirements. The proposed change would make that process explicit in the Code.
- Chapter 17.44, the definition of tree on page 3 should be 6-in at breast height as shown in the definition section, not 8-in.
- Chapter 17.44.025, Item C was repeated in Chapters 17.44.010 and 17.44.060, as well as at the beginning of the zoning section. It was suggested that Item C be left only in the introduction to the chapter.

Ms. Robertson-Gardiner anticipated that Denyse McGriff might have official comments to make for the hearing because the record would be closed for the time being. Staff recommended continuing the hearing to October 13, 2008.

Chair Powell called for public comment.

Denyse McGriff, McLoughlin Neighborhood Association, PO Box 1027, Oregon City, read from her notes, offering the following comments:

- Several sections specifically applied to the Community Development Director being able to do things, but she did not see in those sections where those changes to Code were in writing. In a section where a City official had discretion to go outside of the standards, it needed to be in writing and attached with whatever was asked about. Statements could be forgotten and needed to be backed in writing.
- Chapter 17.20.010 – How did these gel with standards for Canemah and McLoughlin?
- Chapter 17.21.010 -- What was the intent of having code that would produce faux-type homes that were not in the historic context or historic district? She did not understand a new development having to meet standards that would be more appropriate for a historic district or context.
- Chapter 17.52.090, Item D-3 should be much more specific because it left too much to chance. Landscaping should be within parking areas and not just on the perimeter.
- Chapter 17.54.060 Seasonal Sales -- She presumed there was some reference back to the sign requirements for seasonal sales because it appeared to be crossed out.
- Chapter 17.54.090 -- How was this Code regarding ADUs to be enforced?
- Regarding live/work units, was it specified elsewhere that they would be allowed? She knew there was a big push for work/live units where the primary occupancy was work and a small loft existed to live in, but it was not a full time place of residence. She wondered if the live/work units were more applicable to commercial zones as opposed to residential zones. If applicable to residential zones, how did that work with the home occupation requirement?
- Chapter 17.62.020 -- She assumed it meant that the Community Development Director or a designee, but did not think that division was in every design review approval.

- Chapter 17.62.050 -- Regarding the requirement that plantings be designed so that within three years... She felt that three years was too long and would result in big gaps in the planting plans and survivability would also be an issue.
- Chapter 17.62.050, Item A-2 -- Some of the standards may not be applicable in a historic district. Chapter 17.40 would always be more restrictive than anything required in Chapter 17.62 but would the average person know that?
- Chapter 17.62.050, Item 18, Bus stop -- Recommended there might be one on Hwy 99E, in the Canemah National Register District, so how would that be...?
 - **Ms. Robertson-Gardiner** responded that Chapter 17.40 would always overlay.
- Chapter 17.62.025 Screening -- What if the building was adjacent to an R zone in Sub B, similar to a current situation in McLoughlin involving mechanical and rooftop equipment? Nothing in the section referenced that. Section D stated that all mechanical equipment should comply with the standard. She felt in addition it should state that if planning to have HVAC equipment, it needed to be part of the Site Plan and Design Review and must be submitted so it was not done after the fact or installed on a weekend.
- Chapter 17.62.027 Building materials -- Board and batten was listed as an accent unless the design had historic precedence. She requested that care be taken to avoid creating something very faux looking, because it always ended up looking fake.
 - Under prohibited materials, for exceptions granted, she requested that it be in writing, justifying why an exception was made.
 - Mirrored glass should not be allowed.
- Chapter 17.62.055 was very good for industrial and commercial buildings.
 - Under Subsection D, Relationship of Buildings to Street Parking -- She was concerned that the historic aspect would always take precedent, but how would it apply to the Seventh St Corridor plan or any other adopted plans?
- The section regarding standardization or prototype design was great, but after the McDonald's at Clackamette Park was done, it was changed back without City approval, so it now looked like any other MacDonald's except that it was brick.
- Regarding roof treatments, she noted what about HVAC systems, which not listed there, so maybe something needed to be added about HVAC. Section 19 under Roofs under parapet, Roofs #1 (Page 19 of 38).
- Chapter 17.62.057 Subsection C regarding setbacks for multiple family dwellings had a line about "...in the judgment of the Community Development Director..." again, this should be required in writing.

Ms. Robertson-Gardiner explained that the theory of a lot of the design changes was to raise the bar, but because most housing had to have very clear and objective standards by Oregon Revised Statutes (ORS) requirements, a very specific bar had to be created, while also providing for flexibility. When the Community Development Director allowed an alternative design, Staff had to write the findings in the Staff report as to why the alternative met Code requirements.

- A neighborhood, for instance, could appeal the Community Development Director's decision to the City Commission through Staff's findings. The community had to be able to appeal a Type 2 Staff report.
- The intent was not that every application met the bar, but if an alternative was provided, it did need to be 'above bar' and very specific standards would be seen in the findings to raise the bar.
- The City needed to allow very clear and objective standards. The City Attorney had said that the City Code was nicely defective, with very grey standards that did not meet today's ORS standards for housing.

Ms. McGriff said that she understood but wanted that to be clear and on the record. She did not feel it was clear to someone who was not as knowledgeable as others.

- Chapter 17.62.057, Section G, Subsection A -- She agreed that balconies that appeared to be tacked on should not qualify. They should be clearly integrated into the proposal.
- She assumed that gaps in the amended Code where pictures should be would indeed have labeled pictures; she believed that showing examples was great.
- Chapter 17.62.05 Section 9 - Cottage Housing -- She did not anticipate any in the McLoughlin neighborhood, but in Canemah it might apply. Placing a picture under Sub 6 would be good.
 - **Ms. Robertson-Gardiner** clarified that the lot must be 10,000 sq ft, so technically it could, but, again Chapter 17.40 would take precedence.
- Page 26 Multiple Family Housing Standards -- These were aimed at producing buildings with differing variations, but she felt the bulk and scale should be considered. New developments near Durham had buildings with different articulations, but the scale was so off that they did not work as well as they might.
- Page 32 Approval for Alternative Siding Materials – She questioned using the picture of the vernacular farmhouse and offered to provide other addresses of houses that she felt would be more appropriate for pictures.
- She noted that she would provide feedback on the land use section, but would not be able attend the October 13, 2008 meeting.

Ms. Robertson-Gardiner requested a copy of Ms. McGriff's comments for the file.

Commissioner Groener moved to continue L 08-01 to a date certain of October 13, 2008. Commissioner Lajoie seconded the motion, which passed unanimously.

5. ADJOURN

6. WORKSESSION – OCMC 17.49 Natural Resource Overlay District (Metro Title 13)

Mr. Walter presented the Staff report, and then he and Ms. Robertson-Gardiner responded to comments and questions from the Commission as follows:

- Titles 3 and 13 worked together (inaudible). No wildlife habitat corridors existed outside of the City's water resource streams.
 - * Because Title 3 streams and Nature in Neighborhoods constituted the same land area, Staff was trying to marry the habitat requirements of Title 13, requiring clear standards for development and mitigation, to the Title 3 Water Quality resource language currently in the Code, requiring discretionary, flexible standards. Staff was trying to figure out if any outlying areas needed to be addressed.
- The existing Title 3 Code had a maximum disturbance area of 5,000 sq ft, so through mitigation, most of a 5,000 sq ft lot of record could be affected. Staff was researching whether the disturbance area should be reduced for existing lots as an amendment to the existing Code.
- Currently, through mitigation, an Applicant would be allowed to add two more 1,000 sq ft (2,000) to allow 5,000 sq ft of disturbable area. Staff requested guidance from the Planning Commission about the following:
 - The question was whether that should that be allowed to go through a Type 2 process or should it be reduced? Should it be a percentage or a number? If a percentage were used, a cap would still be needed.
 - A good mitigation plan should be a Type 2 process, but what was the dividing line between a reasonable Type 2 process and something that required a Planning Commission hearing?
 - How much encroachment could be allowed? How could that encroachment be set?
 - Title 3 allows development within the buffer with proper mitigation. Development would still be allowed to a limited extent under Title 13, but with much stricter buffer and the mitigation would be clear and objective.
- Density transfer was most applicable to master plans with multiple phases.

- A density transfer would never allow more density than that allowed by the underlying zone. If the zoning did intensify in the area because of a water resource, density was transferred to another area of the property. Underlying zone setbacks would also still be in effect.
- A sketch was used to illustrate an example. Lots could be smaller, but could not contain more units than what was allowed by the zoning. The area would feel denser than an adjacent area, but it did allow another form of mitigation to save, for example, a grove of trees.
- Long-term maintenance of the saved groves was still to be discussed, but for a denser urban environment that also saved trees, more creativity was needed.
- A joint work session was planned with the City Commission, likely for the first part of November at the City Commission's work session on a Tuesday at 5:00 or 5:30 p.m. The date would be confirmed via email.
- Staff expected to notice property owners identified as potential up zones in the next two or four weeks, explaining the benefits of an up zone and how they could make public comment.
 - Staff did not bring up potential commercial opportunities in the South End area. Staff sought direction from the City Commission for both the Planning Commission and Staff considering the controversies of 2004; more public outreach would likely be called for.
- In two weeks, the Planning Commission meeting would stream live on the Internet. Meeting minutes would offer brief summaries of the discussion and action items with time codes and related documents included to enable users to jump directly to that portion of the live hearing.

Respectfully Submitted,

By Paula Pinyerd, ABC Transcription for
Laura Butler, Associate Planner

**CITY OF OREGON CITY
CITY COMMISSION
MEETING MINUTES**

October 1, 2008

1. **CONVENE REGULAR MEETING OF OCTOBER 1, 2008 AT 7:00 P.M. AND ROLL CALL**

Roll Call: Mayor Alice Norris, Commissioner Damon Mabee, Commissioner Doug Neeley, Commissioner Trent Tidwell, and Commissioner Daphne Wuest.

Staff Present: Larry Patterson, City Manager, Ed Sullivan, City Attorney, Gordon Huiras, Police Chief and Public Safety Director, Nancy Kraushaar, City Engineer and Public Works Director, Scott Archer, Community Services Director, Dan Drentlaw, Community Development Director, David Wimmer, Finance Director, Nancy Ide, City Recorder, and Jim Loeffler, Human Resources Director.

2. **FLAG SALUTE**

3. **CEREMONIES, PROCLAMATIONS, PRESENTATIONS**

a. **Oath of Office for Police Officer Shane Woodward and Reserve Police Officer Jessica Ray**

Mayor Norris administered the oath of office to Police Officer Shane Woodward and Reserve Police Officer Jessica Ray.

b. **Announcement of Oregon City's Selection Into the 2008-2009 Oregon Main Street Program**

Mayor Norris added a presentation to the agenda. She invited Daphne Wuest, Don Slack, and Claire Met, members of the Main Street Board, to make the presentation. They announced that Governor Kulongoski named Oregon City as one of four cities in Oregon to receive the Main Street city designation for 2008-2009. They presented the Main Street sign and gave a certificate from the Governor to the City for safekeeping until their office opens for business. Mr. Slack briefly explained the Main Street program to develop a positive downtown image.

c. **Annual Report of the Greater Oregon City Watershed Council**

Rita Baker, Coordinator of the Greater Oregon City Watershed Council, and Chair Sarah Miller from the Greater Oregon City Watershed Council, presented the annual report for the Council. The watershed area encompasses the waters between the Clackamas and Molalla rivers. The Council helps to restore salmon runs, improve water quality, and enhance watersheds within the community. 2007 projects included planting, maintenance, and removal of trash and invasive

plants for Phase I of the Abernethy project and Caufield Creek. Phase II of the Abernethy project involved planting new native plants along Abernethy Creek. Citizens can call 503-427-0439 if interested in participating in 2008 projects.

d. [Proclamation for Oregon City - West Linn Rivalry Day](#)

Mayor Norris read a proclamation for the oldest football rivalry west of the Mississippi, the Oregon City - West Linn Rivalry Day. The proclamation proclaimed October 3 as Rivalry Day, commemorated the 87th rivalry between the cities.

4. **CITIZEN COMMENTS**

Paul Edgar spoke on a matter related to the Canemeh Neighborhood Association. He stated that 26 residents attended a recent meeting and were asked what they felt was the most important issue concerning their neighborhood. The result was safety on the roads, especially at the intersection at McLoughlin Blvd. and the entrance into the Canemah neighborhood, and he asked Chief Huiras to monitor the speeds of vehicles entering the Canemah neighborhood.

Commissioner Mabee acknowledged Mr. Edgar's concern and the need for a stoplight in Canemah that would require coordination with ODOT. He also stated that he would have been at the meeting, but the communication was not clear that it was a candidate forum. Commissioner Tidwell concurred.

5. [ADOPTION OF THE AGENDA](#)

The agenda was adopted as presented with item 7b removed from the Consent Agenda for discussion.

6. **GENERAL BUSINESS**

a. [Second Reading, Ordinance No. 08-1016, Annexing Certain Property to the City of Oregon City and Approving the Election Results for AN 07-06](#)

Motion by Commissioner Damon Mabee, second by Commissioner Daphne Wuest to Approve second reading and adoption of Ordinance No. 08-1016, annexing certain property to the City of Oregon City and approving the election results for AN 07-06.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Damon Mabee, Commissioner Doug Neeley, Commissioner Trent Tidwell, and Commissioner Daphne Wuest voting 'aye' .[5:0]

b. [Second Reading, Ordinance No. 08-1017, Annexing Certain Property to the City of Oregon City and Approving the Election Results for AN 07-07](#)

Motion by Commissioner Trent Tidwell, second by Commissioner Damon Mabee to Approve second reading and adoption of Ordinance No. 08-1017, annexing

certain property to the City of Oregon City and approving election results for AN 07-07.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Damon Mabee, Commissioner Doug Neeley, Commissioner Trent Tidwell, and Commissioner Daphne Wuest voting 'aye' .[5:0]

c. **Award of a Personal Service Agreement for Master Planning Services for the Oregon City Public Works Department Operations Center**

Ms. Kraushaar stated staff recommends approval of a contract with DECA Architecture to conduct master planning for the Public Works Operations Center, which would require a land use approval process for zoning master plans. The financial strategy would be developed based on the prioritization of the plan and some revisions.

Commissioner Mabee asked why there was such a large range in the bids, and Ms. Kraushaar replied the top end bidder was apparently not familiar with the City's master planning process and included more work than necessary in the bid.

Mayor Norris asked if a change order was anticipated, and Ms. Kraushaar replied the only one they could foresee is the possibility of hiring an outside planner. She added that the costs would be paid out of the water, sewer, and storm utility funds and the street operations fund - not from System Development Charges.

Motion by Commissioner Doug Neeley, second by Commissioner Damon Mabee to award a Personal Service Agreement for Master Planning Services for the Oregon City Public Works Department Operations Center to DECA Architecture for \$76,675.00. A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Damon Mabee, Commissioner Doug Neeley, Commissioner Trent Tidwell, and Commissioner Daphne Wuest voting 'aye' .[5:0]

d. **Continuation of Public Hearing for Ordinance Number 08-1014, Amendments to the Oregon City Zoning and Development Codes (Planning File L 08-01)**

Motion by Commissioner Damon Mabee, second by Commissioner Doug Neeley to continue the Public Hearing for Ordinance Number 08-1014, Amendments to the Oregon City Zoning and Development Codes (Planning File L 08-01) to November 19, 2008 City Commission meeting.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Damon Mabee, Commissioner Doug Neeley, Commissioner Trent Tidwell, and Commissioner Daphne Wuest voting 'aye' .[5:0]

7. **CONSENT AGENDA**

a. **Minutes of the September 17, 2008 Regular Meeting (All present)**

c. **Deed of Dedication for Linn Avenue for the "My Mother Knows" Project (1105 Linn Avenue) - Planning File No. SP08-12.**

- d. **OLCC: Liquor License Application - Full On-Premises Sales and Greater Privilege for a Commercial Establishment, Applying as a Corporation, Oregon Restaurant Services, Inc., DBA Dotty's #214, Located at 19273 Molalla Avenue, #G, Oregon City**
- e. **OLCC: Liquor License Application for Wholesale Malt Beverage/Wine and Change of Location, Paul G. Fatooh, Applying as an Individual DBA Oregon Wine Negociants, Located at 11625 Washington, Oregon City**

Motion by Commissioner Trent Tidwell, second by Commissioner Daphne Wuest to Approve Consent Agenda items 7a, 7c-7e.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Damon Mabee, Commissioner Doug Neeley, Commissioner Trent Tidwell, and Commissioner Daphne Wuest voting 'aye' .[5:0]

- b. **Restrictive Covenant Non-Remonstrance Agreement for the "My Mother Knows" Project (1105 Linn) - Planning File No. SP08-12.**

Commissioner Neeley noted this agreement was for a single lot. He explained that when there was a large public project pursued through a Local Improvement District requiring the support of the community and a new development comes in that was not in tune to those needs, it may go down for those reasons. He asked about the nature of this specific agreement in this particular development.

Ms. Kraushaar replied this agreement was in a commercial development. Mr. Sullivan added that it likely had impacts where staff felt the waivers were necessary if a sewer or water line was needed down the street. This non-remonstrance waiver would enable it to happen. All that's required is that you accept it or not.

Motion by Commissioner Daphne Wuest, second by Commissioner Damon Mabee to Approve Restrictive Covenant Non-Remonstrance Agreement for the "My Mother Knows" Project (1105 Linn) - Planning File No. SP08-12.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Damon Mabee, Commissioner Trent Tidwell, and Commissioner Daphne Wuest voting 'aye' and Commissioner Doug Neeley voting no. [4:1]

8. **COMMUNICATIONS**

- a. **City Manager**

Mr. Patterson referred to his manager's report distributed and addressed how the economic crisis could affect Oregon City. He noted how Oregon City stood in foreclosures as compared to the rest of Clackamas County, and how Oregon stood compared to the rest of the country. He stated that the fear is that as the number of foreclosures rise this results in downturn in assessed values, which results in a decrease in taxable value, resulting in a decrease in services a city can provide. Measure 50 helps us some, as the assessed value is used to determine taxable values. The SDC collections are down this year. Building

permits are down from last year, impacting revenue in Community Development, requiring subsidy from the general fund, and consequently impacting other general fund services. The unemployment rate for Clackamas County is 5.5%, greater than August of last year. This can impact our citizen's ability to pay for services. Municipal bonds may be harder to come by.

Mr. Patterson reported that the painting of the pool building is nearing completion. He pointed out a timetable for the new city hall process, and estimates a move in date of August or September of 2009. He also announced City Hall Week is scheduled for October 16 from 5:30 p.m. to 7:00 p.m. at the Carnegie Center. It is an opportunity to discuss issues with state legislatures.

b. Mayor

1. Mayoral Appointment of Bryan Watt to the Parks and Recreation Advisory Committee for the term October 1, 2008 to December 31, 2010.

Mayor Norris appointed Bryan Watt to the Parks and Recreation Advisory Committee for the term October 1, 2008 to December 31, 2010.

Mayor Norris thanked staff for the elevator art dedication on Sept. 27 and praised the artist, Michael Asbill, and staff. Citizens are urged to use the elevator and view the art. She thanked Dairy Queen for providing ice cream. She reported on the "Drive Less Walk More" walk through Oregon City prior to the art dedication. She reminded viewers of the upcoming MPAC (Metro Policy Advisory Committee) events, including the regional forum on October 8. Metro's population reports will be out soon. Metro is now reorganized into departments, including a Strategy Center, which is a think tank for Metro's work. The 2040 Plan guiding the region's growth will be amended in 2010. The Big Look has finished its public hearing process in the Portland area, but a meeting-in-a-box can be done and sent to Metro. The future of the Big Look may stretch over 2 legislative sessions. She reported that the Hamlet of Beavercreek has spoken several times at the Urban and Rural Reserves meetings with concerns in the rural and unincorporated areas, and she distributed their concerns for the Commission to read.

c. Commissioners

Commissioner Neeley reported that at the Urban and Rural Reserves Policy Advisory Committee it was discussed whether the study area should have a buffer put north of Molalla. They felt it should be Molalla's decision regarding what should be urbanized. He reported that plans are being considered for potential access and development of the Falls Resource in connection to the Museum of the Oregon Territory. A stakeholders' meeting is planned regarding this matter.

Commissioner Tidwell stated his Conversations with a Commissioner location site is changing due to the closure of ACME Coffee. He is looking for a new location to host this group and will announce a new location soon.

Commissioner Wuest stated Mayor Norris, Commissioner Neeley, and herself attended the C4 retreat last week. Oregon City Tourism met and reported tourism is down, the economy possibly playing a part. The trolleys' ridership is up this year. One of the Oregon City Main Street's goal is to collaborate with the Oregon Tourism group. Oregon 150 is the state's 150th birthday celebration, with a theme of "Appreciate the Past, Celebrate the Present, Imagine the Future," and there will be events posted to the Web site at www.oc150.com. She invited the public to provide input on the activities and projects.

9. **ADJOURNMENT**

The meeting was adjourned at 8:08 p.m.

Respectfully submitted,



Nancy Ide, City Recorder

**CITY OF OREGON CITY
CITY COMMISSION
MEETING MINUTES**

November 19, 2008

1. **Convene Regular Meeting of November 19, 2008 at 7:00 p.m., and Roll Call**

Roll Call: Mayor Alice Norris, Commissioner Damon Mabee, Commissioner Doug Neeley, Commissioner Trent Tidwell, and Commissioner Daphne Wuest.

Staff Present: Larry Patterson, City Manager; Ed Sullivan, City Attorney; Nancy Kraushaar, City Engineer and Public Works Director; Scott Archer, Community Services Director; Dan Drentlaw, Community Development Director; David Wimmer, Finance Director; Nancy Ide, City Recorder; Jim Loeffler, Human Resources Director; and Mike Conrad, Lieutenant.

2. **Flag Salute**

3. **Ceremonies, Proclamations, Presentations**

a. **Presentation by Christine Rumble, Oregon City High School Senior Project - Chapin Park Brick Garden**

Christine Rumble, a senior at Oregon City High School, described her senior project of building a brick garden adjacent to the new Snack Shack at Chapin Park. The bricks are individually purchased by interested citizens, engraved, and used to build the brick garden. Labor to build the garden is being donated, and any proceeds from sale of the bricks will be donated to the Children's Center of Clackamas County.

