City of Oregon City

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

Meeting Minutes - Final

City Commission

Wednesday, April 3, 2019 | **7:00 PM** | **Commission Chambers**

REVISED

1. Convene Regular Meeting and Roll Call

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

Present: 4 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith and Commissioner Rocky Smith Jr.

Absent: 1 - Commissioner Denyse McGriff

Staffers: 11 - City Manager Tony Konkol, Assistant City Attorney Carrie Richter, City Recorder Kattie Riggs, Police Chief and Public Safety Director James Band, Public Works Director John Lewis, Planner Pete Walter, Community Development Director Laura Terway, Community Services Director Phil Lewis, Finance Director Wyatt Parno, Human Resources Director Patrick Foiles and Sr. Project Engineer Dayna Webb

2. Flag Salute

3. Ceremonies, Proclamations

3a. Proclamation Declaring April 6, 2019 as Arbor Day

Mayor Holladay declared April 6, 2019 as Arbor Day.

3b. Oregon City Farmers Market Presentation by Jackie Hammond-Williams

Jackie Hammond-Williams gave a presentation on the Oregon City Farmers Market which began in 2005 and held 39 Saturday markets per year. She explained the programs and events sponsored by the Market and how the Market was economic development for the City.

3c. Mayoral Appointments to City Boards and Commissions

Mayor Holladay declared a potential conflict of interest as he was appointing his daughter to the Natural Resources Committee.

Mayor Holladay appointed Mike Hamilton and Marie Holladay to the Natural Resources Committee for 3-year terms from April 3, 2019 to December 31, 2022.

4. Citizen Comments

Wendell Baskins, resident of Oregon City and member of the Oregon City Heritage Coordinating Committee, and Thelma Haggenmiller, resident of unincorporated Oak Grove and member of the Oregon City Heritage Coordinating Committee, shared information about Oregon City's 175th birthday events. They requested some monetary assistance from the City's transient lodging tax funds.

Paul Edgar, resident of Oregon City, discussed the diversion of traffic into the center of Oregon City should the tolling happen on Abernethy Bridge. He thought they needed to get ahead of the issue.

Wes Rogers, resident of Oregon City and School District Administrator, announced a movie screening on April 9, 2019 at Oregon City High School.

David Buckman, resident of Oregon City, discussed issues with street trees and damage to sidewalks, expired car license tags, and dog poop that was not being taken care of properly by the pet owners.

5. Adoption of the Agenda

Agenda item 7a was postponed to the next meeting. The agenda was adopted as amended.

6. Public Hearings

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

Mayor Holladay opened the public hearing.

Laura Terway, Community Development Director, said staff was asking for Commission direction on outstanding items from the proposed Code amendments.

Mike Mitchell, resident of Oregon City, suggested removing the owner occupancy requirement for Accessory Dwelling Units, maintaining the 58-foot height limitation in the Mixed Use Downtown District and then going to the 75-foot height as they got further toward the landfill property, and expanding the mailing notice requirements.

Debbie DeRusha, resident of Oregon City, discussed removing the 20-year age limitation for internal conversions and removing the owner occupancy requirement for Accessory Dwelling Units.

William Gifford, resident of Oregon City, agreed with the testimony of Mr. Mitchell and discussed having less limitations on Accessory Dwelling Units.

Roseann Johnson, representing the Homebuilders Association, affirmed the recommendation for removing the owner occupancy requirement for Accessory Dwelling Units, prohibiting private restrictions (CC&Rs) on ADUs and internal conversions, allowing 3-4 plexes in the Historic Commercial District, and requiring surveyor preparation of a Land Division Map. She requested the Commission look into the proposal for diminishing height in the Mixed Use Downtown District and how it aligned with the Vertical Housing Development Zone.

Pete Walter, Planner, said staff's recommendation for the first outstanding item was that the minimum lot size for manufactured housing parks be changed to 1 acre.

A motion was made by Commissioner Lyles Smith, seconded by Commissioner Smith, to approve staff's recommendation that the minimum lot size for manufactured housing parks be changed to 1 acre. The motion carried by the following vote:

Aye: 4 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith and Commissioner Rocky Smith Jr.

