



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING - REVISED MINUTES

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, May 18, 2022 at 7:00 PM

REGULAR MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Commission President McGriff called the meeting to order at 7:05 PM.

PRESENT: 4 - Commissioner Frank O'Donnell, Commissioner Denyse McGriff, Commissioner Rocky Smith, and Commissioner Adam Marl

STAFFERS: 10 - City Manager Tony Konkol, City Recorder Jakob Wiley, Community Development Director Aquilla Hurd-Ravich, Asst. to the City Manager Lisa Oreskovich, Police Chief Jim Band, Finance Director Matt Zook, Library Director Greg Williams, Parks and Recreation Director Kendall Reid, and Public Works Director John Lewis

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

3a. Appointment of Petronella Donovan to the Transportation Advisory Committee

Commission President McGriff appointed Petronella Donovan to the Transportation Advisory Committee.

4. CITIZEN COMMENTS

Tom Geil, resident of Oregon City, requested allowing more citizen input at a Planning Commission hearing.

There was discussion regarding the time limitations for public comment and the ability for unlimited written comment.

Mr. Geil also questioned how many meetings a Planning Commissioner could miss. He thought if a commissioner was not performing their duties, they should be removed.

Dorothy Dahlsrud, resident of Oregon City, discussed preserving a unique tree grove in the Park Place area.

Karla Laws, resident of Oregon City, discussed concerns about multi-family developments on Molalla Avenue.

John Vahey, resident of Oregon City, said a wetland had been identified incorrectly on his property and he would like the map amended.

5. PRESENTATIONS

No presentations given.

6. ADOPTION OF THE AGENDA

The agenda was adopted as presented.

7. CONSENT AGENDA

Motion made by Commissioner Smith, seconded by Commissioner Marl, to approve the consent agenda. The motion carried by the following vote:

Voting Yea: Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

- 7a. Resolution No. 22-20, Temporarily Exempting Construction Activities from the Prohibition Against Unlawful Noises for the OC Brewing Patio and Declaring and Emergency
- 7b. Parks and Cemetery Division Replacement Vehicle
- 7c. Public Improvement Contract with Sierra Santa Fe Corporation for the 2022 Preventive Pavement Maintenance – Chip Seal/Fog Seal and Striping (CI 22-004)
- 7d. Public Improvement Contract with Blackline, Inc. for the 2022 Preventive Pavement Maintenance Type II Slurry Seal (CI 22-003)
- 7e. Public Improvement Contract with S-2 Contractors, Inc. for the 2022 Oregon City Roadway Pavement Project (CI 21-008)

8. PUBLIC HEARINGS

- 8a. Appeal of the Approval of a New Three-Story 30-Unit Apartment Complex Located Near Kamm Street (AP 22-00001; AP-22-0000; GLUA-21-00066; SP-21-00017; NROD 21-00018)

Commission President McGriff opened the public hearing.

Bill Kabeiseman, City Attorney, provided some background information regarding the legal requirements and the 120-day deadline. He asked for any declarations of bias, conflicts of interest, or ex parte contacts. Commissioner O'Donnell and Commission President McGriff visited the site prior to the meeting.

Christina Robertson-Gardiner, Senior Planner, provided the staff report. There were two appellants, the Elyville Neighborhood Association and Dave Wakefield. The Commission review was limited to the issues identified in the appeal and no new evidence was allowed. There were items submitted that were new evidence and not part of the record. She discussed the options for the appeal. She provided a background on the application, site plan, elevations, wetlands, and tree removal.

Josh Wheeler, Assistant City Engineer, discussed the transportation/Kamm Street connection and stormwater requirements.

Ms. Robertson-Gardiner discussed the Natural Resources Overlay District (NROD) and definition of stream, Type I tree mitigation, and other issues brought up by the appellants.

There was discussion regarding the width of Kamm Street, setbacks, open space, and easement vs. right-of-way.

Todd Iselin and Ivy Watson, applicant representatives, provided a presentation on the proposed development of a 30-unit apartment project. They discussed the existing conditions, proposed layout, access, mix of 1- and 2-bedroom units, parking, landscaping, elevations, utility/stormwater plan, natural resources investigation, methods for the wetland and stream delineation, NROD findings, concurrences, and conclusion that the protected water feature did not extend as far onto the site as previously mapped and that the boundaries of the regulated NROD should be adjusted. They further discussed precipitation levels, upstream reach, and downstream reach.