4. **Citizen Comments**

None.

5. **Adoption of the Agenda**

The agenda was adopted as presented.

6. **Public Hearings**

a. **Ordinance No. 08-1009: Amendment to the Oregon City Transportation System Plan (Planning File L 08-03) (Continued from the October 15, 2008 City Commission meeting)**

Motion by Commissioner Damon Mabee, second by Commissioner Doug Neeley to continue item 6a to the January 21, 2009 City Commission meeting.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Damon Mabee, Commissioner Doug Neeley, Commissioner Trent Tidwell, and Commissioner Daphne Wuest voting 'aye'. [5:0]

- b. [Ordinance Number 08-1014, Amendments to the Oregon City Zoning and Development Codes \(Planning File L 08-01\) \(Continued from the October 1, 2008 City Commission meeting\)](#)

Motion by Commissioner Damon Mabee, second by Commissioner Trent Tidwell to continue item 6b to the February 18, 2009 City Commission meeting.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Damon Mabee, Commissioner Doug Neeley, Commissioner Trent Tidwell, and Commissioner Daphne Wuest voting 'aye'. [5:0]

7. [General Business](#)

- a. [Ordinance No. 08-1018, Amending Title 10, Chapter 10.04 and 10.08, the Abandoned Vehicle Code and Parking Standards of the Oregon City Municipal Code of 1991](#)

Nancy Busch, Code Enforcement Manager, described the proposed amendments to the code as officially recognizing the authority of the code enforcement division to address parking restrictions, clarifying the unclear sections of the ordinance, and providing active enforcement related to abandoned and stored vehicles. The amendments will improve neighborhood livability and appearance by reducing parking congestion, protect the stormwater system, and assist in reducing vehicle-related crime. The amendments coincide with the division's current practices.

Mr. Patterson noted that code enforcement was previously a responsibility of the police department, and the amendment brings the code up-to-date with current procedures, following code enforcement's move out of the police department. Ms. Busch added that response time and subsequent crime activity are reduced when code enforcement is assigned the responsibility for these actions. Ms. Kraushaar added that the amendment adds departmental efficiency.

Motion by Commissioner Trent Tidwell, second by Commissioner Daphne Wuest to approve first reading of Ordinance No. 08-1018, Amending Title 10, Chapter 10.04 and 10.08, the Abandoned Vehicle Code and Parking Standards of the Oregon City Municipal Code of 1991 as presented. Mr. Sullivan read the ordinance for the first reading.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Damon Mabee, Commissioner Doug Neeley, Commissioner Trent Tidwell, and Commissioner Daphne Wuest voting 'aye'. [5:0]

- b. [Findings of Fact, Conclusions of Law, and Final Order for AP 08-04: Clearwire Appeal of Planning Commission Denial of Conditional Use Permit CU 08-04](#)

Commissioner Mabee noted he would vote in favor of the findings, despite his no vote on the issue at the last meeting.

Mayor Norris noted the commission report indicated the appeal was denied on 11-05-08 by a 4-1 vote, and said it was actually 3-1, as Commissioner Tidwell left the meeting prior to the vote. She asked that the record reflect the correction.

Motion by Commissioner Damon Mabee, second by Commissioner Doug Neeley to approve the Findings of Fact, Conclusions of Law, and Final Order for AP 08-04: Clearwire Appeal of Planning Commission Denial of Conditional Use Permit CU 08-04 with a correction to the commission report to reflect the 3-1 denial vote on 11-05-08.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Damon Mabee, Commissioner Doug Neeley, and Commissioner Daphne Wuest voting 'aye' and Commissioner Trent Tidwell abstaining. [4:0:1]

c. [Findings of Fact, Conclusions of Law, and Final Order for AP 08-05: Appeal by Kathi Lutz of Community Development Director's Approval of Site Plan and Design Review Permit SP 08-04](#)

Motion by Commissioner Damon Mabee, second by Commissioner Trent Tidwell to approve the Findings of Fact, Conclusions of Law, and Final Order for AP 08-05: Appeal by Kathi Lutz of Community Development Director's Approval of Site Plan and Design Review Permit SP 08-04.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Damon Mabee, Commissioner Doug Neeley, Commissioner Trent Tidwell, and Commissioner Daphne Wuest voting 'aye'. [5:0]

d. [Bid Award & Approval of Construction Contract in the Amount of \\$209,900.00 with Advanced American Construction, Inc. for Construction of Jon Storm Debris Deflection Boom](#)

Scott Archer reported that staff worked closely with the Marine Board on this project to develop a system to deflect materials upriver from the Jon Storm dock. He noted that Advanced American Construction, Inc. whom staff is recommending for this project, also built the Jon Storm dock.

Commissioner Neeley noted a discrepancy on the commission report, under the funding allocation section. The OSMB State existing budget plus the increased budget figures do not add up to the total funding amount. Mr. Archer stated the discrepancy was a typographical error and that the total funding amount was correct.

Commissioner Mabee stated a visual would have been helpful to include in the packet, and Mayor Norris asked for a description of the appearance of the boom. Mr. Archer gave a verbal description of the debris deflection boom and distributed a drawing to the Commission, commenting he believed the boom will significantly

deflect a majority of the debris. However, maintenance of the boom will be required over time, which ultimately saves the dock from damage.

Motion by Commissioner Daphne Wuest, second by Commissioner Trent Tidwell to approve Bid Award & Approval of Construction Contract in the Amount of \$209,900.00 with Advanced American Construction, Inc. for Construction of Jon Storm Debris Deflection Boom.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Damon Mabee, Commissioner Doug Neeley, Commissioner Trent Tidwell, and Commissioner Daphne Wuest voting 'aye'. [5:0]

e. **Consider Approval of Memorandum of Understanding with Main Street Board**

Larry Patterson stated the Main Street Board has requested funding for their efforts, and the MOU is a non-binding agreement that spells out the parties' expectations and the funding commitment to the Main Street Board. A binding document will follow.

Mayor Norris noted the agreement did not address advocacy as related to the tenants and communication on Main Street and for the City's programs as part of the communication. She noted that communication among businesses within the district should be addressed.

Commissioner Wuest referred to Section 5 and did not find historic design code language, which she felt should be added.

Mayor Norris suggested clarification on how to communicate the priority grants. Commissioner Wuest responded that this topic was discussed at today's Main Street Board meeting and will be discussed again; as of 12-01-08 the Oregon Downtown Development Association will be eliminated and replaced with the Main Street Program. Mayor Norris agreed with Mr. Patterson's suggestion that this be discussed at a future work session.

Larry Patterson stated the MOU would be brought back to the Commission at the December Work Session reflecting recommended changes, and to the December 17, 2008 regular meeting for decision.

f. **Fleet Purchase - Combination Sewer Cleaner/Vacuum Unit**

Nancy Kraushaar described the city maintenance structures that require regular cleaning and maintenance to prevent flooding and other issues. Regular maintenance reduces the City's potential for liability. The currently owned 1984 vactor truck is not cost effective to repair and useable only in emergencies. The new unit will be effective in cleaning water valves; the water, stormwater, and wastewater divisions have uses for the new unit.

Eric Hand, Sewer/Stormwater Supervisor, described the operation of the unit pertaining to the truck's high-pressure water gun and vacuuming capability. The

life expectancy of the unit is approximately 15 years. The older 1984 unit will be sent to state auction, and a 2002 unit currently owned will be used as back-up.

Motion by Commissioner Daphne Wuest, second by Commissioner Doug Neeley to approve the fleet purchase of a combination sewer cleaner/vacuum unit in the amount of \$343,406.34.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Damon Mabee, Commissioner Doug Neeley, Commissioner Trent Tidwell, and Commissioner Daphne Wuest voting 'aye'. [5:0]

g. [Minutes of the October 7, 2008 Joint Work Session with the Main Street Board \(Mabee, Tidwell, Wuest absent\)](#)

Motion by Commissioner Doug Neeley, second by Mayor Alice Norris approve the minutes of the October 7, 2008 Joint Work Session with the Main Street Board.

A roll call was taken and the motion passed with Mayor Alice Norris, and Commissioner Doug Neeley voting 'aye' and Commissioner Damon Mabee, Commissioner Trent Tidwell, Commissioner Daphne Wuest abstaining. [2:0:3]

h. [OLCC: Liquor License Application - New Outlet and Full On-Premises Sales License for a Commercial Establishment, Applying as a Corporation, Lil' Coops, Inc., DBA Lil' Cooperstown Bar & Grill, Located at 19352 Molalla Avenue, Oregon City](#)

Motion by Commissioner Doug Neeley, second by Commissioner Damon Mabee to approve OLCC Liquor License Application for Lil' Coops, Inc., DBA Lil' Cooperstown Bar & Grill, located at 19352 Molalla Avenue, Oregon City.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Damon Mabee, Commissioner Doug Neeley, Commissioner Trent Tidwell, and Commissioner Daphne Wuest voting 'aye'. [5:0]

8. [Communications](#)

a. [City Manager](#)

No report.

b. [Mayor](#)

Mayor Norris's comments included with item 8c.

c. [Commissioners](#)

Commissioner Wuest asked for the community's help in locating one of the lights (or a photo) that previously hung on the Oregon City/West Linn Bridge, as the bridge will soon undergo renovation and the lights will be considered in the

project. The Oregon 150 board planning Oregon's 150th birthday and the public can access information at www.oc150.com. Mayor Norris added that a special sesquicentennial stamp and postmark will be created commemorating the event, and the Oregon City High School art department will create a piece of art. Commissioner Wuest reported on a Main Street Board training she attended and she learned from Roger Roper, Deputy Director of State Historic Preservation, that the Main Street program is being moved from the Economic Development Dept. to the Historic Preservation Dept.

Commissioner Neeley reported on the Clackamas County Coordinating Comm. (C4) and the policy committee on Urban and Rural Reserves. C4 presented a map of potential routes for mass transit in the metro area. He would like the Commission to see the maps and a presentation.

Mayor Norris reported on the Nov. 12 joint meeting with Metropolitan Advisory Committee (MPAC), which dealt with transportation. Four transportation scenarios were discussed, including the C4 map Commissioner Neeley noted. She asked that a discussion be held at a future work session on how to put together the transportation and land use issues.

Commissioner Neeley stated the Urban and Rural Reserves were reviewing County segment maps and discussing priorities to identify rural reserves to be protected. He recommended a future discussion with the Commission on how we want to see Oregon City grow as related to urban and rural reserves, prior to when decisions are made identifying where these reserves will be. Mayor Norris added the need to designate forest lands.

9. **Adjournment**

The meeting was adjourned at 8:03 p.m.

Respectfully submitted,



Nancy Ide, City Recorder

**CITY OF OREGON CITY
CITY COMMISSION
MEETING MINUTES**

February 18, 2009

1. Convene Regular Meeting of February 18, 2009, and Roll Call

Mayor Norris called the regular session of the Oregon City Commission to order at 7:12 p.m. in the City Hall, Commission Chambers, 320 Warner Milne Road, Oregon City.

City Commission Present:

Alice Norris, Mayor
Daphne Wuest, Commission President
Doug Neeley, City Commissioner
James Nicita, City Commissioner
Rocky Smith, Jr., City Commissioner

City Staff Present:

City Manager Larry Patterson, City Attorney Ed Sullivan, Police Chief and Public Safety Director Mike Conrad, City Engineer and Public Works Director Nancy Kraushaar, Community Development Director Dan Drentlaw, Community Services Director Scott Archer, City Recorder Nancy Ide.

Media Present:

The Oregonian Reporter Colin Miner.

2. Flag Salute

3. Ceremonies, Proclamations, Presentations

a. Sesquicentennial Moment

Mayor Norris discussed recent petitions to move the Oregon Seat of Government to Oregon City and other locations at the State Capital. A task force was formed to look at the proposals and would convene again in 2059.

Commissioner Smith introduced the new brochure "150 Things to do in Oregon City in 2009" available at various locations throughout the City.

Commissioner Wuest commented on the large numbers of people attending the free museum day in Oregon City.

b. Oath of Office for New Reserve Officers, Chad Blackman and Gabriel Beyerle –
Lieutenant Lisa Nunes

Lt. Nunes introduced the two new Reserve Officers who just completed their training, and Mayor Norris administered the oath of office.

c. Introduction of Main Street Manager

Commissioner Wuest introduced Lloyd Purdy who was hired as the Oregon City Main Street Manager. She reviewed his experience and expressed her confidence in his success bringing people together and making good projects happen.

4. Citizen Comments

Tom Geil, Oregon City, announced the Oregon 150 Photography Contest and discussed the categories. He hoped people would get involved and be out there with their cameras. There was a display planned at City Hall.

Joanna Bewley, Oregon City, spoke as a parent involved in Oregon City schools and District and supported a partnership between the City Commission and District. She made proposals to keep Park Place School open with the help of the Urban Renewal Agency, locating a branch library adjacent to the School, levying certain fees on The Cove development, and a local option levy.

Patrick Kelly, Oregon City, spoke in support of the City's getting involved with the School District to keep schools open. He referred to comments made by Mayor Norris about library services. He moved specifically to the Park Place attendance area. He was a special education teacher in the Reynolds School District and had seen how cuts could undermine childhood education.

Christine Kosinski, Clackamas County, had hoped to speak at the Urban Renewal Commission. She shared a letter she wrote to Metro Councilor Carlotta Collette regarding the setting of the high water line at The Cove development. She referred to LUBA Case 2008-052 and State Goal 16 related to estuaries and wetlands. She discussed her traffic and contamination concerns.

Mark Hide, Oregon City, lived in a relatively new development on Laurel Lane. He expressed concerns with youth living in the apartments next door who had taken over the neighborhood and were harassing the residents. He urged that the gate to the apartment complex be closed.

Susan Fisher, Oregon City, also lived in the Laurel Lane neighborhood. The fenced area was a hangout, and she described behaviors she had seen taking place. There were not that many students utilizing the path legitimately. The police had been called many times, and the neighborhood was concerned about retaliation. She urged closing the gates.

Commissioner Nicita recommended the residents look at Chapter 8.32, Chronic nuisance property, and Chapter 8.08.

Bob Hearing, Oregon City, resident of Laurel Lane discussed the gang living at the apartment complex, and for safety, peace of mind, and well-being the gates needed to be closed. He had tried for 2-1/2 years to resolve this problem. When confronted, the youth made threats.

Lance Fisher, Oregon City, Laurel Lane resident reiterated previous comments. He was tired of the threats toward him and the other residents of the neighborhood. If the gates were not there, there would be no thoroughfare, and it served no purpose for the school. It was drugs, littering and annihilation of the neighborhood.

Mr. Patterson discussed issues with trails and reviewed a program that had been laid out for the residents. The steps were to increase police presence, installation of a security camera, and eviction of the leader. He described the fence, the wooden gate installed in cooperation with the Fire District, and the effects of closing the gate to Laurel Lane. He was concerned someone would be hurt.

Chief Conrad felt the department had a good working relationship with the neighborhood. He discussed the security camera that helped identify suspects and noted it had been pretty effective. Closing the opening between the apartment complex and Laurel Lane, which was City property, would remove some of the problems, but he was concerned about cars coming in. He discussed enforcement and State laws in effect. These youth would congregate somewhere, and the apartment management had been cooperative.

Mr. Patterson thought the next logical step was looking at closing the opening and commented on connectivity. He discussed the feasibility of making the street private.

Mayor Norris said it was unconscionable for the neighborhood to have to live this way and understood closing the gate was the next logical step. She asked if someone could be hired for that area in order to take back the neighborhood for the families.

Mr. Patterson thought there may be a clash of demographics between the apartment complex and the neighborhood.

Commissioner Neeley asked the age distribution and if they were middle school students.

Chief Conrad replied most were in their late teens or early 20's and not students at the middle school.

Commissioner Neeley would support closing the gate, but the Commission would hear from people who legitimately used the gate.

Mayor Norris urged working with the School District on finding a solution.

Commissioner Smith agreed the gate should be closed and commented on the perception of safety in Oregon City. It was time that be addressed.

Mr. Hearing added connectivity was good but not in this case.

Commissioner Wuest understood there was the apartment complex, the residential neighborhood, and the school.

Mr. Patterson said it was the Commission's decision on closure of the gate, and there may be some land use actions.

Mr. Fisher said the students using the path were being affected by the older youth.

Mr. Hyde added any wooden closure would be smashed. In terms of the police presence, things got really crazy when the officers left.

There was consensus on the Commission to close the gates.

5. Adoption of the Agenda

Commissioner Wuest had a simple question related to agenda item 8d, the deed of dedication. The remainder of the agenda was adopted as presented.

6. Public Hearings

Continuation of Public Hearing for Ordinance No. 08-1014, Amendments to the Oregon City Zoning and Development Codes (Planning File L 08-01) Staff: Dan Drentlaw, Community Development Director

Commissioner Neeley/Wuest m/s to continue the Public Hearing for Ordinance No. 08-1014, amendments to the Oregon City Zoning and Development Codes (Planning File L 08-01) to the March 18, 2009 City Commission meeting. Ms. Ide called the roll and the motion passed: Commissioners Smith, Nicita, Neeley, and Wuest and Mayor Norris voting "aye." [5:0]

7. General Business

- a. Personal Services Agreement, 2009 Water Master Plan & Model Updates, West Yost & Associates, Inc.

Ms. Kraushaar provided the staff report and noted after 7 years it as important to update the Master Plan and particularly to update the hydraulic model. West Yost had prepared the current

Plan and had the data and knowledge to carry out the update. The fee was \$88,454 and would be paid from the water fund and the water SDC fund. The City Attorney's office approved the recommendation as the original master plan had gone through the competitive process. She discussed system modeling software. SCADA, Supervisory Control and Data Acquisition, had to do with the ability to monitor and control certain features of the system by those on call via computer. She noted it was a coincidence that South Fork was taking this on at the same time. She commented on pressure-reducing valves particularly in the bluff area. This study would determine the cost-effectiveness of the valves. The grant would provide the data to do the study. The Water Master Plan capital improvements had been activity pursued, and it was important to keep the document up to date. She discussed the impact of the new Mountain View pumping station and its effect on the rest of the system.

Commissioners Neeley/Smith m/s to approve the Personal Services Agreement for the 2009 Water Master Plan & Model Updates with West Yost & Associates, Inc. Ms. Ide called the roll and the motion passed: Commissioners Smith, Nicita, Neeley, and Wuest and Mayor Norris voting "aye." [5:0]

- b. Cooperative Improvement Agreement with ODOT for Pacific Hwy. Pedestrian Signal Improvements

Ms. Kraushaar reported the City was working with the Oregon Department of Transportation (ODOT) to replace the pedestrian signal under the Hwy. 43 Bridge. The agreement spelled out the commitment that included sharing the cost of the signal, ODOT's maintenance responsibilities, and Oregon City payment for electricity. That location was commonly used by pedestrians and needed a signal. It was coincidental that it was by the Bridge.

Commissioner Wuest/Neeley to approve the Cooperative Improvement Agreement with ODOT for Pacific Hwy. pedestrian signal improvements. Ms. Ide called the roll and the motion passed: Commissioners Smith, Nicita, Neeley, and Wuest and Mayor Norris voting "aye." [5:0]

Ms. Kraushaar discussed upcoming bridge improvements planned by ODOT including the Abernethy Bridge and the Hwy. 43 Bridge. She would ask ODOT to update the Commission on the repairs to the Oregon City – West Linn Bridge which was now estimated to take 2 years.

- c. Second Reading, Ordinance No. 09-1000 Rescinding City of Oregon City Ordinance No. 97-1000 and Enacting Policy # 5.07 Vehicle and Custodial Inventories

Chief Conrad recommended the Commission approve the second reading and adoption of Ordinance No. 09-1000. Mayor Norris commented on correspondence from Kevin Hunt and Assistant City Attorney Kabeiseman.

Mr. Hunt testified in opposition and discussed the nature of his written comments. He recommended the Commission make certain amendments that should be made. Mayor Norris referred to Mr. Kabeiseman's response, and Chief Conrad agreed to report back.

Mr. Sullivan commented on Mr. Hunt's concerns and on the inventory policy and how Oregon City and other jurisdictions dealt with inventories. He suggested bringing that particular issue back.

Commissioners Wuest/Neeley m/s to approve the second reading of Ordinance No. 09-1000, rescinding City of Oregon City Ordinance No. 97-1000 and enacting Policy # 5.07 Vehicle and Custodial Inventories. Ms. Ide called the roll and the motion passed: Commissioners Smith, Nicita, Neeley, and Wuest and Mayor Norris voting "aye." [5:0]

- d. City Hall Floor Plans

Mr. Patterson said concerns were expressed at the work session about putting the Commission Chambers in the new facility, and there was a suggestion to house community development instead of public works. He reviewed the history of how the City had come to this point, how community development would fit, and long range facility plans. He discussed the decisions leading to this point and priorities in the past that left this facility behind. He commented on the options based on passage of the annexation to the Fire District and the move of those personnel housed at the South End Station back to City Hall. The McLean Clinic was seen as an affordable long-range solution when it came on the market. He reviewed the various discussions about what services would be moved and which would stay. He commented on police and library measures in the future. He noted many citizens would view their investment through the Commission Chambers, the separation of Court and the Commission, and logistics.

Mr. Patterson discussed the feasibility of moving community development and the current 10-year lease. He reviewed the pros and cons locations for community development and public works including availability of parking spaces. The money was built in for the operations center. The City could wait to accumulate the money, or it could borrow internally. For police City Hall provided some immediate relief and started down the road for a long-term fix. He discussed the annexation fee that could eventually be used for improvements. There were a number of options for the Library. The issues were long standing, and he thought staff and the architect had put together a good plan. He did not feel a lot would be lost by putting the Chambers in the new City Hall and would function better. In the future the Commission would need to set a long-term vision and master plan for growth in numbers of employees but probably not programs like urban renewal. He thought inviting people into the new City Hall would be good for future efforts.

