

REGULAR MEETING

Oregon City, Oregon, September 14, 1989

A regular meeting of the City Commission was held in the Commission Chambers of City Hall on the above date at 8:00 p.m.

Roll call showed the following present:

Mayor David D. Spear
Commissioner Carol A. Powell
Commissioner Suzanne VanOrman
Commissioner Daniel W. Fowler

Thomas Fender III, City Manager
Jean K. Elliott, City Recorder
Edward Sullivan, City Attorney

It was moved by Powell, second by VanOrman, to approve the minutes of September 6, 1989.

Roll call: Fowler, Aye; VanOrman, Aye; Powell, Aye; Spear, Aye.

Mayor Spear called for citizen presentation of future agenda items. There was no audience input. Fowler advised that a representative of the JC Chapter requested to be on the October 4, 1989 agenda.

Commission Report No. 191, Comprehensive Plan Amendments and Zone Changes - properties annexed in June 1989 - Gaffney Lane/Meyers Road - Public Hearing; If approved, Proposed Ordinance No. 89-1027, An Ordinance Amending Title XI: Chapter 2, Section 3, of the 1963 City Code, Zoning: Official Zoning Map of Oregon City, by Changing Certain Districts, was presented. The report noted that in June, 1989, the Portland Metropolitan Area Local Government Boundary Commission approved the annexation of two parcels located on Gaffney Lane at Meyers Road. The properties were shown on an attached map.

The report continued that on August 29, 1989, the Planning Commission held a public hearing for Comprehensive Plan Amendments and Zone Changes for the annexed area, to change designations from County to City. The Planning Commission voted 5-0 to recommend plan and zoning designations as follows:

Change from County Comprehensive Plan designation of Low Density Residential to City Comprehensive Plan designation of Low Density Residential;

Change from County zoning designation of "FU-10" Future Urban 10-Acre Minimum to City zoning designation of "R-8" Single-Family Residential.

Specifics on the properties were presented in an attached staff report. Also attached for Commission review were the following documents: 1) Ordinance No. 89-1027; 2) Planning Commission minutes of August 29, 1989; 3) Staff report; and, 4) Public notice and map of properties.

The report concluded that if the Commission agrees and the plan amendments/zone changes are approved attached was Ordinance No. 89-1027 which would enact the changes. Notice of proposed Ordinance No. 89-1027 had been posted at City Hall, 320 Warner Milne Road; Courthouse, 807 Main Street; and, Senior Center, 615 5th Street by direction of the City Recorder. It was recommended that first reading be approved, second reading be called and approved for final enactment.

Mayor Spear declared the public hearing open and called for testimony. With none offered, the hearing was closed.

It was moved by VanOrman, second by Fowler, to approve first reading of proposed Ordinance No. 89-1027.

Roll call: VanOrman, Aye; Powell, Aye; Fowler, Aye; Spear, Aye.

Second reading was called after which it was moved by VanOrman, second by Fowler, to approve second reading for final enactment.

Roll call: Powell, Aye; Fowler, Aye; VanOrman, Aye; Spear, Aye.

ORDINANCE NO. 89-1027

AN ORDINANCE AMENDING TITLE XI: CHAPTER 2, SECTION 3 OF THE 1963 CITY CODE, ZONING: OFFICIAL ZONING MAP OF OREGON CITY, BY CHANGING CERTAIN DISTRICTS:

OREGON CITY DOES ORDAIN AS FOLLOWS:

Whereas, public necessity and the general welfare of Oregon City require changes to certain districts, which changes have been heard by the City Planning Commission and approved by it after public notice and hearing as required by Title XI: Chapter 13, Section 2 of the 1963 City Code, and the City Commission after public notice and hearing finding that the following described properties which were annexed to Oregon City on June 29, 1989 are hereby changed as follows:

Properties in the Gaffney Lane/Meyers Road are (Tax Lot 1003, Map 3-2E-8D and Tax Lot 100, Map 3-2E-8C), as defined in the Portland Metropolitan Area Local Government Boundary Commission Final Order No. 2638 and described in attached Exhibit "A".

Properties are hereby changed from a Clackamas County Comprehensive Plan and Zoning designations of Low Density Residential to an Oregon City Comprehensive Plan designation of Low Density Residential, and from a Clackamas County zoning designation of "FU-10" Future Urban 10-Acre Minimum to an Oregon City zoning designation of "R-8" Single-Family Residential.

