



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING - 2ND REVISED MINUTES

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, September 15, 2021 at 7:00 PM

6:00 PM - EXECUTIVE SESSION OF THE CITY COMMISSION

The Executive Session began at 6:05 PM immediately prior to the City Commission Regular Meeting.

- a. *PURSUANT TO ORS 192.660(2)(a): To consider the employment of a public officer, employee, staff member or individual agent.*
- b. *PURSUANT TO ORS 192.660(2)(b): To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.*

7:00 PM - REGULAR MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Mayor Lyles Smith called the meeting to order at 7:37 PM.

PRESENT: 5 - Mayor Rachel Lyles Smith, Commissioner Adam Marl, Commissioner Denyse McGriff, Commissioner Frank O'Donnell, and Commissioner Rocky Smith, Jr.

STAFFERS: 12 - City Manager Tony Konkol, Asst. City Recorder Jakob Wiley, Community Development Director Laura Terway, Asst. City Engineer Josh Wheeler, Police Chief Jim Band, Library Director Greg Williams, Finance Director Matt Zook, Parks & Rec. Director Kendall Reid, Deputy City Attorney Carrie Richter, Human Resources Director Patrick Foiles, Asst. to the City Manager Lisa Oreskovich, and Public Works Director John Lewis

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

3a. Proclamation for Constitution Week

Mayor Lyles Smith read the proclamation declaring September 17-23, 2021 as Constitution Week.

3b. Arts Commission Appointments

Commissioner Smith discussed the process for selecting the Arts Commission candidates.

Mayor Lyles Smith appointed nine members to the new Arts Commission. These appointments were:

- Emma Lugo 1 year
- Mary Andrus 1 year
- Josh Planton 1 year (citizen representative)

- Jenn Woodward 2 year
- Selena Jones 2 year
- Tammy Jo Wilson 2 year
- Karen Buerhig 3 year (citizen representative)
- Tima Carlson 3 year
- Triest Andrews 3 year

4. CITIZEN COMMENTS

Catherine Pieslewicz, resident of Oregon City, discussed the behavior of staff at the last Commission meeting which she thought was disruptive and disrespectful. Everyone had the right to be heard and treated with respect.

5. PRESENTATIONS

5a. Parks and Recreation Advisory Committee Annual Report

Troy Bolinger, Parks and Recreation Advisory Committee Chair, and Shawn Dachtler, Parks and Recreation Advisory Committee Vice Chair, presented the annual report. They discussed the Cost Recovery Project and construction of City parks. They also listed the members of PRAC.

6. ADOPTION OF THE AGENDA

Item 7b was pulled from the consent agenda. The agenda was adopted as amended.

7. CONSENT AGENDA

Motion made by Commissioner McGriff, seconded by Commissioner Marl, to adopt the consent agenda except Item 7b. The motion carried by the following vote:

Yea: 5 - Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

7a. Grant of Easements and Rights of Way to ODOT for I-205 Project, I-5 – OR 213, Phase 1

7b. Resolution No. 21-38, Final Updates to the Policy for Cross Street Banners and Banners on Street Light Poles

Amy Willhite, Gaffney Lane Neighborhood Association Chair, said the neighborhood wanted to discuss the cross-street banners, but had not been responded to. This led to frustration regarding the process and not being heard.

Amy Willhite, resident of Oregon City, asked the Commission not to approve the resolution even though the poles had already been put up. She also asked that public comment be taken or a committee be formed to decide where the banners should go. She thought the current location was a safety hazard.

Mr. Lewis explained the process for the project and that currently only one location had been established for the cross-street banners. An analysis had been done on the location and staff thought it was in the best location.

There was discussion regarding the process that had been done, safety of the proposed location, and installment of the art on the poles going through the Arts Commission.

Motion made by Commissioner Smith, seconded by Commissioner McGriff, to approve Resolution No. 21-38. The motion passed by the following vote:

Yea: 4 - Mayor Lyles Smith, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

Nay: 1 - Commissioner Marl

8. PUBLIC HEARINGS

- 8a. AP 21-00004 and AP-21-00005, Two appeals of Planning Files GLUA-21-00002: SP-21-00001 / LL-21-00002 for a Lot Line Adjustment and Site Plan and Design Review for a 60-Unit Residential Condominium Project on Holmes Lane - Neighborhood Association Fee Waiver Request Associated with One Appeal

Mayor Lyles Smith opened the public hearing.

Carrie Richter, Deputy City Attorney, read the hearing statement. She asked if the Commission had ex parte contacts, conflicts of interest, bias, or any other statements to declare including a visit to the site since the last meeting.

Commissioner Marl drove past the site often. He saw Ms. Laws at the last School Board meeting where he said this would be an interesting night.

Commissioner McGriff drove the street regularly. Her involvement with the Rose Farm Management Committee did not disqualify her from being fair in this matter. She received the letter from Ms. Forbes late in the day, but did not advise the parent organization that they should testify against the project. She was asked if they should express their concerns and she had told them to make their comments in writing prior to the deadline. She was not part of their decision. She could make a decision based solely on the criteria and standards in the staff report.

