



City of Oregon City

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

Meeting Minutes - Final

City Commission

Dan Holladay, Mayor
Renate Mengelberg, Commission President
Brian Shaw, Nancy Ide, Frank O'Donnell

Wednesday, December 5, 2018

7:00 PM

Commission Chambers

REVISED

1. Convene Regular Meeting and Roll Call

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

Present: 5 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

Staffers: 13 - City Manager Tony Konkol, Assistant City Attorney Carrie Richter, City Recorder Kattie Riggs, Community Development Director Laura Terway, Police Chief and Public Safety Director James Band, Public Works Director John Lewis, Community Services Director Phil Lewis, Finance Director Wyatt Parno, Human Resources Director Patrick Foiles, Economic Development Manager Eric Underwood, Library Director Maureen Cole, Assistant City Recorder Claudia Cisneros and Planner Pete Walter

2. Flag Salute

3. Ceremonies, Proclamations, and Presentations

3a. Natural Resources Committee Annual Update

Doug Neeley, Natural Resources Committee Chair, provided the Natural Resources Committee (NRC) annual update to the Commission. The NRC was requesting to update the Natural Resource Overlay District (NROD), code changes to allow temporary wetland area overlays, code changes to recommend development applications that involved the NROD to make a presentation to the NRC, and hiring a part-time arborist position. They also wished to work with the Greater Oregon City Watershed Council to establish a procedure for naming streams which included public participation. The NRC would like to see Waterboard Park designated as a Geologically Significant Area. They supported a recommendation by the Planning Commission to develop code amendments dealing with tree removal prior to annexation and development proposals. He then discussed presentations that had been made to the NRC.

3b. Planning Commission Annual Update

Denyse McGriff, Planning Commission Chair, along with Damon Mabee, Planning Commission member, presented the Planning Commission annual update. They explained items the Planning Commission would like to recommend for a future work plan. These included updating the Oregon City Comprehensive Plan, updating the

Urban Growth Management Agreement with Clackamas County, amending the Oregon City Municipal Code to include standards regarding tree removal during the local annexation review process, increasing the fee amount paid for tree mitigation, and encouraging a change for a more streamlined review process for short-term and vacation rental uses such as HomeAway and Air B & B.

4. Citizen Comments

William Gifford, resident of Oregon City, discussed the Neighborhood Traffic Fact Sheet that had been created by the Transportation Advisory Committee.

Damon Mabee, resident of Oregon City, stated he had been blocked from the Mayor's social media content and he would like to be unblocked.

5. Adoption of the Agenda

Mayor Holladay moved items 7a. and 6a. to the top of the agenda. The agenda was adopted as amended.

6. Public Hearings

6a. First Reading of Ordinance No. 18-1009, Development Code Amendments including Equitable Housing, Planning file LEG 18-00001

Pete Walter, Planner, presented the staff report on the proposed housing and other development and zoning code amendments. He explained the Code amendment process and public input opportunities. The three options for the Commission were to continue Planning File LEG 18-00001 and Ordinance No. 18-1009 to the January 8, 2019 City Commission Work Session, continue it until the January 16, 2019 City Commission hearing, or approve it. He presented the citizen comments that had been submitted since the agenda had been posted which included comments from Rick Givens, Craig & Debbie DeRusha, Rosalie Nowalk, and Clackamas Community College.

Mayor Holladay opened the public hearing.

Denyse McGriff, Planning Commission Chair, introduced the other members of the Planning Commission in attendance including Damon Mabee, Bob Mahoney, and Tom Geil. Ms. McGriff walked through several items the Planning Commission would like the City Commission to consider when moving forward with the Code amendments such as supporting affordable housing units, adding funds to the budget to update the Comprehensive Plan, zoning manufactured home parks with their own zoning which only allowed for alternative low cost housing options, updating the Urban Growth Management Agreement with Clackamas County, and short-term vacation rental streamlining code.

Mike Mitchell, resident of Oregon City, thought this was great first step, but was concerned about the addition of tree protections, food carts, and transitional shelters. He didn't think the public knew these topics were being discussed and thought they should be taken out of the process and sent back to the Planning Commission for a full public input process.

Debbie DeRusha, resident of Oregon City, discussed limiting the internal conversion age to twenty years and owner occupancy restrictions for ADUs (accessory dwelling

units). Doing internal conversions on older homes could be expensive, there should be inflation consideration for SDC fee credits, and there should be a disincentive for tearing houses down.

Denyse McGriff, resident of Oregon City, agreed with Mr. Mitchell that the City Commission should break down this Code amendment into smaller parts to discuss and receive more public input.

William Gifford, resident of Oregon City, suggested instead of an internal conversion twenty year limitation, there could be a limitation based on the neighborhood the house was in and allow a percentage of homes in that neighborhood to be converted rather than being based on the age of the building.

Tom Geil, resident of Oregon City, thought there was too much information and it was confusing for the public. He suggested the Commission postpone their decision until after the new year and take it piece by piece.

Rick Givens, planning consultant working in Oregon City, explained his concerns with the requirement that a preliminary subdivision plat had to be prepared by a surveyor and the proposed changes to lot size averaging. He asked that the Commission rethink the current proposal.

Bob Mahoney, resident of Oregon City, felt Oregon City needed to keep things simpler and accessible for the public.

Mayor Holladay suggested continuing the hearing to January 16, 2019 when the Commission would take a section at a time to discuss.

Commissioner Mengelberg proposed the following: to address the comments from Rick Givens regarding subdivision plats by adding language to section 16.08.025 as A1, for section 16.08.065 lot size reduction, staying with the 20 percent previously agreed upon for maximum flexibility, support for section 17.12.025 live/work dwellings, under section 17.20.010 eliminate the property owner requirement for Accessory Dwelling Units, under section 17.20.030 eliminating the 20 year limit for internal conversions, under section 17.34.060 the mixed-use downtown dimensional standards for maximum building height should be 75 feet, and under section 17.62.065 - outdoor lighting, she would like to encourage the use of energy efficient lighting such as LED or solar to reduce ongoing electrical demand and operating costs.

Commissioner Shaw would like to see as much density as possible so the Urban Growth Boundary didn't need to be moved until absolutely necessary. He would like to see the lot averaging remain the same, allowing for varied lot sizes.

A motion was made by Commissioner Ide, seconded by Commissioner Shaw, to continue Planning File LEG-18-00001 and Ordinance No. 18-1009 to the January 16, 2019 City Commission meeting. The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

6b.

First Reading of Ordinance No. 18-1031, Approving an Annexation, Zone Change (Clackamas County FU-10 to Oregon City R-6), and a 3-Lot Minor Partition for a 0.76 acre property located at 14530 S Maplelane Rd (GLUA-18-00020, AN-18-00002, ZC-18-00001, and MP-18-00004)

It was noted that Commissioner O'Donnell left the meeting at 7:45 PM and Commissioner Ide left the meeting at 8:17 PM.