Read first time at a regular meeting of the City Commission held on the 14th day of September, 1989, and the foregoing ordinance was finally enacted by the City Commission this 14th day of September, 1989.

/s/Jean K. Elliott
JEAN K. ELLIOTT, City Recorder

ATTESTED this 14th day of September, 1989.

/s/David D. Spear
DAVID D. SPEAR, Mayor

Commission Report No. 89-190, Comprehensive Plan Amendments and Zone Changes - properties annexed on July 2, 1989 as a "health hazard annexation" - Holcomb-Outlook-Park Place (HOPP) Area - Public Hearing; If approved, proposed Ordinance No. 89-1026, An Ordinance Amending Title XI: Chapter 2, Seciton 3 of the 1963 City Code, Zoning: Official Zoning Map of Oregon City, by Changing Certain Districts, was presented. The report noted that in March of 1989, the Portland Metropolitan Area Local Government Boundary Commission approved the annexation of the "health hazard area" of the Holcomb-Outlook-Park Place neighborhood. The boundary of the health hazard annexation was shown on an attached exhibit map. The annexation became effective on July 2, 1989.

The report continued that on August 29, 1989, the Planning Commission held a public hearing for Comprehensive Plan Amendments and Zone Changes for the annexed area, to change designations from County to City. The Planning Commission voted 4-1 to adopt the staff recommendation as follows:

1. To adopt an interim historic overlay zone for thirty-eight (38) potential landmarks as identified by a preliminary survey. These properties shall be subject to the regulations in Seciton 11-3-17 of the Zoning Ordinance until March 1, 1991; or when the Historic Review Board certifies that all structures and landmarks of historical or architectural significance have been reviewed and either protected by an Historic or Conservation District, or the landmark preservation ordinance, or that Statewide Planning goal 5 has bee applied to all structures of historical or architectural significance; whichever comes first. The list of properties was contained on Page 5 of the staff report for File PZ89-04.

2. To re-zone the properties as shown in the map identified as Exhibit "A" to designations that correspond with the City of Oregon City Zoning Ordinance and "Table A" of the Zoning ordinance.

3. Any properties shown on the Clackamas County Comprehensive Plan Map as "Resource Protection" shall remain designated so, until a study can be done to determine if City overlay zones such as "US" Unstable Slopes or "FP" Flood Plain should be applied.

An attached staff report for specifics on conversion of plan and zoning designations from County to City was attached.

Also attached for Commission review were the following documents: 1) Proposed Ordinance No. 89-1026 with exhibit map; 2) Planning Commission minutes - August 29, 1989; 3) Staff report - August 1989; and, 4) Public Notice and map of properties.

The report concluded that if the Commission agrees and the plan amendments/zone changes are approved, Ordinance No. 89-1026 which would enact the changes was attached. Notice of proposed Ordinance No. 89-1026 had been posted at City Hall, 320 Warner Milne Road; Courthouse, 807 Main Street; and, Senior Center, 615 5th Street, by direction of the City Recorder. It was recommended that first reading be approved, second reading be called and approved for final enactment.

The Development Services Director presented the Commission Report.

Don Vedder, 126 Cherry Avenue, inquired if the Pioneer Cemetery would be on the historical overlay. The Development Services Director advised that if it was not, the Tax Lot could be added to the list.

The Development Services Director exited the meeting to check for that information. While gone, the Mayor set aside this Agenda Item and called for Agenda Item 5.

Commission Report No. 89-195, Sale of Surplus City-Owned Property - Public Hearing, was presented. The report noted that at its August 10, 1989 meeting and again at its September 6, 1989 meeting, the City Commission was requested to continue the matter of sale of surplus property because of publication irregularities. Therefore, on the September 14, 1989 agenda, there was the public hearing to declare a portion of public right-of-way that was vacated in 1988 as surplus and consider the sale of that parcel.

The report continued that on February 12, 1988, the City received a letter from the property owner of land adjacent to vacated public right-of-way indicating an interest in purchasing the City-owned right-of-way. Also attached was a map which showed the exact location of the property. The property owner is still interested in the purchase and has requested the City begin the process of declaring it surplus.

At its July 5, 1989 meeting, the City Commission reviewed this request and directed that an appraisal be obtained and public notice be provided. Attached was a copy of the appraisal report and Notice of Public Hearing for Commission information.

ORS 221.725 (4) states: "The nature of the proposed sale and the general terms thereof, including an appraisal or other evidence of the market value of the property shall be duly disclosed by the city council at the public hearing. Any resident of the City shall be given an opportunity to present written or oral testimony at the meeting."

