



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, March 7, 2018

7:00 PM

Commission Chambers

REVISED

EXECUTIVE SESSION OF THE CITY COMMISSION

1. Convene Regular Meeting and Roll Call

Mayor Holladay called the meeting to order at 7:01 PM.

Present: 3 - Mayor Dan Holladay, Commissioner Nancy Ide and Commissioner Renate Mengelberg

Absent: 2 - Commissioner Brian Shaw and Commissioner Frank O'Donnell

Staffers: 14 - City Manager Tony Konkol, City Recorder Kattie Riggs, Assistant City Attorney Carrie Richter, James Band, Community Development Director Laura Terway, Community Services Director Phil Lewis, Public Works Director John Lewis, Library Director Maureen Cole, Economic Development Manager Eric Underwood, Community Communications Coordinator Kristin Brown, Christina Robertson-Gardiner, Martin Montalvo, Human Resources Director Jim Loeffler and Finance Director Wyatt Parno

2. Flag Salute

3. Ceremonies, Proclamations

4. Citizen Comments

Mayor Holladay asked that staff provide an update on the 523 Roosevelt Street situation before beginning Citizen Comments.

Laura Terway, Community Development Director, said the City received two code enforcement complaints regarding unpermitted construction and a change in use without approval for the property at 523 Roosevelt Street. Though the use changed over the investigation, the tenant identified the site would be used as a sober living facility for nine women, including a house manager. The investigation came down to analyzing if care, treatment or training were going to occur on-site. Ms. Terway explained that the City has adopted definitions of these which reference state regulations. The City did not find evidence of a potential violation other than installation of a second dwelling and associated construction which appeared to be old in nature. The City continued pursuing Code Enforcement related to the second dwelling unit.

Jim Band, Police Chief, mentioned he had tried to stop by the house but no one was around. He continued to explain that the police have a lot of authority and need to make sure they are using that authority wisely and fairly. They enforce federal, state, and local laws and have to be careful not to deviate from that. They want to make sure residents in that neighborhood feel safe, but can't stop cars for no legal reason.

Mayor Holladay asked Chief Band if there were other places in Oregon City such as the one proposed at the Roosevelt address and if there had been any issues with any of the other places.

Chief Band responded that there were other locations and no issues.

Patrick Rectenwald, resident of Oregon City, read a statement about a letter he received from Laura Terway, Community Development Director regarding zoning at 523 Roosevelt Street. He said the City should require the business to acquire proper licensing and permitting.

Sue Ann Imhoff, resident of Oregon City, said she was a social worker, had worked in the justice system, and had researched homelessness. She said there were many felons re-entering the community and not enough resources for them. She thought the City needed to include planned resources for criminals re-entering the community in its goals.

William Gifford, resident of Oregon City, wanted to thank the police for quickly responding to a suspicious vehicle on his street.

Bob Mahoney, resident of Oregon City, said he thought the City should consider eminent domain on the Willamette Falls Legacy Project Property to meet the needs of the community.

Mayor Holladay said there were issues with grant funding that prevents the City from pursuing eminent domain.

Christine Van Order, resident of Oregon City, said she supported transitional housing but thought changes needed to be made on where different types of offenders are placed.

Meeting went into Recess

Meeting Reconvened

Martin Imhoff, resident of Oregon City, thought Free on the Outside had not been upfront with his neighborhood about the use of the house at 523 Roosevelt Street.

Mayor Holladay said that he had spoken with a Board Member of the organization Free on the Outside that day. They told him it would be a female only sober living facility. He encouraged neighbors to meet with the Board Members themselves.

5. Adoption of the Agenda

Item 6a was pulled from the agenda.

6. Public Hearings

6a. Ordinance No.18-1001, Creating the Downtown Economic Improvement District

This item was pulled from the agenda.

6b. McLoughlin Neighborhood Association Fee Waiver Request for Planning Appeal file AP 17-02

Carrie Richter, Assistant City Attorney, read the legal disclosures.

She asked if any Commissioners had any ex parte contacts, conflicts of interest, or bias to declare. She clarified this was in regards to both appeals. There were none. She asked if the Commissioners had visited the site. All three Commissioners present had visited the site. No one in the audience questioned the Commissioners regarding the disclosures.

