



City of Oregon City

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

Meeting Minutes - Draft

City Commission

Wednesday, April 17, 2019

7:00 PM

Commission Chambers

REVISED

1. Convene Regular Meeting and Roll Call

Mayor Holladay called the meeting to order at 7:11 PM.

Present: 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

Staffers: 10 - City Manager Tony Konkol, Assistant City Attorney Carrie Richter, City Recorder Kattie Riggs, Police Chief and Public Safety Director James Band, Planner Pete Walter, Community Development Director Laura Terway, Community Services Director Phil Lewis, Finance Director Wyatt Parno, Human Resources Director Patrick Foiles and Library Director Maureen Cole

2. Flag Salute

3. Ceremonies, Proclamations, and Presentations

3a. Metro Update by Councilor Christine Lewis

Christine Lewis, Metro Councilor, gave an update on Metro activities.

There was discussion regarding problems with implementing the food scraps program, the need to include Highway 213 in the transportation improvements, and funding for affordable housing projects.

3b. Mayoral Appointments to City Boards and Commissions

Mayor Holladay appointed Tim West to the Transportation Advisory Committee for a three-year term from April 17, 2019 to December 31, 2021 and to appoint Ben Simmons to the Transportation Advisory Committee to fill a vacancy for the remainder of the term ending December 31, 2020. He also appointed City Commissioner McGriff to the Downtown Oregon City Association and Willamette Falls Heritage Area Coalition as the Commission's liaison and as the alternate to the Metro Policy Advisory Committee (MPAC).

4. Citizen Comments

Colin Black, Manager at Gladstone Senior Center, expressed thanks on behalf of the Gladstone City Council and Mayor to the Pioneer Center for helping provide meals for

homebound clients when their facility was damaged and had to close temporarily.

Amy Willhite, resident of Oregon City, discussed some comments that were made at the April 3, 2019 City Commission meeting from John Lewis, Public Works Director, about the Molalla Avenue Phase 3 Project.

Henry Mackenroth, resident of Oregon City, requested that the City recognize the Lebanese Fig Tree next to Eddie Allick's house as a commendation for his service to the City.

Kent Ziegler, resident of Oregon City, thanked everyone who participated at the Oregon Business Alliance's presentation on homelessness last month. Two donations had been received for the Riverwalk project. There would be a forum next Tuesday on workforce development. He then discussed an article in the Oregon City News regarding housing affordability.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

6a. Development Code Amendments Including Equitable Housing (Planning File LEG 18-00001)

Mayor Holladay opened the public hearing.

Laura Terway, Community Development Director, said staff was asking for direction on the remaining 7 issues from the code amendments package.

Bob LaSalle, representing the Park Place Neighborhood Association, discussed a developer who wanted to eliminate Chapter 17.21 and how it would affect the Park Place Concept Plan in the development of the area. He asked that the Commission not allow this elimination.

Bob LaSalle, resident of Oregon City, presented a charge of bias against Mayor Holladay regarding the elimination of Chapter 17.21 of the Park Place Concept Plan. If the Mayor could not have an open mind before all the arguments were presented, he should not participate in the discussion and decision on this matter.

Don Hanson, of Otak, Inc., was representing Icon Construction who was working on a project in the Park Place Concept Plan area. He discussed the challenges with the geography and drainage ravines of this area and how alley lots cost more, took up more space, did not adapt well to slopes, and had more site impact.

Michael Robinson, land use attorney, was representing Icon Construction who was asking the Commission to delete the requirements for alleys in the Park Place Concept Plan. Alleys were difficult and costly to accommodate in this area. Icon also asked the City to schedule a hearing to expressly look at this issue.

Mike Mitchell, resident of Oregon City, suggested recruiting the people who helped create the concept plans in order to review them against what they knew today. He encouraged the food carts and shelters to go back to the Planning Commission for

further input. He thought there should be Accessory Dwelling Units (ADU) off street parking requirements only if on street parking was not available on the adjacent streets. He agreed with the 25% cap on the number of lots that could be undersized for lot size averaging, but they needed to maintain the 20% maximum reduction.