Mr. Walter presented the staff report. This was a request for annexation of .76 acres, zone change from FU-10 to R-6, and a three lot minor partition. The Planning Commission and staff recommended approval of the application. He discussed the subject site, partition layout, approval criteria, and district/boundary changes.

Carrie Richter, City Attorney, asked if anyone on the Commission had ex parte contacts, conflicts of interest, bias, or any other statements to declare.

Commissioner Shaw had visited the site.

Mayor Holladay opened the public hearing.

There was no public testimony.

Mayor Holladay closed the public hearing.

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to approve the first reading of Ordinance No. 18-1031 and an Annexation, Zone Change, and a 3-lot Minor Partition for a 0.76 acre property located at 14530 S. Maplelane Rd. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Renate Mengelberg

6c.

First Reading of Ordinance No. 18-1027, Designating Old Canemah Park as a Park Under Oregon City Charter Chapter X

Phil Lewis, Community Services Director, said the City was in the process of dedicating all of the parks as Charter parks by ordinance. He explained the sections of the park that would be included through tonight's ordinance.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Shaw, to approve the first reading of Ordinance No. 18-1027, designating Old Canemah Park as a park under Oregon City Charter Chapter X. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Renate Mengelberg

7. General Business

7a.

Resolution No. 18-45, Naming Tyrone S. Woods Memorial Park

Phil Lewis, Community Services Director, presented the staff report recommending the park formerly known as Glen Oak Park be permanently re-named Tyrone S. Woods Memorial Park. Mr. Lewis walked through the process that had been used to re-name this park and explained the significance of Tyrone S. Woods, an Oregon City resident who gave his life in service to our country.

Kattie Riggs, City Recorder, submitted a citizen comment from Shawn Datchler into the record and noted a scrivener's error on the fifth Whereas in the Resolution, the date should have read October 25, 2018.

The Mayor invited the family and friends of Tyron S. Woods to speak.

Cheryl Croft-Bennett, resident of Oregon City and mother of Tyrone S. Woods, was honored by this gesture, thanked the Commission, and introduced the group with her.

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to approve Resolution No. 18-45, naming Tyrone S. Woods Memorial Park. The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

7b. Resolution No. 18-34, Supporting the National Flood Insurance Program's Community Rating System 2018 Recertification for Oregon City

John Lewis, Public Works Director, explained this resolution validated the flood insurance program that the City already had. He explained the areas that were covered under this insurance.

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to approve Resolution No. 18-34, supporting the National Flood Insurance Program's Community Rating System 2018 Recertification for Oregon City. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Renate Mengelberg

7c. Second Reading of Ordinance No. 18-1023, Designating Canemah Slope Park as a Park Under Oregon City Charter Chapter X

Mr. Phil Lewis explained this was the second reading to dedicate additional parks as Charter parks by ordinance and he would answer any questions.

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to approve the second reading and final adoption of Ordinance No. 18-1023, designating Canemah Slope Park as a park under Oregon City Charter Chapter X. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Renate Mengelberg

7d. Second Reading of Ordinance No. 18-1024, Designating the Straight Pioneer Cemetery as a Park Under Oregon City Charter Chapter X

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to approve the second reading and final adoption of Ordinance No. 18-1024, designating Straight Pioneer Cemetery as a park under Oregon City Charter Chapter X. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Renate Mengelberg

7e. Second Reading of Ordinance No. 18-1026, Designating Stafford Park as a Park Under Oregon City Charter Chapter X

A motion was made by Commissioner Mengelberg, seconded by Commissioner Shaw, to approve the second reading and final adoption of Ordinance No. 18-1026, designating Stafford Park as a park under Oregon City Charter Chapter X. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Renate Mengelberg

7f. Second Reading of Ordinance No. 18-1028, Designating the Pioneer Community Center as a Park Under Oregon City Charter Chapter X

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to approve the second reading and final adoption of Ordinance No. 18-1028, designating Pioneer Community Center as a park under Oregon City Charter Chapter X. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Renate Mengelberg

8. Consent Agenda

Mayor Holladay pulled item 8b. from the Consent Agenda to discuss.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Shaw, to approve the consent agenda except for item 8b. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Renate Mengelberg

8a. Resolution No. 18-29, Vacating a Section of Public Right-of-Way Adjacent to 16433 Front Avenue

8b. Resolution No. 18-43, Supporting the Clackamas County-wide Tobacco Retail License

Tony Konkol, City Manager, said Clackamas County gave a presentation to the Commission on implementing a tobacco retail license. They had requested a resolution in support of the program.

Mayor Holladay was not in favor of placing another tax on small businesses, especially since he thought it would not change behaviors.

Commissioner Shaw thought it would help provide protection to minors.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Shaw, to approve Resolution No. 18-43, supporting the Clackamas County-wide Tobacco Retail License. The motion carried by the following vote:

Aye: 2 - Commissioner Brian Shaw and Commissioner Renate Mengelberg

Nay: 1 - Mayor Dan Holladay

8c. Resolution No. 18-44, Certifying the Election Results for the November 6, 2018 General Election

- 8d. Transparency and Open Government: 2019-2023 Strategic Plan for Records and Information Management
- 8e. Minutes of the October 9, 2018 Work Session
- 8f. Minutes of the September 19, 2018 Regular Meeting
- 8g. Minutes of the September 19, 2018 Work Session
- 8h. Minutes of the September 19, 2018 Joint Work Session with Parks and Recreation Advisory Committee

9. Communications

a. City Manager

Mr. Underwood announced that Business Oregon would be having their Commission meeting, highlighting the Beavercreek Employment Area, at the Industrial Technical Center at Clackamas Community College, 11 AM - 1 PM on Friday, December 7, 2018.

Mr. John Lewis announced the Oregon Transportation Commission approved the alternate mobility targets. The Public Works department conducted an online survey to solicit feedback regarding a speed zone change on Central Point Road and the State would be reducing the speed to 35 mph from the City limits until the intersection.

Mr. Konkol announced the City Commission Work Session on December 11, 2018 would be cancelled and there would be an open house farewell celebration for Commissioners Shaw and Mengelberg prior to the December 19, 2018 City Commission Meeting.

b. Commission

Commissioner Shaw presented the City with the Silver Safety Award from the Citycounty Insurance Conference during the summer. He also congratulated Wyatt Parno for his communication during with the former water leak work.

c. Mayor

Mayor Holladay announced that Wyatt Parno, Finance Director, was the interim General Manager of South Fork Water Board while the current General Manager, John Collins, was out on medical leave.

10. Adjournment

Mayor Holladay adjourned the meeting at 8:44 PM.

Respectfully submitted,

Kattie Riggs

Kattie Riggs, City Recorder



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Meeting Minutes - Final

City Commission

Dan Holladay, Mayor
Brian Shaw, Commission President
Nancy Ide, Frank O'Donnell, Renate Mengelberg

Wednesday, December 6, 2017

7:00 PM

Commission Chambers

1. Convene Regular Meeting and Roll Call

Mayor Holladay called the meeting to order at 7:03 PM.