The report concluded that to date no written correspondence had been received. If there were no issues that develop during the public hearing, it was recommended that the City Commission declare the property surplus and authorize the sale at the appraised value of \$20,200.

Mayor Spear declared the public hearing open and called for testimony. With no testimony either in favor or opposed, the hearing was declared closed.

It was moved by Fowler, second by VanOrman, to declare the property surplus and authorize the sale for \$20,200.

Roll call: Powell, Aye; Fowler, Aye; VanOrman, Aye; Spear, Aye.

At this point, the Development Services Director re-joined the meeting and advised that the address of 16038 S. Depot Lane on the attached list was the Cemetery property.

Mayor Spear returned the Agenda Item 4 and declared the hearing open. With no testimony offered in favor or opposed, the hearing was closed. Fowler asked regarding the spotty zoning. He was advised the proposed zoning corresponded with the County. The City Attorney advised that a correction on Exhibit C was needed, i.e. the Map of Item 6 should be 2-2E-20DD instead of 21DD.

It was moved by Powell, second by VanOrman, to approve first reading of proposed Ordinance No. 89-1026 as amended.

Roll call: Fowler, Aye; VanOrman, Aye; Powell, Aye; Spear, Aye.

Second reading was called after which it was moved by VanOrman, second by Fowler, to approve second reading as amended for final enactment.

Roll call: VanOrman, Aye; Powell, Aye; Fowler, Aye; Spear, Aye.

ORDINANCE NO. 89-1026

AN ORDINANCE AMENDING TITLE XI: CHAPTER 2, SECTION 3 OF THE 1963 CITY CODE, ZONING: OFFICIAL ZONING MAP OF OREGON CITY, BY CHANGING CERTAIN DISTRICTS:

OREGON CITY DOES ORDAIN AS FOLLOWS:

Whereas, public necessity and the general welfare of Oregon City require changes to certain districts, which changes have been heard by the City Planning Commission and approved by it after public notice and hearing as required by Title XI: Chapter 13, Section 2 of the 1963 City Code, and the City Commisison after public notice and hearing finding tht the following described properties which were annexed to Oregon City on July 2, 1989, are hereby changed as follows:

Properties in the Holcomb-Outlook- Park Place (HOPP) "Health Hazard" area, as defined in the Portland Metropolitan Area Local Government Boundary Commission Final Order No. 2570, as described in attached Exhibit "B".

Properties are hereby changed from Clackamas County Comprehensive Plan and Zoning designations to the most closely corresponding Oregon City Comprehensive Plan and Zoning designations, as depicted on attached Exhibit "A". Further, properties as identified on Exhibit "C" are subject to the regulations of Seciton 11-3-17 of the Oregon City Zoning Ordinance until March 1, 1991, or until the Historic Review Board certifies that all\ structures and landmarks of historical or architectural significance within the annexation boundary have been reviewed and either protected by an Historic or Conservation District or the landmark preservation ordinance, or that Statewide Planing Goal 5 has been applied to all structures of historical and architectural significance; whichever comes first. Further, that all properties identified on the Clackamas County Comprehensive Plan Map as "Resource Protection" shall remain designated so until the City Commission has determined whether special overlay districts are necessary.

Read first time at a regular meeting of the City Commission held on the 14th day of September, 1989, and the foregoing ordinance was finally enacted by the City Commission this 14th day of September, 1989.

/s/Jean K. Elliott
JEAN K. ELLIOTT, City Recorder

ATTESTED this 14th day of September, 1989.

/s/David D. Spear
DAVID D. SPEAR, Mayor

Commission Report No. 89-196, Drainage Master Plan Adoption - Continued Public Hearing, was presented. The report noted that on the September 14, 1989 agenda, was the continuation of discussion of the adoption of the Drainage Master Plan. The Commission requested that a decision be postponed one week to consider language that the Environmental Learning Center was proposing for on-site detention.

Development Services staff had advised that the current Plan provided for regional detention but did not support on-site detention because of the higher costs involved and the ongoing maintenance responsibility. The Environmental Learning Center's position was that without on-site detention, drainage way erosion could take place and impact the fisheries in adjacent streams. No documentation of this concern had been provided.