Mr. Walter said staff's recommendation on the second item was to remove the owner occupancy requirement for Accessory Dwelling Units.

Commissioner O'Donnell wanted to retain the owner occupancy requirement.

Commissioner Lyles Smith was in conditional support of staff's recommendation with the addition of a short-term rental policy.

Commissioner Smith was in agreement with Commissioner Lyles Smith.

Mayor Holladay was in favor of property owner rights and wanted to reduce barriers to affordable housing.

A motion was made by Commissioner Smith, seconded by Commissioner O'Donnell, to pull this item out of the Code amendment package and to send it back to the Planning Commission to address Accessory Dwelling Units and a short-term rental policy. The motion carried by the following vote:

Aye: 4 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith and Commissioner Rocky Smith Jr.

Mr. Walter explained the requirement for homes to be at least 20 years old to qualify for internal conversions of up to four units.

There was discussion regarding whether or not to change the number of years required.

A motion was made by Commissioner O'Donnell, seconded by Commissioner Smith, to approve staff's recommendation to require homes to be at least 20 years old to qualify for internal conversions of up to four units. The motion carried by the following vote:

Aye: 4 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith and Commissioner Rocky Smith Jr.

Mr. Walter discussed the fourth item, widening minimum flag lot pole widths for cluster housing from 8 feet to 10 feet.

Mayor Holladay suggested calling it flag lot entry widths for better clarity.

A motion was made by Commissioner Lyles Smith, seconded by Commissioner Smith, to approve staff's recommendation to widen the minimum flag lot pole widths for cluster housing from 8 feet to 10 feet. The motion carried by the following vote:

Aye: 4 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith and Commissioner Rocky Smith Jr.

Carrie Richter, Assistant City Attorney, discussed the next item, prohibiting private restrictions (CC&Rs) that restrict ADUs and internal conversions. She proposed adding a sentence to this code amendment to say, "Private restrictions on the provision of Accessory Dwelling Units or internal conversions executed after January 1, 2020 shall

be prohibited." She pointed out a court would not enforce a restriction that was illegal or against public policy.

A motion was made by Commissioner Smith, seconded by Commissioner Lyles Smith, to approve staff's recommendation for prohibiting private restrictions (CC&Rs) that restrict ADUs and internal conversions with the added language from the City Attorney. The motion carried by the following vote:

Aye: 4 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith and Commissioner Rocky Smith Jr.

Mr. Walter explained staff's recommendation for allowing 3-4 plexes in the Historic Commercial District. The Historic Review Board would provide a public review process for the design of these types of applications.

Mayor Holladay preferred to send this back to the Planning Commission for clarification.

A motion was made by Commissioner Smith, seconded by Commissioner O'Donnell, to pull this item out of the Code amendment package and to send it back to the Planning Commission for more clarity. The motion carried by the following vote:

Aye: 4 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith and Commissioner Rocky Smith Jr.

Mr. Walter said staff recommended modifying the language to require that an existing conditions map be prepared by a surveyor, but the preliminary plat and site plans do not have to be prepared by a surveyor but could be prepared by another licensed professional.

A motion was made by Commissioner Lyles Smith, seconded by Commissioner Smith, to approve staff's recommendation to require that an existing conditions map be prepared by a surveyor and that a licensed professional would prepare the preliminary plat and site plans. The motion carried by the following vote:

Aye: 4 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith and Commissioner Rocky Smith Jr.

Mr. Walter said staff recommended combining certain multi-family and commercial design standards.

A motion was made by Commissioner O'Donnell, seconded by Commissioner Lyles Smith, to approve staff's recommendation to combine certain multi-family and commercial design standards. The motion carried by the following vote:

Aye: 4 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith and Commissioner Rocky Smith Jr.

Mr. Walter explained staff's recommendation for limiting Type II modifications for site plan and design review.

A motion was made by Commissioner Lyles Smith, seconded by Commissioner Smith, to approve staff's recommendation to limit Type II modifications for site plan and design review. The motion carried by the following vote:

Aye: 4 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith and Commissioner Rocky Smith Jr.

Mr. Walter discussed the recommendation to amend the height limit in the Mixed Use Downtown District for properties located outside of the Downtown Design District.

