



City of Oregon City

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Oregon City, OR 97045
503-657-0891

Meeting Minutes City Commission

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

Wednesday, April 2, 2014

7:00 PM

Commission Chambers

1. Convene Regular Meeting and take Roll Call

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

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

Staffers: 11 - City Manager David Frasher, City Attorney Ed Sullivan, Public Works Director John Lewis, Community Development Director Tony Konkol, Community Services Director Scott Archer, City Recorder Nancy Ide, Human Resources Director Jim Loeffler, Finance Director Wyatt Parno, Library Director Maureen Cole, Economic Development Manager Eric Underwood and Captain Greg Fryett

2. Flag Salute

3. Ceremonies, Proclamations, Presentations

3a. [14-202](#) Proclamation Declaring April 2014 as Parkinson's Awareness Month

Mayor Neeley read a proclamation declaring April 2014 as Parkinson's Awareness Month.

Kevin Mansfield, facilitator with Parkinson's Resources of Oregon, explained his struggle with Parkinson's and how he was working to educate people on the disease. He discussed the funding his group received for more research and jobs.

3b. [14-158](#) Presentation and Proclamation Declaring April 2014 as Child Abuse Prevention Month

Mayor Neeley read a proclamation declaring April 2014 as Child Abuse Prevention Month.

Barbara Peschiera, Executive Director of the Children's Center, and Dr. Catherine Burns, one of the Board of Directors, presented information on the Children's Center whose mission was to support and medically assess children who were suspected of being abused or neglected. Ms. Peschiera explained what the Center provided for children, funding for the Center, and reminded everyone of mandatory reporting. She explained the reality of child abuse, strategic goals for 2013-2016, and the current Child Abuse Awareness Campaign. Dr. Burns gave some statistics for the number of children being seen from Oregon City and the region. She encouraged everyone to speak up for children.

The Commission discussed how important this Center was for the community.

3c. [14-201](#)

Presentation on Newell Creek Canyon Planning Project

Scott Archer, Community Services Director, introduced Jim Desmond, Director of the Sustainability Center for Metro, and Dave Elkin, Project Manager, who would give a report on an upcoming project at Newell Creek Canyon.

Mr. Desmond discussed the project for new public access to Newell Creek Canyon. He explained the acquisition of the properties, restoration of the canyon, and reasons and goals for the project.

Mr. Elkin described the public input process. There would be four public meetings, and April 29 would be the first one. The other meetings would be held in June, August, and October. Construction plans would be completed in 2015, and construction done by 2016. There would also be a stakeholder committee. He discussed the personality of the Newell Creek habitat and geology and intent for the project.

The Commission thanked Metro for their partnership.

4. Citizen Comments

Rolla and Marge Harding, representing the First City Ambassadors, requested approval for the Ambassadors to be recognized as heritage representatives of the City of Oregon City at events and special occasions. The summer tourism season was fast approaching and there were several opportunities for the Ambassadors to welcome and promote the City.

David Frasher, City Manager, suggested the Hardings work with staff to craft a letter that allowed them to do certain activities, but not be agents of the city.

William Gifford, resident of Oregon City, recommended putting the child abuse hotline on the City's website. The Multnomah County Sheriff's office had contracted with Metro to clean up homeless camps in Newell Creek Canyon. He mentioned the City of Eugene who placed a ban on insecticides that killed honey bees and asked the Commission to consider directing staff to do the same in Oregon City.

Blane Meier, resident of Oregon City, supported Metro's efforts for Newell Creek Canyon. The Oregon City Trail Alliance was dedicated to hiking and biking and putting a trail in the Canyon. He discussed possibilities for the Canyon, not only educational but also for getting adults and kids active and for cycle tourism.

Adam Beykovsky, resident of Oregon City, manager for City Cycles, and president of Oregon City Trail Alliance, thought access to the Canyon would be good for the community for tourism and for the economy. The Sandy Ridge Trail System was a good example of doing it right where the environment was enhanced and he would like to see something similar here. He encouraged mountain bike or hiking trails and getting the community to embrace it.