Present: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

Absent: 2 - Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

Staffers: 12 - City Manager Tony Konkol, City Attorney William Kabeiseman, City Recorder Kattie Riggs, James Band, Community Services Director Phil Lewis, Community Development Director Laura Terway, Christina Robertson-Gardiner, Economic Development Manager Eric Underwood, Library Director Maureen Cole, Finance Director Wyatt Parno, Human Resources Director Jim Loeffler and John Lewis

2. Flag Salute

3. Ceremonies, Proclamations, and Presentations

3a. Natural Resources Committee (NRC) Annual Update

Doug Neeley, Chair, and Trent Warness, Vice Chair, presented the Natural Resources Committee's annual update. Mr. Neeley gave a description of the Committee's roles and responsibilities. The Wetland Resource Overlays had not been updated since 1999 and there had been a new wetland delineation in Canemah that needed to be included in the Overlay. He suggested a tentative overlay be placed on the area. Other projects the NRC had been involved in included the Clackamas Community College Environmental Learning Center, Heritage Tree program, installing signage on streams in the City, geological designation of Water Board Park, invasive plant removal, joint meetings with the Parks and Recreation Advisory Board and Planning Commission, and received updates from Public Works, Planning, and other environmental organizations on several projects. The NRC would like funds identified to off-set the arborist costs for Heritage Tree designations as well as funds for installing more signs on streams in the City. He then reported on a series of natural history walking tours given by Jerry Herrmann, NRC member.

4. Citizen Comments

Bob Mahoney, resident of Oregon City, commended the Planning staff for their work. He asked the Commission to consider the economic impact that appeals of decisions were having on tax payers. This made investors and developers not want to come to

the City and it affected the future economics of the community. Tax payers had to pay for these appeals. He thought the appeal process needed to be reviewed. He did not think these appeals should be allowed to go on and on and cause developers delays.

Mayor Holladay suggested discussing this issue with State Representative Mark Meek.

5. Adoption of the Agenda

Mayor Holladay pulled item 8e from the agenda and it would come before the Commission at another meeting. The agenda was adopted as amended.

6. Public Hearings

6a. Request to Continue Planning File LE 17-02 to February 21, 2018, Legislative Amendment to Adopt the McLoughlin-Canemah Trail Plan, Amending the Transportation System Plan, Trails Master Plan, and Parks Master Plan

Mayor Holladay opened the public hearing.

Laura Terway, Community Development Director, requested a continuance for this application to February 21, 2018 to get more input from stakeholders.

A motion was made by Commissioner Shaw, seconded by Commissioner Ide, to continue Planning File LE 17-02 to February 21, 2018, Legislative Amendment to adopt the McLoughlin-Canemah Trail Plan, amending the Transportation System Plan, Trails Master Plan, and Parks Master Plan. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

6b. First Reading of Ordinance No. 17-1011 and AP 17-05: Appeal of the Planning Commission's Denial of TP 17-03 and ZC 17-02; Zone Change from "R-10" Single-Family Dwelling District to "R-8" Single-Family Dwelling District and a Subdivision of 77 lots (Wheeler Farm) Located near White Lane and Orchard Grove Drive

Mayor Holladay opened the public hearing.

Bill Kabeiseman, City Attorney, said after the Commission made the tentative decision to deny the appeal and approve the application, an email was received dated November 5, 2017 from Tom Geil. He asked the Commission to include a vote on the record that the Commission rejected that email.

A motion was made by Commissioner Ide, seconded by Commissioner Shaw, to reject the November 5, 2017 email from Tom Geil. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

Mr. Kabeiseman asked if the Commission had any ex parte contacts since the last hearing on this matter. There were none.

Christina Robertson-Gardiner, Planner, stated this was an application for a 77-lot subdivision and zone change from R-10 to R-8. The Planning Commission's decision to deny the application was appealed to the City Commission. The City Commission made a tentative decision to reverse the Planning Commission's decision and grant the appeal with the direction for staff to come back with findings and revised conditions of approval. The revised conditions were in regard to the 1.35-acre open space, Tract A, which would be open space in perpetuity, open to the public, and would be maintained by the Homeowners Association.

There was discussion regarding the options if the Homeowners Association did not maintain the open space.

There was no public comment. Mayor Holladay closed the public hearing.

A motion was made by Commissioner Ide, seconded by Commissioner Shaw, to approve the first reading of Ordinance No. 17-1011 and AP 17-05: appeal of the Planning Commission's denial of TP 17-03 and ZC 17-02; Zone Change from "R-10" single-family dwelling district to "R-8" single-family dwelling district and a subdivision of 77 lots (Wheeler Farm) located near White Lane and Orchard Grove Drive. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

7. General Business

7a. AP 17-04: Appeal of the Historic Review Board's August 22, 2017 Decision to Approve the Designs of Six (6) Cottage Style Homes in the Canemah Historic District

Ms. Terway said at the last Commission meeting the record was closed and the appeal of the HRB's August 22, 2017 decision was tentatively denied.

Mr. Kabeiseman asked if the Commission had any ex parte contacts since the tentative decision was made.

Mayor Holladay said Paul Edgar sent him an email, but it did not relate specifically to this particular item.

Commissioner Ide did not attend the last Commission meeting, but she did review the application and prepared for tonight.

Ms. Robertson-Gardiner said in August 2017 the Historic Review Board approved a cottage home project in Canemah. The approval was appealed by the Friends of Canemah and Paul Edgar. The Commission held the appeal hearing in November and tentatively denied the appeal and affirmed the HRB's decision. They directed staff to return with additional findings and adoption of the final decision tonight.

A motion was made by Commissioner Shaw, seconded by Commissioner Ide, to deny AP 17-04 and uphold the Historic Review Board's August 22, 2017 decision to approve the designs of cottage style homes in the Canemah Historic District. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

7b. Land Use Board of Appeals (LUBA) Remand of the Historic Nomination for the Community Cannery and Workshop Annex in the Upper Yard of the City's Public Works Operations Center

Mr. Kabeiseman asked the Commission if they had any ex parte contacts to declare since the last meeting. There were none.

Ms. Terway said in November the Commission made a tentative decision on the following: the City Commission was the proper decision-maker for the remand, the City had not waived the right to refuse consent by delegating the authority of designating historic resources to the Historic Review Board, the City Manager had the authority to refuse consent under the City Charter, and ORS 197.772 allowed public entities to refuse consent to historic designations.

Mr. Kabeiseman said the record was closed and he recommended not taking further testimony. The Commission agreed not to take any more testimony.

Jesse Buss, resident of Oregon City, objected to the lack of opportunity to speak.

A motion was made by Commissioner Shaw, seconded by Commissioner Ide, to adopt the revised findings for the Land Use Board of Appeals (LUBA) remand of the historic nomination for the Community Cannery and Workshop Annex in the Upper Yard of the City's Public Works Operations Center. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

7c. First Reading of Ordinance No. 17-1013, Amending the Oregon City Municipal Code Title 13, Public Services, Section 13.20 System Development Charge for Capital Improvements

John Lewis, Public Works Director, explained the proposed changes to the Code for System Development Charges for capital improvements. The changes included the definition of "most recent structure or use," establishing the value of SDC credits and the length of time they could be redeemed, and SDC reduction or reimbursement language. The next steps were to adopt the Ordinance with the proposed changes and the Transportation SDC methodology. The rate changes would come before the Commission in February 2018.

