



City of Oregon City

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

Meeting Minutes - Final

City Commission

Wednesday, August 7, 2019

7:00 PM

Commission Chambers

REVISED

1. Convene Regular Meeting and Roll Call

Mayor Holladay called the meeting to order at 7:12 PM.

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

Staffers: 13 - City Manager Tony Konkol, Assistant City Attorney Carrie Richter, Assistant City Recorder Claudia Cisneros, City Recorder Kattie Riggs, Captain Shaun Davis, Community Development Director Laura Terway, Human Resources Director Patrick Foiles, Public Works Director John Lewis, ROW Manager Dante Posadas, Community Services Director Phil Lewis, Planner Kelly Reid, Library Director Maureen Cole and Assistant Finance Director Mireya McIlveen

2. Flag Salute

3. Ceremonies, Proclamations, and Presentations

3a. Mayoral Appointments to City Boards and Commissions

Mayor Holladay appointed Bob La Salle as the Park Place Neighborhood Association Alternate Representative to the Citizen Involvement Committee for the remainder of the 2-year term ending December 31, 2019. He also appointed John Kies as the Caufield Neighborhood Association Primary Representative to the Citizen Involvement Committee for the remainder of the 2-year term ending December 31, 2019.

4. Citizen Comments

Mark Matheson, resident of Oregon City, said on September 12, 2016, the City issued a stop work order and had seized his property and held it for over 22 months. He thought this had been done illegally and that City staff had lied about other incidents that had happened to him. He asked the Commission to review the letter that had been sent by the City Attorney that refused consideration involving the litigation.

Dorothy Dahlsrud, resident of Oregon City, discussed the revision of the City's Heritage Tree Code. She encouraged the Commission to listen to the changes and embrace them, especially about removing the requirement for an arborist report and having a higher penalty for removing a heritage tree.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

6a. Resolution No. 19-13, Modification of Planning Division Fee Schedule

Mayor Holladay opened the public hearing.

Laura Terway, Community Development Director, stated the Planning Division had proposed changes to the fee schedule. She entered emails that had recently been received into the record. The Commission had asked staff to address the fee for Planning Commission decision appeals. Staff was proposing a flat rate that included an average of the City Attorney costs over the last ten years and a base fee. The Commission was concerned about the \$10,000 fee, and she suggested the options were to not change the fee, change the appeal fee to the actual staff time costs, or subsidize the appeal fee through the General Fund. The Commission also wanted staff to look into the fee for Historic Review Board decision appeals, and she had used the same methodology to determine the fee, which was \$6,000. The same options could be applied to this fee as well. She compared how the City's fees were calculated to how they were calculated in other jurisdictions.

Bob La Salle, resident of Oregon City, discussed how these fees had not been changed since the last time the Commission discussed this and no alternatives had been presented. He did not think it was justified and that the City was making a profit on work the taxpayers were already paying for. The fees were too high for the average person and should not be allowed.

James Nicita, resident of Oregon City, thought the Commission should calculate the staff time themselves that had been used for the base fee. He also thought they should take out the attorney fee in the calculation as there were too many problems with the way it was adopted.

Paul Edgar, resident of Oregon City, said citizen involvement was the critical issue. These fees were too high and would restrict citizens' ability to participate and to protect the historical character of the City.

Mayor Holladay closed the public hearing.

The Commission discussed the comparison to other jurisdictions and what the appeal fee should be for Historic Review Board decisions.

There was consensus to change the Historic Review Board appeal fee to \$250 and subsidize the rest.

There was further discussion regarding what the appeal fee should be for Planning Commission decisions.

There was consensus to change the Planning Commission appeal fee to \$1,500.

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve Resolution No. 19-13, adopting the 2019 fee schedule with

the amendments to the Planning Commission appeal fee which was changed to \$1,500, Historic Review Board appeal fee which was changed to \$250, and the addition of 2.5% of construction costs for Historic Review new construction. The other fees that had been listed would be discussed at a future Work Session. The motion passed by the following vote:

Aye: 3 - Mayor Dan Holladay, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

Nay: 2 - Commissioner Frank O'Donnell and Commissioner Rachel Lyles Smith

6b.**Resolution No. 19-27, Adopting Changes to the Historic Review Board Policies**

Mayor Holladay opened the public hearing.

Kelly Reid, City Planner, discussed the proposed changes to the Historic Review Board policies to make them more clear and objective. Staff created user-friendly property owner guides that would be posted on the City's website once the policies were approved.

Paul Edgar, resident of Oregon City, expressed concern about some of the policies that would allow the profiles and materials of new construction to detract and be incompatible in Canemah.

Karla Laws, resident of Oregon City, had issues with the policies and how they would affect the functionality of a historic home, such as new windows and solar panels.

Mayor Holladay closed the public hearing.

There was discussion regarding the requirements for fences, aluminum screen doors, siding, and public outreach.

Commissioner McGriff thought they should state that incised wood was not allowed for fence posts and change the word "must" to "shall."

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve Resolution No. 19-27, adopting changes to the Historic Review Board policies with the amendments as discussed. 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

6c.**First Reading of Ordinance No. 19-1009, Amending the Oregon City Municipal Code Chapter 17.40 Historic Overlay District**

Mayor Holladay opened the public hearing.