Because of similar concerns about the Berryhill development, staff analyzed the additional flows (CFS) and velocity (FPS) of the runoff from Berryhill using a 25 year storm frequency. For the 22 acre Berryhill site their existing condition was 8.4 CFS and their developed condition is 21.0 CFT. Adding the incremental increase from Berryhill would be $12.6/173 = 7\%$. In checking the velocity there was no noticeable increase. In analyzing the total basin above the ByPass node point, the Drainage Master Plan shows an increase from existing 173 CFS to 227 CFS, a 41% increase. Analyzing velocities just downstream of the ByPass shows an increase from 6.9 FPS to 7.7 FPS, an insignificant increase. This analysis shows no environmental impact to the Newell Creek Basin.

The City's consultants were negative to on-site detention because the existing drainage ways had capacity to handle the runoff and where they didn't regional detention could be considered. On-site detention is not needed, and will only cause additional cost and maintenance responsibility for the City. If there is some specific documentation to support the Environmental Learning Center concern then that would be a different story. Until documentation is provided, staff cannot advise using on-site detention where other, less costly, options exist.

Staff has discussed the Master Plan with David Luenke, an engineer with Wilsey and Ham, Inc., and a member of the Environmental Learning Center. He acknowledges that the effect of drainage on the adjacent streams is not known for certain, but that is his concern. He wants the City to study the possible effects before adopting the Drainage Master Plan.

The report concluded that since the Newell Creek Basin is the largest basin in the City and has been analyzed for flows and velocity and no impact has been determined, staff believes that runoff in the smaller basins will not be a concern. Since regional detention is provided in the Plan and the City's drainageways can accommodate the projected runoff, it was recommended the City Commission support the Master Plan adoption.

If the City Commission wants to strengthen its support for fisheries enhancement in selected streams, it could do so by adding policy into the City's Comprehensive Plan. Staff would much prefer that approach versus modifying the Drainage Master Plan.

The Development Services Director presented the Commission Report. He noted that a letter had been received from the Environmental Learning Center which listed some changes regarding on-site detention to the Drainage Master Plan. This was received too late for staff to review.

Prior to the opening of the public hearing, the Commission asked about the time frame for the Comprehensive Plan review. Block noted the City was about one-year behind in completion. VanOrman noted that the Plan was negative to on-site detention which would indicated that on-site was then prohibited and she did not feel comfortable with that. Block noted that it appeared negative because of other options, i.e. regional detention.

Mayor Spear declared the public hearing open and called for testimony. No testimony was offered in favor.

In opposition, the following offered testimony: David Stark, 3424 SE Floss, Milwaukie, Steelheaders member who stressed further study regarding this issue; Chuck Sanders, 3391 Beavercreek Road, lives across from the Berryhill Shopping Center and has suffered flooding in the past and anticipates it will be worse after completion of the Shopping Center; Liz Moschogianis, 15081 S. Forsythe Road, expressed the need for more study regarding the inclusion of on-site detention in the Plan; Chris Gunther, 15335 S. Hattan Road, Steelheaders member, compared what could happen in this situation with what happened in Santa Barbara, California, further he noted the very likely possibility of sedimentation and siltration problems with the current construction site; Steve Gunther, 19776 S. Brooks Road, volunteer for ELC, spoke in favor of including on-site detention in the Plan; Jerry Herrmann, ELC Director, recommended setting this matter over to October 4, 1989 agenda to work with staff regarding this issue; Alayne C. Woolsey, member of the Planning Commission expressed being pleased with this matter being set over and she noted that no work shops had been held on this document; Harry Gehring, 817 Center Street and member of the Planning Commission noted that there was not enough input from the various people involved and was pleased with setting this matter over.

At the conclusion of the testimony, the Development Services Director, advised that a year and one-half had been spent on development of the Master Plans. One year ago the City Commission held a meeting on the Plan and accepted it as complete at that time with none of the current issues being raised at that time. He noted that is has been only with the Berryhill construction that this issue arose and feels the Master Plan is

correct as a technical document. He concluded by noting being in favor of continuing this to the October 4, 1989 agenda to allow staff to work with interested parties.

With no further testimony, the hearing was closed. It was moved by VanOrman, second by Fowler, to table this matter to the October 4, 1989 agenda.

Roll call: Fowler, Aye; VanOrman, Aye; Powell, Aye; Spear, Aye.

Commission Report No. 89-185, Appeals Board Term Amendment Ordinance No. 89-1021, was presented. The report noted that on the September 14, 1989 agenda, there was Ordinance No. 89-1021 that set the member terms for the Housing Advisory and Appeals Board to four year. The ordinance that established the Board one year ago provided for the staggering of terms at one, two, three and four yhear intervals, but the normal term of service of four years was not specifically identified. Staff noticed the oversight when the first one year term expired and a reappointment was to be made.