Chair Norris appreciated things being lined out like this and was persuaded by the notion of people being introduced to the City facility through Commission meetings.

Commissioner Neeley did not want to see constant redesigning of the layout which was an inconvenience for the public.

Commissioner Smith's main concern was the rent being paid for community development. For him that timeline was crucial. He also wanted the rest of the current City Hall available for police. He appreciated community connections but did not want to give a false impression of what the rest of the building was like.

Commissioner Neeley urged a thoughtful design of the court facility. A citizen commented on street parking as one walked to the elevator and pedestrian visibility.

Mr. Patterson noted the lease was not really unreasonable. How quickly the City could move was dependent upon whether the City could borrow internally.

8. Consent Agenda

Commissioners Wuest/Neeley m/s to adopt consent agenda items 8a – 8c. Ms. Ide called the roll and the motion passed: Commissioners Smith, Nicita, Neeley, and Wuest and Mayor Norris voting “aye.” [5:0]

- a. Restrictive Covenant Non-Remonstrance Agreements for the Wild Horse Subdivision (TP07-09), the Church Partition (MP08-02) and the Wingerd / Fonville Partition (MP08-04)
- b. Minutes of the January 7, 2009 Regular Meeting
- c. Minutes of the January 21, Regular Meeting

- d. Deed of Dedication for South End Road for the Oregon City Christian Church Project, 1179 South End Road –City File No. SP06-01

Commissioner Wuest asked if there would be half-street improvement and if this would move ahead now.

Ms. Kraushaar replied the improvements had already been made to South End Road.

Commissioners Wuest/Smith m/s to approve the Deed of Dedication for South End Road for the Oregon City Christian Church Project. Ms. Ide called the roll and the motion passed: Commissioners Smith, Nicita, Neeley, and Wuest and Mayor Norris voting “aye.” [5:0]

9. Communications

a. City Manager

Ms. Kraushaar reported the crew had responded to heavy flooding in the Canemah District which caused erosion under the road. She commented on the interpretation that major improvements needed to be reviewed by the Historic Review Board, and she looked to reaching a successful outcome.

Mr. Patterson discussed roof replacement for the pool and price estimates. The cost was about \$325,500 with funds coming from contingency. The HVAC system also badly needed replacement, and the quote for replacement was about \$32,000. The total for all the work was about \$375,000.

Mr. Archer replied this was a long-term coordinated investment effort.

b. Mayor

Mayor Norris reported Congressman Schrader’s office would send out user-friendly forms for stimulus funds. She discussed the COPS program, Byrne program, tax credit bonding activities, and drinking water and sewer projects. The group discussed transportation funding.

Ms. Kraushaar reported briefly on the Oregon Transportation Commission’s activities and available funding. The State asked ODOT staff to gather more information.

Mayor Norris appointed Terry Wright to the Transportation Advisory Committee.

c. Commissioners

Commissioner Nicita attended meetings regarding closure of the Park Place School and use of Urban Renewal Funds. He noted many cuts could be taken before the end of this school year, and he continued to pursue his concerns.

Commissioner Smith went to Salem for Stand for Children and encouraged people to support upcoming School District functions.

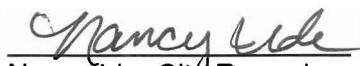
Commissioner Neeley attended the MPAC orientation meeting along with Mayor Norris.

Mayor Norris announced the transportation system development charges were being updated, and there was an open house scheduled.

10. Adjournment

Mayor Norris adjourned the meeting was adjourned at 9:29 p.m.

Respectfully submitted,



Nancy Ide, City Recorder

OREGON CITY COMMISSION WORK SESSION

March 5, 2009

1. Convene Work Session of March 5, 2009, and Roll Call

Mayor Norris called the work session of the Oregon City Commission to order at 5:32 p.m. in the City Hall Commission Chambers, 320 Warner Milne Road, Oregon City.

City Commissioners Present:

Alice Norris, Mayor
Doug Neeley, City Commissioner
James Nicita, City Commissioner
Rocky Smith, Jr., City Commissioner

City Commissioner Absent:

Daphne Wuest, Commission President

City Staff Present:

City Manager Larry Patterson, Police Chief and Public Safety Director Mike Conrad, City Engineer and Public Works Director Nancy Kraushaar, Community Development Director Dan Drentlaw, Community Services Director Scott Archer, City Recorder Nancy Ide, Human Resources Director Jim Loeffler, Planning Staff Pete Walter, and Christina Robertson-Gardner

Media Present:

The Oregonian Reporter Colin Miner.

2. Future Agenda Items

The Commissioners reviewed the upcoming regular session agenda.

Commissioner Neeley requested a discussion of a Carnegie Task Force.

Commissioner Nicita requested a discussion of the Milwaukie Police Department \$10 traffic citation assessment.

3. Discussion Items

a. Code Update

Mr. Drentlaw briefly reviewed the Planning Commission recommendation and introduced Ms. Robinson-Gardner who showed a PowerPoint that put the project in context. The objectives were to introduce key elements of the code update, provide a timeline adoption, respond to questions, and identify outstanding Planning Commission issues and determine if an additional work session was necessary. She described the amendment categories and reviewed the process to date. She outlined the proposed zone changes of underdeveloped properties and Comprehensive Plan map amendments that included locations identified in the Park Place Concept Plan and institutional zoning. She reviewed the notification and public comment processes.

Mr. Walter reviewed the Metro Title 13, Nature in the Neighborhoods compliance having to do with significant habitat protection in the urban growth boundary (UGB). Metro identified 850-acres of high and moderate classification. For Oregon City that was along the stream corridors

and associated buffers and did not include the uplands which were non-regulated. He discussed existing regulations that preserved almost all of the areas identified by Metro except for some in the outlying sites. Oregon City was proposing a contiguous overlay zone that included all the stream buffers.

Mr. Drentlaw added the City's water resource overlay addressed the Title 13 areas.

Mr. Walter continued Metro had to accept Oregon City's map before the Commission could adopt it. Metro found the code was already in compliance but it also had to work with the map. There was time for some adjustments. He discussed how the maps were made and the verification process. The second requirement had to do with removing any barriers to habitat friendly development such as roof filtration drains and pervious surfaces. The actual code will be Chapter 17.49, and Mr. Walter discussed specific amendments. He reviewed minimal disturbance that include density transfer and flexible setbacks and discussed lots of record. He briefly described the review and verification processes. The City would substantially comply with Title 13 by the combination of overlays, removing barriers to habitat-friendly development practices, implement a new overlay zone and map. Outside of the resource overlay district there was tree protection regulations which would be addressed for development review properties. He briefly reviewed stormwater design techniques to improve water quality and would contribute to Title 13 standards.

Commissioner Neeley discussed his interest in conservation districts and incentives for improvements to make a higher quality area. He was thinking about properties that were already developed.

Mr. Walter replied the option was fairly flexible, and throughout the code there were requirements to remove invasive species and to plant trees if there were none. Staff could look at the easement aspect.

Commissioner Nicita commented on invasive species on public right-of-way and land.

Ms. Robinson-Gardner explained it would go through a different process as the proposed code amendments had to do with land use. She briefly reviewed the changes to Chapter 17.14, Geologic Hazards. The definitions were expanded, and additional requirements were added to the design and construction phase that include peer review and onsite reports during construction. She discussed references to the draft Slope Susceptibility Map. The tree protection land development and heritage tree Chapters were expanded along with lot size flexibility.

Ms. Robinson-Gardner discussed the demolition denial and demotion by neglect which had gone through the Historic Review Board (HRB). The intent was to remind property owners not to neglect their buildings in order to create findings for demotion and the importance of maintaining structural integrity. The City could lien a property for repairs if necessary.

Commissioner Neeley noted some of the homes were owned by people struggling with their incomes. He briefly discussed dangerous buildings.

Commissioner Nicita appreciated staff development of the process.

Ms. Robinson-Gardner added once there was a fire the roof had to be tarped within 48-hours, so code enforcement had the authority. She reviewed the site plan and design review amendments that address clear and objective standards, and discussed cottage housing built around a central green that would be given a density bonus. These would be condominiums or rentals and would be allowed anywhere single-family was allowed. She discussed multi-family housing and off-street parking, neighborhood commercial, live/work in neighborhood commercial, Measure 49 procedure, refuse and recycling standards and policy, R-2 dwelling

district that address rowhouse developments, and general cleanup and verbiage. The Planning Commission had some outstanding items it wished to discuss with the City Commission in work session: tree permit on private property, commercial rezoning in South End area, sign code revisions, and regulation of materials of accessory buildings under 200 square feet which might be something like a carport. The group discussed Lake Oswego's tree regulations and expense of doing such a program. Ms. Robinson-Gardner reviewed the timeline, and Mayor Norris suggested a work session with the Planning Commission in April. Commissioner Neeley hoped to discuss incentives for doing such things as daylighting a creek, and Mayor Norris wanted to hear more information on solar access and visual corridors. At the joint work session they could identify code to look at in more depth.

Mr. Patterson discussed the costs of setting these new elements in community development, legal, and public process. He discussed Metro's role in such requirements as concept planning. The implications were important when implementing programs.

Ms. Robinson-Gardner added the only new program was the tree ordinance and did not see the demolition matter as adding a lot of code enforcement time.

b. Wastewater Collective Partnership Agreement/Milwaukie Kellogg Closure

Mr. Patterson reported the Partnership Committee was still meeting, and there could be some changes. He recommended postponing this matter to a future meeting.

c. City Commission Goals and Objectives

Mayor Norris had categorized the goals and organized them into some priorities. She discussed the sustainability goal, objectives, and tasks. Goal 2 was economic development and the various related objectives and tasks. Goal 3 was facility needs including City Hall, Police, Public Works, Carnegie, Library, and Pool. Goal 4 was livability addressing service needs, local aspirations, transportation and other utilities, historic uniqueness, and partnerships. Goal 5 was communications and citizen participation that included reactivating dormant committee, volunteer recognition, update City website and Willamette Falls, and ombudsmen position. Goal 6 was focused on financial stability.

Mr. Patterson provided an overview of those goals that were already underway and those which at this point were unfunded.

The group reviewed the section of the list that was not funded. Mayor Norris and Ms. Kraushaar discussed the jughandle project that would generate jobs. Mr. Patterson reviewed budget development and analysis, and he noted the goals were behind this year's process so may be in the next fiscal year. He discussed the McLoughlin Boulevard Enhancement project and public works staff time commitment through early fall. The stimulus funds were a political process, and Ms. Kraushaar reviewed the projects on the list and would provide a copy to the Mayor and Commissioners. She reviewed the total maximum daily load (TMDL) for the City of Oregon City on the Willamette and shading various areas.

Mr. Patterson discussed the relationship with Willamette Falls TV and the new element of Web streaming.

Commissioner Nicita wanted to know the costs related to The Rivers and what is being done. He understood CenterCal was not going to do anything for another year.

Mr. Patterson said between The Cove and The Rivers the City was spending between \$10,000 and \$30,000 monthly in consulting and legal fees related to development agreements and design. CenterCal was still moving forward and working with tenants. Most of the City's issues had to do with legal matters and Mr. Leland and Mr. Parker. City Hall renovations have engaged Mr. Archer and Ms. Kai. AFSCME negotiations had just begun, and management

contract would require some negotiations along with legal costs. There were code and Transportation System Plan (TSP) updates underway. Ms. Kraushaar added the TSP was being postponed. Fleet replacement was a matter of course, and the Clackamas Community College master plan was nearing completion. Downtown parking implementation was beginning to heat up and would come to the Commission with some controversy. Chief Conrad was looking for \$300,000 to put lipstick on a pig. Mr. Patterson discussed the COPS grant, and Mr. Archer's staff had been working on the volunteer appreciation event. The website was up and going and involved everyone. McLoughlin Boulevard Phase 2 construction between Dunes Drive and the river bridge would be in 2011, and the City got \$3.4 million. The group discussed the pavement preservation program and the pool roof and HVAC system.

Ms. Kraushaar reviewed the status and funding of a number of public works projects. She discussed code enforcement and the B&B Leasing franchise. The Main Street project will continue to receive funding.

The group discussed tourism and Cultural Heritage Partners, industrial employment lands, historic inventory, and enhanced partnership with the Oregon City School District. Mr. Patterson noted the jurisdictions worked well together, and Commissioner Smith had some specific ideas that would benefit both parties such as volunteerism, community service hours, internships, and senior projects. He did not see it as one bailing out the other. Mr. Patterson commented on supervision and coordination time from both entities.

Commissioner Nicita discussed incorporating Park Place School into the urban renewal district, and Commissioner Neeley suggested the District Board approach the Commission with ideas. Commissioner Nicita's second idea had to do with enhanced contributions by going through competitive bidding that might involve the Chamber, the City, and Clackamas Community College.

Mayor Norris observed that did not create an ongoing relationship because people gave from their hearts and passion. She would like to wait for creative programs to come forward.

Commissioner Nicita shortening the school week meant some children would go hungry without the free breakfast and lunch programs. These were extraordinary time, and he thought it was appropriate to raise these ideas.

Commissioner Neeley commented on the Library siting plan with a new library director.

Mr. Patterson doubted the City would get to the position before the end of 2009, but he felt the City should be prepared if some opportunity came up.

The group discussed the sidewalk projects, and Mayor Norris suggested holding it off for a year. Mr. Patterson discussed street standards that required sidewalk but did not provide for maintenance. Mayor Norris hoped to get some outside funding.

Mayor Norris commented on creating a sustainability division and encouraged getting the fleet going and LEED certification. The group discussed deferred parks maintenance and pool maintenance and modernization. Commissioner Neeley was satisfied that the conservation easement was going to be part of the code process. The group discussed the inactive boards: the Arts Committee, Natural Resources Committee, and Sustainability Committee which all took staffing and purpose which was a problem in the past. Mayor Norris advocated for creating a purpose before reactivating the group and being able to staff the group.

Commissioner Smith discussed what was lost when the Arts Committee faded and asked if there was a tie in with CIC or Main Street. Ms. Kraushaar discussed the amount of time to prepare for a meeting and having a recorder. It was important to have meaningful agendas and a purpose.

Commissioner Neeley thought there could be ad hoc committees that assisted the Planning Commission in its programs. It provided more specific direction with a short term commitment.

Mr. Patterson commented on staffing for evening meetings and overtime and comp time.

Commissioner Nicita found Arts Committee and Natural Resources Committee were established by City ordinances. He did not think the Commission had the authority not to have those committees. The specific task could be a tree ordinance for the Natural Resources Committee. Alternatively it should be deleted, but he preferred that it be there and constituted.

Mayor Norris commented on the expertise of the appointees.

Commissioner Neeley said the previous Committee had generally addressed Planning Commission issues and reviewed mitigation matters.

Mayor Norris suggested looking at the committees identified as dormant and explore their being ad hoc groups. There was support in exploring that suggestion.

Commissioner Nicita commented on items 8, 9, and 18 as he saw them as a comprehensive big picture. He saw 8 and 9 as providing the system and physical context in which economic development took place. He noted the Leland report talked about both economic development and design principles. It was an ongoing process that was not static and was part and parcel of a coherent development process for the City.

Mayor Norris would like to see staffing higher on the list to get to that point.

Mr. Patterson thought the City already had 8 and 9.

The group agreed use of Tri-City gray water would require a regional discussion and was removed.

Mayor Norris said Local Aspirations was mandated so it had to stay on the list, and Mr. Patterson advocated for pushing back.

Commissioner Neeley noted it was germane to the urban and rural reserves discussion.

Mr. Patterson added in going through multiple planning processes in Bend a lot of money was spent with limited results.

Mayor Norris thought it was important to understand the wishes of her community. At the minimum there needed to be a report of what the Comprehensive Plan said. Someone from Metro and reserves process needed to talk about the implications to Oregon City.

Mr. Patterson said the City updated its Comprehensive Plan and adopted two concept plans. The City was going broke doing all of these initiatives. He thought Oregon City already had a plan for growth in the Comprehensive Plan which was supposed to be good for 20 years.

Commissioner Neeley said so much time and money was devoted to the Comprehensive Plan because so little had been done. It was almost time for a 5 year review and would fit well. He commented on sense of place such as in The Cove area and on voting patterns.

Mr. Patterson said the elements that worked were the utility master plans and TSP. He discussed growth in Bend and loss of sense of place because it was not controlled. Cities were limited in how the boundaries were expanded in a comprehensive fashion. Look at the rural areas in Clackamas County. He agreed things continued to change.

Mayor Norris said Mr. Drentlaw put forth the Comprehensive Plan information, but the City needed to look at how things would grow.

Mr. Patterson commented the City could spend a lot of money on a comprehensive discussion with the community.

Mayor Norris was seeking guidance for the meetings she and Commissioner Neeley attended. She was not sure how to vote on particular pieces of property because the discussion had not taken place.

Commissioner Neeley noted the City Commission was made up of members from the older neighborhoods.

Mayor Norris discussed the CIC Liaison's role being expanded to coordinating committees, and Mr. Patterson suggested moving forward cautiously.

Commissioner Neeley did not have a problem with #14 developing a full-time CIC position; he did want it at some time to meet basic aspirations. He wanted to see in a future budget to look for a full-time individual and ombudsmen. He felt there needed to be someone who could dispassionately bring citizen ideas forward.

Mayor Norris thought the Commission did a good job of encouraging volunteerism, and Commissioner Neeley felt some people did not know how to make the connection.

Mayor Norris discussed the Cultural Heritage Partnership. She felt she had enough information to redesign the goals sheet.

Commissioner Smith asked how the items were prioritized within the columns. With the budget situation the City might not get to the bottom of the list. He would like to focus on the top-top priorities.

Mr. Patterson would have information in the budget.

d. Street SDC Methodology Update Proposal

Ms. Kraushaar would bring a new systems development charge (SDC) methodology to the Commission at a public hearing. She welcomed Ernie Platt from the Homebuilders' Association Government Affairs. She summarized the law which told entities how the funds collected could be used. The current transportation SDC was adopted in 1997 and adjusted for inflation. She discussed the components: the reimbursement fee and the improvement fee for future capacity. The Transportation Advisory Committee was convened to work on this project, and Metro was engaged for recommendations. She noted the key issues and recommendations. The study determined how much growth and trips would occur in the next 20 years, and Ms. Kraushaar reviewed the calculations. This SDC would also include a bike/pedestrian component to help take cars off the road. The cost was approximately \$9,000 for one peak hour trip to accommodate growth over the next 20 year, and the cost of a bike/pedestrian trip was about \$200. She noted estimates did not include urban renewal related project. She briefly reviewed the list of projects that included projects from the adopted Park Place and Beavercreek concept plans. She suggested that Swan Avenue extension over Livesay Canyon be deleted because it probably would not be built in 20 years. She reviewed the bike/pedestrian list. She noted only that portion of the project that addressed growth could be paid for by SDC funds. Mr. Patterson provided a chart of comparables from the Homebuilders' website.

Commissioner Neeley asked why Oregon City had relatively high charges.

Ms. Kraushaar responded that Oregon City was a fringe City and included the two recently adopted concept plans for areas that had not been improved at all. Washington County had a county SDC, so all of the cities were the same. She discussed the cost of specialty retail and why it might be higher than other jurisdictions. She added that some of the state highway projects were included for the local match and observed that other cities were in the process of

updating their methodology and fees. She would look at the ITE Manual and provide additional information on trip generation. There was a well-attended meeting with developers on February 23, 2009, and Ms. Kraushaar summarized the comments. This methodology was based on dividing costs by the number of trips, so the growth may not occur resulting in an amended methodology. One of the contractors' concerns was that the land values were higher in other communities, and staff was sensitive to that. The Commission could discuss the desired levels of service, which was currently LOS D, to reduce the charge. Staff recognized the magnitude of the SDCs and economic climate. She commented on those subdivisions that had already been approved and transit corridors. They could not lose sight that the old SDC had been artificially low, and construction costs were going up. If it were ramped up too slowly growth may not be accommodated, so funds needed to be accrued to stay on top of the projects. Safety improvements would take priority. She would provide recommendations to the Commission which had a lot of discretion. Mr. Patterson would discuss policy recommendations. She would suggest that land use applications already approved be increased by 15% and sunset January 2011. For future building permits the full amount would be implemented May 31, 2009. For lots of record that did not go through a subdivision process, those people would be alerted they would be given a 60-day grace period.

Commissioner Neeley referred to the table with the specialty retail rate. Was there a weighting of how many types of development would come on. He asked for examples of what was in the categories because there might be certain uses the City would like to encourage.

Ms. Kraushaar reviewed the fees based on trip generation. She explained in Clackamas County West Linn was the highest for single-family residential. The methodology had to be defensible. She discussed transit corridors where trips would likely be lower. There was also an idea of charging less where the City planned for higher densities, but the Transportation Advisory Committee did not really care for that idea. They also looked at length of trips but did not feel they wanted to go there.

Commissioner Neeley discussed the desire for commercial and residential redevelopment.

Ms. Kraushaar noted redevelopment already had a built-in SDC credit because there was already a house there. She discussed the feasibility of the need for traffic signals. She would provide the staff report as soon as it was completed.

Mr. Platt appreciated staff's involvement and did not take issue with the methodology although the numbers were quite high. He had some concerns about their being a disincentive, so he had discussed the phasing in with Ms. Kraushaar to come up with a reasonable proposal. All of the numbers were based on trips generated by certain land uses as found in the ITE Manual. He commented on the costs to school districts and competition between two communities in the same market area. He proposed a small amount of consideration on the Molalla Corridor and cautioned against special consideration. He thought the incentive package made a great deal of sense and recommended ramping up over several years.

Commissioner Nicita asked if it was permissible to use square footage on residential to address equity and affordable housing.