Commissioner Smith had driven the street.

Commissioner O'Donnell was not present at the last meeting, but he had watched the meeting in its entirety. He visited the site and did not read letters from those that did not have standing. However, he had reviewed the rest of the documents in the record.

Mayor Lyles Smith acknowledged that formal complaints were sent to the Commission about the process.

Michael Robinson, attorney, asked if the complaints were part of the record.

Mayor Lyles Smith said they were an HR complaint against staff. They were not submitted into the record as part of this proceeding.

Mr. Robinson clarified the complaints had no bearing on the outcome of this hearing. Mayor Lyles Smith said that was correct.

Public Testimony:

Nancy Nelson, resident of Oregon City, discussed the historical significance of the site. She suggested that the area be tested before construction began. Also this was the headwaters for Singer Creek and the stormwater and design should be analyzed. The traffic study showed people only using Molalla instead of Lynn. She thought it should include the impacts on Lynn.

Timothy Keen, resident of Oregon City, was concerned about the traffic and safety on Mt. View which had

no planned improvements. He thought it should be included in the traffic study.

Mark Beals, resident of Oregon City, spoke about the impact of the development on the existing sewer and water lines. Rates were increasing to replace old lines which were starting to fail under current usage. He was also concerned about the increased traffic, potential for flooding, stormwater conveyance, and R-2 zoning. He requested two more conditions of approval be added for pedestrian safety.

Deanne Beals, resident of Oregon City, discussed the traffic study which was too old and did not reflect what was currently happening. Speeding and traffic were issues on Holmes Lane and they already had to deal with many issues from the next door apartment complex. She was concerned about safety, adequate infrastructure, and R-2 zoning that was not right for this neighborhood.

Terry Lingman, resident of Oregon City, said based on grounds of public safety, destruction of the Rose Farm historic appeal, and creation of a parking nightmare on the Holmes Lane community, he thought the Commission should deny the application.

Appellant Rebuttal: Karla Laws, Barclay Hills Neighborhood Association Chair, thought the neighborhood association's due process was belittled by the developer's and city's attorney. Singer Creek was a unique body of water and needed to be protected.

James Donnelly said that this would be a condominium project, not an apartment project. He discussed issues with the nearby apartment complex and how Mt. View was too small to accommodate more traffic and parking. There were line of site and blind spots on Mt. View and Holmes Lane as well as speeding.

Applicant Rebuttal: Mr. Robinson noted Mr. Beal's handouts and some of Mr. Donnelly's testimony were new evidence and outside of the record. Whether these were called condominiums or apartments, the City regulated multi-family units and those were the approval criteria the applicant was subject to and addressed through substantial evidence. The applicant waived final written argument and the Commission could deliberate tonight. They did not think the neighborhood association appeal was jurisdictionally valid. He asked that the Commission reject the appeal. The Director found that all of the relevant criteria were satisfied, including the traffic analysis. He asked that the application be approved with the proposed conditions except for Condition #3, improvements to the lot that remained single family. It would continue to be used as a single family lot and there would be no impact that justified the condition. The decision was to be based on the approval criteria and he thought the application should be approved.

Mayor Lyles Smith closed the public hearing.

Commissioner McGriff asked where they were in the 120-day timeline. Laura Terway, Community Development Director, said it expired on October 11, 2021.

There was discussion regarding the specificity in the findings, parking concerns, and putting no parking signs on Mt. View Road.

John Replinger, Traffic Engineer, discussed the analysis in the traffic study which assigned the traffic on Holmes Lane. He clarified the site distance analysis was only from the entry and exit points from the development.

Ms. Terway stated all the parking for the development was accommodated on site, there was no on-street parking proposed.

Commissioner McGriff said a portion of the property was abutting Mt. View and she thought improvements should be required.

John Lewis, Public Works Director, said there would be improvements along the frontage on Mt. View.

Ms. Terway clarified Rilance would be a public street, all the others would be drive aisles. Parking would be allowed on Rilance, but it would not be counted towards the parking standard. They met the parking standard without counting the cars that would use Rilance.

Commissioner O'Donnell asked about access to fire vehicles and parking on the street. Ms. Terway said there was a condition for Fire Department review in order to exclude areas for parking to accommodate public safety.

Mayor Lyles Smith asked about sewer line replacement. Mr. Lewis said the work to be done in this area was for the Inflow & Infiltration program. The developer would develop on site systems for stormwater and if there were any problems downstream the developer would have to fix them.

Commissioner McGriff said items were missing on the site plan. She thought the condition should be modified to include those items.

Commissioner McGriff asked about tree removal, especially near the property line of the park. Ms. Terway said there was a condition of approval to redo the tree survey to display where the trees were located.

Commissioner O'Donnell was concerned about stormwater runoff and the impact on Singer Creek and the deficiencies in the traffic study, especially not considering Mt. View or Lynn Avenue.