5. Adoption of the Agenda

A resolution was added under City Manager's Report. The agenda was adopted as

amended.

6. Public Hearings

6a. [14-200](#)

Ordinance for Introduction, No. 14-1005, Declaring a Moratorium on Medical Marijuana Facilities, and Declaring an Emergency

Mayor Neeley opened the public hearing.

Ed Sullivan, City Attorney, said this was the result of the legislature who decided to do nothing on the medical marijuana issue for now and allow the voters to decide the issue of recreational marijuana. He gave a background on the conflict surrounding marijuana dispensaries. In response to local government, the legislature gave cities the ability to enact a moratorium on dispensaries to be effective until May 1, 2015. The ordinance declared a state of emergency as it had to be done by May 1, 2014.

Kory Cassell, resident of Oregon City, was in favor of reasonably regulating marijuana dispensaries and in favor of a moratorium against HB 34-60. He did not think HB 34-60 put patients first and thought home deliveries should be allowed. He thought the testing requirements were overkill and would drive prices higher. The best compromise would be to allow a caregiving service/private social club to operate, give employees of such services immunity from certain laws, basically follow the Oregon Medical Marijuana Act, and let the situation evolve for another year.

Paul Edgar, resident of Oregon City, was worried about the youth of the community and their exposure to marijuana. He applauded the effort for the moratorium. He asked if this legislation would have any effect on the current growing of medical marijuana operations in Oregon City.

Mayor Neeley expressed concern about the current set up of permission being given for medical marijuana without proper evaluation.

Commissioner Mumm thought it should be dispensed through a pharmacy and be regulated.

Mayor Neeley closed the public hearing.

A motion was made by Commissioner Mumm, seconded by Mayor Neeley, to approve the first reading of revised Ordinance No. 14-1005, declaring a moratorium on medical marijuana facilities, and declaring an emergency. The motion carried by the following vote:

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

A motion was made by Commissioner Mumm, seconded by Commissioner Roth, to approve the second reading and final adoption of revised Ordinance No. 14-1005, declaring a moratorium on medical marijuana facilities, and declaring an emergency. The motion carried by the following vote:

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

6b. [14-194](#)

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

Mayor Neeley opened the public hearing.

Tony Konkol, Community Development Director, said at the last Commission meeting there were concerns about a reference to the most current DOGAMI maps. Staff worked with the City Attorney and included in the ordinance under Section 2 that the Planning staff would evaluate potentially recommended amendments to the Code regarding regulating development on steep slopes and landslide areas. Staff would also look at landslide and hazard studies and current DOGAMI maps prior to taking any action on any request for annexation in the South End Concept Plan.

Tom O'Brien, resident of Oregon City, stressed the importance of this decision and if they were prepared for dealing with landslides. He discussed an area that concerned him that was not within the boundaries of the South End Concept Plan, but would be significantly impacted based on the level of development. The more traffic they put on South End, the faster it would reach a point of failure. It was an area susceptible to landslides and there was no other route that could adequately take double today's traffic volume.

Paul Edgar, resident of Oregon City, thought 2,600 to 2,900 dwelling units on the fringe of the city with only one way in and one way out and trip generation from these dwelling units with no transit options would exceed the capacity of the known and planned for transportation infrastructure with no options to solve the problem. The R-2 and R-3 on the fringe was unprecedented and would make annexations and potential development of the land impossible. This was not what the market place wanted or needed. He thought it should be replaced by R-6.5 with 20 foot wide alleyways, R-8 zones, or creating senior housing zoning with incentives. High density housing should be closer to the core of the City where there was available transportation capacity and transit options.

Mayor Neeley agreed with Mr. Edgar that unless it could be demonstrated that the traffic problems could be dealt with, the annexations would fail. This was a mechanism that showed the City recognized the need to confine the boundaries so that the rural communities were not challenged.