Ms. Reid said this was a legislative amendment to the Code. She gave a background on historic review processes and discussed the proposed language changes related to the Historic Review Board (HRB) policies.

There was discussion regarding the process for appealing a staff's decision and process of the HRB to change their policies.

There was consensus that changes to HRB policies should come to the City Commission for approval.

James Nicita, resident of Oregon City, discussed the meaning of the ten-day notice in subsection K. He did not think the HRB policies as they had been amended or the design guidelines addressed review with notice for exterior alterations to incompatible structures in the Canemah district. There was a definition in the Code that new structure was only where there was already a structure on the lot and did not include new construction on vacant lots.

Carrie Richter, Assistant City Attorney, said the ambiguity about new construction was resolved by Land Use Board of Appeals (LUBA) in the Canemah Cottages case.

A motion was made by Commissioner McGriff, seconded by Commissioner O'Donnell, to continue the first reading of Ordinance No. 19-1009, amending the Oregon City Municipal Code Chapter 17.40 Historic Overlay District, to August 21, 2019. 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

7. General Business

7c. Resolution No. 19-29, Revocable Long-Term Obstruction in the Right-of-Way at 302 3rd Avenue

John Lewis, Public Works Director, stated the property owners applied for a renewable permit for an obstruction in the right-of-way. This was a fence that was obstructing sight distance resulting in unsafe conditions and did not meet the historic district code. It was up to the Commission whether or not to approve it. He then showed pictures of the fence, street, and surrounding area. The fence was within the site distance triangle, however he did not think there was a sight line problem at this intersection. He described the proposed improvements for the intersection that would happen this summer. The fence also screened Coffee Creek from becoming an attractive nuisance.

Paul Edgar, resident of Oregon City, said this type of fence was not allowed in the Code. A new section of the fence had been put in that went through the Natural Resource Overlay District. The fence was in the right-of-way and was being used for private use. He did not think that was a good precedent to set.

Karen Blaha, resident of Oregon City, had lived near this property for 25 years and had never had any problems. She supported the Public Works Director's recommendation.

Linda Baysinger, resident of Oregon City, had lived in Canemah for 21 years and was a realtor. This fence was just another quirky thing in Canemah and was not a hazard. She also recommended approval.

Mark Matheson, resident of Oregon City, was a civil engineer. He explained the difference between rights-of-way and easements. He thought the road was an easement, not right-of-way.

John Addleman, applicant, said the fence was put up in 1987. At that time, he did not

have to apply for a permit. He thought the fence was guarding the creek from trash and from people getting hurt. It was a fragile ecosystem and he was conserving it. The new section was a replacement and was put in in 2017. He did not think a permit was needed to replace and repair his fence.

Patti Webb, resident of Oregon City, thought the fence was a site obstruction. The applicant had put a fence on her property and she had to take it down. That fence had not been installed properly and she did not think the fence by the creek was installed correctly either.

The Commission discussed how the fence was not a site obstruction even though the fence was not in compliance with the current standards. There was consensus that there needed to be a larger discussion to address these issues in all of Canemah.

Commissioner McGriff was not in favor of this request.

A motion was made by Commissioner Smith, seconded by Commissioner Lyles Smith, to approve Resolution No. 19-29, revocable long-term obstruction in the right-of-way at 302 3rd Avenue. The motion passed by the following vote:

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

Nay: 1 - Commissioner Denyse McGriff

A motion was made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to continue the meeting until 11 p.m. 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

7a. First Reading of Ordinance No. 19-1011, Business Food Waste Requirements

There was concern on the part of the Commission about moving on this item with the unanswered questions about the costs of the program and possible rate increases.

Mr. Lewis said this would go into effect March 1, 2020 and the rates would be established by the end of 2019. Metro was working on agreements for locations to take the food waste.

A motion was made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to approve the first reading of Ordinance No. 19-1011, business food waste requirements. The motion passed by the following vote:

Aye: 3 - Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

Nay: 2 - Mayor Dan Holladay and Commissioner Frank O'Donnell

7b. First Reading of Ordinance No. 19-1012, 20-mph Speed Limit Policy in the Canemah Neighborhood

Mr. Lewis discussed the concerns about slowing down traffic in Canemah. The Canemah Neighborhood had requested reducing the speed limits to 20 mph.

Paul Edgar, resident of Oregon City, explained his support for this change.

There was discussion regarding more police patrol when the speed was changed to raise awareness.

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve the first reading of Ordinance No. 19-1012, 20-mph speed limit policy in the Canemah Neighborhood. 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. 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. 19-28, Replacing Resolution No. 19-07 Adjusting Alarm System User Permit Fees to Become More Consistent within the Region
- 8b.** Municipal Court Judge Employment Agreement
- 8c.** Minutes of the May 15, 2019 Regular Meeting
- 8d.** Minutes of the May 15, 2019 Work Session

9. Communications

There were no communications due to the lateness of the meeting.

- a. City Manager**
- b. Commission**
- c. Mayor**

10. Adjournment

Mayor Holladay adjourned the meeting at 10:18 PM.

Respectfully submitted,

Kattie Riggs, City Recorder