


Powell noted that some time ago she circulated information to the Commission, Manager, City Attorney and Development Services Director requesting to review the procedures for street and drainage LIDs and would like this discussed by the Commission. Consensus was for a work session.

VanOrman advised of no Trust meeting in December. Funding request applications due December 31, 1991.

The Manager reminded of the goal setting session at 9:00 a.m., Saturday, November 16, 1991.

With no further business, the meeting adjourned at 10:50 p.m.



CHARLES LEESON, Recording Secretary

## REGULAR MEETING

Oregon City, Oregon, November 20, 1991

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 Daniel W. Fowler  
Commissioner Suzanne VanOrman  
Commissioner Carol A. Powell  
Commissioner Robert M. Light  
Commissioner James R. Ebert

Charles Leeson, City Manager  
Jean K. Elliott, City Recorder  
Edward J. Sullivan, City Attorney

The flag salute was lead by members of Scout Troops 133 and 190, after which Mayor Fowler called for citizen presentations and future agenda items. There was no audience input.

Commission Report No. 91-122, Ordinance No. 91-1036, An Ordinance Amending Title XI, Chapter 2, Section 3 of the 1963 City Code: Zoning: By Changing Certain Districts, Westside of Molalla Avenue, near Clackamas Community College - Public Hearing, was presented by the Manager. The report noted that a request was made by Meyers Road Investments, Inc., for a Comprehensive Plan Amendment and Zone Change for 3.85 acres located on the west side of Molalla Avenue near Clackamas Community College. The request was for a Comprehensive Plan Amendment from "LR", Low Density Residential to "C", Commercial, and a Zone Change from "R-10" Single-Family Dwelling District, to "C" General Commercial District.

The report continued that the Planning Commission held a public hearing to consider this request on October 22, 1991 and recommended approval of the request subject to the following conditions which, unless specified, all conditions were the responsibility of the property owner:

1. That Conditions a, c(2)(3), e, f, and g of PZ-90-06 shall continue to apply as follows:

a. That a wetland delineation and a determination of the actual boundary by a wetlands biologist or hydrologist shall be required prior to the submittal of applications for any permits. The wetland study and boundary shall be reviewed and approved by the Division of State Lands (DSL) and the

Planning Division. If a permit is required, review and approval shall include DSL, the Corp of Engineers and the Planning Division. The owner shall secure any required permits from DSL and the Corp and shall comply with any conditions attached thereto.

c. Streets

2. If required by ODOT, a dedication to State Highway requirements shall be required to accommodate at least a 4-5 (90' - 100') land section on Highway 213.

3. That a right-in only access on Molalla Avenue shall be allowed only if a safe design can be achieved based on review and approval by ODOT and the City of Oregon City.

e. That the commercially zoned portion of the project be legally divided from the remainder of the property through a major partition and be consolidated prior to submittal of any development applications.

f. That the residentially zoned portion of the project be legally divided through the City's process and consolidated prior to the submittal of any development application.

g. The applicants shall prepare a tree removal plan for review during design review. A tree removal plan shall, to the extent practical, minimize removal of trees six inches (6"), or greater, in caliper.

The City shall review buffers as part of design review. The City may require setbacks in excess of minimum required setbacks, vegetation, berms, walls or a combination of those and other buffers or techniques, as necessary, to ensure compatibility with adjacent land uses.

2. Streets: That the recommended improvements, upon completion of the project, as outlined on Pages 7 and 8 of the Kittelson Report, shall be a requirement of the commercial development upon application for Site Design Review as listed below:

Commercial Site Improvements:

- Construct the center commercial driveway on Meyers Road to the retail site to consist of one ingress lane and two egress lanes.
- Construct the west commercial driveway on Meyers Road to consist of one ingress lane and one egress lane.
- Construct the right-in driveway on Highway 213 as illustrated in Figure 12.
- Access Molalla Avenue via the Molalla Avenue Cul-de-Sac, with an entrance only for one-way traffic.

3. Highway 213: Regarding Highway 213, additional right-of-way may be needed by ODOT for future upgrade to a five-lane section. Dedication, if required, shall be done as part of the Commercial Site Design Review.

4. Boundary of Proposed Additional Commercial: It was not clear that only a portion of Tax Lot 401 (5.13 acres) was being requested for a zone change. It appeared that the back 1.0 acre would be retained by the Church. If the zone change was approved, a Lot Line Adjustment shall be required to separate the Church property from the commercial property. Staff review and approval is required.