Ms. Kraushaar replied the proposed resolution added one to bring alternative data to the City Engineer for consideration. Adjustments would be made if the adjustment was defensible. Appeals could be made to the City Commission. The numbers were being scrutinized before final adoption was requested.

e. COPS Grant

Mr. Patterson discussed police staffing in terms of call volume and hours. There was a need, but he encouraged the Commission to look at things broadly and stay within the context of the fire annexation. He reviewed the current plan that added 4 officers over the next 5 years. This year he would propose funding to pick up the other half of the school resource officer, and one officer would be deployed to Iraq. He provided a spreadsheet that showed expenditures were growing more quickly than revenues over the next 5 years. He discussed the COPS Grant and how 3 – 5 officers could be added. The grants were for 3 years and after that the City needed to show how it could ensure those positions. If the officers were added the City would be moving in the direction it wished. He noted by 2012-2013 the City would have budget issues and discussed possible levy adjustments. He commented on the feasibility of eliminating parks maintenance through implementing a utility fee at some point. He discussed the need to weigh community development with other general fund services.

Commissioner Neeley wanted to see how the new increases would be ramped up.

Mr. Patterson commented on the need to address utility rate increases some of which had been postponed. He discussed the feasibility of funding a position through traffic citations and the costs of doing so.

Commissioner Nicita disagreed strongly and discussed the City of Milwaukie assessment fee. Oregon City's force had been underfinanced and under staffed for some time. He wanted to raise enough money for a better facility and better vehicles to raise the department to where it should be. To discount the idea of an assessment fee was premature. He commented on stories he heard from residents during his campaign, and every idea to increase revenue needed to be weighed.

Chief Conrad said the Milwaukie ordinance established the fee for training, equipment, and administrative costs, and retired officers had been hired for additional traffic enforcement. He did not believe the City of Oregon City would gain that much revenue. The COPS grant would be a great step forward, and the City could hire 3 to 5 officers. He was not opposed to the assessment notion, but he would like Commission approval on the grant.

Mr. Patterson cautioned there needed to be a plan for what happened after the 3-year grant. He thought the City might have to go to a partial bond for a new police facility for adequate funding. He noted Chief Conrad had given the officers discretion to issue warnings, and the registration information was documented.

Mayor Norris agreed with Chief Conrad there needed to be a multi-pronged approach.

Commissioner Nicita brought the assessment idea forward first because it would be easy to implement.

Chief Conrad felt to use the assessment to simply raise revenue would alienate the community. He recommended if implemented that it should be used to supplement the training budget.

Commissioner Nicita explained it was a way to raise revenue from the tickets that were already being written.

Commissioner Smith was encouraged by the notion of the COPS grant and was disappointed the School District would likely not fund its half of the school resource officer. He was encouraged however to hear that the City Manager supported keeping the officer in the school. He understood there were a lot of ideas in the police department for addressing

the funding issues and knew the quota system had to be carefully balanced. Public safety was a major concern of his, and this was a very good start.

Chief Conrad agreed this was a good start but there needed to be a mechanism to absorb the positions at the end of 3 years. He added the salary cap and match in effect during the Clinton administration had been waived.

Commissioner Neeley understood there was an increase in gang activity in neighboring communities and discussed the feasibility of a middle school officer.

Chief Conrad discussed recent activity and arrests on Laurel Lane. He asked for guidance from the Commission before the end of the month, and the Commission directed him to move forward with the COPS grant process.

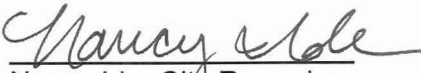
Mr. Patterson requested the Commission also look at other staffing issues in the City and particularly in administration. There were some very difficult political issues

4. City Manager's Report

5. Adjournment

Mayor Norris adjourned the work session at 10:03 p.m.

Respectfully submitted,


Nancy Ide, City Recorder

**CITY OF OREGON CITY
CITY COMMISSION
MEETING MINUTES**

MARCH 18, 2009

1. Convene Regular Meeting of March 18, 2009, and Roll Call

Mayor Norris called the regular session of the Oregon City Commission to order at 7:02 p.m. in the City Hall, Commission Chambers, 320 Warner Milne Road, Oregon City.

City Commission Present:

Alice Norris, Mayor
Doug Neeley, City Commissioner
James Nicita, City Commissioner
Rocky Smith, Jr., City Commissioner

Absent:

Daphne Wuest, Commission President

City Staff Present:

City Manager Larry Patterson, Assistant City Attorney Bill Kabeiseman, Police Chief and Public Safety Director Mike Conrad, City Engineer and Public Works Director Nancy Kraushaar, Community Development Director Dan Drentlaw, Community Services Director Scott Archer, Finance Director David Wimmer, Human Resources Director Jim Loeffler, and Clerical Assistant Kelly Burgoyne

Media Present:

The Oregonian Reporter Colin Miner.

2. Flag Salute

3. Ceremonies, Proclamations, Presentations

a. Sesquicentennial Moment

Mayor Norris provided an historical moment regarding the birth of the first white child, Mary Alice Wallace, in Oregon City.

b. Oregon City / West Linn Arch Bridge Historical Preservation Project Update

Rich Watanabe, Oregon Department of Transportation (ODOT), provided an overview of projects in the Oregon City area including the Abernethy Bridge, the Arch Bridge, and a safety project on Hwy 99E.

Rick Keene discussed in more detail the rehabilitation of the Arch Bridge which may take up to 24 months. Closures would begin in about 2 to 3 weeks. He noted it was an historical structure so there would be no major changes to the components. There were no structural reasons once the project was done that trucks and TriMet could not use the Bridge.

Commissioner Neeley discussed the feasibility of a signal system which TriMet drivers could activate.

Mr. Keene replied the issue before ODOT was structural at this time and suggested taking that suggestion to the traffic engineers. Utilities were being relocated in order for ODOT to do its work, and once the Bridge was open they would be underneath. He noted the sewer line could not be moved or changed.

Commissioner Smith was pleased with the project and closure was a small price to pay for the most beautiful bridge in America.

Mr. Keene discussed the traffic management plan and the logical endpoints. More problems were being found, and ODOT hoped to stay with the 2-year timeframe. The Bridge was unique making the project more challenging. The two bridge projects will be coordinated to minimize the effects of construction activities with the Abernethy Bridge being done first. Information was available on the ODOT website, and there would be a number of open house along with other forms of outreach. He commented on bike and pedestrian access and TriMet's involvement.

c. Clackamas County Fire District No. 1 Update

Fire Chief Ed Kirchhofer provided a PowerPoint presentation to update the Commission on the District's activities over the past year and what was anticipated in the future. He discussed the role of the Foundation and financial stability of the District.

Mayor Norris expressed appreciation for the District's opening the South End Station early.

Chief Kirchhofer discussed the importance of response time and having strategic locations throughout the City and District. The District was committed to being a community partner. With economic challenges the South End station would not have an engine company.

Commissioner Neeley commented on Oregon City voter support of the annexation measure.

4. Citizen Comments

Marge Harding, Oregon City, read a statement stating that historic Oregon City was open for business with tours, festivals, and other activities. She outlined the venues that were available to visitors through the hard work of local volunteers.

Paul Edgar, Oregon City, Canemah Land Use Chair, commented on Canemah resident Ken Tinseth's recent deployment to Iraq.

Kathy Hogan, Clackamas County, announced the upcoming neighborhood association meeting.

Amber Holveck, Oregon City Chamber of Commerce, discussed the importance of recognizing those in the community who made a difference in their City.

5. Adoption of the Agenda

Mayor Norris noted for those interested in The Cove Project that hearings 6.c and 6.d were interrelated. The agenda was adopted as presented.

6. Public Hearings

6.a Continuation of Public Hearing for Ordinance 08-1014, Amendments to the Oregon City Zoning and Development Code (Planning File L08-01)

Commissioner Neeley/Smith m/s to continue the hearing to May 20, 2009. There was a voice vote, and the motion passed unanimously. [4:0]

The Commission discussed the opportunity for a joint work session or work sessions with the Planning Commission.

6.b Public Hearing and Resolution No. 09-02 - New Transportation System Development Charge Methodology, Amount with Two Components, and Implementation Schedule

Ms. Kraushaar introduced John Ghilarducci who provided a slide presentation on the background of system development charges and key characteristics. The City's current transportation SDC had been in place since 1997 using the lane-mile approach to serve new development. He discussed the proposed reimbursement fee basis and cost of Oregon City's transportation infrastructure. When there was a utility such as water where ratepayers had issued debt and built the system, the reimbursement fee was designed to repay those ratepayers who had built the system. With transportation the infrastructure has been built by various sources including gas taxes, and everyone had already paid for a share. Capacity had not been fully paid for, and SDCs had not paid up to that point. The reimbursement fee was small as there was not that much unused capacity. He reviewed the key policy issues that had been reviewed with the Transportation Advisory Board. He talked about cash redemption of SDC credits and residential development be discounted in the Regional Center and Molalla Avenue recognizing dense, mixed-use areas.

Commissioner Neeley noted a letter from the Chamber of Commerce commented on redevelopment where there was already capacity.

Mr. Ghilarducci replied if the trip generation were not increased over the land use designation, there would be no additional SDC. He used the example of a restaurant being converted to office and incremental increase if there were one. He knew of no community that repaid if less capacity were used. He discussed incorporating Metro's recommendations related to SDCs. He reviewed the calculations based on industry data and cost recovery and bike/pedestrian improvements. He discussed trip growth projections including the concept plan areas. The charges would be made using the ITE Manual and peak hour assumptions. He reviewed the reimbursement fee costs basis and the project list.

Ms. Kraushaar added there were a number of projects in the Capital Improvement Plan (CIP) and Transportation System Plan that were part of the State highway system in a time of shrinking funds. There was a 30% local assumption for those State projects.

Commissioner Neeley noted many of the projects were arterials and some large collected, and he understood all of the projects had gone through some kind of formal evaluation. Was the TSP up to date.

Ms. Kraushaar replied the old list was reviewed and updated and noted to concept plans had gone through a rigorous process. All of the projects had been vetted by the Commission and Traffic Safety Advisory.

Mr. Ghilarducci reviewed the bike pedestrian list and provided a comparison with charges in neighboring and other key communities.

Commissioner Nicita was concerned the charge was levied by parcel and not by size of residence. He asked if Mr. Ghilarducci had a suggestion for making it more equitable.

Mr. Ghilarducci replied the ITE did a lot of research, but the City did not have a lot of guidance in making differential charges. The general thought was that most of the development would be single-family residences, and it was difficult to make distinctions about the usage when considering capacity. It could be done, however.

Commissioner Nicita wanted to know how much it would take to develop that kind of methodology, and Mr. Ghilarducci replied he would have to talk to the engineers at DKS who would know how to track down that data and find out how much it would cost.

Ms. Kraushaar added if development came along that would not create the trip generation there was language in the resolution that would allow her to evaluate other good alternative data.

Commissioner Nicita was concerned the potential for that kind of case by case analysis to be a burden on Ms. Kraushaar. He would prefer a formula or methodology.

Ms. Kraushaar responded the developer would have to provide the data. It was very important to be fair across the board. It would be difficult to link trip generation with square footage.

Mr. Patterson said a house could go through a number of owners, and trip generation could change over time, and Mr. Ghilarducci commented the City would want to track that kind of thing.

Commissioner Neeley noted the Regional Center and Molalla Avenue had different data.

Ms. Kraushaar said the City would like to stimulate redevelopment and was based on land use trip generation and based on trip generation reductions. These were the main transit corridors making trip reduction more likely. In addition to the Transportation Advisory Committee staff held open houses and invited members of the development community to ensure the information was shared. It was also discussed with the Chamber. She highlighted some of the more common questions that came out of the meetings. In the structure they were looking at transportation and pedestrian/bike components, and she commented that Oregon City was behind on its SDC review related to the current economic condition of the country. The City's current SDC was artificially low, and it was important to acknowledge safety issues.

Ms. Kraushaar discussed the staff recommendations. The new road component would be implemented in two equal phases with annual inflation adjustments. A 10% reduction was recommended for the Molalla Corridor and Regional Center. For commercial the ITE rate would be paid for the particular land use or the shopping mall whichever was less. The bike/pedestrian would be fully implemented in 30 days. A number of subdivisions had been approved which still had vacant lots, and staff recommended a 15% increase to recognize the higher need while respecting the business plans. She recommended a 4-year grace period.

Commissioner Nicita asked if those who went through the land use process knew about the potential SDC increase.

Ms. Kraushaar replied that possibility always existed in any community, and many did so every 5 years. There were approximately 700 vacant lots at this time. She further recommended that the Commission reconsider this charge in 2 years if there were an economic turnaround. Ms. Kraushaar reviewed the information contained in the Commission packet.

Commissioner Nicita asked if an SDC was a land use regulation, and Mr. Kabeiseman replied it was not.

Ms. Kraushaar noted changes to the proposed resolution from that which was originally distributed.

Commissioner Neeley understood the ramp up period from the original 30 days was roughly 18 months for new development. He suggested the same ramp up be applied to those within the 15% increase group.

Mr. Kabeiseman discussed the lot of record issues and noted that SDCs were charged at the time of building permit application. He reviewed the definition of lot of record and suggested there were some policy issues for Commission consideration.

Ms. Kraushaar discussed lot of record development, and Mayor Norris noted this was an incentive.

Mayor Norris called the public hearing to order. She read Nancy Walters' letter into the record in support of the formula.

Steve Smelzer, Happy Valley, homebuilder, spoke in opposition to the proposed fee increase. He was concerned about governments' continued taxation and impact of cost increases in affordability. The economy was on its knees, and this kind of increase would hurt all the more. He urged the Commission to consider and vote no. He did not think it was equitable that he should pay more than a developer who had already begun a subdivision.

Mark Epperson, Oregon City, spoke in opposition to the proposed SDC in these economic times. Do not raise taxes at this time.

Mark Andres, Clackamas County, agreed this was not the time for additional taxes or SDCs. If the Commission approved the increase, he did appreciate the staff's work in phasing the costs.

Paul Edgar, Canemah Land Use Chair, spoke about his concerns for burdening seniors living in their own homes. He supported the SDCs and felt it was fair to charge development.

Michael Robinson, spoke in support of the revised resolution.

Ernie Platt, Homebuilders' Association, office in Lake Oswego, and resides in Damascus, appreciated the staff work and assistance in helping people understand the process. The economic times were difficult which lead the discussion of phasing in the fee. This was a 390% increase, but he did understand the concerns. He supported the staff recommendation, and it addressed people's concerns.

Mr. Patterson noted a letter from Ms. Holveck from the Chamber of Commerce.

Commissioner Neeley discussed redevelopment and capacity plus the reduction offered in certain areas.

Mr. Patterson replied the Government and Economic Affairs Committee suggested support, but the Board still had some confusion over the redevelopment element and was seeking additional information.

Commissioner Nicita asked if the Committee or Board had any specific suggestions as it seemed open ended.

Mr. Patterson did not attend the Board meeting, but the Committee did support the recommendation based on Ms. Kraushaar's presentation.

Commissioner Neeley understood Ms. Kraushaar would consider specific concerns and asked what the recommendations had been in the past. He noted concerns about the Winestock.

Mayor Norris closed the public hearing.

Ms. Kraushaar described the kinds of requests that had come in that had to do with parking spaces rather than square footage.

Mr. Patterson added at the time there had been some confusion about the business which he and Mr. Drentlaw had clarified after speaking with the owners. Fees were not charged to look at those kinds of issues.

Ms. Kraushaar added fees were not charged for staff to look at those kinds of issues and there was a time clause.

Commissioner Neeley suggested in incremental ramp up over a 3-year period including the 15% group. The economic conditions were difficult, and he hoped that would help development. He commented on the list of projects, and he was concerned about the City's 100% funding of Beaver Creek Road and Clairmont Drive, to Henrici Road. All of that was not in the urban growth boundary (UGB).

Ms. Kraushaar believed the County's share had been prorated.

Commissioner Neeley had a similar concern with Holly Lane to Maple Lane Road. He suggested using the term "to the UGB."

Ms. Kraushaar understood Commissioner Neeley's concern was that a portion of the lengths was outside the UGB, and the City should seek a partner. The 30% projects were with ODOT and were shared. She would review the costs estimates and clarified if they needed to be revised.

Commissioner Neeley commented on Washington and 12th and understood it was for signalization, and Ms. Kraushaar replied that was correct. She discussed the 3-year ramp up suggestion which would result in more administrative work and the feasibility of moving the end point out a year.

Mayor Norris thought the process was well thought-out, and growth was paying for itself. She would like to consider adoption at a future meeting. She would like more information on the ramp-up suggestion. She did not feel she needed another work session.

Commissioner Nicita requested another work session on this topic. For him the process was working, and there was a lot to digest given the subject matter.

Commissioner Smith was not sure he needed another work session but would like to consider adoption at a future regular session so he could digest the information.

Mayor Norris announced the transportation SDC would be on the agenda in two weeks.

6.c Consider Approval of Intergovernmental Agreement with ODOT Related to Cove Project

Mr. Kabeiseman reported this was a cooperative improvement agreement (CIA) that included PPS. He provided background on the agreement which was tied to approval of the Planning Commission's approval which ODOT appealed. ODOT and the City came to an agreement that committed PPS to pay for improvements along McLoughlin Boulevard including a raised median and reconfiguration of the frontage road driveway. If Phase 1 of

The Cove project was completed ODOT would install bollards beyond the Tri-City Plant. ODOT and Oregon City would review access, and the City could not alter the McLoughlin Boulevard mitigation concept. If the City approved the CIA, ODOT would withdraw its appeal of The Cove development.

Mayor Norris understood this was the result of a lot of hard work on the parts of both agencies.

Commissioner Nicita noted the public had not had time to review the documentation and make comment since this was a public hearing on the agenda.

Mr. Kabeiseman commented there was not obligation on the City's part to hold a public hearing on this matter. If the Commission approved the CIA, ODOT would withdraw its appeal and there would not be a hearing on that matter.

Ms. Kraushaar described the proposed Dunes Drive and Firestone Alley access. ODOT did not believe it was a safe intersection at this time, and she described the type of barrier being proposed.

Gail Curtis, ODOT Sr. Planner, described the type of median which was about 8-inches high although it had not been designed yet. She commented on the current number of illegal left turns and the additional movements with The Cove development.

Ms. Kraushaar discussed concerns about eliminating the Firestone Alley access which was yet to be resolved, and ODOT found the need for a median for safety reasons. She commented on the configuration if the parking lot.

Ms. Curtis noted the diagram had been part of the public record for some time, so property owners and citizens had an opportunity to be part of the discussion.

Commissioner Neeley as if at some later phase if there would be pedestrian access from the shopping center to Main Street.

Ms. Kraushaar said that was the hope if there were enough money.

Mayor Norris said because of the hearings before the Planning Commission, the many opportunities for comment, and the negotiated settlement, she was ready to adopt the agreement this evening.

Commissioner Neeley agreed but would like to hear more about the resolution of Agnes Street.

Mr. Kabeiseman understood Agnes came off Washington, through Tri-City, and into The Cove development, and Ms. Kraushaar commented on the location of the proposed bollards.

Ms. Curtis said the concept was to allow emergency and bike/pedestrian access.

Commissioner Neeley described the jogging path he would like to eventually see.

Ms. Kraushaar added that PPS had already signed the document.

Commissioner Nicita asked Ms. Curtis to comment on the concerns about access spacing.

Ms. Curtis replied this reinforced it as it created consistency in the permitting and land use decision. ODOT had jurisdiction so to make the connection from Washington Street and Agnes Street required a separate permit.

Mr. Kabeiseman noted City staff had some disagreement with that, and it was more or less kicked down the road.

Commissioner Nicita would not vote in favor of approving the CIA because of the public hearing issue. He would like to continue it.

Commissioners Nicita/Neeley m/s to continue this item to the next hearing so the citizens had access to the document and could comment on it.

Ms. Kraushaar pointed out there was a public hearing at the Planning Commission, and Commissioner Nicita said the hearing was not on this document.

Mayor Norris understood this document had been negotiated over time and that a public hearing was not likely to change anything.

Commissioner Neeley understood Commissioner Nicita's wish to hear public comment.

Mr. Patterson requested a break, and Mayor Norris called for a 5 minute recess.

Ms. Curtis discussed the process and ODOT's intent to withdraw its appeal.

Mayor Norris did not see that the hearing would change the course of action after bringing all of the parties together again. She was not sure there was an advantage although the Commission had just gotten the document today.

The PPS representative said he did not have a project right now and was a negative from his point of view. He did not understand why it should be held over.

Ms. Curtis understood it was not intended to be a public hearing item.

Mr. Kabeiseman added it was listed as a public hearing because it came before the Planning Commission appeal.

Mr. Patterson explained this was not a public hearing item, but it preceded a public hearing items. The appeal was a public hearing, and ODOT was willing to withdraw its appeal if the Agreement was approved.

Commissioner Smith was not so concerned with the public hearing but that the Commission just received the information, and there were not maps of Agnes. He would like to see it continued so he had a better idea of what the other piece looked like.

Ms. Curtis reviewed a Tri-City site plan which the Commission took some time to review. She noted there had never been any debate about emergency and pedestrian/bike access.

Mr. Kabeiseman read the terms of the Agreement that related to Agnes Avenue. It had not been designed but the intent was to allow emergency vehicles to trigger opening of the gate. The group discussed access to the Tri-City Plant and Washington Street.

Ms. Burgoyne called the roll: Commissioner Nicita voting "aye" and Commissioners Neeley and Smith and Mayor Norris voting "no." Motion failed 13.

Commissioner Neeley/Nicita m/s for approval of the final version of the Cooperative Improvement Agreement. Ms. Burgoyne called the roll: Commissioners Neeley, Smith and Nicita and Mayor Norris voting "aye." [4:0]

6.d Appeal Hearing of the Planning Commission's Approval of "The Cove" Development:
File AP 09-01

Commissioners Neeley/Smith m/s to continue the appeal hearing to the next Commission meeting.

Mr. Kabeiseman understood exhibit d would be added to show the location of the bollards and gate with no further changes.

Ms. Burgoyne called the roll: Commissioners Neeley, Smith and Nicita and Mayor Norris voting “aye.” [4:0]

7. General Business

7.a City Commission Goals and Objectives

The Commission agreed to hold this matter over.