Christine Kosinski, resident of unincorporated Clackamas County, did not agree with the staff report stating the City would include language in the ordinance to ensure the most recent slope susceptibility mapping would be made part of the City Code before any annexation. She gave a history of the City's commitment to create suitable geologic hazard requirements for the Park Place Concept Plan. The City ended up approving the Park Place Concept Plan without attaching the yet to be written finalized geologic hazard regulations and making them retroactive as part of the Concept Plan. The regulations were never written and eight years later remained unwritten. She gave examples of the City of Salem's hazard regulations. She questioned why slopes that were 25% or greater were only being regulated when landslides were occurring on minimum grades. She did not think the South End Concept Plan should be approved without attaching an ordinance to the plan stating that the full and completely revised Oregon City hazard, landslide, and steep slope ordinances that were promised since 2007 would apply to this plan.

Mr. Konkol said the last Code update included a landslide susceptibility overlay district on all of the maps that took into account slopes of all sizes.

John Lewis, Public Works Director, met with Ms. Kosinski to discuss the issues. There had been revisions to the Code in 2009/2010 and slopes were being regulated.

Commissioner Roth said in light of her work on emergency management, she did not think they should allow development of such density in this area. There was no foreseeable funding for an alternate transportation route and the current route was

failing at a rapid rate. Other developments on slides had failed, and they did not want to make another mistake.

Commissioner Mumm had voted against this plan because of traffic. She believed the steep slopes and zoning issues would be addressed. The City had to offer a variety of housing.

Commissioner Pauli clarified there was a geological overlay of geologic hazards and the density calculations took those areas out of the plan and they would not be utilized.

Mayor Neeley said the maps would be provided anytime development came forward and the City had strong steep slope ordinances. This ordinance adopted the zoning, not the Concept Plan.

A motion was made by Commissioner Pauli, seconded by Commissioner Smith, to approve the first reading of Ordinance No.13-1017, adoption of the South End Concept Plan implementing Zoning Code. The motion carried by the following vote:

Aye: 4 - Mayor Doug Neeley, Commissioner Rocky Smith, Commissioner Betty Mumm and Commissioner Carol Pauli

Nay: 1 - Commissioner Kathy Roth

7. General Business

7a. [14-197](#)

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

Mr. Konkol requested this item to be continued to adopt both South End Concept Plan ordinances on the same night.

Christine Kosinski, resident of unincorporated Clackamas County, was concerned about development on the landslides. Many homes had been built right on the side of a landslide and she questioned how those had been approved if they had good regulations. People could not obtain landslide insurance and they would be left with nothing if a landslide occurred. She explained the emotions that existed on her street and other streets in the South End Concept Plan area where people saw parts of their street and property move.

Mr. Konkol explained there were existing lots of record on landslides and discussed the new regulations that were in place.

A motion was made by Commissioner Mumm, seconded by Commissioner Smith, to continue the second reading of Ordinance No. 13-1016: South End Concept Plan, amending the Oregon City Comprehensive Plan to April 16, 2014. The motion carried by the following vote:

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

7b. [14-196](#)

Heritage Tree Nomination for Sugar Maple Tree at 715 5th Street

Pete Walter, Planner, said the Natural Resources Committee unanimously recommended approval of the Heritage Tree nomination for the Sugar Maple Tree at 715 5th Street. The tree met all of the criteria. Once designated, it was the property

owner's responsibility to care for it and maintain the grounds from the leaves and branches.