Mayor Holladay thought this should be taken back to the Planning Commission for more clarity.

There was consensus that a joint Work Session with the Planning Commission be held on this item.

A motion was made by Commissioner Smith, seconded by Commissioner Lyles Smith, to pull this item out of the Code amendment package and to send it back to the Planning Commission for more clarity. The motion carried by the following vote:

Aye: 4 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith and Commissioner Rocky Smith Jr.

Mr. Walter discussed staff's recommendation to add the allowance for some fences to be constructed in the Natural Resources Overlay District if certain standards were met.

A motion was made by Commissioner Smith, seconded by Commissioner Lyles Smith, to approve staff's recommendation to add the allowance for some fences to be constructed in the Natural Resources Overlay District if certain standards were met. The motion carried by the following vote:

Aye: 4 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith and Commissioner Rocky Smith Jr.

Mr. Walter explained staff's recommendation to retain the mailed notice requirement to neighboring property owners within 300 feet of Type II - IV development.

There was discussion regarding changing the notice requirement to 500 feet.

Commissioner Lyles Smith suggested sending this back to the Planning Commission.

A motion was made by Commissioner Lyles Smith, seconded by Commissioner O'Donnell, to pull this item out of the Code amendment package and to send it back to the Planning Commission. The motion carried by the following vote:

Aye: 4 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith and Commissioner Rocky Smith Jr.

Mr. Walter discussed staff's recommendation for changing the expiration of land use approvals. The proposal was 3 years to submit plans for commercial development and 5 years thereafter to have the land division platted or have the certificate of occupancy done.

There was discussion on the reasons for this change.

A motion was made by Commissioner Lyles Smith, seconded by Commissioner Smith, to approve staff's recommendation for changing the expiration of land use approvals. The motion carried by the following vote:

Aye: 4 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith and Commissioner Rocky Smith Jr.

A motion was made by Commissioner O'Donnell, seconded by Commissioner Smith, to continue the hearing for the Development Code amendments including Equitable Housing (Planning File LEG 18-00001) to April 17, 2019. The motion carried by the following vote:

Aye: 4 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith and Commissioner Rocky Smith Jr.

7. General Business

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

This item was postponed.

7b. Presentation Regarding Public Engagement for the Molalla Avenue Phase 3: Beavercreek Road to OR 213 Project

John Lewis, Public Works Director, introduced the agenda item. They were at 30% design for the project.

Dayna Webb, Sr. Project Engineer, gave an update on the Molalla Avenue Phase 3: Beavercreek Road to OR 213 Project and upcoming public engagement process. She discussed the project area map, work completed to date, 30% design elements, right-of-way impacts, what would be done at 60% design, public involvement and outreach plan, outreach tools and strategies, public outreach to date, and upcoming public outreach.

There was discussion regarding the neighborhood association's concerns about this project.

8. Consent Agenda

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

Aye: 4 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith and Commissioner Rocky Smith Jr.

8a. Resolution No. 19-09, Rescinding Resolution 19-04 which Identified Conditional Support for the Oregon City School District Request to Expand the Urban Growth Boundary

8b. Personal Services Agreement with Wallis Engineering for the 2019 Annual Pavement Maintenance Roadway Reconstruction Program

8c. Minutes of the February 12, 2019 Work Session

9. Communications

a. City Manager

Phil Lewis, Community Services Manager, announced the Oregon City Enhancement Day event on Saturday, April 4, 2019.

Ms. Terway announced the Beavercreek Road Concept Plan event on April 9, 2019.

Tony Konkol, City Manager, discussed improvements on Creed Street.

b. Commission

Commissioner Lyles Smith reported on the last Citizen involvement Committee meeting.

Commissioner O'Donnell discussed his tour of the Blue Heron mill site.

Commissioner Smith spoke about his personal experiences with former Mayors Ed Allick and Don Anderson.

c. Mayor

Mayor Holladay stated former Mayor Ed Allick and his wife recently passed away.

10. Adjournment

Mayor Holladay adjourned the meeting at 9:35 PM.

Respectfully submitted,

Kattie Riggs

Kattie Riggs, City Recorder