7.b Supplemental Agreement No. 1 to Personal Services Agreement, OR 213: I-205 Bridge to Abernethy Creek Tributary (Jughandle) Improvements, Phase I Final Design Services, OBEC Consulting Engineers

Ms. Kraushaar provided the staff report that requested authorization to extend the preliminary engineering and right-of-way acquisition to the Redland Road improvements. This was a separate piece added to the jughandle project and to run it as a larger project. ODOT felt it was prudent to do so and work on the phasing as time went on. She discussed other potential costs related to this section of the highway.

Commissioner Neeley discussed the linkage to Holcomb, and Ms. Kraushaar suggested meeting so she had a better idea of the proposal.

Commissioners Nicita/Smith m/s to authorize the City Manager to execute supplemental agreement No. 1 to the personal services agreement. Ms. Burgoyne called the roll: Commissioners Neeley, Smith and Nicita and Mayor Norris voting “aye.” [4:0]

8. Consent Agenda

Commissioners Neeley/Smith m/s to approve the consent agenda:

8.a Minutes of the March 4, 2009 Work Session

8.b OLCC: Liquor License Application – Full On-Premises Sales for a Commercial Establishment and New Outlet, Applying as a Limited Liability Company, Verdict, LLC, DBA Verdict Restaurant and Bar, Located at 110 8th Street, Oregon City

8.c Restrictive Covenant Non-Remonstrance Agreement for the Oregon City Christian Church Project (1179 South End) - City Planning File No. SP06-01)

Ms. Burgoyne called the roll: Commissioners Neeley, Smith and Nicita and Mayor Norris voting “aye.” [4:0]

9. Communications

a. City Manager

Mr. Patterson reported on Clackamas Heritage Partners and the status of the museums. He suggested the Commission consider a joint task force to develop a plan.

Mayor Norris commented on the amount of mail she had received from those who valued the Interpretive Center and other museums. She recommended to the County that an informal meeting be scheduled to talk about what was required to move forward with funding and to develop a strategic plan. She commented on the importance if these heritage sites to the City of Oregon City.

Commissioner Neeley expressed his disappointment that the Heritage Partners had not consulted with the City and other partners before taking action. He requested a history of the revenue stream. He would look to a broadly focused discussion and suggested that Mayor Norris and Commissioner Nicita represent the City.

Commissioner Nicita was interested in getting the financial accounting first and should be the demand at the outset.

Commissioner Smith agreed with Commissioner Neeley and believed the facilities should be open during the sesquicentennial year. He would like to know the mission of any group and the makeup of the group. He agreed with Commissioner Nicita about the direction of the Heritage Partners and the need to see the financial statements. He would like to be a member of any task force if possible.

Mayor Norris summarized the comments she heard from the Board of County Commissioners. It was important to understand what each partner needed, and there were many options to explore.

Commissioner Nicita thought financial accounting was key before any group met.

Commissioner Neeley discussed the need to address all parties' needs and the history of the formation of the Clackamas Heritage Partners. He did not feel it had functioned to meet the original goals.

It was agreed that Mayor Norris and Commissioner Smith would represent the City on any task force or group.

b. Mayor

Mayor Norris celebrated the 24 acres Metro purchased in Canemah, the \$1 million for the Promenade, and stimulus money to fix two alignments on Molalla Avenue and almost \$2 million for the Locks.

She reported on the urban and rural reserves study going on at Metro and pointed out candidate areas surrounding Oregon City. There was a strong business movement for I-5 to be an industrial corridor, and the City of West Linn was mobilizing to make the Stafford Triangle to rural reserve from urban reserve. So far transportation, sewer, and water had been overlaid.

Commissioner Neeley commented on the southern end, The extension into Beavercreek did not come before the advisory committee. This was preliminary work for study, and workshops would be scheduled in April.

Mayor Norris announced City Hall Day at the State Capital and discussed TriMet's proposal to reduce bus service. The Portland-Milwaukie Light Rail Steering Committee had selected a bridge design. There were bills before the legislature including collective bargaining proposals that would impact Oregon City. She went to Washington, D.C. with other members of the Joint Policy Advisory Committee on Transportation (JPACT) and met with the Oregon delegation on transportation matters.

c. Commissioners

Commissioner Nicita discussed his expense account and said he planned to have an outreach website or blog using funds from his account.

Mayor Norris suggested he use campaign funds.

Mr. Kabeiseman suggested a discussion with the Oregon Government Ethics Commission to ensure there were no issues.

Commissioner Nicita requested a future agenda item regarding a Charter amendment to allow voters to approve issuance of urban renewal bonds.

Mayor Norris suggested that the proposal be discussed in a work session first before considering it at a regular session.

Commissioner Nicita preferred it be open to the public in a regular session as many people had put in a lot of effort.

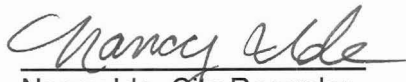
Commissioners Nicita/Smith m/s to add a regular session agenda item that proposed a Charter amendment that would allow citizens to vote on the issuance of urban renewal bonds. Ms. Burgoyne called the roll: Commissioners Nicita and Smith voting "aye" and Commissioner Neeley and Mayor Norris voting "no." Motion failed [2:2].

Commissioner Smith announced the Oregon City Schools Foundation auction.

10. Adjournment

Mayor Norris adjourned the meeting was adjourned at 11:04 p.m.

Respectfully submitted,


Nancy Ide, City Recorder

**OREGON CITY COMMISSION / PLANNING COMMISSION
JOINT WORK SESSION
MEETING MINUTES**

April 7, 2009

1. Convene Joint Work Session of April 7, 2009, and Roll Call

Mayor Norris called the joint work session of the Oregon City Commission to order at 5:30 p.m. in the City Hall Commission Chambers, 320 Warner Milne Road, Oregon City.

City Commission Present:

Alice Norris, Mayor
Daphne Wuest, Commission President
James Nicita, City Commissioner (arrived at 5:35 p.m.)
Rocky Smith, Jr., City Commissioner
Doug Neeley, City Commissioner

Planning Commission Present:

Tim Powell, Planning Commission Chair
Dan Lajoie, Commissioner
Carter Stein, Commissioner
Chris Groener, Commissioner

Absent:

Allan Dunn, Commissioner

City Staff Present:

City Manager Larry Patterson, City Engineer and Public Works Director Nancy Kraushaar, Community Development Director Dan Drentlaw, Community Services Director Scott Archer, City Recorder Nancy Ide, Human Resources Director Jim Loeffler, Associate Planner Pete Walter, and Associate Planner Christina Robertson-Gardiner

Media Present:

The Oregonian Reporter Colin Miner.

2. Discussion Items

a. Presentation of Urban Rural Reserves Process

Mr. Drentlaw summarized the material in the Commissioners' packets. This was a 50-year look at the region to accommodate growth and Urban Growth Boundary (UGB) expansion which includes, Columbia, Clark, Scammania, Clackamas, Washington, Yamhill, and Multnomah Counties. He reviewed growth rate projections and employment forecasts broken down into sectors. He pointed out a memorandum analyzing Oregon City's population and employment forecasts and discussed buildout of the 3 urban growth areas and capacity. Assuming buildout the City would be out of land in 2035 indicating the need for more capacity.

Doug McClain, Clackamas County Planning Director, provided an overview of the process and direction. The idea behind doing urban and rural reserves was to look at longer range planning rather than making small, incremental adjustments every 5 years and identifying those areas for preservation. They were hoping to finish the process by the end of this year in the event the boundary needed to expand in 2010. He reviewed the decision-making architecture and the

intergovernmental agreements between Metro and the 3 counties. Clackamas County has a 21-member Policy Advisory Committee (PAC) working on identifying urban and rural reserves and making a recommendation to the Board of County Commissioners (BCC). The Clackamas County Coordinating Committee (C4) was also been involved along with other agencies and interest groups. They were now at the point of suggesting candidate urban and rural reserves for additional study and review. He indicated those areas on maps and discussed the serviceability analysis that focused on sewer and water. In the Oregon City area they would continue to look at the Holcomb area and south. They went through a similar process for rural reserve. Mr. McClain discussed upcoming public meetings and open houses. Based on further study of the growth and employment projections it will be a matter of determining whether to go up or go out. He commented on capacity in the County and the look of the urban form.

Commissioner Powell asked how transportation was factored in.

Mr. McClain replied the first round of information considered by the PAC was done just from the standpoint of those areas where it would be most easy to build roads and did not take into account existing facilities. The Oregon Department of Transportation (ODOT) just completed a state ranking of facilities and relative expense. Transportation was a difficult proposition causing discussions about reducing reliance on the automobile. Metro was capable of modeling information in regarding densities and transportation needs to help inform decisions. He briefly commented on the relationship of the reserve areas to the existing cities.

Mr. Drentlaw discussed slope maps, Title 3 areas, and connectivity. Some areas were unlikely to develop at higher densities because of the plotting and slopes in the Clackamas Heights area. Although more difficult politically, the hamlet of Beaver Creek might be easier to.

Mayor Norris remarked people would be looking at this in the much shorter term than 50 years.

Mr. McClain replied this would be state law, and the Department of Land Conservation and Development (DLCD) would review Metro's recommendation resulting in Comprehensive Plan updates. Things would change, and the regional look would probably be revisited before the 50 years ended. Most of this land was likely to remain undesignated, and only the most important lands would be protected. State law says that if an area were to expand one needed to look first at the urban reserves unless there were a special need.

Commissioner Neeley noted the difficult topography and how those physical constraints would limit the areas. He commented on the importance of the sense of place in areas such as Damascus and Beaver Creek.

Mayor Norris discussed local aspirations and regional equity.

Mr. Drentlaw commented on regional equity in terms of housing and employment.

Mayor Norris remarked a "no" vote could derail the whole plan, and everyone would go back to the old method.

Commissioner Nicita asked if anything like this was going on statewide through DLCD.

Mr. McClain replied the state did do a full population and employment forecast, and Metro took those numbers and made sense of them. It was up to the local governments what they did with the state projections.

Commissioner Stein asked if urban agriculture had been considered.

Mr. McClain replied it had been discussed a lot, and he did not believe there was an expectation that these would be preserved. The City of Damascus was dealing with this, but there was not a lot of consensus overall how to deal with allowing urban agriculture within a city. There were difficult trade-offs.

Mayor Norris spoke to the importance of local aspirations in areas outside the UGB. She urged a process be developed.

Mr. McClain discussed public involvement and how that worked with the suitability analysis. This needed to be ready for the BCC by the end of the summer for its consideration so Metro could make its decision on expanding the boundary. The County needed help with both the technical and what the 50-year plan was for the City of Oregon City.

Commissioner Stein understood at the end of 2009 Metro wanted IGAs with the 3 counties, so the County needed input from its cities as soon as possible.

Mr. McClain said the input from cities could be in most any form. The PAC would look at the information coming to it before making its recommendation to the BCC. He observed it was not a linear process.

Mayor Norris felt it was important for Oregon City to define its aspirations.

Commissioner Powell was happy to participate in this kind of process and discussed the importance of education and balanced discussion.

Mayor Norris discussed the Chamber process and the significance of education. She recommended a focus group and open house. She was concerned others would be making decisions for Oregon City.

Commissioner Neeley concurred and recommended another joint work session in a month to review a draft process.

Mr. McClain hoped Oregon City residents would attend the planned open houses, and he commented on the difficulty of involving the public in a meaningful and cost-effective way.

Commissioner Wuest asked what the relationship would be between Oregon City and the Community Planning Organizations (CPO) and other groups.

Mayor Norris replied they would go to the general meetings.

Mr. Patterson discussed the issue of annexation and meeting population projections. Staff would report at the next Commission meeting on a process.

Commissioner Nicita asked if Metro or other communities had a model from which Oregon City could learn.

Mr. Drentlaw was concerned about the short timeline and how the City would be able to present its information.

Mayor Norris added the City was between processes, so it was difficult to engage people.

Commissioner Groener suggested doing something on the City website.

Mr. Patterson commented on this being "bedtime reading" making it difficult to involve citizens. A better tool might be cable or web streaming, but there would be a cost.

Mayor Norris suggested the Citizens Involvement Committee might make some suggestions of how best to accomplish outreach. She called for a brief break.

b. Municipal Code Update

Ms. Robertson-Gardiner discussed outstanding Planning Commission issues and sought direction on questions including hearing dates, an additional work session, and code issues that were outstanding or needed further discussion.

Commissioner Powell discussed the tree preservation policy and regulation on private property, commercial rezoning in the South End area, temporary structure placement and materials, the sign code, natural resource annexation, and conservation easement. He discussed inventorying legacy trees and potential for management.

Commissioner Wuest discussed the commitment made by the City when the fire annexation was put to the voters and asked if this would be a new program and require staff monitoring.

Commissioner Neeley suggested a modified process in which property owners could apply for heritage tree status. He felt this might create less tension.

Commissioner Groener suggested a permit process that would not add a whole new program.

Commissioner Nicita suggested a nuisance or non-native treelist program but that heritage trees require a special permit to be cut down.

Commissioner Powell said the question was how to manage a program. The Planning Commission felt it was important to discuss this with the City Commission.

Commissioner Lajoie suggested a program that addressed any tree greater than 6-inches in diameter. Part of the character of this area was its trees.

Commissioner Neeley felt people liked their older trees; however, some trees would cut down for development. He thought it would be good for the resident to identify the heritage tree.

Mayor Norris was concerned about the ability to regulate with limited staff resources. She was interested in having more information on how much of the canopy was being lost and what was being done about mitigation.

Commissioner Stein recommended talking with the Lake Oswego city attorney about policies related to annexation and tree cutting. How long was the moratorium on adding new programs because he felt the City would need to hire arborists? He felt the time could be used in educating the public and supported Commissioner Neeley's suggestion.

Commissioner Wuest moved to her neighborhood because of the trees but was not in favor of moving to a full-fledged program at this time because of the commitment the City made at the time of the fire district annexation about adding new programs. She would be interested in some kind of incentive for developers versus a regulatory program.

Mayor Norris was in favor of the natural resources annexation policy modeled on Lake Oswego and Wilsonville as being easier to regulate.

Commissioner Smith agreed Oregon City should look at the elements of the Lake Oswego policy. This was an issue that needed to be considered.

Commissioner Powell said this joint work session conversation had to do with code amendments. He addressed commercial zoning in the South End area that would ensure walkability and dependency on the automobile.

Mayor Norris was very much in favor of this one and thought it would be more accepted than before.

Commissioner Neeley concurred and certain areas would be ideal. He suggested looking at attractive areas where people might want to go and not necessarily South End Road.

Commissioner Wuest also supported it from a sustainability perspective and the fact that some bus services were being cut.

Commissioner Nicita hoped commercial development would be guided by architectural guidelines compatible with the neighborhood.

Commissioner Powell moved on to temporary accessory structure placement and material. There were no objections from the group on the Planning Commission's moving forward. The sign code would be a huge staff time investment with many hearings. He believed this was a code rather than an enforcement issue.

Ms. Robertson-Gardiner explained this would not fall under Measure 56 requirements and could be done in a parallel process.

Commissioner Wuest suggested holding off on this until the Main Street Program was further along as she understood signs would be a major element. She suggested working on it together.

Commissioner Powell commented on sense of place and such things as lighted signs being allowed in an historic district.

Mr. Patterson noted this would not be a new program if done through code enforcement and sign fees. There would be legal costs involved until people adjusted to the sign program, so there would need to be a funding mechanism.

Ms. Robertson-Gardiner understood staff was to move the sign code forward.

Mr. Walter discussed the proposed conservation easement program and lower tax assessment if the agency signed off.

Ms. Robertson-Gardiner commented on lot size and tree grove protection over the long-term. There could be some City-enforceable covenants under the conditions of approval although there were always questions about the long-term. She discussed possible incentives. In the current code there were provisions for mitigation of trees cut within a building envelope.

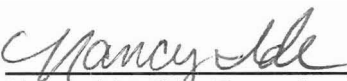
Mr. Patterson reminded the group of budget impacts and noted the community development subsidy would be approximately \$972,000 this coming year which was equivalent to adding an entire department to the general fund. It was important to seriously evaluate adding new initiatives.

Ms. Robertson-Gardiner summarized: the tree preservation and sign regulations would be considered in separate process; temporary structures and South End commercial zoning considered in current process; and annexation and easement policies in a separate process because they were not based on ordinances.

3. Adjournment

The joint work session adjourned at 7:48 p.m.

Respectfully submitted,


Nancy Ide, City Recorder

**OREGON CITY COMMISSION
REGULAR MEETING
MEETING MINUTES**

MAY 20, 2009

1. Convene Regular Meeting of May 20, 2009, and Roll Call

Mayor Norris called the regular session of the Oregon City Commission to order at 7:00 p.m. in the City Hall, Commission Chambers, 320 Warner Milne Road, Oregon City.

City Commission Present:

Alice Norris, Mayor
Daphne Wuest, Commission President
Doug Neeley, City Commissioner
James Nicita, City Commissioner
Rocky Smith, Jr. City Commissioner

City Staff Present:

City Manager Larry Patterson, City Attorney Ed Sullivan, Police Chief and Public Safety Director Mike Conrad, City Engineer and Public Works Director Nancy Kraushaar, Community Development Director Dan Drentlaw, Community Services Director Scott Archer, Finance Director David Wimmer, Associate Planner Christina Robertson-Gardiner, Human Resources Director Jim Loeffler, Associate Planner Pete Walter, Assistant Planner Laura Butler, and City Recorder Nancy Ide.

Media Present:

The Oregonian Reporter Colin Miner

2. Flag Salute

3. Ceremonies, Proclamations, Presentations

a. Sesquicentennial Moment

Commissioner Smith noted the debut of “the big tomato” at the recent Pioneer Festival and the genesis of the first annual official state fair in 1861 that took place in Oregon City.

b. Legislative Update by Sen. Martha Schrader

Sen. Schrader provided an update on actions in the legislature and cuts to services in this year’s biennium. The principle was to maintain services to vulnerable Oregonians although there would be balanced cuts. She discussed school budgets and transportation projects including the Oregon City jughandle that would open the Cove for redevelopment. Speaker Hunt was instrumental in moving this forward as a job creation package. The transportation package codified the standard formula for distributions. The revenues were projected to go down, and the legislature was looking at revenue-raising options.

Commissioner Nicita addressed the Sunrise Corridor and heard it was criticized as an urban sprawl generator.

Sen. Schrader reframed it as a Sunrise system and a grid with north/south connectors.

Board of County Commissioner (BCC) Chair Lynn Peterson said what had been discussed regarding Damascus was no longer an option, and they did not want to plan for the future with the bypass. Hwy 212 worked with the city's scheme. The project would be phased with land uses in priority order, opening employment lands along 162nd Avenue, and finally Damascus commuters because there were not enough commuters to justify the expense. They were looking at practical designs like the jughandle and McLoughlin Boulevard to provide capacity to move forward.

Sen. Schrader commented on the importance of the industrial lands.

Mayor Norris appreciated the cost planning and support of projects important to the City of Oregon City.

c. Presentation by PGE Regarding Right-of-Way Activity in Oregon City

Annette Matson, PGE Government Affairs, provided an overview of the redundant system between the Cities of Wilsonville and Oregon City and right-of-way work.

Mr. Feeley, Project Manager, discussed the larger project that enhanced the transmission line. The new line would be constructed on existing line between the McLoughlin and Wilsonville substations. The work will start on the Wilsonville side in June and continue through July. There were increasing demands for power and the infrastructure and redundancy needed to keep pace. PGE had been working on this for about 8 years, and he discussed the outreach efforts. They were taking advantage of the existing right-of-way to save money and reduce impacts.

Mr. Mullenburg, General Foreman on the project, discussed the use of the helicopter to string the rope and noted ODOT's requests that work begin on a Sunday as there were rolling closures. No work would be done on the lines going in and out of the Blue Heron Plant. They showed a slide of typical equipment residents might see and talked about how customers with questions could contact a PGE representative. The McLoughlin substation was off Maple lane.

d. Preservation Proclamation for Preserve America Grant

Mayor Norris read a proclamation stating Oregon City would apply for a Preserve America Grant.

Ms. Robertson-Gardiner provided background on program which was being done in conjunction with the Main Street Program. She briefly reviewed the criteria which she felt confident the City of Oregon City met.

4. Citizen Comments

William Gifford, Oregon City, acknowledged Chief Conrad for hosting the Chamber of Commerce and the Meet Your Police Program. He thanked the force for its quick response in helping a confused elderly gentleman in his neighborhood.

5. Adoption of the Agenda

Mayor Norris moved item 7.a, the wastewater treatment agreement forward on the agenda. Commissioner Wuest was not present at the March 18, 2009 regular session and chose not to vote on the minutes. The remainder of the agenda would be taken in the order presented.

7. General Business

a. Collective Partnership Agreement for Wastewater Treatment Infrastructure

Mr. Patterson reviewed the purpose of the proposed agreement having to do with the wastewater program and partnership for its management. This technically was not a

consolidation of districts; however, Tri-City would accept most of the flows. Expanding the Plant offered the most cost-effective solution to regional capacity issues. The rate structure was proposed to meet regional needs. He discussed the governance where Oregon City would be part of an expanded board that advised the Board of County Commissioners (BCC). He reviewed the membership and voting distribution. This agreement did not resolve all issues. Remaining were mitigation, urbanization, and closure of the Kellogg Treatment Plant and subsequent restoration of the Milwaukie waterfront. He discussed the forum in which mitigation issues could be addressed and suggested it should be between the City and Clackamas County and not the whole partnership committee. Provision of urban services was an issue that needed to be discussed regionally. Milwaukie's desire to decommission the Kellogg Treatment Plant needed to be studied which the partners would do.

Mayor Norris discussed rates and compensation for accepting sewage from the north. This agreement had gone through a lot of committee work. Her remaining concerns were an impact fee particularly when Milwaukie's and Lake Oswego's plants eventually close and Oregon City is home to a regional plant. The plant needed to be as green as possible. It was important to continue to talk about governance in the urban reserves. This was all work for the future. Although the agreement was not perfect she felt it was as good as it could be at this time.

BCC Chair Lynn Peterson and Counsel Chris Storey were present on behalf of Clackamas County.