A motion was made by Commissioner Mumm, seconded by Commissioner Roth, to approve the Heritage Tree nomination for the Sugar Maple Tree at 715 5th Street. The motion carried by the following vote:

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

8. Consent Agenda

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

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

- 8a. [14-198](#) Minutes of the March 5, 2014 Regular Meeting
- 8b. [14-199](#) Minutes of the March 11, 2014 Work Session
- 8c. [14-157](#) Resolution No. 14-05, Eligibility to Receive State Shared Revenues
- 8d. [PUB 14-001](#) Restrictive Covenant Non-Remonstrance Agreement for the Smith Partition (19520 Falcon) Project - City Planning File No. MP13-02
- 8e. [PUB 14-002](#) Restrictive Covenant Non-Remonstrance Agreement for the Kinslie Heights Subdivision Project - City Planning File No. TP13-02
- 8f. [14-128](#) Municipal Court Software Purchase Agreement with Tyler Technologies
- 8g. [14-207](#) Minutes of the March 19, 2014 Regular Meeting

9. Communications

a. City Manager

David Frasher, City Manager, discussed a letter from the Clackamas County Administrator requesting the City waive its right-of-way fee for the Tri-City Sewer Service District or reduce the fee to the minimum annual fee of \$15,000. He thought the Commission could designate the funds from Tri-City towards sewer repair obligations. He presented a draft resolution designating the funds from Tri-City to sewer repair obligations.

Mayor Neeley did not think the resolution made a difference because the decision for what the money would be used for would be done through the budget process. It would be a recognition that the sewer system had a need and one of the ways it could be addressed was through the right-of-way fee. It would not tie the right-of-way fee to any specific use.

A motion was made by Commissioner Smith, seconded by Commissioner Mumm, to approve Resolution 14-05, expending the right-of-way fees to benefit the City's wastewater collection system and the Tri-City Sewer Service District. The motion carried by the following vote:

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

a. City Manager

Mr. Archer gave an update on Waterboard Park. Staff was still reviewing the issues of rock slides and deterioration of the path in order to make some recommendations. The goal was to make the park available to the public.

Mr. Lewis reported on Transportation For America, an organization helping local leaders come together and ensure that states and the federal government invest in transportation solutions. At the C4 Metro subcommittee meeting tomorrow the organization would be asking for support. He also discussed Metro's online surveys regarding their Climate Smart Communities program. Clackamas County had a community survey and County Commissioner Paul Savas was now assigned to this area.

Mr. Frasher discussed the land use proceedings for the Willamette Falls Legacy project. He read from the City Attorney's memo where the attorney thought that overall these decisions were more quasi-judicial in character. He passed out the memo to the Commission. The City did not regulate trees on private property, but that did allow for larger parcels to be clear cut. He asked if it was something the Commission wished staff to look into.

Mr. Konkol explained the tree protection language related to a development application. Mr. Frasher thought this would not be cutting down for development, but to harvest the trees.

Mr. Sullivan said the Forest Practices Act said counties could not regulate forest practices, only the Board of Forestry; however, cities could in limited circumstances.

The Commission would rather incentivize than regulate trees on private property. This topic would be discussed further in a future work session.

b. Mayor

Mayor Neeley reappointed Derek Metson for the architect position on the Historic Review Board for the term January 1, 2014 - December 31, 2016, and appointed Jonathan Stone to fill the vacancy of the Chamber of Commerce representative on the Historic Review Board for the term April 2, 2014 - December 31, 2014. A candidate would be interviewed who would represent the Senior Center on the Parks and Recreation Advisory Committee.

14-203

Mayoral Announcement of Appointments to the Historic Review Board:

- a. Reappointment of Derek Metson for the architect position for the term January 1, 2014 - December 31, 2016.
- b. Appointment of Jonathan Stone to fill the vacancy of the Chamber of Commerce representative for the term April 2, 2014 - December 31, 2014.

c. Commission

Commissioner Pauli reported on the Tri-Met Board meeting where the transportation needs of Oregon City were discussed.

Commissioner Mumm expressed concern about a potential drunk driver driving into the elevator. The Oregon City Chamber teamed up with neighborhood associations and the CIC for a jeopardy game on March 20. Her team won.

Commissioner Smith discussed the trip to Ireland he took with the high school choir during Spring Break. The Oregon Ghost Conference would be held next weekend.

10. Adjournment

Mayor Neeley adjourned the meeting at 9:54 PM.

Respectfully submitted,

Nancy Ide, City Recorder