A motion was made by Commissioner Shaw, seconded by Commissioner Ide, to approve the first reading of Ordinance No. 17-1013, amending the Oregon City Municipal Code Title 13, Public Services, Section 13.20 System Development Charge for Capital Improvements. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

7d. Resolution No. 17-29, Declaring an Emergency and Exempting The Father's Heart Street Ministry and the Oregon City Retirement Center from Planning Code Requirements on a Temporary Basis

Tony Konkol, City Manager, said last year there were several cold weather events where the Commission declared emergency resolutions to allow two facilities, Father's Heart and the Oregon City Retirement Center, to be used as warming shelters during

those events. He had been in contact with Clackamas County health officials and the need for emergency shelters during cold weather events still existed in the community. The City had identified a checklist of minimum standards that were required for facilities to be identified as emergency warming shelters. The City received requests that these two facilities be available again this year. Father's Heart could house up to 49 people and the Oregon City Retirement Center could house up to 16 people from 6 p.m. to 7 a.m. each day the outside temperature reached 33 degrees or below including the wind chill factor until March 15, 2018. He recommended approval of the resolution.

A motion was made by Commissioner Ide, seconded by Commissioner Shaw, to approve Resolution No. 17-29, declaring an emergency and exempting The Father's Heart Street Ministry and the Oregon City Retirement Center from Planning Code requirements on a temporary basis. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

7e. Resolution No. 17-31, Recognizing and Supporting the Efforts of the Oregon City Homeless Solutions Coalition

Mr. Konkol said the Oregon City Homeless Solutions Coalition was working on ways to address homelessness in the City. The Commission was being asked to formally recognize and support this effort. Commissioner O'Donnell had contacted him asking if adopting this resolution committed the City to financial resources. The answer was no, this was not a request for financial assistance, although there had been discussions regarding assistance in the future.

Commissioner Ide confirmed this was not a request for funds, but a request for recognition that they existed in the community and were working towards homelessness solutions in the region.

A motion was made by Commissioner Shaw, seconded by Commissioner Ide, to approve Resolution No. 17-31, recognizing and supporting the efforts of the Oregon City Homeless Solutions Coalition. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

8. Consent Agenda

Mayor Holladay pulled item 8b from the Consent Agenda.

A motion was made by Commissioner Ide, seconded by Commissioner Shaw, to approve the consent agenda items 8a, 8c, 8d, and 8f - 8h. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

8a. Resolution No. 17-30, Establishing Annual Inflationary Adjustments to Storm Drainage Rates

8b. Revised Commission Policy 1-3, Public Meetings

Mayor Holladay wanted to let people know that this policy revised the time of City board and committee meetings to not go past 10 p.m. without a unanimous vote of approval by the members present and in no circumstances to go past 11 p.m. He did not think good decisions could be made past 11 p.m. and that was the reason for the policy change.

A motion was made by Commissioner Shaw, seconded by Commissioner Ide, to approve the revised Commission Policy 1-3, Public Meetings. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

- 8c. Technology Services Contract with Mark43, Inc. for New Police Records Management Software
- 8d. Personal Service Agreement with Friends of Trees for Neighborhood Tree Planting and Pruning
- 8e. Public Improvement Contract with DGS General Construction for Tenant Improvements to the Mt. Pleasant Annex (698 Warner Parrott Road)
- 8f. Minutes of the October 10, 2017 Work Session
- 8g. Minutes of the October 18, 2017 Regular Meeting
- 8h. Minutes of the November 1, 2017 Regular Meeting

9. Communications

a. City Manager

Ms. Terway reported on the Friends of Trees tree planting that occurred on Saturday.

Eric Underwood, Economic Development Manager, gave an update on the Enterprise Zone program. A long time Oregon City company was taking advantage of the program in order to expand their business. The company would be investing \$1 million and would be hiring four new family wage jobs.

Jim Band, Police Chief, announced Captain Davis was accepted into the 272nd session of the FBI National Academy.

b. Commission

Commissioner Ide reported on the National League of Cities Conference and Willamette Falls Locks Work Group. The Willamette Falls Locks Commission would have its first meeting in January 2018. She had also been attending several panel discussions on affordable housing and did a ride along with Officer Mike Day.

Commissioner Shaw attended the Citizen Involvement Committee (CIC) meeting.

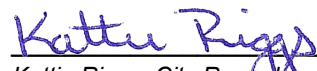
c. Mayor

Mayor Holladay attended the Tree Lighting Ceremony and Willamette Falls Legacy Project Partners meeting.

10. Adjournment

Mayor Holladay adjourned the meeting at 8:13 PM.

Respectfully submitted,



Katie Riggs, City Recorder



City of Oregon City

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Meeting Minutes - Final

City Commission

Dan Holladay, Mayor
Brian Shaw, Commission President
Nancy Ide, Frank O'Donnell, Renate Mengelberg

Wednesday, November 15, 2017

7:00 PM

Commission Chambers

1. Convene Regular Meeting and Roll Call

Mayor Holladay called the meeting to order at 7:05 PM.

Present: 4 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

Absent: 1 - Commissioner Nancy Ide

Staffers: 12 - City Manager Tony Konkol, Assistant City Attorney Carrie Richter, City Recorder Kattie Riggs, James Band, Community Services Director Phil Lewis, Community Development Director Laura Terway, Christina Robertson-Gardiner, Economic Development Manager Eric Underwood, Economic Development Coordinator Leigh Anne Hogue, Library Director Maureen Cole, Finance Director Wyatt Parno and Human Resources Director Jim Loeffler

2. Flag Salute

3. Ceremonies, Proclamations

3a. Proclamation Declaring November 20 - 25, 2017 as Oregon City Buy Local Week and Saturday, November 25, 2017 as Oregon City Buy Local, Small Business Saturday

Danielle Walsh, owner of White Rabbit Gifts and Black Ink Coffee, discussed what buying local meant to her. Buying local was a reinvestment into the community. Non-profits benefited from small businesses and local businesses helped with tourism. Shopping local reduced environmental impacts and helped keep jobs in the area. She was hosting a Meeting of the Makers to help local makers get started in business.

Jonathan Stone, Executive Director of the Downtown Oregon City Association, shared that the Association was a finalist for the Great American Main Street Award due to the City's high rate of independent businesses. The Snowflake Raffle would begin on November 25, 2017 and the winners would be chosen at the Tree Lighting Ceremony. There would be an Entrepreneurial Ecosystems Workshop on November 29, 2017.

Mayor Holladay read the proclamation declaring November 20 - 25, 2017 as Oregon City Buy Local Week and Saturday, November 25, 2017 as Oregon City Buy Local, Small Business Saturday.