Commissioner Neeley was concerned about the language having to do with rates and asked for clarification.

Mr. Storey replied this had to do with the responsibilities of the partnership committee related to future investments and not the overall rates.

Commissioner Neeley thought it was clear this was an advisory group, and the BCC made the final decisions. He was concerned mitigation had not been dealt with and noted the amount of County-owned property in Oregon City. The use of gray water was not addressed at any level in the document.

Mr. Storey understood Clearwater addressed recompense to Oregon City for hosting the regional facility. The County was willing to facilitate that, and he understood the conversation died when Gladstone and West Linn along with Milwaukie also felt they should receive a host fee. Future investment to make gray water useful would be a matter for the partnership.

Commissioner Wuest had observed this matter for 3 years and thanked Mr. Patterson for fighting the battle for the citizens of Oregon City.

Chair Peterson understood people felt they wanted to go farther faster including the use of gray water, but this agreement was about the sandbox, not what would be built in the sandbox.

Commissioner Nicita was new to the Commission as well as a detail monitor. He felt there was still a lot he needed to know about this issue.

Mr. Sullivan had provided staff advice on a previous version and got this version as a done-deal last Friday.

Commissioner Nicita asked if further expansion would be needed in the future as growth occurred.

Mr. Storey replied it would and commented on the master plan developed about 2 years ago. It was being sized for potential expansion in anticipation of the need and made future investment cheaper. There was a land use application with a 20-year plan showing the phases toward full buildout.

Mr. Sullivan addressed the County Service District with the BCC as the governing board.

Mr. Patterson added Tri-City was originally built on the backs of the rate payers from the 3 cities. He addressed the mitigation issue and gray water. Nothing negated the fact that the plant existed on the Oregon City waterfront which made redevelopment impossible and the City's inability to collect taxes on the property. Oregon City put its needs on the backburner in the interest of the region, and Mr. Patterson felt the City and County, not the partnership, should discuss mitigation.

Chair Peterson explained the treatment plant in Lake Oswego was owned and operated by the City of Portland. Lake Oswego was not part of this partnership but might be in the future.

Mr. Sullivan felt the agreement generally took care of what he understood the bargain to be.

Mr. Patterson commented this agreement was put together by a very large partnership, and if everyone took it back for legal review there could be a breakdown. This was really a set of bylaws for a committee.

Mayor Norris did not believe more time on this agreement would solve her issues.

Commissioner Neeley had no problem holding the matter over if it addressed a new Commissioner's comfort level.

Commissioners Nicita/Neeley m/s to continue the discussion of the Collective Partnership Agreement for Wastewater Treatment infrastructure to the June 3, 2009 City Commission meeting. Ms. Ide called the roll: Commissioners Neeley, Wuest, Smith, and Nicita and Mayor Norris voting "aye." Motion passed 5:0.

6. Public Hearings

a. Proposed Municipal Code and Comprehensive Plan Amendments, Legislative File L 08-01

Mr. Drentlaw provided a brief overview of the project which was a result of adoption of the Park Place and to some extent the Beavercreek Concept Plans. Issues related to failed annexations in the Beavercreek area had occurred, so implementing ordinances specific to Beavercreek were not in this package. Code amendments dealt with Chapters 16, 17, 12, and 15. The Planning Commission held 9 work sessions and 7 public hearings on this matter along with a joint session with the City Commission in April. He noted additional items that included minor adjustments, and the Planning Commission did not have any issues with those. There were also some rezone requests which Ms. Robertson-Gardiner would address. At the joint work session a number of issues were discussed including tree preservation on private property that would be explored in the coming year. They also looked at commercial rezoning on the South End which staff plans to bring back January 2010. Another outstanding issue was temporary structures also known as membrane structures, and staff would take a comprehensive look at the code relationships. Other matters included sign code amendments, natural resource annexation policies, and conservation easements.

Ms. Robertson-Gardiner reviewed the 3 categories of amendments and the process to date. She highlighted the proposed zone changes that went through hearings in October and November. She pointed out those properties for which owners had come in for rezones that cleaned up orphan R-10 properties. The Comprehensive Plan amendments had to do with the Park Place, and she pointed out the Hiram Strait property.

Mr. Walter addressed Metro's Nature in the Neighborhoods process that protected habitat. Oregon City was working to substantially comply with Title 13 through its code and map based on Metro's model code.

Commissioner Neeley added Oregon City's overlay requirements exceeded Title 13 by about 600 acres.

Mr. Walter said in addition the code accompanying the map had clear and objective standards and a discretionary review process. Title 13 addressed low impact development standards that would be applicable Citywide. He discussed the tree protection code and flexibility that included development incentives. He showed a Title 13 map, and the amendments to the map would be available for the Commission on June indicating the increased buffers. Metro would provide a letter of compliance, and over 1,500 acres would be protected. Some code changes reflected the additions to the natural resource overlay district. Mr. Walter reviewed Chapter 17.44, Geologic Hazards.

Commissioner Nicita asked if this addressed earthquake hazards.

Mr. Drentlaw replied it did in terms of unstable slopes and underlying geology, so it did relate to earthquakes. These amendments updated what was already on the books based on newer maps.

Commissioner Neeley asked how new technologies were addressed.

Ms. Robertson-Gardiner read the list of references in section 17.44.050.

Ms. Kraushaar discussed new maps that would be adopted by this code and classifying susceptibility of known landslide areas in Oregon City.

Mr. Walter reported the final piece of code had to do with Tree Protection, Land Development and Heritage Trees. He briefly commented on incentives in the development code that provided a variety of options including transfer of density. He discussed mitigation requirements that included the building envelope.

Ms. Robertson-Gardiner covered demolition by denial and demolition by neglect that pertained to designated historic structures in the McLoughlin and Canemah Neighborhoods. Findings could be made based on criteria which had been reviewed by the Historic Review Board (HRB). She discussed the historic designation process. Amendments were being made to site plan review that raised the bar in terms of design and materials. They were also introducing cottage housing that related to aging in place. Other amendments had to do with multi-family design standards, off-street parking and loading standards, and pedestrian connections. They also reworked the neighborhood commercial zone and live-work options such as were proposed for South End. Additionally, there was a Measure 49 process, updated refuse and recycling standards, removal of attached rowhouses in the R-2 multi-family zone, and updated verbiage in general. She added and briefly reviewed additional exhibits resulting from collaboration with code enforcement. Ms. Robertson-Gardiner reviewed the project timeline.

Commissioner Nicita asked when it would be appropriate for the Commission to make changes to the proposed staff ordinance.

Commissioner Neeley asked for clarification of why the amendments related to Beavercreek were not included.

Mr. Drentlaw replied part of it had to do with the complexity of uses in that area. He discussed Metro's employment projections and development prospects.

Mayor Norris called for public testimony.

Steven Kendrick, Oregon City, commented on a 20-year old development plan near Kauffman and asked why this was being done piecemeal.

Richard Wells, Oregon City, had a similar concern about the Hiram house next door to him being MUD and his property being zoned R-8. To him it was all or nothing.

Craig Irwin and Annie Torres, Clackamas Drive, supported this change. He noted they purchased the historic home and these amendments would give some assurance the house would remain if they left. She understood her neighbors' concerns.

Mayor Norris called for a brief recess.

Mr. Drentlaw addressed the rezoning question from those who testified and would provide a map and recommendation at the June 3 meeting.

Mr. Walter discussed the tree protection code and compliance with options that included mitigation by replanting, dedicated protection tract, and a permanent restrictive covenant for smaller tracts. Under each of the options there were several enforcement criteria.

Commissioner Neeley noted a personal conflict on June 17 and hoped for second reading on July 1. Commissioner Wuest noted she would not be at the July 1 meeting.

The public hearing on this matter was continued to the June 3, 2009 City Commission meeting.

- b. Continuance of Pending Ordinance for the Vacation of Sections of Caufield Place (No. 1) Tract C (authorized per Resolution No. 09-08) – City File No. EV09-0003

Commissioners Smith/Neeley m/s to continue the public hearing for the Vacation of Sections of Caufield Place (No. 1) Tract C (authorized per Resolution No. 09-08) - City File No. EV09-0003. Ms. Ide called the roll: Commissioners Neeley, Wuest, Smith, and Nicita and Mayor Norris voting “aye.” Motion passed 5:0.

7. General Business

- b. Resolution No. 09-12, Declaring the Necessity and Intent to Appropriate Real Property and Authorizing Institution of Condemnation Proceedings if Necessary

Ms. Kraushaar reported this matter was required as part of the City's ability to acquire right-of-way for a right-turn lane at the intersection of Beaver Creek Road and Molalla Avenue.

Commissioners Wuest/Neeley m/s to approve Resolution No. 09-12, declaring the necessity and intent to appropriate real property and authorizing institution of condemnation proceedings if necessary. Ms. Ide called the roll: Commissioners Neeley, Wuest, Smith, and Nicita and Mayor Norris voting “aye.” Motion passed 5:0.

- c. Supplemental Agreement No. 3 to Personal Services Agreement, OR 213: I205 - Redland Road O'xing (Oregon City), Formerly known as OR 213: I-205 Bridge to Abernethy Creek Tributary (Jughandle) Improvements, Phase I Final Design Services, OBEC Consulting Engineers

Ms. Kraushaar stated this was another phase of the design of the jughandle and Redland Road improvements. This primarily had to do with the environmental studies and staff requested continued funding.

Commissioner Wuest/Neeley m/s to authorize the City Manager to execute the Supplemental Agreement No. 3 to Personal Services Agreement, OR 213: I205 -

Redland Road O'xing (Oregon City), Formerly known as OR 213: I-205 Bridge to Abernethy Creek Tributary (Jughandle) Improvements, Phase I Final Design Services, OBEC Consulting Engineers. Ms. Ide called the roll: Commissioners Neeley, Wuest, Smith, and Nicita and Mayor Norris voting "aye." Motion passed 5:0.

d. McLoughlin Promenade Restoration Project

Ms. Kraushaar updated the Commission on the Historic Review Board (HRB) comments. It was in full support of the project and did not feel it required a land use review as it was a maintenance and repair project.

Ms. Robertson-Gardiner briefly summarized the HRB discussion.

Commissioner Nicita thought there was a misunderstanding of the motion. The intent was the Commission to get the same presentation as the HRB. He and Ms. Robertson-Gardiner had talked about the extent of sidewalk replacement and texture to match the existing sidewalk.

Ms. Butler reported a couple of sidewalk panels would be replaced which staff would address in the presentation. She would also address the texture of the crossbars to matching existing conditions. The railings would all be replaced because of significant erosion and safety issues.

Ms. Kraushaar added the project would be done in 2 phases and commented on ODOT's bid process. Construction would probably begin about August 1, and the second phase would begin March 2010.

Commissioner Smith expressed concerns about impacting tourism.

Ms. Butler discussed likely pedestrian traffic closures during construction and possible detours.

The City Commission asked for staff to arrange for a presentation to be given to the City Commission by the project's consulting engineer.

8. Consent Agenda

Commissioners Wuest/Smith m/s to approve consent agenda items 8.a – 8.d as presented:

- a. Water Facilities Easement for 18737 Roundtree Drive;
- b. OLCC: Liquor License Application - New Outlet and Full On-Premises Sales for a Commercial Establishment, Applying as a Corporation, Tang Chao, Inc., DBA Pine Garden Restaurant 2, Located at 19360 Molalla Avenue, Suite 130, Oregon City;
- c. OLCC: Liquor License Application - Change in Ownership and Trade Name, Full On-Premises Sales for a Commercial Establishment, Applying as a Corporation, JRAD, Inc., DBA Pioneer Pub, Located at 720 Main Street, Oregon City; and
- d. OLCC: Liquor License Application - Winery, Additional Outlet, Applying as a Corporation, King's Raven Winery, Inc., DBA King's Raven Winery, Located at 1512 Washington Street, Oregon City.

Ms. Ide called the roll: Commissioners Neeley, Wuest, Smith, and Nicita and Mayor Norris voting "aye." Motion passed 5:0.

e. Minutes of the March 18, 2009 Regular Meeting

Commissioners Smith/Neeley m/s to approve the minutes of the March 18, 2009 Regular Meeting as presented. Ms. Ide called the roll: Commissioners Neeley, Smith, and Nicita and Mayor Norris voting “aye” and Commissioner Wuest abstaining. Motion passed 4:0:1.

9. Communications

a. City Manager

Mr. Patterson reported the City was in receipt of a lawsuit regarding access on 11th street and the McLoughlin Boulevard project. Interviews were underway for the Library Director position and he noted a number of conflicts. He responded to a question Commission Nicita had asked relating to the Urban Renewal Commission budget.

b. Commissioners

Commissioner Smith thanked those who participated in the Teddy Bear Parade and Pioneer Festival. He announced the Oregon City High School play *Charlie and the Chocolate Factory*. He discussed the importance of historic preservation.

c. Mayor

Mayor Norris announced the City of Oregon City had an entry in the Grand Floral Parade and discussed the Willamette Falls merger with Providence. She attended a meeting on the construction excise tax that Oregon City used for developing its concept plans and how future revenues might be used to address infrastructure and other barriers to development and redevelopment. She briefly reviewed the employment and population reports from Metro. The Reserves Committee met on the regional level and discussed impacts of tightening the boundaries. Mr. Drentlaw commented on higher densities and Oregon City land values.

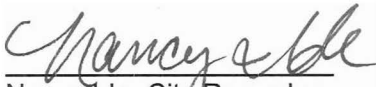
Commissioner Wuest reported on the recent Willamette Falls Heritage meeting. She agreed with Commissioner Smith's comments on preservation. She announced a Memorial Day Ceremony at the Oregon City Cemetery. She appreciated Chief Conrad's work. The Main Street Program was working on its market analysis and encouraged people to take the online survey.

Chief Conrad announced the Meet Your Police event and expressed his appreciation to department members for their hard work.

10. Adjournment

Mayor Norris adjourned the meeting was adjourned at 9:54 p.m.

Respectfully submitted,


Nancy Ide, City Recorder

**CITY OF OREGON CITY
CITY COMMISSION
MEETING MINUTES**

JUNE 3, 2009

1. Convene Regular Meeting of June 3, 2009, and Roll Call

Mayor Norris called the regular session of the Oregon City Commission to order at 7:10 p.m. in the City Hall, Commission Chambers, 320 Warner Milne Road, Oregon City.

City Commission Present:

Alice Norris, Mayor
Daphne Wuest, Commission President
Doug Neeley, City Commissioner
James Nicita, City Commissioner
Rocky Smith, Jr. City Commissioner

City Staff Present:

City Manager Larry Patterson, City Attorney Ed Sullivan, Police Chief and Public Safety Director Mike Conrad, City Engineer and Public Works Director Nancy Kraushaar, Community Development Director Dan Drentlaw, Community Services Director Scott Archer, Associate Planner Christina Robertson-Gardiner Planner, Associate Planner Pete Walter, and City Recorder Nancy Ide.

Media Present:

The Oregonian Reporter Colin Miner

2. Flag Salute

3. Ceremonies, Proclamations, Presentations

a. Sesquicentennial Moment

Commissioner Smith described the first electric service which began in 1888 as Willamette Falls Electric Company in Oregon City and later became known as Portland General Electric in 1948. He gave a brief history of the Hunsaker Family. This year Oregon City's Trolley Helen would be in the Grand Floral Parade along with other historical figures including Dr. John McLoughlin and Sam Barlow.

4. Citizen Comments

William Gifford, Oregon City, attended the opening of a downtown restaurant and noted that no one could park in the designated County stalls although it was after hours. He spoke as the secretary of the Citizens Involvement Council (CIC) regarding a joint PGE and ODOT project for the world's largest solar collection. He felt it should have been addressed earlier with the Oregon City CIC.

Bryan Watt, Oregon City, spoke on behalf of the Oregon City Swim Team and citizen. He recently applied for a Metro Enhancement Grant and although not granted he hoped the swim program would stay on track. It served many families in the area, and he hoped the Pool problems would be resolved. The total cost was approximately \$18,000 and because of

fundraising the Team would cover 1/3 of the costs. He requested that the City fund the remainder.

5. Adoption of the Agenda

The agenda was adopted as presented with item 7.a, the wastewater partnership agreement, moved forward on the agenda to be heard before item 6.a.

7. General Business

a. Collective Partnership Agreement for Wastewater Infrastructure

Mr. Patterson said the document was more or less the bylaws for a committee advisory to the Board of County Commissioners (BCC). If the City chose to not be part of the agreement it would remove itself from a seat at the table. He provided a copy of the payment agreement between Tri-City and Clackamas Service District 1 (CCSD1).

Mayor Norris recommended that the City and Clackamas County negotiate a memorandum of understanding (MOU) regarding the use of gray water, urbanization, and mitigation for expansion of the treatment plant.

BCC Chair Peterson reported on the status of the process in other cities and unincorporated Clackamas County.

Commissioner Smith was concerned that Milwaukie had the most to gain by decommissioning the Kellogg Treatment Plant and were months from making a decision. He felt Oregon City had been pressured for a quick decision because the others were waiting. He did not see the rush.

Chair Peterson said the document made a commitment so there was a final recommendation by the end of the year on the Kellogg Treatment Plant issue. The District was stuck until that decision was made. The question for Milwaukie was what was acceptable in the future and how much money it wanted to put in. In terms of the timeline the Kellogg study needed to begin as soon as possible to keep the promise to have it done by the end of the year. The County was under a DEQ agreement for the Kellogg Treatment Plant to make certain improvements.

Commissioner Nicita appreciated the helpfulness of Clackamas County representatives because this was a very important decision. He attended the City of Milwaukie Council meeting and was under the impression they were far from approving the agreement. It was likely Gladstone was not going to sign on.

Chair Peterson said Milwaukie had not gotten to this point because it was still looking at the wholesale treatment agreement.

Commissioner Nicita discussed the Rossman Landfill and his discussion with Mr. Kuenzi about the feasibility of spending about \$100,000 to do a study. That could be done in an MOU. He sensed this was the type of matter that should be brought before the Citizen Involvement Committee (CIC).

Commissioner Neeley did not see anything about a specific benefit to the City of Oregon City and asked how they would get to a separate agreement or MOU.

Chair Peterson would turn to staff to work on an agreement that addressed biosolids, gray water, urbanization, and mitigation.

Mr. Patterson said the agreement before the Commission was the operational structure for the partnership. If that came together the City could negotiate with the County on the other issues. Without the partnership there was no avenue for discussion. He reiterated this was only an advisory committee.

Chair Peterson said it was set up to protect everyone's issues going forward. Right now there was no forum. The BCC needed an advisory board that brought the 2 districts together.

Mr. Patterson added if the partnership could not get together the BCC would make the decision and likely ending up in litigation, gridlock, rate payer impacts, and the health of the region. It could result in some kind of economic moratorium in the region.

Mayor Norris commented this was the third working group, and the document was one of the steps along the way.

Chair Peterson said because of the regionalization the cities were the partners and needed to work together. It was up to the BCC to broker consensus.

Commissioner Neeley discussed previous presentations when Fowler and Williams were Oregon City Mayors, and this was not what was presented to the 3 cities. The ratepayers were supposed to have benefitted.

Chair Peterson said the people at the table felt confident they would be able to come up with a consensus recommendation that was fair to all.

Mayor Norris said the \$4 million was a negotiated fee through a separate contract. This had to do with meeting parity.

Mr. Patterson suggested looking at the agreement between Tri-City and CCSD1 and the relationship of the rates. The decision on how to make that utility function was for the BCC as it looked at the rate structure. The partnership can recommend but it had no power.

Commissioner Nicita observed this was basically an agreement between the BCC and the BCC.

Chair Peterson said Tri-City had been operated in partnership with the 3 cities successfully for some time. Tri-City was asking that CCSD1 get its house in order. The BCC did represent 2 districts, and it was asking that a board be created to advise it.

Mr. Patterson explained the BCC was the governing board for both Tri-City and CCSD1.

Chair Peterson based it off the success of Tri-City and acknowledged the work that was done. There were different issues in each district.

Mr. Patterson said people had seen the points about the joint asset but not necessarily the document itself.

The group discussed the \$4 million and the drilling down in the landfill.

Commissioners Nicita/Smith m/s to send the partnership IGA to the Citizen Involvement Council for review and recommendation by its July 2009 meeting.

Mr. Patterson reminded the group these were the bylaws of the partnership and how the City would voice its views.

Chair Peterson said if this were referred to the CIC the Commission needed to be clear on what it was asking such as what were the issues the citizens wanted taken to the table.

Commissioner Nicita heard CIC members express concern about the agreement itself. He felt it was in their purview and should be referred to them.

Commissioner Wuest asked how the CIC could be expected to make an educated decision when there had been so many meetings over so many years. It was really the City Commission's responsibility to do this.

Mr. Gifford clarified when Commissioner Nicita raised this at the CIC it was rather out of order and during the roundtable. The CIC felt this was a full agenda item with advanced notice and

preparation. The CIC was not well informed enough to make a study of the subject or express and educated opinion. He respected the opportunity, and this was possibly a topic when the CIC was fully functional. He respectfully declined the opportunity.

Mayor Norris thought a panel would be appropriate to help understand the issues of wastewater treatment.

Commissioner Nicita had heard differing opinions from what Mr. Gifford had offered. Mr. Gifford was not speaking for the CIC.

Ms. Kraushaar asked for direction on how staff could prepare for the CIC meeting.

Commissioner Neeley had not seen the document dated December before and felt it was important to review it. He did not see the urgency to approve the agreement before the end of July. The CIC may not be able to make a recommendation but could pose questions. He would be content with a review of both documents but not necessarily a recommendation.

Mr. Patterson referred to the IGA between Tri-City and CCSD1 and said it was a BCC decision and Oregon City was not a party.

Mayor Norris said this was a very complex issue and was concerned about having time to put together a knowledgeable presentation.

Commissioner Nicita accepted Commissioner Neeley's friendly amendment as did Commissioner Smith as seconder.

Mayor Norris reviewed the amended motion.