Vahid Brown, Health, Housing, and Human Services for Clackamas County, provided information about warming shelters and how the numbers using shelters had doubled from last year and how many bed nights were provided by Oregon City.

Tony Heiner, resident of Beavercreek, spoke of his experience being homeless and the importance of the services provided by One by One and Father's Heart. More funding requirements for shelters would have an impact on these organizations.

Patti Clar, resident of Oregon City, shared her insight as a volunteer at Father's Heart. They did not provide a shelter where people could stay, but Father's Heart was only a day service except for the emergency warming shelter in the winter. The definition of shelter should not apply to them.

Robin Schmidt, Director of Father's Heart, reiterated they were not a shelter, but a day center and had no desire to become a shelter. She discussed the guidelines for people who were on the property and how all their funding came from donations. A \$5,000 Conditional Use Permit would be a burden and she asked that the fee be waived. She suggested making a distinction between day center, cooling center, and emergency warming center.

Nancy Ide, resident of Oregon City, was representing the Steering Committee of the Homeless Solutions Coalition of Clackamas County. The Coalition was concerned about the proposed shelter code amendment that might result in eliminating the currently operating day center and emergency warming shelter in the City. These were different from shelters and she suggested a separate definition be created for day centers and emergency centers and that these operations be permitted in certain zoning districts without a Conditional Use. She also encouraged the development of an agreement between the centers and surrounding neighborhoods to address any concerns. If the code was approved as written, she requested that Father's Heart and the two warming centers be grandfathered in or the Conditional Use and fee be waived.

Mikaila Smith, Providence Willamette Falls Emergency Department, discussed the importance of the Father's Heart and warming centers for patients after they left the hospital. She asked that barriers be removed so they could continue to do this needed work.

Jack Shumate, Pastor of the One by One Church, said they were not a shelter, but a church. He discussed how the fee would impact them and their service to the community.

Roseann Johnson, representing the Home Builders Association, discussed the proposed code amendments that were in opposition to the equitable housing goals of the City. She requested the Commission maintain the current standards for lot averaging, to eliminate the alley requirements in the concept plan areas, and to remove the historic architecture requirements for the Park Place Concept Plan area.

Lisa Novak, resident of Oregon City, explained why she thought the architectural design standards for the Park Place Concept Plan and South End Concept Plan should not be eliminated. These plans had already been approved, and these

suggestions from developers could be put forward in the future during the master planning phase where more analysis could be done.

Elizabeth Graser-Lindsey, resident of Beavercreek, gave a list of code corrections she thought should be made.

Kent Ziegler, resident of Oregon City, addressed comments that had been submitted into the record by Nick Verasky dealing with the alleys in the concept plan areas and residential design standards. Putting in alleys would cost more and make the homes less affordable. Developers adapted housing styles to consumers' changing needs. He suggested sending these issues back to the Planning Commission for further review and input.

Tom Geil, resident of Oregon City, urged the Commission to adopt the lot averaging code. He also discussed Mr. Zeigler's involvement in the Park Place Concept Plan and how these issues were not raised at that time. He thought if the Concept Plan was reviewed, they needed to look at the lots that were supposed to be zoned R-10 in the Trailview area as they had been zoned as medium density instead.

William Gifford, resident of Oregon City, said it was the Commission's responsibility to find some solutions to the housing costs. He thought another committee could be formed to study these issues.

Mayor Holladay suggested sending the proposed residential design standards for the Park Place and South End Concept Plan areas back to the Planning Commission.

Commissioner Lyles Smith questioned if that was the right direction.

Commissioners O'Donnell and Smith did not think the concept plans should be sent back to the Planning Commission, but to the people who generated the documents in the first place.

Commissioner McGriff did not support sending them back to the Planning Commission or reopening the concept plan process, but thought the developers needed to try to meet the challenge. There were alternatives in the concept plans.

A motion was made by Commissioner Smith, seconded by Commissioner McGriff, to retain the existing residential design standards for Park Place and South End Concept Plan areas. The motion passed by the following vote:

Aye: 4 - Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

Nay: 1 - Mayor Dan Holladay

The Commission discussed alleys in concept plan areas.

Commissioner Lyles Smith did not think alleys should be required anywhere in the city. She wanted it to be an option, not a requirement. Mayor Holladay agreed.

