



City of Oregon City

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

Meeting Minutes - Final

City Commission

Wednesday, May 15, 2019

7:00 PM

Commission Chambers

1. Convene Regular Meeting and Roll Call

Mayor Holladay called the meeting to order at 7:02 PM.

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

Staffers: 10 - City Manager Tony Konkol, City Attorney William Kabeiseman, Assistant City Recorder Claudia Cisneros, Police Chief and Public Safety Director James Band, Community Development Director Laura Terway, Planner Pete Walter, Community Services Director Phil Lewis, Human Resources Director Patrick Foiles, Public Works Director John Lewis and Library Director Maureen Cole

2. Flag Salute

3. Ceremonies, Proclamations

3a. Proclamation Declaring May 19-25, 2019 as National Public Works Week

Mayor Holladay read the proclamation declaring May 19-25, 2019 as National Public Works Week.

3b. Mayoral Appointments to City Boards and Commissions

Mayor Holladay appointed Rita Mills as the McLoughlin Neighborhood Alternate Representative to the Citizen Involvement Committee for the remainder of the 2-year term ending December 31, 2019 and appointed Suzanne Jefferson to the Library Board Non-City Resident position for the remainder of the 4-year term ending December 31, 2019.

4. Citizen Comments

Karla Laws and Betty Mumm, residents of Oregon City, were representing the Barclay Hills Neighborhood Association. They were concerned about the safety of the crosswalk by the Grocery Outlet and would like a light installed.

Amy Willhite, resident of Oregon City, discussed a land use action in the Gaffney Lane neighborhood and how she thought a neighborhood meeting needed to be held even though one had been held two years ago. She then said the Gaffney Lane Neighborhood Association had sent a letter regarding their concerns about the Molalla Avenue project and would like a response.

William Gifford, resident of Oregon City, stated this was National Police Week and today was Peace Officers Memorial Day.

5. Adoption of the Agenda

Item 8a was pulled from the Consent Agenda. 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.

Amy Willhite, resident of Oregon City, thought a sign in sheet should be required for neighborhood meetings with developers. She would also like to see the 300-foot notice area expanded.

Tom Geil, resident of Oregon City, agreed that the 300-foot notice area should be expanded. He thought developers should pay for the notices and that the sign in sheets should be required.

Bob Mahoney, resident of Oregon City, did not think most people cared enough to get involved. They had to focus on decisions that would hold up in court.

Mayor Holladay closed the public hearing.

Pete Walter, Planner, said the four outstanding issues left for the Commission to address were: shelters, lot size reduction (lot averaging), minimum parking standards for ADUs, internal conversions, and 3-4 plexes, and significant site grading or tree removal during annexation. The items that had been sent back to the City Commission from the Planning Commission were owner occupancy for ADUs, mailed notice radius, and residential uses in Historic Commercial zones.

The Commission discussed whether they should consider all types of shelters together or separate them into one/some/all of the following as a permitted use: day, warming/cooling, emergency, and transitional housing and whether there should be a cap for the number of days people stayed at shelters.

There was further discussion regarding the Fair Housing Act and how it affected these types of uses in residential areas as well as how to handle churches that might want to offer shelters in residential areas.

Commissioner Lyles Smith suggested having different definitions and zones where these uses were allowed, that no transitional or day shelters would be allowed in residential zones, a Conditional Use could be approved if it met the criteria even if the community did not like it, and that it was up to the director of the homeless shelter to determine how long people stayed. She thought transitional housing and day shelters should be permitted in MUC 1 and 2 and MUD except the Downtown Design District and that a Conditional Use should be required for up to 10 beds in medium density residential and up to 11+ beds in high density residential. These uses would not be allowed in low density residential zones.

Commissioner McGriff thought none of these uses should be outright permitted uses in any zone and that there should be a requirement for community engagement.

Commissioner O'Donnell did not think these uses should be allowed in any residential zones.

Mayor Holladay thought these uses should require a Conditional Use in all zones. He thought they should be a Conditional Use in the R-2 and R-3.5 zones due to the Fair Housing Act.

There was consensus that these uses would require a Conditional Use in all zones. Religious institutions would be allowed warming/cooling shelters only with specific temperature ranges. They wanted to use the definition of shelter as provided by the Homeless Solutions Coalition of Clackamas County where the organizations had to show how they were sheltering the homeless. They also wanted a periodic review of the Conditional Use for shelters every two years. Staff would bring back proposed code language taking into account the Commission's direction.

The Commission then discussed land divisions and lot averaging.

Mayor Holladay was in favor of leaving the language as it was which he thought would help with affordable housing.

There was discussion regarding a possible cap for the number of lots and a sliding scale based on the size of the land division.

Commissioner McGriff said the way the lot averaging had been used had not been promoting equitable housing. She thought development was abusing the system. She supported the Planning Commission's recommendation.

Commissioner O'Donnell said this was meant to be based on topography, but unfortunately it had been abused. He was also in favor of the Planning Commission's recommendation.

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to adopt the Planning Commission's recommendation for land divisions and lot averaging. The motion passed by the following vote:

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

Nay: 1 - Mayor Dan Holladay

The Commission discussed the proposed minimum off-street parking for Accessory Dwelling Units (ADUs) was 1 space, internal conversions which was 1 space for 2 units and 2 spaces for 3-4 units, and 3-4 plexes was 2 spaces.

Mayor Holladay suggested putting this on hold until the legislative session ended because they would likely prohibit any off-street parking requirements.

Commissioner Lyles Smith thought they should move forward with this.

Commissioner McGriff had a problem with the State preempting local governments from doing what they thought was best for their community.