Mr. Patterson thought the City Commission should keep in mind that if it wanted to make changes to the agreement the partnership group would have to come back together.

Commissioner Wuest felt she was elected to make these kinds of decisions after studying all the material and attending the meetings.

Chair Peterson asked the Commission to consider the issue of trust between the cities and did not want the City of Oregon City to send a message of mistrust. The reason for adopting this first was to be the leader and putting the City's priorities forward while thinking regionally. Governance will be reconsidered in 3 years, and at this point the leadership was up to the City Commission.

Ms. Ide called the roll: Commissioner Smith, Nicita, and Neeley and Mayor Norris voting "aye" and Commissioner Wuest voting "no." Motion passed 4:1.

Commissioners Neeley/Nicita m/s to hold the discussion of the agreement over to the July 15, 2009 regular session. Ms. Ide called the roll: Commissioners Wuest, Smith, Nicita, and Neeley and Mayor Norris voting "aye." Motion passed 5:0.

Mayor Norris called for a brief recess.

6. Public Hearings

- a. Ordinance No. 09-1001 for the Vacation of Sections of Caufield Place (No. 1) Tract C (authorized per Resolution No. 09-08) – City File No. EV09-0003

Ms. Kraushaar reviewed the process and the discussion of not having this property available for a pump station if needed. The applicant was asked to provide information on the adequacy of the pipe, and there was still room to construct a pump station if necessary to serve Caufield Place. From the public works standpoint the decision to convey wastewater by gravity pipe to the existing pump station was still the preference.

Commissioner Neeley said the Trails Master Plan identified a trail through this area and asked if there was an easement.

Mr. Hurley said there was an easement for a regional trail.

Mr. Sullivan pointed out a change to the first Whereas clause which he would read if there were a motion for the first reading.

Mayor Norris called for public comment, and there was none.

Commissioners Neeley/Smith m/s to approve the first reading of Ordinance No. 09-1001 for the vacation of sections of Caufield Place (No. 1) Tract C – City File No. EV09-0003 (for TP09-0001) with the amendment to the first Whereas as read into the record.

Mr. Sullivan read the ordinance for the first time with amendments.

Ms. Ide called the roll: Commissioners Wuest, Smith, Nicita, and Neeley and Mayor Norris voting “aye.” Motion passed 5:0.

b. Ordinance No. 08-1014, Municipal Code Amendments, Legislative File L 08-01

Mr. Drentlaw said this was a continuation of the public hearing. The natural resource map was completed, and the City was in receipt of a letter from Metro stating Oregon City's compliance with Title 13. The other issue at the previous hearing had to do with rezoning. At this time staff was not recommending any additional zone changes other than the parcel with the historic structure and parcel 15975. It did not seem to make sense to rezone in the residential area.

Commissioner Nicita understood 13014 was Kauffman Construction.

Commissioner Wuest addressed clarification of the tree ordinance.

Mr. Drentlaw said site development regulations require showing building footprints and roadway, and trees outside the building envelope were regulated. He discussed developers clear cutting a site before annexation.

Mr. Walter discussed tree farms and canopy in water resource areas.

Commissioner Wuest discussed demolition and properties falling into disrepair and asked for a brief discussion to clarify the process.

Ms. Robertson-Gardiner discussed the ordinance and code enforcement process on a designated structure. It was not just aesthetics but also structural integrity. This was a concern of the Historic Review Board (HRB) for some time.

Commissioner Smith asked if there was protection on the cemetery.

Ms. Robertson-Gardiner would have to look into that.

Commissioner Neeley asked what the Commission could do if trees were cut in an area designated for forest before annexation.

Mr. Walter replied the Commission could require mitigation which would be specified in the policy.

Ms. Robertson-Gardiner added the annexation policy would be a separate policy and not part of the municipal code.

Mayor Norris understood all of the other tree issues discussed were in the code with the exception of annexation.

Mr. Drentlaw explained there was nothing in the code regarding a person taking down a tree on private property.

Commissioner Smith excused himself briefly from the meeting.

Commissioner Neeley wanted to make sure the setback requirements had not been changed.

Mr. Drentlaw replied 10-feet were added on each side to be 60- or 210-feet. Protection for intermittent streams had also increased to 60-feet.

Mayor Norris called for public comment, and there was none.

Commissioner Nicita made several proposed amendments related to public notices and appeals. He had concerns about the cost of a Planning Commission appeal and procedural clarity in the initial notice on how to appeal the decision on Type 3 applications. The fee was over \$3,000, and a neighborhood association could get a waiver if it took certain steps.

Mr. Sullivan stated this was a policy issue and made technical recommendations on the structure and wording of Commissioner Nicita's proposed amendments.

Mr. Patterson thought it should be made clear the City would be paying the fee.

Commissioner Neeley asked if the neighborhood bylaws permitted the steering committee or land use committee to put forth the appeal. A fixed timeline might be difficult for some neighborhoods to meet.

Mr. Sullivan would have to consider that matter and report back to the Commission. He could have these amendments ready at the next meeting for the first reading.

Commissioner Nicita did not agree with extending the expiration of land use approval from 1 to 2 years.

Mr. Drentlaw responded the amendment was based on a recommendation from the League of Oregon Cities to address the current economy.

Commission Nicita was not in favor of rezoning the 2 properties on Tumwater as the purpose of the purchase was never stated in the Urban Renewal Commission. He was not in favor of the Willamette Falls access project, and a zone change could be considered in the future.

Mr. Drentlaw replied it was typical to zone City property as institutional.

Mr. Patterson discussed the purchase of the 2 houses.

Mr. Sullivan added if not done now it would have to go through a quasi-judicial process and be more expensive.

Commissioner Smith asked if the City would still be able to rent them, and Mr. Drentlaw replied it was a nonconforming use.

Mr. Sullivan would prepare something on the appeal process for neighborhood associations, the extension process would not be changed at this time, and the houses on Tumwater would be zoned as requested by staff.

Commissioners Neeley/Smith m/s to continue the first reading of Ordinance No 08-1014, municipal code amendments, File L 08-01 to the June 17, 2009 City Commission Meeting. Ms. Ide called the roll: Commissioners Wuest, Smith, Nicita, and Neeley and Mayor Norris voting "aye." Motion passed 5:0.

7. General Business

- b. Cooperative Intergovernmental Agreement between the Library District of Clackamas County and Member Cities

Mr. Archer provided background on the formation of the Library District, and this was the first formal step between the member cities. It had been negotiated between the cities, and he outlined the major points: work cooperatively, governance and operations, distribution of funds and how those would be spent, and service boundaries. He discussed Oregon City's service area and distribution of property tax revenues. The unincorporated area went into a general pool, and distribution was based on population and may not be the exact assessed value. This was a Countywide district, and patrons could go to any member library with the same privileges and services.

Mr. Patterson noted again there would be an advisory committee to the BCC.

Mr. Archer reported Oregon City was projected to receive \$1.6 million or 2-1/2 times the current library budget. He discussed increased hours and days of operation. The City will retain local control of services and operations, and there was a capital distribution provided to each of the member cities that would be negotiated in a separate agreement.

Commissioners Wuest/Smith m/s to approve the cooperative intergovernmental agreement between the Library District of Clackamas County and member cities.

William Gifford, Oregon City, asked that a presentation be given to the CIC.

Commissioners Wuest, Smith, Nicita, and Neeley and Mayor Norris voting "aye." Motion passed 5:0.

Mr. Patterson announced Maureen Cole had accepted the position of Oregon City Library Director.

- c. Conditional Award of Construction Contract: Pease Road Sewage Pump Station Replacement Project

Ms. Kraushaar discussed the replacement of the 13-year old facility which was determined to be undersized for the area. Landis & Landis was determined to be lowest qualified bidder.

Commissioner Neeley/Wuest m/s to approve the contract for the construction of the Pease Road Sewage Pump Station Replacement Project to Landis & Landis Construction, LLC in the amount of \$662,350 upon execution of the Right-of Entry and Public Utility Easement Agreements with the property owner. Ms. Ide called the roll: Commissioners Wuest, Smith, Nicita, and Neeley and Mayor Norris voting "aye." Motion passed 5:0.

- d. Conditional Authorization to Approve Pease Road Pump Station Easement

Ms. Kraushaar reported this action would authorize the easement, and the developer of the property was cooperative in providing this parcel for the pump station.

Commissioners Neeley/Smith m/s to approve the Pease Road Pump Station easement located between 19330 and 19370 Pease Road and authorize the Mayor and City Recorder to execute the easement at such time as the easement is similarly executed by the easement grantee, the owner of the Pavilion Park property. Ms. Ide called the roll: Commissioners Wuest, Smith, Nicita, and Neeley and Mayor Norris voting "aye." Motion passed 5:0.

- e. Approval of Maintenance Agreement #25177, Illumination for OR 43 Willamette River Bridge

Ms. Kraushaar discussed payment of the power costs and ODOT requested that the existing agreement be updated. Oregon City and West Linn would share the costs.

Commissioners Wuest/Smith m/s to approve maintenance agreement #25177 with ODOT and the City of West Linn for illumination maintenance costs on the reconstructed OR 43 Willamette River Bridge. Ms. Ide called the roll: Commissioners Wuest, Smith, Nicita, and Neeley and Mayor Norris voting “aye.” Motion passed 5:0.

- f. Contract for Services between Clackamas County Social Services Division, Area Agency on Aging and the City of Oregon City Pioneer Community Center

Mr. Patterson reported this was an annual renewal of an agreement having to do with services provided at the Oregon City Pioneer Center. The contract would provide funding from Social Services in the amount of \$86,348, and the City’s share was \$9,043.

Commissioner Wuest/Neeley m/s to approve the contract for services between Clackamas County Social Services Division, Area Agency on Aging and the City of Oregon City Pioneer Community Center. Ms. Ide called the roll: Commissioners Wuest, Smith, Nicita, and Neeley and Mayor Norris voting “aye.” Motion passed 5:0.

8. Consent Agenda

Commissioners Wuest/Smith m/s to approve consent agenda items 8.a – 8.c as presented:

- a. Minutes of the April 1, 2009 Regular Meeting;
- b. Minutes of the April 7, 2009 Joint Work Session; and
- c. Minutes of the April 7, 2009 Work Session.

Ms. Ide called the roll: Commissioners Wuest, Smith, Nicita, and Neeley and Mayor Norris voting “aye.” Motion passed 5:0.

9. Communications

- a. City Manager

Mr. Patterson reported the pedestrian bridge between Oregon City and Gladstone would be closed to install the arch. He recommended a work session on how things were presented from the Commission bench and via email to improve communication and collaboration.

- b. Commissioners

Commissioner Smith gave an update on the interviews for the Clackamas Heritage Partners (CHP) consultant and AKT was recommended.

Mr. Archer said the contract would be finalized based on Commission direction including the report back mechanism. There were specific points of communication, and it was clear to the consultant this was a City project.

Commissioner Neeley discussed the feasibility of including the Parks and Recreation Commission in the process, and Mr. Archer agreed to let the group know it could be a stakeholder.

Commissioner Smith said although he had not been in favor of hiring a consultant he was pleased he was included in the process and hoped this would lead to a long-term stable situation for the museums.

Commissioner Smith announced he would be out of town for the next Commission meeting on South Fork Water Board business.

Commissioner Neeley would be attending the next Commission meeting when the budget was considered. He reported on the County Urban and Rural Reserves Advisory Committee

meeting where 3 areas had been addressed. The next meeting conflicted with the Commission study session, and he requested that the conservation matter be moved to a different agenda.

Commissioner Nicita attended a Chamber function at Blue Heron and accepted a Pioneer Award on behalf of the City.

Commissioner Wuest discussed work with consultants having to do with the Main Street Program and recommendations that related to the trolley, downtown traffic routes, and parking. She also met landscape architecture students and their professor to view their ideas for the downtown. One element was Singer Creek Falls. She noted the Willamette Falls Heritage Area Coalition was really coming together.

Mayor Norris commented on the Coalition, funding, and staffing to work on the boundaries, concept plans, and organization. The best of the 3 studios would be put together for the public involvement piece and the website currently being developed.

c. Mayor

Mayor Norris discussed public involvement meetings including the Willamette Falls/Providence merger and ODOT meetings on the Arch Bridge. She announced the June 10 reenactment of Ezra Meeker and the Oregon Trail. The timeline on the Reserves was extended. She commented on revenue generating ideas for transportation improvements.

Commissioner Neeley attended the last Metro Policy Advisory Committee (MPAC) where there was a discussion of a Westside line from Eugene to Seattle. He recommended piggybacking on those kinds of ideas to improve passenger train service.

Commissioner Smith announced the June 13 History and Roses Tour that focused on Oregon City this year.

Mayor Norris announced the City Commission would meet in executive session immediately following adjournment.

10. Adjournment

Mayor Norris adjourned the meeting was adjourned at 10:15 p.m.

Respectfully submitted,


Nancy Ide, City Recorder

**CITY OF OREGON CITY
CITY COMMISSION
MEETING MINUTES**

JUNE 17, 2009

1. Convene Regular Meeting of June 17, 2009, and Roll Call

Mayor Norris called the regular session of the Oregon City Commission to order at 7:05 p.m. in the City Hall, Commission Chambers, 320 Warner Milne Road, Oregon City.

City Commission Present:

Alice Norris, Mayor
Daphne Wuest, Commission President
Doug Neeley, City Commissioner
James Nicita, City Commissioner

Absent:

Rocky Smith, Jr. City Commissioner

City Staff Present:

City Manager Larry Patterson, Assistant City Attorney Bill Kabeiseman, Police Lieutenant Lisa Nunes, City Engineer and Public Works Director Nancy Kraushaar, Community Development Director Dan Drentlaw, Community Services Director Scott Archer, Assistant Planner Laura Butler, Finance Director David Wimmer, Jim Loeffler Human Resources Director, and City Recorder Nancy Ide.

Media Present:

The Oregonian Reporter Colin Miner

2. Flag Salute

3. Ceremonies, Proclamations, Presentations

a. Sesquicentennial Moment

Mayor Norris told the story of the 1972 invention of the sport of hacky sack in Oregon City.

b. Solar Highway

Jim Whitty, Oregon Department of Transportation (ODOT) Office of Innovative Partnerships and Funding (OIDF) and West Linn City Manager Chris Jordan discussed the solar highway project. Mr. Whitty reviewed the PGE renewable energy initiative and the site selection process.

Mr. Jordan attended the March meeting on the project where the West Linn site was discussed and subsequent town hall meetings in June. At this point there seemed to be two issues: those West Linn residents living above the site and those living on the bluff in Oregon City whose views may be impacted. He commented on the need for sustainable undertakings, possible visual impacts, mitigation of 17,000 solar panels in the first phase, and tree removal.

Mayor Norris supported a sustainable future but the visual impact on Oregon City raised many questions.

Commissioner Neeley would like a meeting hosted by Oregon City to hear residents' concerns.

Mr. Whitty briefly discussed the design with the location was just below Salamo Road. ODOT was not allowed under the law to sell on the grid but options would be considered in the future. He commented on job creation and economic benefits of what would be the largest solar highway in the world. People living on the bluff in Oregon City would not see reflected light or hear noise. He commented on the color.

Mr. Jordan discussed the terraces currently used by ODOT for storage. At this time no one was sure what would be seen from Oregon City.

Commissioner Wuest asked why this was not being done on the east side of the Cascades.

Mr. Witty replied that had to do with the transportation of energy. He noted the urban area had to carry the burden and not always the rural areas.

Commissioner Neeley asked if this project might impact the future redesign of I-205.

Mr. Whitty responded the panels would be placed far enough away so as not to impact future highway widening.

Karen Montoya and Debby Brent both Oregon City residents lived on the bluff and had concerns with the visual impact. They were not against solar panels but the number. This was the world's largest solar panel project and was located in an urban area. Ms. Brent attended one of the meetings and asked that people envision 17,000 5' x 3' glass surfaced panels and removal of 300 trees. Canemah was an historic neighborhood, and she urged scaling down the project and looking at alternatives. She was concerned about home values, tourism, and erosion.

William Gifford, Oregon City, attended the public meeting. Personally he supported the project and felt it would be a tremendous asset. He did have a concern about the finances and that this was a sweetheart deal for PGE without benefit the citizens and ratepayers.

4. Citizen Comments

Damon Mabee, Oregon City, Citizens Involvement Council (CIC) Chair announced the Barkley Hills Neighborhood formation meeting. The CIC requested a neighborhood map in the City Hall lobby and contact information. He took umbrage with Commissioner Nicita regarding the CIC's looking at the sewage treatment agreement and would have liked earlier notice. He did not feel Commissioner Nicita had addressed Mr. Gifford appropriately.

Linda VanHaverbeke, Oregon City, thanked the City Commission for its work and urged help with building a new library. Commissioner Neeley suggested a report from Mr. Archer at the next Commission meeting.

Marge Harding, Oregon City, announced the upcoming baseball game on July 25 between the Portland Pioneers and the Clackamas Nine at Chapin Park.

Tom Geil, CIC Vice-Chair, promoted the sesquicentennial photography contest and congratulated City Commissioners who had participated in period costume at the Rose Festival Parade.

Commissioner Nicita responded to Mr. Mabee's comments and thanked him for the constructive criticism. He supported the CIC and attended many meetings; he hoped to get it involved in City matters and cited Goal 11 and public facilities matters. The partnership agreement was a difficult issue, and it was not last minute as described. Some things would require a short turnaround, and he hoped the CIC would rise to the challenge and provide input. The entire City Commission referred the matter to the CIC.

5. Adoption of the Agenda

Mayor Norris announced changes to the agenda.

7. General Business

a. Resolution No. 09-17, Water Rate Increase

Mr. Patterson reported this would provide for an annual 3% increase for the next 5 years as approved by the voters in 1996. The increase would take effect January 2010 and result in about an additional \$73,000 this fiscal year. The average increase for a 3-member household was about \$.97 per month. He reviewed system needs including water quality regulations.

Commissioners Wuest/Neeley m/s to approve Resolution No. 09-17, water rates for the next five years, the first annual increase effective January 1, 2010, the last effective January 1, 2014.

William Gifford, Oregon City, suggested the City consider a policy to review all utility rates every two years.

Mayor Norris replied the City was working in that direction.

Commissioner Neeley suggested a discussion of the potential rollback in 2014 which might have a severe effect.

Ms. Kraushaar had preliminary discussions with the City Attorney's office and created scenarios for Commission review. She briefly discussed block rates.

Mr. Patterson added the rollback would result in about a 51% decrease in water revenues which would be disastrous.

Ms. Ide called the roll: Commissioners Nicita, Neeley, and Wuest and Mayor Norris voting "aye." Motion passed 4:0.

d. Resolution 09-16, Sewer Rate Increase

Mr. Patterson said this resolution would adopt sewer rates in accordance with the recent HDR study. The last sewer rate increase was in 1994. He reviewed the proposed rates beginning July 1, 2009.

Commissioner Neeley commented if rates had increased at 3% annually the charge would have been higher. He recommended that the increases be reviewed annually.

Commissioner Wuest/Nicita m/s to approve resolution 09-16, sewer rate increases, in accordance with June 2008 HDR Final Report for the Sewer and Storm Water Utility Rate Study. Ms. Ide called the roll: Commissioners Nicita, Neeley, and Wuest and Mayor Norris voting "aye." Motion passed 4:0.

6. Public Hearings

b. Resolution No. 09-18, Declaring Oregon City's Election to Receive State Revenues for Fiscal Year 2009-2010

Mr. Patterson reported this action was a requirement to receive state funds, and the City would receive a total of approximately \$2 million.

Mayor Norris called the public hearing to order and seeing no one who wished to testify, she closed the hearing.

Commissioners Wuest/Neeley m/s to approve Resolution No. 09-18, declaring Oregon City's election to receive State revenues for fiscal year 2009-2010. Ms. Ide called the roll: Commissioners Nicita, Neeley, and Wuest and Mayor Norris voting "aye." Motion passed 4:0.

a. Resolution 09-13, Adopting and Levying of Taxes for Fiscal Year 2009- 2010

Oregon City Commission Meeting – June 17, 2009

Mr. Patterson reported the adoption of the budget established the City's work plan for the coming fiscal year. The approved budget was in the amount of \$65.4 million at a rate of \$4.1590 of assessed value. Additionally there was a \$286,747 levy for the fire bond. He briefly reviewed the highlights of the budget.

Mayor Norris noted this budget did not include any layoffs and kept the fire annexation promise to the public. It showed cooperation with the Oregon City School District by funding the school resource officer and added police officers.

Commissioner Neeley recalled there had been a request to fund the summer concerts in the park at a much higher level, and he did not feel the grant money was intended to fund City projects. He felt the July 4th concert should be included in a line item.

Mr. Patterson added there was a letter of support from the Chamber of Commerce for the Main Street Program.

Mayor Norris called the public hearing to order and seeing no one who wished to testify, she closed the hearing.

Commissioner Wuest/Neeley m/s to approve Resolution No. 09-13, Adopting Budget and Levying of Taxes for Fiscal Year 2009-2010.

Commissioner Neeley noted an overall contingency of about \$3 million and suggested looking at the concert series.

Ms. Ide called the roll: Commissioners Nicita, Neeley, and Wuest and Mayor Norris voting "aye." Motion passed 4:0.

Commissioner Wuest understood Commissioner Neeley's concerns about the Metro Enhancement Grant but commented on the community value. She recommended further discussion.

Mayor Norris called for a brief recess.

7. General Business

h. McLoughlin Promenade Restoration Project

Ms. Kraushaar gave a report on the project subsequent to a presentation to the Historic Review Board (HRB) and one to the public. She introduced Adam Kraft with Wallis Engineering, and Ms. Butler. Mr. Kraft provided an overview of the restoration project.

Commissioner Nicita asked if to be historically accurate if the concrete or metal bars were original.

Mr. Kraft replied those were in the 1938 photos and would remain. National Park standards for preservation would be followed in this project, and he discussed quality provisions. Access would be maintained during construction using signage and detour routes, and the municipal elevator would remain open. He pointed out the containment system along the bluff for safety purposes. This project would preserve history as well protect the environment. The Historic Review Board enthusiastically supported this project.