3b. Tourism Strategic Plan Project Mid-point Update Presentation by Coraggio Group

Eric Underwood, Economic Development Manager, said they were at the midpoint in creating the Tourism Strategic Plan. Leigh Anne Hogue, Economic Development Coordinator, stated there had been a lot of stakeholder engagement in the past five months.

Matthew Landkamer, Beau Bennett, and Colin Stoetzel of Coraggio Group gave an update on the project. Mr. Landkamer stated there were two tracks to this project, one was the Tourism Strategic Plan and the other was marketing and branding. Mr. Bennett discussed the project timeline, strategic planning framework, and strategic imperatives, objectives, and initiatives. Mr. Stoetzel described the next steps for the project over the next three months and how the draft Plan would be completed in January 2018. He then explained the progress on the marketing and branding effort and the idea of creating a key experience. Mr. Landkamer continued with the next steps for the marketing and branding. Their job was to help the City select a marketing agency to implement the key experience campaign. The plan was to hire an agency in January and begin work in February. The key experience would be launched in May or June for the summer season. The Coraggio Group would help oversee the development of the key experience. The experience would focus on assets that were ready to go.

Mayor Holladay suggested the Commission be a part of the selection of the marketing agency.

There was discussion regarding the details of the key experience and need for coordinating all of the tourism agencies to be a unified tourism industry.

4. Citizen Comments

There were no citizen comments.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

6a. AP 17-04: Appeal of the Historic Review Board's August 22, 2017 Decision to Approve the Designs of Six (6) Cottage Style Homes in the Canemah Historic District

Mayor Holladay opened the public hearing.

Carrie Richter, City Attorney, read the hearing statement. No new evidence was allowed, testimony would be limited to the issues raised in the notice of appeal, and only those who testified at the Historic Review Board meeting could testify. She asked if anyone on the Commission had ex parte contacts, conflicts of interest, bias, or any other statements to declare. There were none. Commissioners Shaw and Mengelberg and Mayor Holladay had visited the site.

Christina Robertson-Gardiner, Planner, stated there were two exhibits that had recently been received, one was from Karen Blaha and the other from Christine Kosinski. Ms.

Kosinski's letter needed to be stricken from the record as she did not have standing in this appeal. The options for the Commission that night were: if the Commission agreed with the Historic Review Board's decision, the Commission should deny the appeal and approve the application and if the Commission determined the HRB erred in its deliberations and findings, the Commission could either deny the appeal but provide additional conditions or findings that would make the application compatible and that would be included in the revised decision on December 6, 2017 or grant the appeal, deny the application, and provide additional findings that would be included in the revised decision on December 6. Staff recommended the Commission make a tentative decision that night. She explained the timeline of the application for a 5-unit cottage housing project which was approved in August. This was for a historic district compatibility review. The application still had to go through site plan and design review, geologic hazards review, right-of-way permits, and building permits. The property was located in the Canemah national register historic district. She described the subject site and proposed layout. Originally seven cottage homes were proposed for the site, but the HRB made a condition that only six would be built. The homes were small, 600 square feet to 1,100 square feet. In the discussions regarding whether these homes were compatible, the Municipal Code was reviewed and the HRB found that if the applicant was willing to comply with the conditions of approval, the design may be deemed compatible even though the design did not meet the strict design standards for new construction. She then gave a background on the design guidelines for new construction and alternative designs. The conditions of approval included house number two to be removed, enhanced landscaping, and house number one had to meet the setback standards of the zone. All windows and doors would be made of wood, all double doors would be French style doors, second story windows would be rectangular and would not exceed the door height plus a one-foot transom, and no roof cutouts would be permitted. There were also specific conditions for each house.

Ms. Richter explained the building layout issues included in the appeal. The allegation was approval of this application allowed excess density and lot coverage, more than one house per lot, and more than 80% lot coverage. The HRB found that the guidelines acknowledged variation in lot sizes and the modest house size coupled with landscaping mitigated for the one extra house. They also found that there was a greater density of buildings within the Casady House property adjacent to the site that supported allowing additional density. Another issue had to do with the significant amount of land grading and installation of retaining walls, alteration of wagon roads, and internal parking lots. The HRB found the grading was necessary to make the site accessible and to allow house number one to be lower in elevation to the adjacent homes. The historic district did not protect wagon roads, but the proposal would not include curbs and sidewalks that altered the historic roadways. Retaining walls were common in Canemah and the internal parking lots would not be visible from the street. The appeal was also based on wetland impacts, setbacks, and preservation incentives. The appeal stated the application failed to preserve vegetative corridors and adversely affected wetlands. Wetland preservation was not within the HRB's purview and would be dealt with during the Geologic Hazard Overlay review. The application requested a number of reductions in the setbacks. In order to allow these setbacks, the HRB granted a preservation incentive. The HRB found that the preservation incentive was appropriate due to the natural topography of the site and allowed for better spacing of the three homes proposed along Miller Street. Additional plantings were required to mitigate for the impacts. Another issue was structure design. One of the allegations was there was too much duplication and the houses were clones. The HRB found nothing in the guidelines that prohibited duplication in the design. None of the proposed home designs were identical and the more simplified design helped the houses fade into the background. Another allegation was the use of modern design

details that were inconsistent with Canemah. The HRB imposed conditions limiting the size of the second story windows, prohibited roof cuts, and restricted skylight locations to locations not visible from the right-of-way. The appellants believed that taken together, the proposed layout and build design deviated from what was appropriate for preserving Canemah including property values, civic pride, and tourism. The HRB found that the houses were designed in the vernacular style and were contextually appropriate. There was insufficient evidence regarding the adverse effects on property values in building these homes. One of the objectives was to encourage the use of historic districts for housing, and this met that objective.

Paul Edgar was representing himself and the Friends of Canemah who were the appellants. The applicant had the burden of proof to show substantial evidence in the record that the application met the applicable approval criteria. The Commission's job was to interpret the code and context of the code. This application did not follow the cottage homes ordinance as it was not on one lot, but four lots, and the lot had to be at least 10,000 square feet and none of them were that large. The proposed development altered the manner and changed the appearance of the historic district. There was no way to alter this proposal in a manner that would allow it to fit with the building guidelines. This proposal did not advance the public interest or protection of the special character of the historic district. There was no design like this in Canemah and there should not be detracting clones. He offered the full historic inventory for the Casady House in his documentation. This was a Queen Anne style home, and the cottage homes were modern style. The proposed development would destabilize property values. It did not engender civic pride and would lessen tourism in Canemah. It weakened the City's First City historic story and importance. The development would also affect the wetlands. He thought the setbacks were a standard, not a guideline. It was not compatible with the historic character of the Canemah district. No homes were only 10 feet apart. The Commission had an obligation to historic preservation. He wanted to see development on this property, but it had to be the right development.