The report concluded that notice of proposed Ordinance No. 89-1021 was posted at City Hall, 320 Warner Milne Road; Courthouse, 807 Main Street; and, Senior Center, 615 5th Street, by direciton of the City Recorder. It was recommended that first and second readings be approved for final enactment to become effective October 14, 1989.

It was moved by VanOrman, second by Fowler, to approved first reading of proposed Ordinance No. 89-1021.

Roll call: VanOrman, Aye; Powell, Aye; Fowler, Aye; Spear, Aye.

Second reading was called after which it was moved by Fowler, second by VanOrman, to approve second reading for final enactment.

Roll call: Powell, Aye; Fowler, Aye; VanOrman, Aye; Spear, Aye.

ORDINANCE NO. 89-1021

AN ORDINANCE AMENDING TITLE II: COMMISSIONS AND BOARDS, CHAPTER 7: HOUSING ADVISORY AND APPEALS BOARD, SECTION 2: MEMBERS; TERMS, SUBSECTION (A) OF THE 1963 CITY CODE

OREGON CITY ORDAINS AS FOLLOWS:

That Title II: COMMISSIONS AND BOARDS, Chapter 7: HOUSING ADVISORY AND APPEALS BOARD, Seciton 2: MEMBERS; TERMS, Subsection (A) be and the same is hereby amended to read as follows:

2-7-2: MEMBERS; TERMS:

(A) The Board shall consist of five (5) members who are qualified by experience and/or training to pass upon matters pertaining to housing codes and building construction and maintenance and who are not employees of the City. The building official shall be an ex-officio member. The term of each member shall be four years except as outlined in 2-7-2(B).

Read first time at a regular meeting of the City Commission held on the 14th day of September, 1989 and the foregoing ordinance was finally enacted by the City Commission this 14th day of September 1989.

/s/Jean K. Elliott
JEAN K. ELLIOTT, City Recorder

ATTESTED this 14th day of September, 1989.

/s/David D. Spear
DAVID D. SPEAR, Mayor

Mayor Spear called for the consideration of Agenda Item 8 and Agenda Item 9 as consent items. No objection was offered.

Commission Report No. 89-187, Proposed Ordinance No. 89-1024, An Ordinance Assessing Costs of Nuisance Removal, was presented. The report noted that on June 22, 1989, a Notice to Remove Nuisance was sent to Richard D. Ball, listed owner of property described as Tax Lot 7100, Map 2-2E-32CB, located at 317 Pearl Street, Oregon City.

On July 27, 1989, the Code Enforcement Officer advised that to that date, nothing had been done to abate the weeds nuisance and recommended that the City Manager order abatement in accordance with City Code, Title 9, Chapter 7, Section 5. On July 31, 1989, the Public Works Superintendent was requested to coordinate removal of the weeds nuisance on this property.

On August 17, 1989, the City Recorder mailed via certified mail, a "Notice of Proposed Assessment" to Richard D. Ball, 317 Pearl Street, Oregon City OR 97045. The Notice of Proposed Assessment included the costs to be assessed and a lien to be declared against the above described property unless written objections were filed with the City Recorder within 20 days of the Notice. The letter was returned marked "not here". To date, no objection has been filed. Information found on the structure advised that the property was under the management of Property Management firm in Minnesota. The City Recorder telephoned the company and was subjected to a very rude conversation within which no information regarding the ownership of the property would be provided.

On the September 14, 1989 agenda, there was proposed Ordinance No. 89-1024 which assesses the costs of removal of the nuisance. Notice of proposed Ordinance No. 89-1024 had been posted at City Hall, 320 Warner Milne Road; Courthouse, 807 Main Street; and, Senior Center, 615 5th Street, by direction of the City Recorder. It was recommended that first reading be approved, second reading be called and approved for final enactment.

ORDINANCE NO. 89-1024

AN ORDINANCE ASSESSING COSTS OF NUISANCE REMOVAL

WHEREAS, pursuant to Title IX, Chapter 7, Section 5, of the 1963 City Code, the following condition of a nuisance and removal thereof was required: Wild grasses, weeds and thistles on property described as Tax Lot 7100, Assessor's Map 2-2E-32CB, located at 317 Pearl Street, Oregon City.