A motion was made by Commissioner McGriff, seconded by Commissioner

O'Donnell, to approve the Planning Commission's recommendation for proposed minimum off-street parking for Accessory Dwelling Units, internal conversions, and 3-4 plexes. The motion passed by the following vote:

Aye: 3 - Commissioner Frank O'Donnell, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

Nay: 2 - Mayor Dan Holladay and Commissioner Rachel Lyles Smith

The Commission discussed adding an annexation factor regarding significant site grading or tree removal since the date of the application.

Mayor Holladay said the City did not have the authority to control this action.

There was discussion regarding how this would be one annexation factor for the Planning Commission to consider.

A motion was made by Commissioner McGriff, seconded by Commissioner O'Donnell, to approve the Planning Commission's recommendation to add an annexation factor for site grading or tree removal with annexation. The motion passed by the following vote:

Aye: 3 - Commissioner Frank O'Donnell, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

Nay: 2 - Mayor Dan Holladay and Commissioner Rachel Lyles Smith

The Commission discussed the Planning Commission's recommendations to remove the owner occupancy requirement for ADUs.

Commissioner O'Donnell thought ADUs should retain owner occupancy. Mayor Holladay did not know how that could be enforced.

A motion was made by Commissioner Lyles Smith, seconded by Commissioner McGriff, to approve the Planning Commission's recommendation to remove the owner occupancy requirement for ADUs. The motion passed by the following vote:

Aye: 3 - Mayor Dan Holladay, Commissioner Rachel Lyles Smith and Commissioner Rocky Smith Jr.

Nay: 2 - Commissioner Frank O'Donnell and Commissioner Denyse McGriff

The Commission discussed the Planning Commission's recommendation to retain the 300-foot mailed notice radius.

Commissioner McGriff suggested a larger radius for concept plan areas and wanted to retain the attendance list for neighborhood meetings with developers.

Commissioner O'Donnell was concerned about the current response rate.

Commissioner Lyles Smith said the notices were to get the word out to people, not necessarily to get a response. She suggested setting a radius based on the type of land use decision.

Mayor Holladay said all the land use applications could be advertised by the Communications staff on social media.

There was consensus to retain sign in sheets for neighborhood meetings with

developers and that the time between the neighborhood meetings and submittal of land use applications should be a maximum of one year.

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve the Planning Commission's recommendation to retain the 300-foot mailed notice radius. The motion carried by the following vote:

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

The Commission discussed the Planning Commission's recommendation to prohibit 3-4 plexes and multi-family use in the Historic Commercial zone.

Commissioner Lyles Smith did not think they should pull these out of this district due to the uses already in the zone.

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve the Planning Commission's recommendation to prohibit 3-4 plexes and multi-family use in the Historic Commercial zone. The motion failed by the following vote:

Aye: 2 - Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

Nay: 3 - Mayor Dan Holladay, Commissioner Frank O'Donnell and Commissioner Rachel Lyles Smith

7. General Business

7a. Personal Service Agreement with PlanB Consultancy, Inc. for Owner's Representative and Construction Management Services for the Fir Street Operations Complex

John Lewis, Public Works Director, reviewed the Request for Qualifications process for this project and how PlanB Consultancy, Inc. was selected.

There was discussion regarding the design of the project and communicating with the neighborhood association.

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve the Personal Service Agreement with PlanB Consultancy, Inc. for owner's representative and construction management services for the Fir Street Operations Complex. The motion carried by the following vote:

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

8. Consent Agenda

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve the consent agenda except item 8a. The motion carried by the following vote:

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

8a. Resolution No. 19-12, Support Transportation and Growth Management Program (TGM) Grant to Update the Transportation and Land Use Components of the Comprehensive Plan

Laura Terway, Community Development Director, discussed the focus of the Comprehensive Plan update which was community engagement and explained the process. She recommended supporting grants to help with the work.

Commissioner McGriff expressed concern about how traffic studies and reports were utilized.

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve Resolution No. 19-12, support Transportation and Growth Management Program (TGM) Grant to update the transportation and land use components of the Comprehensive Plan. The motion carried by the following vote:

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

8b. Intergovernmental Agreement with the Oregon Department of Transportation for Fence Bolt Maintenance Along OR 99E and the McLoughlin Promenade

8c. Personal Services Agreement Amendment No. 5 with RH2 Engineering, Inc. for the Hazelwood Drive Sanitary Sewer Replacement Phase 2 Project

8d. Minutes of the March 20, 2019 Regular Meeting

8e. Minutes of the March 12, 2019 Work Session

8f. Minutes of the March 12, 2019 Special Meeting

8g. Minutes of the March 6, 2019 Special Meeting

8h. Minutes of the March 5, 2019 Special Meeting

9. Communications

a. City Manager

Mayor Holladay left the meeting at 9:25 PM.

Mr. Lewis said the work on the railroad crossing at Singer Hill Road would begin on Friday. The Singer Hill Stairs were now open.

Jim Band, Police Chief, said the Mt. Pleasant School Open House would be held on June 20, 2019.

Bill Kabeiseman, City Attorney, gave an update on the status of voter annexation litigation.

b. Commission

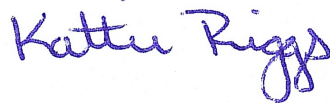
Commissioner McGriff reported on a Clackamas County Affordable Housing meeting. She expressed concern about two properties with abandoned buildings that were eyesores.

c. Mayor

10. Adjournment

Commission President O'Donnell adjourned the meeting at 9:39 PM.

Respectfully submitted,



Kattie Riggs, City Recorder