Chris Staggs, applicant, said the City was growing and evolving. He bought this property for its potential. He was not a big developer, but a family owned business that was focused on creating special places where people would enjoy living. He thought the development would build up and improve the area. They had gone through a rigorous process with the HRB, engaged with the Canemah Neighborhood Association, and talked to neighbors. The Canemah Neighborhood Association supported this application. An exhaustive study of Canemah was done for the application to better understand the historic district. At the end of that process, they had a complete knowledge of the character and what was important to the district. Canemah was a densely developed area in a collection of hillside conditions. The homes were situated on the lots to work with the topography and other homes. In many situations, the homes were close to each other and on the property lines. He read an excerpt from the new construction design guidelines regarding setbacks. He thought this proposal fit with the character of Canemah in terms of density, setbacks, overlapping property lines, and right-of-way. He emphasized how the project fit with the neighborhood. He discussed the site plan for the development. The project preserved open space and wetlands as the homes were situated around that area. The wetland had been delineated and registered with the state. Because of that, they had asked for a preservation incentive for houses five and six to be on the property lines. There was a significant distance from the street edge to these homes and there would be a landscaping buffer as well. A lot of attention had been paid to the proportions for the windows, siding, and scale of the homes. They also deferred to the historic Casady House next door. The proposed cottage house would be lower in respect and deference to the Casady House. It was also oriented towards the street which was similar to the

Casady House. All of the cottage homes were similar in volume and form which was similar to what was in the neighborhood. The roof cutouts would be taken out and the glass would be smaller in the windows, which followed the conditions of approval. The Canemah neighborhood would benefit from the addition of these modestly scaled residences. He asked the Commission to uphold the decision of the HRB to approve this application.

Howard Post, resident of Oregon City, said generally the lots in Canemah were 50 x 100 with one home. This would be a commercial development where the properties would be for rent, not for sale. There was not supposed to be any commercial development above 3rd Avenue. It was not common in Canemah to allow preservation incentives. People in Canemah were not against development, but they did want it to be compatible. He was concerned about losing historic district status as this had never been done before. He thought it would set a precedent and would change the district. Some people in Canemah were in support, and some were not. The question was whether they were going to change Canemah from a historic district to a cluster of houses with no guidelines.

Karen Blaha, resident of Oregon City, supported staff's recommendations. It was time for the project to move on to the next steps. Those steps were daunting. She lived adjacent to this property. She was the treasurer of the Canemah Neighborhood Association. The applicant had come to Association meetings to talk about the project, but the Association had not taken a formal position on the project.

Kristen Minor gave the rebuttal for the applicant. She sat on the Portland Landmarks Commission and worked in an architecture office where they did historic preservation. She had looked at the case record so far and assessed the development with the nature of the historic district. The proposed design was a modern vernacular style which took its cues from the historic contributing structures in Canemah. It did not replicate the existing houses, but the majority of the designs were taken from the existing houses such as the scale, footprint, and materiality.

Mr. Staggs closed by saying this had been an exhaustive process. He could build four single-family homes with four accessory dwelling units on these four lots of record or he could build eight cottage homes. He originally applied to build seven cottage homes, and through the HRB process, it was now five cottages. He thought it was an appropriate scale and density for Canemah and was compatible. He requested that the Commission uphold the HRB's decision for approval.

Commissioner Mengelberg asked about the lots and number of homes. Mr. Staggs clarified there were four tax lots and five cottages proposed. Ms. Richter explained the appellant's argument was these five houses could not go on more than one lot under the cottage home standards. The applicant said that when they got to that point all of the lots would be consolidated into one lot that was over 10,000 square feet. For this proceeding, the cottage home standards were not relevant. This was just to evaluate the historic appropriateness of the project.

Mayor Holladay closed the public hearing.

Ms. Richter said one of the testifiers discussed how this property would be leased, which was not germane to this review. Regarding the guidelines, if an application complied with all the guidelines, it complied with the criteria. In this case there was deviation from the guidelines, but the HRB found that the criteria were satisfied. The HRB agreed that not all the guidelines were followed, but the variety and creativity in

design was allowed. The appellants distributed new information that night from Chapter 2 of the Municipal Code and she recommended the Commission reject the additional testimony. She also recommended that the Commission make a tentative decision that night and staff would return with findings on December 6, 2017. The applicant had agreed to extend the 120-day deadline to December 7, 2017. She reviewed the options for Commission action.

Commissioner Shaw said he was one of the founding members of the HRB and was sensitive to what happened in Canemah. This was an exciting project and he was a proponent of increasing density where appropriate. He thought the proposal was compatible and complimentary to Canemah as there was a variety of architecture in the district. He thought the application complied as proposed with conditions. He asked if a historic district could ever lose its status.

Ms. Richter said yes, it could, but to discuss it further would add new evidence.

Commissioner O'Donnell said this was a limited finding and agreed with Commissioner Shaw's remarks.

Mayor Holladay said history was not a snapshot in time, but was a continuum. He thought the project looked similar to what was in Canemah. He did not think it would adversely affect the historic district. He thought the HRB made the right decision. This development would also add affordable housing in the City.

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to tentatively deny AP 17-04 and to approve the Historic Review Board's August 22, 2017 decision to approve the designs of the cottage style homes in the Canemah Historic District. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

6b.

Parker Knoll Subdivision: TP 17-02 Eleven Lot Subdivision at Leland Road and Reddaway Avenue Including Utilization of an Existing Easement in Wesley Lynn Park

Mayor Holladay opened the public hearing.

Ms. Richter said the Commission made a tentative decision to approve this application. Staff had provided findings to that end. She asked if any Commissioner had any ex parte contacts, conflicts of interest, bias, or any other statements to declare since the last hearing. There were none.

There was no public testimony. Mayor Holladay closed the public hearing.

Laura Terway, Community Development Director, said the Commission tentatively approved the proposed subdivision finding that all of the criteria had been met with the proposed conditions of approval and finding that the application did not have to go to a vote of the people.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Shaw, to adopt the findings and approve the Parker Knoll Subdivision: TP 17-02 eleven lot subdivision at Leland Road and Reddaway Avenue Including utilization of an existing easement in Wesley Lynn Park. The motion passed by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Renate Mengelberg

Nay: 1 - Commissioner Frank O'Donnell

6c.

Land Use Board of Appeals (LUBA) Remand of the Historic Nomination for the Community Cannery and Workshop Annex in the Upper Yard of the City's Public Works Operations Center

Mayor Holladay opened the public hearing.

Ms. Richter stated that no new evidence would be allowed and the testimony would be limited to the issues identified in the remand. She asked if any Commissioner had any ex parte contacts, conflicts of interest, bias, or any other statements to declare. There were none. All Commissioners had visited the site.