WHEREAS, said wild grasses, weeds and thistles were removed by the City and Notice of Proposed Assessment mailed to Richard D. Ball, 317 Pearl Street, Oregon City, OR 97045, owner of said property, on August 17, 1989, and no objections having been filed thereto,

OREGON CITY ORDAINS AS FOLLOWS:

The following costs are hereby assessed and declared a lien against property located at 317 Pearl Street, Oregon City, Clackamas County, Oregon, and described as Tax Lot 7100, Assessor's Map 2-2E-32CB:

Labor	\$ 86.43
Equipment	<u>\$ 85.50</u>
	\$ 171.93
Administrative Overhead (25 percent)	<u>\$ 42.98</u>
TOTAL	\$ 214.91

Pursuant to Title IX, Chapter 7, Section 5, of the 1963 City Code, said lien shall bear interest at the legal rate from the date of lien entry.

Read first time at a regular meeting of the Commission held on the 14th day of September, 1989, and the foregoing ordinance was finally enacted by the City Commission this 14th day of September, 1989.

/s/Jean K. Elliott
JEAN K. ELLIOTT, City Recorder

ATTESTED this 14th day of September, 1989.

/s/David D. Spear

DAVID D. SPEAR, Mayor

Commission Report No. 89-188, Proposed Ordinance No. 89-1025, An Ordinance Assessing Costs of Nuisance Removal, was presented. The report noted that on June 22, 1989, a Notice to Remove Nuisance was sent to Mickey J. Mouser, listed owner of property described as Tax Lot 601, Map 3-1E-1DB, located at 408 Lawton Road, Oregon City.

On July 14, 1989, the Code Enforcement Officer advised that to that date, nothing had been done to abate the weeds nuisance and recommended that the City Manager order abatement in accordance with City Code, Title 9, Chapter 7, Section 5. On August 1, 1989, the Public Works Superintendent was requested to coordinate removal of the weeds nuisance on this property.

The report continued that on August 17, 1989, the City Recorder mailed via certified mail, a "Notice of Proposed Assessment" to Mickey J. Mouser, 1022 Hazelwood Drive, Oregon City OR 97045. The Notice of Proposed Assessment included the costs to be assessed and a lien to be declared against the above described property unless written objections were filed with the City Recorder within 20 days of the Notice. To date, no objection has been filed.

The report concluded that on the September 14, 1989 agenda, there was proposed Ordinance No. 89-1025 which assesses the costs of removal of the nuisance. Notice of proposed Ordinance No. 89-1025 had been posted at City Hall, 320 Warner Milne Road; Courthouse, 807 Main Street; and, Senior Center, 615 5th Street, by direction of the City Recorder. It was recommended that first reading be approved, second reading be called and approved for final enactment.

It was moved by Powell, second by Fowler, to approve first reading of proposed Ordinance No. 89-1024 and proposed Ordinance No. 89-1025.

Roll call: Fowler, Aye; VanOrman, Aye; Powell, Aye; Spear, Aye.

Second readings were called after which it was moved by Fowler, second by Powell, to approve second readings for final enactment.

Roll call: VanOrman, Aye; Powell, Aye; Fowler, Aye; Spear, Aye.

ORDINANCE NO. 89-1025

AN ORDINANCE ASSESSING COSTS OF NUISANCE REMOVAL

WHEREAS, pursuant to Title IX, Chapter 7, Section 5, of the 1963 City Code, the following condition of a nuisance and removal thereof was required: Wild grasses, weeds and thistles on property described as Tax Lot 601, Assessor's Map 3-1E-1DB, located at 408 Lawton Road, Oregon City.

WHEREAS, said wild grasses, weeds and thistles were removed by the City and Notice of Proposed Assessment mailed to Mickey J. Mouser, 1022 Hazelwood Drive, Oregon City, OR 97045, owner of said property, on August 17, 1989, and no objections having been filed thereto,

OREGON CITY ORDAINS AS FOLLOWS:

The following costs are hereby assessed and declared a lien against property located at 408 Lawton Road, Oregon City, Clackamas County, Oregon, and described as Tax Lot 601, Assessor's Map 3-1E-1DB:

Labor	\$ 86.43
Equipment	<u>\$ 85.50</u>
	\$ 171.93
Administrative Overhead (25 percent)	<u>\$ 42.98</u>
TOTAL	\$ 214.91

Pursuant to Title IX, Chapter 7, Section 5, of the 1963 City Code, said lien shall bear interest at the legal rate from the date of lien entry.

Read first time at a regular meeting of the Commission held on the 14th day of September, 1989, and the foregoing ordinance was finally enacted by the City Commission this 14th day of September, 1989.