There was discussion regarding the deficiencies in the traffic study.

Mr. Lewis thought Rilance would provide new solutions for existing residents.

Mr. Replinger discussed the guidelines for traffic impact studies. It was his opinion that the applicant had performed a traffic study consistent with the guidelines. The criteria had been satisfied for intersection operation and site distance.

Commissioner McGriff and O'Donnell thought the assumptions in the traffic study were faulty. They should have evaluated Mt. View and Lynn.

There was consensus for the meeting to continue past 10:00 PM.

Commissioner McGriff said regarding Condition #3, she thought the right-of-way improvements for both pieces of property was a valid condition.

Motion made by Commissioner McGriff, seconded by Commissioner O'Donnell, to reject the testimony submitted by those who did not have standing and new evidence, both oral and written, submitted after the record was closed and to deny the appeal regarding the lot line adjustment. The motion carried by the following vote:

Yea: 5 - Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

Commissioner McGriff thought the findings for the traffic study should be modified regarding Mt. View. She suggested revising Condition #23 regarding site plan submittals.

Ms. Richter noted the August 23, 2021 staff report included amendments to five conditions to make them clear and objective.

Commissioner McGriff also suggested modifying the findings to strongly encourage preservation of trees in the buffer area.

Motion made by Commissioner McGriff, seconded by Commissioner O'Donnell, to continue the

hearing to September 29, 2021 to review the revised findings and conditions. The motion carried by the following vote:

Yea: 5 - Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

- 8b. GLUA-21-00019/CU-21-00002, The Father's Heart Street Ministry Conditional Use Permit for Warming Shelter

Mayor Lyles Smith said this was approval of the final findings for the tentative decision made previously on this application.

Ms. Richter asked if the Commission had ex parte contacts, conflicts of interest, bias, or any other statements to declare since the last meeting on this item in August. Commissioner McGriff had been contacted to find out the date for this final adoption of findings. She also drove by this street frequently.

Ms. Richter noted a letter had been received from Pamela Cromer that needed to be rejected from the record.

Motion made by Commissioner O'Donnell, seconded by Commissioner Marl, to reject the letter from Pamela Cromer and to adopt the final findings for denial of GLUA-21-00019/CU-21-00002, The Father's Heart Street Ministry Conditional Use Permit for Warming Shelter. The motion carried by the following vote:

Yea: 5 - Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

9. GENERAL BUSINESS

Resolution No. 21-38, Final Updates to the Policy for Cross Street Banners and Banners on Street Light Poles

Amy Willhite, Gaffney Lane Neighborhood Association Chair, said the neighborhood wanted to discuss the cross street banners, but had not been responded to. This led to frustration regarding the process and not being heard.

Amy Willhite, resident of Oregon City, asked the Commission not to approve the resolution even though the poles had already been put up. She also asked that public comment be taken or a committee be formed to decide where the banners should go. She thought the current location was a safety hazard.

Mr. Lewis explained the process for the project and that currently only one location had been established for the cross street banners. An analysis had been done on the location and staff thought it was in the best location.

There was discussion regarding the process that had been done, safety of the proposed location, and installment of the art on the poles going through the Arts Commission.

Motion made by Commissioner Smith, seconded by Commissioner McGriff, to approve Resolution No. 21-38. The motion passed by the following vote:

Yea: 4 - Mayor Lyles Smith, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

Nay: 1 - Commissioner Marl

- 9a. Resolution No. 21-46, Revisions to Extend the Parklet & Private Property Restaurant/Retail from November 30, 2021 to November 30, 2022

This item was postponed to the next meeting.

- 9b. Routine Pavement Maintenance of Promenade Street / Bluff Street

Jim Nicita, resident of Oregon City, was concerned about delaying this item to another meeting and the work getting postponed until next summer due to the rainy season.

Mr. Lewis confirmed that this was needed pavement maintenance.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, to approve the routine pavement maintenance of Promenade Street/Bluff Street. The motion carried by the following vote:

Yea: 5 - Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

- 9c. Personal Services Agreement with Wallis Engineering for the Design and Bidding Services for the Confederated Tribes of the Umatilla Indian Reservation, Cayuse Five Tribute (CI 21-011)

Jon George, Confederated Tribes of the Grand Ronde Tribal Council, had concerns about the lack of transparency. There had been no discussion about this project with the tribes and they would like the opportunity to consult on this project before it was approved.

This item was postponed to the next meeting.

10. COMMUNICATIONS

There were no communications.

- 10a. City Manager

Invitation to OC 2040 Summit Series

Water Ballot Measures – Update and Outreach

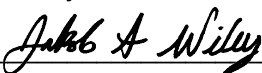
- 10b. Commissioners

- 10c. Mayor

11. ADJOURNMENT

Mayor Lyles Smith adjourned the meeting at 10:59 PM.

Respectfully submitted,



Jakob Wiley, Assistant City Recorder