Troy Brummel, resident of Oregon City, and Karla Laws, resident of Oregon City, provided testimony as representatives of the appellant Elyville Neighborhood Association. They expressed concerns about the extension of Kamm Street to Warner Milne, pedestrian and bicycle safety, parking, setbacks, erosion sediment control, groundwater infiltration, tree removal, NROD boundary, and uses prohibited in the NROD. They thought the developer had changed the scope of the land in the NROD before applying for a Type I verification. There was no unhoused encampment, and the trees should not have been removed.

Dave Wakefield, appellant, said he owned property abutting this development. He discussed the condition of Kamm Street and how the proposed connection would be a safety issue. He described his concerns regarding the ingress and egress of the development, emergency vehicle access, clearcutting in the NROD, devaluation of neighboring properties, no rise permit, and options beyond the Commission's decision. He did not think safety had been addressed in the documents.

Gary Avery, representing St. John the Apostle Cemetery, requested a ten-foot buffer on the north side of the building instead of the proposed 3-foot buffer. He was also concerned about flooding and safety. He agreed there had not been homeless on the property.

Brian Paulson, resident of Oregon City, discussed increased traffic and safety.

Katherine Piecelowitz, resident of Oregon City, discussed the density and zoning for the site and how she did not think this development was allowed. She also questioned the testing sites for the stream and wetlands delineation. There were requirements for protections for this type of stream, and piping was not allowed.

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

Mr. Iselin and Ms. Watson provided rebuttal. They addressed the neighbors' concerns about the easement, tree removal, emergency vehicle access, property values, homeless living in a shed that was demolished at the same time the trees were removed, how this was an outright allowed use in the zone, NROD verification, how the no rise permit and wildlife issues were not applicable, wetland delineation testing sites, and drainage mapping. Mr. Iselin said the applicant was willing to extend the 120-day deadline to June 8 if the commission needed more time. However, they would like the record to be closed.

There was discussion regarding the date of the extension.

Mr. Wakefield thought the commission should extend the deadline as long as needed to make a good decision. He explained he did not think bollards would be enough to address the safety issue on Kamm Street because it made it a through street and, at some point, it could be changed. A fence was needed to close off the property.

Mr. Brummel thought a fire truck backing up on Kamm Street was safer than opening it up and allowing cars through. NROD was not only about trees, but vegetation as well, and the scope was changed when the clearcutting occurred. He thought the applicant should have to do street improvements on the front access streets.

Commission President McGriff closed the public hearing.

The Commission asked staff to bring back information regarding the building fronting a dead-end street, the definition of a stream, setbacks, NROD, transitioning an open flow channel to closed pipe, impact to modifying the property, condition added for tree mitigation on-site, screening from the cemetery, keeping the wetland viable for the water to flow where it needed to go, bollards on Kamm, and pedestrian access.

This item would come back to the June 1, 2022 meeting.

8b. First Reading of Ordinance 22-1001, the HB 2001 Housing Choices Code Update (GLUA 22-0002/LEG 22-00001)

Commission President McGriff opened the public hearing.

Mr. Kabeiseman said at the last meeting that the commission approved the first reading of this ordinance. However, new findings had been added at the request of the Fair Housing Council, and the previous ordinance had many options for the commission to choose from. He recommended doing a first reading again with the changes that had been made.

Christina Robertson-Gardiner, Senior Planner, reviewed the new items and public comments that had been received.

There was discussion regarding public notice requirements.

Dan Berge, resident of Oregon City, was in favor of the changes.

Commission President McGriff closed the public hearing.

Motion made by Commissioner Marl, seconded by Commissioner Smith, to approve the First Reading of Ordinance 22-1001, the HB 2001 Housing Choices Code Update (GLUA 22-0002/LEG 22-00001). The motion passed by the following vote:

Voting Yea: Commissioner Marl, Commissioner McGriff, and Commissioner Smith
Voting Nay: Commissioner O'Donnell

9. GENERAL BUSINESS

9a. City-Sponsored Special Event Program

This item was not discussed due to the lateness of the meeting.

10. COMMUNICATIONS

11. City Manager

The City Manager did not provide a report.

12. Commissioners

Commission President McGriff made a request on behalf of the Friends of the Buena Vista Clubhouse to apply for a grant.

Commissioner O'Donnell was not prepared to make a decision tonight.

Commissioner Marl was concerned about what it would mean financially for the city down the road.

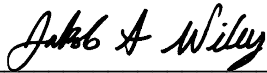
13. Mayor

None

14. ADJOURNMENT

Commission President McGriff adjourned the meeting at 10:55 PM.

Respectfully submitted,

A handwritten signature in black ink, reading "Jakob S. Wiley", written in a cursive style.

Jakob S. Wiley, City Recorder