/s/Jean K. Elliott
JEAN K. ELLIOTT, City Recorder

ATTESTED this 14th day of September, 1989.

/s/David D. Spear
DAVID D. SPEAR, Mayor

Commission Report No. 89-186, EPA Grant Agreement Authorization - Resolution No. 89-54, was presented. The report noted that on the September 14, 1989 agenda there was Resolution No. 89-54 that authorizes the City Manager to sign all EPA Grant applications, agreements, amendments and other documents relating to the Holcomb-Park Place Sanitary Sewer Project. Because of the vast amount of document executions required with this project, it was customary to have the City's Chief Executive Officer authorized to sign on behalf of the City.

The report concluded by recommending that the City Commission adopt Resolution No. 89-54.

It was moved by VanOrman, second by Fowler, to adopt Resolution No. 89-54 as presented.

Roll call: Powell, Aye; Fowler, Aye; VanOrman, Aye; Spear, Aye.

RESOLUTION NO. 89-54

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF OREGON CITY, STATE OF OREGON, AUTHORIZING THE CITY MANAGER TO SIGN ALL APPLICAITONS, GRANT AGREEMENTS AND AMENDMENTS, AND OTHER DOCUMENTS RELATING TO WASTEWATER FACILITIES PLANNING AND CONSTRUCTION GRANTS.

WHEREAS, the City of Oregon City intends to develop a plan for wastewater collection for the HOPP (Holcomb-Parkplace Service Area); such plan being necessary to determine the needs of the area for health, safety, and well being of the people; and

WHEREAS, the plan is to be developed in accordance with the requirements Public Law 92-500 and 95-217, and will set forth facilities required to be constructed to serve the needs of the area; and

WHEREAS, the costs of the planning design, and construcion of the wastewater facilities are eligible for Federal funding.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Oregon City, Oregon, the City Manager is duly authorized to sign application, Grant Agreements and Amendments, and other documents relating to wastewater facilities planning and construction grants.

Adopted, signed and approved this 14th day of September, 1989.

/s/David D. Spear
Mayor-Commissioner

/s/Carol A. Powell
Commissioner

/s/Suzanne VanOrman
Commissioner

/s/
Commissioner

/s/Daniel W. Fowler
Commissioner

Comprising the City Commission
of Oregon City, Oregon

Commission Report No. 89-194, Accessory Buildings and Home Occupations, was presented. The report noted that on the September 14, 1989 agenda, there was a report on a request made at the August 2 City Commission meeting regarding size of Accessory Buildings and allowable home occupations. This request was specific to an adjoining property who recently constructed a two story 2,796 square foot accessory building. The subject accessory building was being used as a recreational room in the

second floor and a shop in the first floor to house the conversion of busses to motor homes as a hobby.

The report continued that the Zoning Code was silent on the maximum size of accessory buildings allowed in the City. Garages may be large enough to accommodate three vehicles subject to compliance with setback requirements. The building code sets a maximum size of 1,000 square feet for a one-story building and up to 3,000 square feet for a two story building depending on the occupancy of the building and the building setback.

In August, 1987, the City Attorney provided an opinion that the maximum size of an accessory building in a residential zone "shall be 1,000 square feet, subject to the maximum allowable expansion as found in Section 506 (a) 1 of the Uniform Building Code. The accessory building in question met the requirements of Section 506 (a) of the Uniform Building Code on size and occupancy, and the requirements of the Zoning Code on setback.

The second concern involved whether a home occupation was being conducted in the accessory building. Zoning Code Section 11-1-6 definition allows home occupations in portions of single-family residences, but not in accessory buildings. Staff was advised that the shop is used for building motor homes as a hobby. Staff feels that the accessory building is used as a hobby and is not a home occupation.

The report concluded that Development Services staff believe that an accessory building should be limited to one story in height and a maximum of 1,000 square feet in size depending on available yard areas. If the City Commission agrees, staff should be directed to prepare an ordinance amending the Zoning Code accordingly.

It was moved by VanOrman, seconded by Powell, to direct staff to prepare an ordinance limiting accessory buildings to one-story in height and a maximum of 1,000 square feet in size depending on available yard space.

Roll call: Fowler, Aye; VanOrman, Aye; Powell, Aye; Spear, Nay.

A request was made for de-personalization of the report. The City Attorney advised that to do so in the minutes was proper.