Commissioner Wuest asked if The Promenade was listed as an historic resource.

Ms. Butler replied only part of it was registered, and all of it was potentially eligible.

Commissioner Neeley commented on replacement of the railing and wear over the years.

Mr. Kraft understood the intent was to bring the original look back with a light aggregate finish.

Ms. Butler added they were going for the look as it was today.

Commissioner Neeley asked if this project was funded based on merits of the reconstruction or because it was originally a WPA Project.

Ms. Butler was not sure why it was selected, but it was the only non-paving project before ODOT in the 120-day period.

Ms. Kraushaar commented on the history and experience of Pioneer Waterproofing and the construction management team.

Ms. Butler discussed the bid process.

Commissioner Nicita lived on The Promenade and expressed some concerns including pavement cracking and asked if the City might be allowed to do some paving on Bluff Street.

Ms. Kraushaar did not believe items could be added to the original scope of work, but she would verify.

Commissioner Neeley noted some of the buildings encroached on The Promenade.

William Gifford, Oregon City, spoke as McLoughlin Neighborhood Chair and thanked all those who worked on this project. He asked if there could be a graffiti-proof coating in the tunnel and requested that this presentation be made to the Neighborhood Association.

Mr. Kraft replied there was a coating that could be applied to make the stone more easily removed but was not included because of the added expense.

b. Ordinance No. 08-1014, Municipal Code Amendments, File L 08-01

Mr. Drentlaw requested the first reading of the ordinance with the inclusion of language having to do with public notices on land use applications and appeals related to Neighborhood Associations.

Commissioners Nicita/Wuest m/s to approve first reading of Ordinance No. 08-1014, Municipal Code Amendments, File L 08-01.

Mr. Kabeiseman read the ordinance for the first time by title.

Ms. Ide called the roll: Commissioners Nicita, Neely, and Wuest and Mayor Norris voting "aye." Motion passed 4:0.

b. Supplemental Agreement No. 3 to Personal Services Agreement, Warner Milne Road/ Molalla Ave Intersection Realignment and Utility Replacements [aka Warner Milne Rd: Beavercreek - Molalla (Oregon City)], Construction Engineering & Administration Services, Wallis Engineering

Ms. Kraushaar requested approval of another phase of the agreement with Wallis Engineering that would extend the contract to include the bid process and project construction. She discussed right-of-way acquisition and stormwater treatment. This request had to do with construction management, and Wallis had scoped these phases of the project earlier.

Mr. Kabeiseman clarified this was an amendment to the original contract and was at the discretion of the contract review board.

Ms. Kraushaar discussed the prequalification list and bid process. These were new phases, and the project had not changed.

Commissioners Neeley/Wuest m/s to authorize the City Manager to execute Supplemental Agreement No. 3 to Personal Services Agreement with Wallis Engineering to provide construction engineering and administration services for Warner Milne Road / Molalla Avenue Intersection Realignment and Utility Replacements project also known as

Warner Milne Road.: Beaver Creek - Molalla (Oregon City). Ms. Ide called the roll: Commissioners Nicita, Neeley, and Wuest and Mayor Norris voting “aye.” Motion passed 4:0.

- c. Supplemental Agreement No. 4 to Personal Services Agreement, OR 213: I-205 – Redland Road O’xing (Oregon City), Phase I & Part of Phase II Final Design Services, OBEC Consulting Engineers

Ms. Kraushaar reported this was a request to approve an extension of the agreement with OBEC for geotechnical and environmental work. This contractor was selected from a typical request for proposal (RFP) and was not on the shortlist. There were landfill materials below the surface along with heavy loads from the bridge and poor subgrade soils. She reviewed the rapid bridge discussion process which ODOT was evaluating to reduce impact on the roadway system.

Commissioner Neeley requested that staff report on the traffic impacts and routing.

Commissioner Wuest/Nicita m/s to authorize the City Manager to execute the Supplemental Agreement No. 4 to Personal Services Agreement with OBEC Consulting Engineers to provide preliminary design engineering services for OR 213: I-205 - Redland Road O’xing (Oregon City). Ms. Ide called the roll: Commissioner Nicita, Neeley, and Wuest and Mayor Norris voting “aye.” Motion passed 4:0.
e. Ordinance No. 09-1002 of the City Commission of the City of Oregon City Amending the Oregon City Municipal Code by Adding a New Chapter Relating to Business Recycling Requirements

Ms. Kraushaar reported she and Rick Winterhalter, Clackamas County Office of Sustainability, updated the Commission in February. She briefly reviewed the Metro model ordinance that increased business recycling including requirements and included outreach efforts.

Mr. Winterhalter reviewed the services provided by the County and outlined the educational process and the goal of reducing greenhouse gases. The City would enforce the code on those who adamantly refused to comply.

Commissioners Wuest/Neeley m/s to approve first reading of Ordinance No. 09-1002 establishing Oregon City Municipal Code Chapter 8.22, Business Recycling Requirements.

Mr. Kabeiseman read the ordinance for the first time by title only.

Ms. Ide called the roll: Commissioners Nicita, Neeley, and Wuest and Mayor Norris voting “aye.” Motion passed 4:0.

- f. Second Reading of Ordinance No. 09-1001 for the Vacate of Sections of Caufield Place (No. 1) Tract C - City File No. EV09-0003 (for TP09-0001)

Commissioner Neeley had earlier expressed concern about trees falling on the line, and Ms. Kraushaar responded that was addressed in the staff report.

Commissioners Wuest/Neeley m/s to approve the second reading of Ordinance No. 09-1001 for the vacation of sections of Caufield Place (No. 1) Tract C -City File No. EV09-0003 (for TP09-0001) and authorize the Mayor and City Recorder to execute it.

Mr. Kabeiseman read the ordinance for the second time by title only.

Ms. Ide called the roll: Commissioners Nicita and Wuest and Mayor Norris voting “aye” and Commissioner Neeley abstaining. Motion passed 3:0:1.

Commissioner Neeley explained he abstained because he had difficulty in imaging how it could effectively connect to other lines in the future.

- i. Resolution No. 09-19, Exempting Oregon City from the ORS 279C.300 and OCMC 2.40 as Related to Competitive Bidding a Public Improvement Contract for the South End Road Pavement Reconstruction Project

Ms. Kraushaar reported staff was coordinating with Icon Construction to work more efficiently and realize cost savings on this project. The proposed resolution would exempt the City Commission from the bidding process on this project. Icon had gone through the bidding process.

Commissioners Wuest/Neeley m/s to adopt Oregon City 09-19 Exempting Oregon City from the ORS 279C.300 and OCMC 2.40 as Related to Competitive Bidding a Public Improvement Contract for the South End Road Pavement Reconstruction Project.

Commissioner Nicita asked if there was a number demonstration that showed the cost savings. He did not see the findings of fact to support this decision.

Ms. Kraushaar replied Mr. Lewis had calculated the figures.

Mr. Kabeiseman responded the findings were in the resolution and read same although he did not have the exact numbers.

Commissioners Wuest/Neeley withdrew the motion and second. This matter was held over to the July 1, 2009 City Commission meeting.

8. Consent Agenda

Commissioners Wuest/Neeley m/s to approve consent agenda as presented:

- a. Resolution No. 09-14, Transfer of Appropriations for Fiscal Year 2008-2009;
- b. Minutes of the April 29, 2009 Joint Work Session; and
- c. Resolution No. 09-15, Establishing the Building Reserve Fund,

Ms. Ide called the roll: Commissioners Nicita, Neeley, and Wuest and Mayor Norris voting “aye.” Motion passed 4:0.

9. Communications

- a. City Manager

Mr. Patterson asked for confirmation on the regional Library District Board members who would be himself and Mr. Archer until the Library Director came on board.

Mr. Loeffler announced the first annual Oregon City / Clackamas County Transportation Fair.

- b. Commissioners

Commissioner Neeley reported on the Beavercreek urban/rural reserve discussion and recommended that the Commission take a position not to extend the City's boundary into that area if designated as an urban study area as it clearly had a unique sense of place. Mayor Norris recommended work sessions on this matter.

Commissioner Nicita reported on the Metro Urban Rural Reserves meeting he attended as alternate. He was concerned *The Clackamas Review* reporter was not attending Oregon City meetings.

- c. Mayor

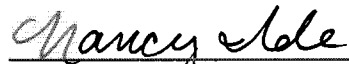
Mayor Norris reported both trolleys were running 7 days per week. She was on the committee regarding the Caruthers light rail bridge design and asked if there was any input. She attended the Chamber Leisure Class graduation with Commissioners Wuest and Smith. She thanked John Salisbury for preparing the Rose Parade entry for Oregon City. The City received a \$30,000 tourism grant for Promenade signage, benches, and trashcans and paint for the wagon hoops at the End of the Oregon Trail.

Mayor Norris announced the Commission would meet in executive session immediately following adjournment pursuant to ORS 192.660(2)(h) to consult with counsel regarding litigation or litigation likely to occur.

10. Adjournment

Mayor Norris adjourned the meeting was adjourned at 10:14 p.m.

Respectfully submitted,


Nancy Ide, City Recorder

**CITY OF OREGON CITY
CITY COMMISSION
MEETING MINUTES**

JULY 1, 2009

1. Convene Regular Meeting of July 1, 2009, and Roll Call

Mayor Norris called the regular session of the Oregon City Commission to order at 7:00 p.m. in the City Hall, Commission Chambers, 320 Warner Milne Road, Oregon City.

City Commission Present:

Alice Norris, Mayor
Doug Neeley, City Commissioner
James Nicita, City Commissioner
Rocky Smith, Jr. City Commissioner

Absent:

Daphne Wuest, Commission President

City Staff Present:

City Manager Larry Patterson, City Attorney Ed Sullivan, Police Chief and Public Safety Director Mike Conrad, Community Development Director Dan Drentlaw, Community Services Director Scott Archer, Finance Director David Wimmer, Development Services Manager Bob Cullison, Human Resources Director Jim Loeffler, IT Supervisor David Knoll, and City Recorder Nancy Ide.

2. Flag Salute

3. Ceremonies, Proclamations, Presentations

a. Sesquicentennial Moment

Commissioner Smith provided history on South Fork Water District located on the Clackamas River.

b. Proclamation Declaring July 2009 as Oregon National Guard Month

Mayor Norris read a proclamation declaring July 2009 as Oregon National Guard Month.

4. Citizen Comments – None.

5. Adoption of the Agenda

The agenda was adopted as presented with item 7c heard before item 6a, and item 7d heard before item 7a.

c. Funding for Equipment and Modifications Necessary to Replace Starting Blocks at the Oregon City Swimming Pool

Mr. Archer discussed safety issues with the current starting blocks and requested that the City Commission approve funding for their replacement out of contingency. The City would work closely with the Swim Club and do the work during the annual maintenance shutdown of the facility.

Tim Waud and Rob Whiting, Swim Club, discussed the importance of replacing the equipment for swim meets and urged the Commission to support the request.

Commissioners Smith/Neeley m/s to approve up to \$12,000 from General Fund Contingency funds toward the replacement of the starting blocks at the Oregon City Swimming Pool. Ms. Ide called the roll: Commissioners Nicita, Neeley, and Smith and Mayor Norris voting “aye.” Motion passed 4:0.

6. Public Hearings

- a. Ordinance No. 09-1003, Amending Ordinance No. 08-1003, a Development Agreement with John Jones Construction, Inc. for a Regional Stormwater Facility

Mr. Patterson provided the staff report on the development agreement originally approved in 2008 which set up an amendment when the final costs were done. The final distribution for the 442 current and future lots was \$2,244.42 and extended the payback period from 5 to 2 years in recognition of current economic conditions.

Commissioner Neeley understood new development would contribute funding as it occurred, and the City would reimburse Jones for the 88 lots currently constructed. He commented on potential attorney fees.

Mr. Cullison replied this agreement saved the land space and time City crews spent maintaining detention ponds. He discussed the land swap with Mr. Jones as part of the original development agreement. There was no additional cost to the residents, and the money came from water system development charges (SDC). Mr. Jones may ask for another extension.

Mr. Sullivan said this was an agreement with the property owner and was a change in the land use designation. Jones Construction either owned the property or was involved with the actual work done on the property. If Jones Construction owned the property there was no issue.

Mayor Norris commented on the applicability of the charges.

Mr. Cullison explained those were not part of this agreement and were included so a potential buyer would know the full amount of the fees.

Mayor Norris called for public comment, and there was none.

Commissioners Neeley/Smith m/s to approve the first reading of Ordinance No. 09-1003, amending Ordinance No. 08-1003, a development agreement with John Jones Construction, Inc. for a regional stormwater facility.

Mr. Sullivan read the ordinance for the first time by title only.

Ms. Ide called the roll: Commissioners Nicita, Neeley, and Smith and Mayor Norris voting “aye.” Motion passed 4:0.

7. General Business

- d. Resolution No. 09-19, Exempting Oregon City from the ORS 279C.300 and OCMC 2.40 as Related to Competitive Bidding a Public Improvement Contract for the South End Road Pavement Reconstruction Project

Mr. Patterson reported this project was a coordinated effort with ICON Construction and was for a reconstruction of a portion of South End Road. He discussed the public benefits and the bidding process. The City budgeted \$117,897 from the pavement maintenance utility fee.

Commissioner Nicita expressed his anger. The Commission had continued this from the last meeting because it wanted more specificity of the savings that would occur. That information was not here, and he was frustrated a specific request had not been met.

Mr. Patterson explained Ms. Kraushaar and Mr. Lewis were out of the office, so he did not have the exact numbers.

Commissioners Neeley/Smith m/s to hold over item 7d to the July 15, 2009 City Commission meeting. Ms. Ide called the roll: Commissioners Nicita, Neeley, and Smith and Mayor Norris voting “aye.” Motion passed 4:0.

- a. Management, Supervisory and Confidential Employees Salary Adjustments for the Period July 1, 2009 - June 30, 2010

Mr. Patterson said this was the COLA increase for management, supervisory, and confidential employees only and did not include the city manager.

Mr. Loeffler reported the 3% increase was approved in the budget and included two new positions: the library director and office specialist 3 in the city manager's office. There were adjustments in the salary ranges for the assistant parks and recreation director and public works operations manager.

Commissioners Neeley/Nicita m/s to approve a salary range adjustment in the amount of 3% for management, supervisory and confidential employees for fiscal year July 1, 2009 - June 30, 2010.

Commissioner Nicita wanted the public to know he was engaged in an institutional struggle with staff in his request for information and had taken the denials to be intended to put him in his place. As an elected official he believed he was responsible for providing oversight. The last item was an instance of his calling out the deficiencies. He discussed how this issue might be resolved and was concerned about upper level staff and the city manager not providing him with the information when he requested. He wanted the public to know this issue was going on, and he would continue to vindicate a commissioner's right for getting information when making decisions.

Mayor Norris felt the City Commission needed to resolved this as a team.

Commissioner Neeley agreed a communication process needed to be identified to deal with these types of issues.

Ms. Ide called the roll: Commissioners Nicita, Neeley, and Smith and Mayor Norris voting “aye.” Motion passed 4:0.

- b. Resolution No. 09-20, Adopting Mountain View Cemetery Fee Increases

Mr. Archer reported this resolution formalized a previous discussion. The cemetery fees had not been increased for many years and the proposed fees were increased approximately 50% across the board based on quality and services offered. Staff felt even the increased rates were below a comparable market value and offered a wide variety of options. He discussed the trend toward cremation.

Commissioner Neeley discussed the newer sections acquired by the City and requested that staff track the trends and what services might be provided in the foreseeable future.

Mr. Archer responded some of the newer sections were already being used and that flat markers rather than upright monuments were required.

Commissioners Neeley/Smith m/s to approve Resolution No. 09-20, adopting Mountain View Cemetery fee increases effective July 1, 2009. Ms. Ide called the roll: Commissioners Nicita, Neeley, and Smith and Mayor Norris voting “aye.” Motion passed 4:0.

- e. Second Reading of Ordinance No. 08-1014, Municipal Code Amendments, File L 08-01

Mr. Drentlaw and Mr. Sullivan discussed the options before the Commission.

Commissioners Neeley/Nicita m/s to approve the first reading of Ordinance No. 08-1014, Municipal Code amendments, File L 08-01, as read into the record with changes.

Mr. Sullivan read the ordinance with changes.

Mayor Norris called for a brief recess to consider the wording.

Mr. Sullivan read the changes.

Ms. Ide called the roll: Commissioners Nicita, Neeley, and Smith and Mayor Norris voting “aye.” Motion passed 4:0.

Commissioners Nicita/Smith m/s to approve the second reading of Ordinance No. 08-1014, Municipal Code amendments, File L 08-01, as read into the record with changes.

Mr. Sullivan read the ordinance for the second time with changes.

Ms. Ide called the roll: Commissioners Nicita, Neeley, and Smith and Mayor Norris voting “aye.” Motion passed 4:0.

- f. Paetec Voice Over Internet Protocol (VOIP) Services for the New City Hall and other City Facilities

Mr. Archer reported this related to phone service for the new city hall and future system change to bring the City into the entire system. He reviewed the features of the system and cost versus that of fiber. He reviewed the hardware purchase using urban renewal funds and the bidding process. This was a 60-month contract in the amount of \$168,938 annually with service savings of \$11,000 in the first year for just city hall.

Commissioner Nicita said given the stance he and Commissioner Smith had staked out on City Hall the motion would fail 2:2, so he recommended holding the decision over until Commissioner Wuest was present.

Commissioner Neeley commented this was a city hall function. The current phone situation was inconvenient because calls could not be transferred between facilities.

Mr. Knoll discussed the advantages of this type of system and the future savings when more facilities were added. The fiber system existed but the City was not able to utilize it fully.

Commission Neeley presumed some time in the future calls could be routed to other agencies including the County.

Mr. Knoll said that was correct depending on the capabilities of other agencies. He recommended moving rapidly once the new city hall was done.

Commissioner Smith noted both Commissioners Neeley and Nicita had good points and understood this was for city hall which was a project he did not support. He could not support it but would abstain.

Commissioner Neeley/Mayor Norris m/s to approve the contract with Paetec voice over Internet protocol (VOIP) services for the new City Hall.

Commissioner Nicita thought this was a great idea but did not support the new city hall element.

Ms. Ide called the roll: Commissioner Neeley and Mayor Norris voting “aye”, Commissioner Nicita voting “no”, and Commissioner Smith abstaining. Motion passed 2:1:1.

8. Consent Agenda

Commissioners Smith/Neeley m/s to approve consent agenda as items 8.a and 8.c – 8.d as presented:

- a. OLCC: Liquor License Application- Change of Ownership Off Premise Sales, Applying as a Corporation, JJJ, Inc., Quick Stop Market, Located at 13987 Holcomb Blvd., Oregon City
- c. Minutes of the May 6, 2009 Regular Meeting
- d. Minutes of the May 12, 2009 Work Session
- e. Minutes of the April 15, 2009 Regular Meeting

Ms. Ide called the roll: Commissioners Nicita, Neeley, and Smith and Mayor Norris voting “aye.” Motion passed 4:0.

- b. OLCC Liquor License Application - Full On-Premises Sales and Greater Privileges. Applying as a Corporation, Pat and Tom Enterprises, Inc., Hogies Pub, Located at 1200 Main Street, Oregon City

Commissioner Neeley understood greater privileges meant the ability to serve hard liquor, and Chief Conrad said that was correct.

Commissioners Neeley/Smith m/s to approve OLCC liquor license application for full on-premises sales and greater privileges for Hogies Pub. Ms. Ide called the roll: Commissioners Nicita, Neeley, and Smith and Mayor Norris voting “aye.” Motion passed 4:0.

9. Communications

- a. City Manager

Chief Conrad announced Oregon City had been notified of a Department of Justice grant for equipment including communications.

Mr. Archer received notification of the award of total grant funds amounting to \$332,000 for the complete renovation of the Sport Craft boat launch. The sources were the Oregon Marine Board and federal funds through the Department of Fish and Wildlife. Staff was working on the permits, and construction would likely be done in 2010 when in-water work was permitted. Despite the name this was publicly-owned facility. The group discussed renaming the site.

Mr. Patterson reported ODOT was meeting with downtown business owners regarding Arch Bridge mitigation efforts having to do with traffic circulation, sidewalk enhancements, and signage. Meetings were scheduled with stakeholders on the Downtown Parking Study.

Commissioner Neeley noted it would be about 2-1/2 years before the Bridge was operable and looked forward to a good pedestrian connection with the elevator, He requested staff explore funding options.

- b. Commissioners

Commissioner Smith attended the American Water Works Association Conference in San Diego which was a great learning experience for him. He described the conference sessions he attended.

Commissioner Neeley reported on the Urban-Rural Reserves Policy Advisory Committee process. It was clear Clackamas County wanted to preserve its farmland, and he commented on the Beavercreek area and a future City Commission work session discussion.

Commissioner Smith attended the solar project tour and inaugural green line trip.

Commissioner Nicita attended the Rivercrest Neighborhood Association meeting where the solar project was a vibrant part of the discussion. He asked if the work session agenda had been finalized as he hoped to discuss the hiring of an economic development coordinator.

Commissioner Neeley also looked at the solar panels, and one citizen was concerned about the light reflecting back. He learned that light would be reflected away from Oregon City, and the system looked efficient.

c. Mayor

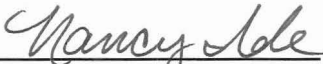
Mayor Norris referenced a letter from the Library Board asking to meet regarding possible locations for the new library. Her initial response was to do that once the director was on board. She announced the Solar Town Hall on July 29. She commented on the Metro Policy Advisory Committee and regional and town center designations. The Metro Council adopted the excise charge, and Mayor Norris discussed concept planning, expansion of the urban growth boundary, infill rate, infrastructure, and public transportation.

Mr. Patterson asked the City Commission to provide some dates available prior to the August work session to tour police facilities.

10. Adjournment

Mayor Norris adjourned the meeting was adjourned at 8:57p.m.

Respectfully submitted,


Nancy Ide, City Recorder