Ms. Richter asked the Commission to resolve the fee waiver request which was a procedural issue and open to new evidence. She asked that they open the record for the limited issue of considering the fee waiver request, accept the new evidence, close the record and grant the fee waiver request. She said the attorney for the McLoughlin Neighborhood Association had requested a fee waiver that morning.

Mayor Holladay opened the record for the fee waiver.

A motion was made by Commissioner Ide, seconded by Commissioner Mengelberg, to accept the documents submitted by McLoughlin Neighborhood Association and grant the fee waiver. The motion carried by the following vote:

Aye: 3 - Mayor Dan Holladay, Commissioner Nancy Ide and Commissioner Renate Mengelberg

Aye: 3 - Mayor Dan Holladay, Commissioner Nancy Ide and Commissioner Renate Mengelberg

6c. AP 17-01 and AP 17-02: Appeal of the Historic Review Board's June 27, 2017 Approval with Conditions of HR 17-04: Historic Review for a New Public Works Operations Facility in the McLoughlin Conservation District

Ms. Richter reviewed the legal disclosures and asked if anyone new had entered the room since the last agenda item. There were none. She asked the Commissioners again if they had any ex parte contacts, conflicts of interest, or bias to declare. There were none.

Ms. Richter continued with reviewing the hearing proceedings. She provided a memo for the Commission explaining that one of the appeals included new evidence. She listed what would be included and what would be redacted for the record which was in a memo before the Commission. She asked for a motion to strike the items containing new evidence or what was beyond the scope of the appeal.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Ide, that the Commission reject those portions of the HRB decision dated June 27, 2017 as set forth in the February 17, 2018 staff report and also portions of the Charles Coombs testimony dated March 7, 2018 as it has been redacted by the Deputy City Attorney, from the record. These materials will not be considered by the City Commission in making its decision. The motion carried

by the following vote:

Aye: 3 - Mayor Dan Holladay, Commissioner Nancy Ide and Commissioner Renate Mengelberg

Christina Robertson-Gardiner, Planner, gave a staff report on the hearing procedure and the options the Commission had after hearing the appeal. She described the Historic Review Board's review process and findings, and then explained the five grounds for the appeals.

Charles Combs, Oregon City resident, said he objected to the omission of the evidence he submitted. He thought public access to a scenic location would be blocked by the project and it did not meet the goals of the conservation district. He said it was not in compliance with the Transportation Plan because the bike/pedestrian path would be demolished. He said the City Commission should reject the HRB decision.

Jesse Buss, Oregon City Resident, was representing the McLoughlin Neighborhood Association. He provided some background on the history of proceedings. There was a discussion regarding what the Code and/or terms on the record meant. Mr. Buss read from the City Code section 2.28.070 (D).

Mayor Holladay asked the City Recorder to pause the speakers time clock to ask Assistant City Attorney Carrie Richter to specify what Mr. Buss was referring to in his testimony.

Ms. Richter proceeded to explain to the Commission that Mr. Buss had cited a part of the Historic Review Board section of the City Code section 2.28.070. She read this section of the Code for the Commission. Then explained to the Commission that City staff and the City Attorney's office both use section 17.50.190(D)(2) for appeals of Type III decisions, including decisions of the Historic Review Board. She read this section of the Code for the Commission. Ms. Richter continued that in the past history of the Commission they have always used these procedures not the ones referred to by Mr. Buss.

The Mayor and Commission provided consensus that they agreed with Ms. Richter and would not be accepting new evidence or testimony into the record.

Mr. Buss thought new evidence and testimony should be allowed in the record. He showed maps which were not part of the record.

Ms. Richter objected to his exhibits.

Mayor Holladay said the evidence would not be considered.

Mr. Buss said he understood the objections. He said as part of the appeal brought to the HRB regarding the historic designation of the Camp Adair buildings, the neighborhood association disputed the City revoking consent to historic designation.

Meeting went into Recess.

Meeting Reconvened.

The applicant Martin Montalvo, Operations Manager of Oregon City Public Works, he objected to the new items presented by Mr. Combs and Mr. Buss. He said there was an approved 2009 Master Plan.

David Hyman, DECA Architecture compared the key changes made from the 2009 Master Plan to the 2017 Master Plan.

Mr. Montalvo discussed the dedicated park access point to be included in the new plan.

Mayor Holladay asked if access to the overlook would be changed, Mr. Montalvo said it would not.

Mr. Hyman went over the design elements and considerations taken in the proposed design.