Commission Report No. 89-189, Bid Award - Street Sweeper, was presented. The report noted that on the September 14, 1989 agenda, there was a recommendation to award the bid on the street sweeper to the low bidder, Environmental Pollution Control, Inc., for the amount of \$74,371.50. Attached was a copy of the bid summary and report from the Public Works Superintendent for Commission review.

The report concluded that the bid amount was \$77,604.35, but with a deduct of \$3,232.85 for a one-speed rear end the cost for the sweeper is \$74,371.50. The sweeper was budgeted at \$80,000 in the FY 89-90 budget, \$40,000 from the Street Fund, \$20,000 from the Storm Drainage Fund and \$20,000 from the Sewer Fund; therefore, the bid is within the budgeted amount and funds are available for the purchase. It was recommended that the City Commission accept the low bid of Environmental Pollution Control, Inc., and authorize purchase in the amount of \$74,371.50.

It was moved by VanOrman, second by Fowler, to accept the low bid of Environmental Pollution Control, Inc., and authorize the purchase in the amount of \$74,371.50

Roll call: VanOrman, Aye; Powell, Aye; Fowler, Aye; Spear, Aye.

Commission Report No. 89-193, Adoption of Final Order/Findings - Request for Variance - Copeland Lumber Yards Inc., was presented. The report noted that on April 13, 1989, the City Commission conducted a public hearing to consider the appeal of Copeland Lumber Yards Inc. (On February 28, 1989, the Planning Commission had denied Copeland's request for a five-foot front yard setback in a zone that requires a ten-foot front yard.)

The report concluded that the City Commission voted 3-2 to overturn the Planning Commission's decision, therefore, attached was a Final Order and findings to support the City Commission's decision to approve the variance.

Uncomfortability was expressed regarding the earlier approval of this matter. After some discussion, it was moved by VanOrman, to adopt the Final Order. Motion failed for lack of second.

With further discussion regarding the fact that approval had been given and was now being considered for retraction as being unfair to the applicant, it was moved by Fowler, second by VanOrman, to adopt the Final Order.

Roll call: VanOrman, Aye; Powell, Aye; Fowler, Aye; Spear, Aye.

Commission Report No. 89-192, Authorization to Establish and Fill a Project Engineer Position, was presented. The report noted that on the September 14, 1989 agenda, there was a request to establish a Project Engineer position in the Development Services Department. This position was necessary to provide engineering services for the recently adopted capital improvement program of water; storm drainage, sanitary sewer, and street improvement projects and to assist the Civil Engineer with a variety of private development requests.

The report continued that the position would be a member of the Engineering Services Division and report to the Civil Engineer. Attached was a "to-do" list of the Civil Engineer's current assignments. The list was divided into Private Development, Contracted Professional Services, City Projects, Miscellaneous Projects and Housekeeping items. Also attached was a copy of the City's adopted Five-Year Capital Improvement Plan. The HOPP sewers and Combined Sewers Programs along with sewer extensions to support the City's annexation program are key projects that require additional staff resources. Private development activity is at an all time high and there is growing concern of an inability to meet private development plan review requirements and engineering requests for service.

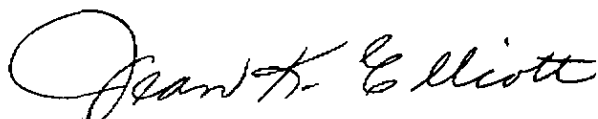
The report reminded the Commission that the Development Services Department was self-supporting and financed by permit and engineering service charges. Revenue was available for this position. The establishment of this position was an indicator of the growth and prosperity the City is experiencing and a reality of the cost of providing development services to a growing community.

The Personnel Department researched similar positions in other communities and recommended a Project Engineer position title with a salary range of \$2,194 to \$2,800 per month. Because this position will be a Union position, a final salary range will have to be negotiated with the Union. Upon City Commission authorization, staff would prepare a job description for Civil Service approval. It was recommended the City Commission adopt a motion establishing the position of Project Engineer at a salary range of \$2,194 to \$2,800.

It was moved by VanOrman, second by Fowler, to establish the position of Project Engineer at a salary range of \$2,194 to \$2,800.

Roll call: Fowler, Aye; VanOrman, Aye; Powell, Aye; Spear, Aye.

There being no further business, the meeting adjourned at 10:00 p.m. to convene an Executive Session per ORS 912.660 (1)(d) Labor Negotiations and ORS 192.660 (1)(h) Legal Counsel.



JEAN K. ELLIOTT, City Recorder