Ms. Richter presented the staff report. This case related to the Camp Adair buildings on the Public Works operations site. The two buildings were identified as the Community Cannery and the Workshop Annex. The McLoughlin Neighborhood Association filed an application requesting the HRB designate these two buildings as historic. Before the HRB held a hearing on the application, the City Manager issued a letter to the HRB and McLoughlin Neighborhood Association revoking consent to the designation. At that point no further action took place. The matter was appealed to LUBA and LUBA remanded the decision regarding the HRB's failure to take action on the application. The decisions before the Commission were: to confirm that the Commission was the proper decision-maker on the remand, adoption of Municipal Code Chapter 17.40.50 did not waive application of ORS 197.772 with regard to publicly owned property, the City Manager had the authority to revoke consent, and ORS 197.772 did not distinguish between private and public property owners in their ability to revoke consent. She thought the Commission was the appropriate decision-maker as any recommendation made by the HRB was forwarded to the City Commission. The adoption of Municipal Code 17.40.50 did not waive the City's right to object to historic designation. It was a voluntary decision by the City and there was no indication of intent to waive ORS 197.772 and limit consent. If the code implicitly waived the ORS right of public property owners to withdraw consent, it would effectively waive those rights for private property owners as well. The City Manager had authority to revoke consent per the Charter which stated the City Manager had supervision over all City property. The ORS did not distinguish between private and public property owners.

Jesse Buss, resident of Oregon City, was representing the McLoughlin Neighborhood Association. What was included in the packet was the first version of the LUBA record and there were two amendments which should be included in the record as well. Regarding the Lake Oswego Preservation case, the Oregon Supreme Court stated the statute should be narrowly construed. He thought it only addressed private property concerns for revoking consent. He also thought the term property owner and local government were mutually exclusive, especially when local governments were subject to statewide land use planning goal 5, historic preservation. A local government could not waive a private property owner's right to revoke consent. It was an entirely different story when it came to public property. The Association also objected to new evidence not being allowed. The Association's application never made it to a hearing before the HRB. It went to LUBA who said the HRB needed to consider the issue. The record had never been opened, and he thought it should be opened now. LUBA said the HRB needed to address the issue and coming directly to the City Commission was

bypassing the City's ordinances to have the HRB review it first. The criteria for landmark designation was in the Municipal Code and it did not allow the HRB, City Manager, or the City Commission to discretionarily refuse consent. The notice he received did not identify that the City Commission was the proper decision-maker for this remanded matter nor did it say the City Commission was able to decide whether to revoke consent tonight. He thought it needed to be re-noticed so people could testify on why the City should not revoke consent.

Mayor Holladay thought since the City owned this property, it was the property owner and that the City Commission and City Manager had the right to say how the property would be used. Mr. Buss said when the City had adopted a comprehensive historic review code that governed those decisions, they did not have that right.

Mayor Holladay closed the public hearing.

Ms. Richter said the point about adding the amended versions of the LUBA record was a concern she would have to look into. She recommended the Commission make a tentative decision and she could return with the corrected record. With regard to new evidence, an open record, and continuance, this was a remand proceeding and not a quasi-judicial procedure. LUBA had asked the City to answer three questions and they had nothing to do with the Municipal Code 17.40.50 designation criteria assigned to the HRB for initial evaluation. These were jurisdictional questions related to ORS 197.772 and whether or not the City waived a state right. She did not recommend the Commission open the record or grant a continuance. The notice identified the three questions, and the fourth question was implicit in the third question. The question of whether the City Commission was the proper decision-maker was something for the City Commission's interpretation and did not require additional testimony.

Commissioner O'Donnell thought in the documentation that LUBA would have liked interaction with the HRB. He did not think that waived the Commission's right to be the final decision-maker.

Mayor Holladay had no question in his mind that the City Manager had the authority to make these kinds of decisions. The Commission's role was as policy makers. He thought there was no difference between a private property owner and a government or corporate property owner. The title to this property showed it was owned by the City of Oregon City. There was no differentiation between private and public ownership.

Commissioner O'Donnell concurred that there was no legal differentiation between private and public ownership. They both had the right to exercise control over their assets.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Shaw, to tentatively confirm the four points of the LUBA remand as recommended by the City Commission. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

7. General Business

- 7a.** Resolution No.17-27, Calling for a Public Hearing for the Continuation of an Economic Improvement District

Mr. Underwood explained in order to continue the assessment of the EID longer than what was specified initially in the ordinance, the Commission needed to enact a new ordinance to continue the assessment for four more years and granting properties owners the right for remonstrance. The resolution gave notice that a public hearing would be held to renew the EID.

Mr. Stone stated the EID began in 2011. A letter was submitted from Carol Pauli, president of the Downtown Oregon City Association, and he highlighted the themes from her letter. The last time the EID was renewed it did not pass the first time and had to be renegotiated. This time the Association had gotten general support of the EID from the property owners in the District. The changes proposed included an expansion of the District and dividing the District into three zones. The Association had used the funds, which totaled around \$2.43 million, in services. He thought the EID would pass the first time and that they had the general support of those in the District.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Shaw, to approve Resolution No.17-27, calling for a public hearing for the continuation of an Economic Improvement District. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

7b. Purchase and Sale Agreement for 1220 Main Street (Municipal Parking Lot) Due Diligence Extension Request

Mr. Underwood said the purchase and sale agreement for 1220 Main Street was approved in August 2017. Since that time the developer had requested a 20 day due diligence extension to further investigate the feasibility of the parking structure for 90 public parking spaces that was part of the contract. The extension would set the expiration date to December 7, 2017.

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to approve the purchase and sale agreement for 1220 Main Street (Municipal Parking Lot) due diligence extension request. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

8. Consent Agenda

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

Aye: 4 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

8a. Resolution No. 17-25, Updating the Transportation Projects Eligible for Transportation System Development Charges Funding

8b. Resolution No. 17-28, Authorizing the Sale of Bonds for the Police and Municipal Court Facility

9. Communications**a. City Manager**

Mr. Konkol said the next Work Session would be a joint meeting with the Planning Commission followed by a regular Work Session of the City Commission. The County would be making a presentation on warming shelters.

Maureen Cole, Library Director, announced the Library received an award from Restore Oregon for the integration of the Carnegie building into the addition of the library.

b. Commission

Commissioner Shaw reported on the Chamber of Commerce meeting that morning.

c. Mayor

There were no Mayor communications.

10. Adjournment

Mayor Holladay adjourned the meeting at 9:45 PM.

Respectfully submitted,


Kattie Riggs, City Recorder



City of Oregon City

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

Meeting Minutes - Final

City Commission

Dan Holladay, Mayor
Brian Shaw, Commission President
Nancy Ide, Frank O'Donnell, Renate Mengelberg

Tuesday, May 9, 2017

5:30 PM

Commission Chambers

Work Session

1. Convene Work Session and Roll Call

Mayor Holladay called the meeting to order at 5:33 PM.

Present: 5 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

Staffers: 8 - City Manager Tony Konkol, Community Development Director Laura Terway, Human Resources Director Jim Loeffler, Community Services Director Phil Lewis, Police Chief and Public Safety Director James Band, Economic Development Manager Eric Underwood, City Recorder Kattie Riggs and Public Works Director John Lewis

2. Future Agenda Items

No future agenda items were suggested.

3. Discussion Items

3a. Community Health Improvement Plan Presentation by Clackamas County Public Health Division

Jamie Zentner, Program Planner for Clackamas County Public Health, said the community health assessment was a culmination of a lot of data that started at the regional level and was pared down to the local level. She explained the role of public health in Clackamas County. The program areas they offered were access to care, infectious disease control and prevention, environmental health, and healthy, safe, and clean places. She discussed how the department was accredited which held them to high standards including doing community health assessments and a Community Health Improvement Plan.