Mr. Montalvo clarified that they used commercial not residential design standards.

Mr. Hyman went on to explain the materials that would be used on the building.

Mr. Montalvo explained that the HRB found the design to be compatible with the intended use.

Mayor Holladay asked if the walkway to the elevator was enclosed, it was not. He added there were other buildings which were larger than the prescribed block size for the district.

Commissioner Ide asked Mr. Montalvo to show where the pedestrian access was.

Commissioner Mengelberg asked if the other buildings would have compatible design and materials, Mr. Hyman said they would.

Mayor Holladay invited Trent Premore and Kristen Arnett to testify as they were involved in the HRB review.

Trent Premore, resident of Milwaukie, said the HRB exempted the project from the residential design guidelines.

Kristen Arnett, resident of Oregon City, had not testified at HRB and was excused.

Mayor Holladay invited the rebuttal, Mr. Combs had none, Mr. Buss testified as follows.

Mr. Buss said he thought new evidence and testimony should be allowed. He said the pedestrian trail was part of Phase 2, not Phase 1. He said he was concerned about preservation of the record.

Mr. Montalvo said that the upper yard plan was part of Phase 1. He said the public staircase would be part of Phase 2. There would be ample ADA access to the facility. They were considering allowing pass-through vehicle traffic during daylight hours.

Commissioner Ide wanted to make sure there was pedestrian access included in Phase 1.

John Lewis said there would still be access to the park.

Mayor Holladay said he did not see anything to indicate the HRB decision should not be upheld.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Ide, for tentative denial of the Appeals submitted by Charles Coombs and the McLoughlin Neighborhood Association, Planning file AP 17-01 & AP 17-02 , thereby approving Planning file HR 17-04 as approved by the HRB and continuing the matter (with a closed record) to April 4, 2018 for Adoption of Findings consistent with this decision.

The motion carried by the following vote:

Aye: 3 - Mayor Dan Holladay, Commissioner Nancy Ide and Commissioner Renate Mengelberg

- 6d.** Request for Continuance to March 21, 2018: AP-17-0006 Appeal of the Planning Commission Approval of Planning Files CP-17-0002, DP-17-0003, and NR-17-0004 Including a Request to Waive or Otherwise Not Impose the Appeal Fee

Laura Terway, Community Development Director said they requested the continuance because they needed more time.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Ide, to continue planning file AP-17-006 to a date certain of March 21, 2018.

The motion carried by the following vote:

Aye: 3 - Mayor Dan Holladay, Commissioner Nancy Ide and Commissioner Renate Mengelberg

7. General Business

- 7a.** Resolution No.18-06, Supporting the National Park System and Encouraging Congress to Address Maintenance Needs

Phil Lewis, Community Services Director, explained that the resolution would help secure funding for deferred maintenance back-logs at National Park Service Locations Nationally and in the State of Oregon.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Ide, to approve Resolution No. 18-06, Supporting the National Park System and Encouraging Congress to Address Maintenance Needs. The motion carried by the following vote:

Aye: 3 - Mayor Dan Holladay, Commissioner Nancy Ide and Commissioner Renate Mengelberg

8. Consent Agenda

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

Aye: 3 - Mayor Dan Holladay, Commissioner Nancy Ide and Commissioner Renate Mengelberg

- 8a.** Personal Services Agreement Amendment No. 2 with RH2 Engineering, Inc. for the Hazelwood Drive Sanitary Sewer Moratorium Project

- 8b.** Amendment to an Existing Intergovernmental Agreement with Other

Cities for the Performance of a Portland General Electric Fee Review and Analysis

8c. Oregon City Representation to Library District Advisory Committee

8d. Minutes of the January 17, 2018 Regular Meeting

9. Communications

a. City Manager

Tony Konkol, City Manager, said the executive sessions were cancelled.

b. Commission

Commissioner Ide attended the Water Environmental Services (WES) forum for elected officials. She was appointed to the Affordable Housing Task Force. She also attended the Equitable Housing Citizen Group meeting.

Commissioner Mengelberg attended the Metro Regional Transportation Forum. She would be serving on the Blue Ribbon Committee for the Beavercreek Employment Area.

c. Mayor

Mayor Holladay attended the WES forum.

10. Adjournment

Mayor Holladay adjourned the meeting at 9:14 PM.

Respectfully submitted,

Kattie Riggs

Kattie Riggs, City Recorder