Carrie Richter, Assistant City Attorney, said there was an alternative review and she thought it was an option now.

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to only require alleys in the concept plan areas for medium density residential and certain commercial zoning designations. The motion passed by the following vote:

Aye: 4 - Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

Nay: 1 - Mayor Dan Holladay

The Commission discussed establishing standards and a review process for mobile food carts.

Mayor Holladay suggested allowing food carts at Clackamas Community College.

Commissioner Lyles Smith thought they should allow transitory mobile food carts, less than 5 hours in a 24-hour period, in the Institutional zone and Mixed-Use Downtown zone outside of the Downtown Design District as a permitted use. She was not in favor of permanent food cart pods.

Mayor Holladay was concerned about how food carts would affect brick and mortar businesses downtown. He thought transitory food carts would not work and that if they were going to allow them, they should be permanent.

A motion was made by Commissioner Lyles Smith, seconded by Commissioner McGriff, to follow the Planning Commission's recommendation for food carts except for the following changes: allowing transitory food carts in the Mixed Use Downtown zone except the Downtown Design District and allowing permanent food carts in the Institutional zone and Willamette Falls Downtown District. The motion carried by the following vote:

Aye: 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

The Commission discussed the regulations for shelters.

Mayor Holladay thought since it was a one-time fee, there was no problem with requiring a Conditional Use for day shelters.

Commissioner Lyles Smith thought the definition needed to be modified to separate shelters from day centers and warming and cooling centers. She suggested sending this back to the Planning Commission.

There was discussion regarding the definition of shelter.

Commissioner Lyles Smith was not in agreement with allowing shelters in all residential districts.

Commissioner McGriff did not think it should be sent back to the Planning Commission.

There was consensus for the Planning Commission to look at building a time limitation for occupancy in the definition and to look at the zones where shelters and day centers would be allowed and treat them as different uses.

Ms. Ide was in support of sending this item back to the Planning Commission for a public process. She suggested hiring a professional to consult with on this issue as well. She thought Father's Heart and the warming centers should be grandfathered in and not require the Conditional Use.

A motion was made by Commissioner Lyles Smith to direct staff to take the

code language for shelters back to the Planning Commission to look at permitted uses and the definition. The motion died for lack of a second.

The discussion on shelters and the rest of the code amendments was postponed until May 1, 2019.

7. General Business

7a. 2019 - 2021 City Commission Biennium Goals and Priorities

Commissioners McGriff and O'Donnell thought Commissioner Lyles Smith's written comments should be incorporated into the documents including the implementation of milestones.

There was discussion regarding what the milestones should be.

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to adopt the 2019-2021 City Commission biennium goals and priorities with the amendments proposed by Commissioner Lyles Smith. The motion carried by the following vote:

Aye: 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

7b. Resolution No. 19-07, Adjusting Alarm System User Permit Fees to Become More Consistent within the Region

This item was postponed to May 1, 2019.

8. Consent Agenda

A motion was made by Commissioner McGriff, seconded by Commissioner O'Donnell, to approve the consent agenda. The motion carried by the following vote:

Aye: 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

8a. OLCC: Liquor License Application - Full On-Premises, Commercial and Off-Premises; Applying as a Limited Liability Company, Soban, LLC, 515 Main Street.

8b. OLCC: Liquor License Application - Wholesale Malt Beverage & Wine; Applying as a Limited Liability Company, Tuscanino LLC (dba Tuscanino Wine Distributors), 1625 Washington Street, #101.

8c. OLCC: Liquor License Application - Off-Premises; Applying as a Limited Liability Company, Slice of a City, LLC, 379 Barker Avenue.

8d. Minutes of the February 1-2, 2019 City Commission Retreat

8e. Minutes of the February 20, 2019 Work Session

8f. Minutes of the February 20, 2019 Regular Meeting

9. Communications

a. City Manager

There was no City Manager report.

b. Commission

There was no Commission report.

c. Mayor

There was no Mayor report.

10. Adjournment

Mayor Holladay adjourned the meeting at 9:59 PM.

Respectfully submitted,

Kattie Riggs, City Recorder