Dawn Emerick, Director of Public Health for Clackamas County, said the assessment had to be done every three years. The last time it was done it was an internal analysis, and this time they were presenting the information all around the County and getting feedback. This was a large county that was geographically and demographically diverse. Clackamas County was the second healthiest county in the state. However in looking at the data, every community was different in respect to wealth and those that were urban and rural. In order to take all of those into account, they came up with the concept of health equity zones. She discussed the culture of health, graduation rates per health equity zone, graduation rates by economic status

and health equity zone, and estimates of children living in poverty by health equity zone. She then discussed the health behaviors of youth and adults including alcohol use, drug use, attempted suicide, and physical activity. Clackamas County had the highest rate of prescriptions issued per capita. She explained the illnesses and chronic conditions in youth and adults and top ten leading causes of death. She then asked the Commission what they thought were the top three health priorities in the County.

The Commission participated in a dot exercise where they placed dots on what they thought should be the health priorities. While the Commission was placing their dots, Ms. Emerick explained why she thought opioids were so high in the County. She thought it had a lot to do with prescriptions people were being given.

Ms. Zentner said the priorities chosen by the Commission were increased access to healthcare, increased access to housing, increased number of people who met the physical activity guidelines, and decreased cardiovascular deaths. She asked how their priorities aligned with the work that the Commission did.

There was discussion regarding the City working on affordable housing, being careful not to rely too much on statistics, and the importance of health education.

Ms. Emerick stressed the importance of ethics in making decisions. They had discussed the health equity zones with an ethicist to see if there were any negative impacts or ethical consequences of doing these zones. She then explained the funding for her department and this project.

3b.

Police Facility Bond Measure - Ballot Title and Explanatory Statement Language Discussion

Jim Band, Police Chief, gave a history of how the C-SAF fee came about as partial funding for the new police facility. There was a transparent public process and the feedback was overwhelmingly positive for the \$6.50 per month fee. The fee was passed by the City Commission in January 2016 and since then \$1.7 million had been collected. The City went out for a police facility bond in November 2016, but it was voted down. The feedback for the reason it failed was the language was unclear. It sounded like the City was going to raise people's taxes, which was language that had to be included for the geo bond. Currently they were leasing the building to Marylhurst and staff was working on ways to use the annex building. He was proposing instead of a geo bond to go with a revenue bond which allowed for cleaner language. The ballot language specified that approval would not authorize the City to impose additional taxes and it allowed the City to tie the repayment to the fee. The one downside was it was more expensive. The most they could borrow was \$16 million and there would be \$100,000 to \$200,000 more in interest. The options for the Commission were to do nothing and continue to collect C-SAF for the next 15 years or to move forward with a revenue bond measure. The approximate cost of the project was \$20 million. He thought the difference could be made up with the money collected through C-SAF and the sale of the current police property. If the Commission wanted to move forward with the revenue bond measure, staff would bring it back to the next Commission meeting for approval and to be put on the September 19, 2017 election.

Mayor Holladay suggested Chief Band engage the services of a professional campaign consultant.

Commissioner O'Donnell thought the phrasing of the ballot title needed to be highly effective.

There was discussion regarding adding language stating the City would not impose additional fees in support of this project.

Commissioner Mengelberg thought the ballot title needed to give more specifics. Regarding the explanatory statement, it should start with what they were asking for, give details of the building and bond measure, then what the measure would do, next the Oregon law explanation, and finish with the history.

Mayor Holladay said the more words they had, the less the average voter would read it all. He emphasized putting the most important information first.

Commissioner Ide said on the ballot title, what was the value of using the words "in a principle amount." If those words did not need to be included, it was her preference that they be left out.

Brendan Watkins, Piper Jaffray and Company, did not know if it was required to delineate between principle and interest for the documents submitted to the voters, however some voters might think the \$16 million included both principle and interest.

Commissioner Ide said on the explanatory statement, it stated the measure did not allow the City to raise taxes and she thought it should say "approval of the measure" would not allow the City to raise taxes. She also suggested changing the language to say, "today the population has more than doubled" instead of "nearly doubled". Regarding the title of the resolution, it said "community safety facility" where it should state "police and municipal court facility."

Commissioner Shaw clarified they did not have a choice between a geo bond and a revenue bond as the geo bond had failed because of the language about raising taxes. Chief Band said they could try again with a geo bond, but the benefits of a revenue bond were it presented the cleanest question to the voter and allowed the City to give voters the guarantee that if approved the measure would not allow the City to raise taxes.

Tony Konkol, City Manager, left the Commission meeting to go to the Barclay Hills Neighborhood Association meeting.

3c.

Natural Resources Committee Project Requests

Laura Terway, Community Development Director, said the Natural Resources Committee (NRC) had requested stream signage at major roadways. The Greater Oregon City Watershed Council received a grant from the Oregon Watershed Enhancement Board for the creation of the signs and worked with the NRC to identify the top streams that needed signage. They also worked with Public Works for the matching portion of the grant, and Public Works would pay for the poles and install the signs. There would be 13 signs placed near roadways that would identify streams and provide education and outreach about the City's streams to the public. The NRC also requested to re-evaluate the Natural Resource Overlay District (NROD) Map. She explained the NROD was a district that protected the land adjacent to streams and wetlands and created a vegetative corridor between the natural resource feature and development. The purpose of the NROD was to create great habitat, healthy streams, shade from nearby trees, and protection of animals. This year the City found a wetland in Canemah that was not included on the map and was not connected to the district. The Department of State Lands came in and did a delineation of the wetland. However since it was not in the overlay district, the City could not put a buffer around the wetland. The City was investigating whether they were obligated to protect the wetland, and if they were, what was the timeframe associated with that. If

they were not, the City could set its own timeframe for when it should be regulated. The NRC's final request was to re-do the natural resource inventory which was last done in 1999. The cost for that process was over \$100,000. The code and map was updated in 2009 with LIDAR data, biologists at Metro, and Title 3 and Title 13 maps. Staff did not see a need at this point to do a new study. It would be put on a list for future projects and staff would try to find funding.

There was discussion regarding the new wetland that was found and how the City could not force the current applicant to place a buffer around the wetland at this time. If the buffer was placed after development occurred, it would be effective for future expansion or redevelopment projects.

Commissioner Mengelberg wanted to be careful to balance environmental protection and infringing on property rights.

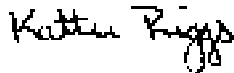
4. City Manager's Report

Phil Lewis, Community Services Director, confirmed that the drywall and paint project for the Ermatinger House had been completed. A final cleaning was being done before the furniture was moved in. He was also working on a signage plan and was in conversation with the Friends of the Ermatinger House. He would come back with an agreement with the Friends group in June. The home would be open for the June 23-24, 2017 Oregon City Heritage Days.

5. Adjournment

Mayor Holladay adjourned the meeting at 7:16 PM.

Respectfully submitted,



Katie Riggs, City Recorder