5. That the center shall be designed to be pedestrian and bicycle friendly.
6. Access from the cul-de-sac shall be re-evaluated at design review.
7. That right-in access shall be designed to prohibit exiting.
8. Tri-Met shall be contacted for comments at design review.
9. The Planning Commission shall be notified at design review.

The report concluded by noting that attached was a staff report which contained specifics on the property. Also attached for Commission review were the Planning Commission minutes of October 22, 1991; Staff Report; Public Notice and map of the property; and, proposed Ordinance No. 91-1036. Notice of proposed Ordinance No. 91-1036 was posted at City Hall, Courthouse and Senior Center by direction of the City Recorder. It was recommended that first and second readings be approved for final enactment to become effective December 20, 1991.

Mayor Fowler declared a conflict with Commission President VanOrman chairing this item.

The hearing was declared open and a presentation by staff was called.

Denyse McGriff, Principal Planner, presented the staff report and read the criteria for a Comprehensive Plan Amendment as set forth in Section 0-1 of the Comprehensive Plan, following that she then read the conditions as set forth in Section 0-6 of the Comprehensive Plan and recommended by the Planning Commission. She mentioned the conditions related to streets that were outlined in the traffic analysis as prepared by Kittelson and Associates of site improvements relating to commercial driveways. With regard to Highway 213, additional right-of-way was to be dedicated that would require upgrade to a future five-lane section. She concluded that the application was straightforward with the applicant in attendance at the meeting.

Powell asked if staff has analyzed the need for another shopping center in that area. McGriff responded that the initial request in 1990 presented an evaluation regarding that issue. The Planning Commission felt comfortable with this request knowing it was an addition to an existing center and not a stand-alone mall and would provide a commercial need in that particular area.

The City Attorney reminded the Commission of certain procedures related to a Plan Amendment and Zone Change. He advised the hearing was governed by ORS 197.763 which requires that anyone who believes that any of the standards raised by the Planning Department must raise those standards or the issues are waived before LUBA. Also, any questions regarding what standards are applicable should be raised during the hearing portion. Failure to raise a standard is a waiver if not done before the end of the hearing now.

Joe Dills, Planner with OTAK, 17355 Boones Ferry Road, Lake Oswego, applicant, advised he had no new evidence to enter into the record. He participated in the development of the findings and conditions of approval and they were acceptable. He noted one other land use decision linked to this issue. The property is currently the site of the Prince of Life Church and one of the requests to the City was for a conditional use permit to relocate the church on another portion of the property adjacent to the center and approval of this Plan Amendment and Zone Change is the final action that allows the movement by the Church.

Powell asked about the reference in the Commission Report to a possible agreement with ODOT for a signal. Dills advised that it was to be equally funded by all parties of an LID. John Block, Development Services Director, advised that this was part of the overall Meyers Road Local Improvement District with about seven private property owners participating as well as the City.

The City participates because of the oversize capacity on Meyers Road and will participate in equal manner on the signal. An item further into the Agenda was the presentation of an agreement with the State for that signal.

With no testimony in favor or in opposition offered, the hearing was declared closed.

It was moved by Powell, second by Ebert, to approve first reading of proposed Ordinance No. 91-1036.

Roll call: Light, Aye; Powell, Aye; Ebert, Aye; VanOrman, Aye.

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

Roll call: Powell, Aye; Ebert, Aye; Light, Aye; VanOrman, Aye.

#### ORDINANCE NO. 91-1036

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 ORDAINS AS FOLLOWS:

WHEREAS, a public necessity and the general welfare of Oregon City require changes in certain districts, which changes have been approved by the City Planning Commission after public notice and hearing finding that the following described properties can suitable be utilized for uses incident to the "C" General Commercial District for which there is a need in this area, and that such zoning is compatible with the surrounding area and the Comprehensive Plan of Oregon, the findings and conclusions attached as Exhibit "A" are hereby adopted as finding of this Commission. The property is depicted in Exhibit "B", and described as follows, to wit:

BEGINNING at a point on the North line of Fee No. 84-25181, Clackamas County Deed Records, said point being North 17°38'05" East 1176.69 feet from the most Southerly corner of the Samuel Vance DLC No. 51, in the Robert Caufield DLC No. 53, located in the Southeast 1/4 of Section 8, Township 3 South, Range 2 East, Willamette Meridian, City of Oregon City, Clackamas County, Oregon; THENCE, continuing along said North line North 74°38'05" East 793.86 feet to the West right-of-way of Molalla Avenue (State Highway 213); THENCE, along said right-of-way, South 29°27'37" East 213.84 feet to the South line of said Fee No. 84-25181; THENCE, leaving said right-of-way, on said South line, South 74°38'52" West 826.84 feet; THENCE, leaving said South line North 230°37'54" West 208.09 feet to the POINT OF BEGINNING.

containing 3.85 acres (16,770 square feet), more or less, which is now zoned "R-10" Single-Family Dwelling district is hereby changed to "C" General Commercial District and the Comprehensive Plan designation which is now "LR" Low Density Residential is hereby changed to "C" Commercial subject to the following conditions (unless specified all conditions are the responsibility of the property owner):

1. That Conditions a, c(2)(3), e, f, and g of PZ-90-06 shall continue to apply as follows:

a. That a wetland delineation and a determination of the actual boundary by a wetlands biologist or hydrologist shall be required prior to the submittal of applications for any permits. The wetland study and boundary shall be reviewed and approved by the Division of State Lands (DSL) and the Planning Division. If a permit is required, review and approval shall include DSL, the Corp of Engineers and the Planning Division. The owner shall secure any required permits from DSL and the Corp and shall comply with any conditions attached thereto.

c. Streets

2. If required by ODOT, a dedication to State Highway requirements shall be required to accommodate at least a 4-5 (90' - 100') land section on Highway 213.

3. That a right-in only access on Molalla Avenue shall be allowed only if a safe design can be achieved based on review and approval by ODOT and the City of Oregon City.

e. That the commercially zoned portion of the project be legally divided from the remainder of the property through a major partition and be consolidated prior to submittal of any development applications.

f. That the residentially zoned portion of the project be legally divided through the City's process and consolidated prior to the submittal of any development application.

g. The applicants shall prepare a tree removal plan for review during design review. A tree removal plan shall, to the extent practical, minimize removal of trees six inches (6"), or greater, in caliper.

The City shall review buffers as part of design review. The City may require setbacks in excess of minimum required setbacks, vegetation, berms, walls or a combination of those and other buffers or techniques, as necessary, to ensure compatibility with adjacent land uses.

2. Streets: That the recommended improvements, upon completion of the project, as outlined on Pages 7 and 8 of the Kittelson Report, shall be a requirement of the commercial development upon application for Site Design Review as listed below:

Commercial Site Improvements:

- Construct the center commercial driveway on Meyers Road to the retail site to consist of one ingress lane and two egress lanes.
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- Access Molalla Avenue via the Molalla Avenue Cul-de-Sac, with an entrance only for one-way traffic.

3. Highway 213: Regarding Highway 213, additional right-of-way may be needed by ODOT for future upgrade to a five-lane section. Dedication, if required, shall be done as part of the Commercial Site Design Review.

4. Boundary of Proposed Additional Commercial: It was not clear that only a portion of Tax Lot 401 (5.13 acres) was being requested for a zone change. It appeared that the back 1.0 acre would be retained by the Church. If the zone change was approved, a Lot Line Adjustment shall be required to separate the Church property from the commercial property. Staff review and approval is required.

5. That the center shall be designed to be pedestrian and bicycle friendly.
6. Access from the cul-de-sac shall be re-evaluated at design review.
7. That right-in access shall be designed to prohibit exiting.
8. Tri-Met shall be contacted for comments at design review.
9. The Planning Commission shall be notified at design review.

Read first time at a regular meeting of the City Commission held on the 20th day of November, 1991, and the foregoing ordinance was finally enacted by the City Commission this 20th day of November, 1991.

/s/JEAN K. ELLIOTT, City Recorder

ATTESTED this 20th day of November, 1991.

/s/Daniel W. Fowler

DANIEL W. FOWLER, Mayor

Mayor Fowler returned to the podium to chair the meeting.

Commission Report No. 91-220, Meyers Road LID No. 91-02, State/Local Traffic Signal Agreement, was presented by the Manager. The report noted that on the November 20, 1991 agenda was an agreement between the City and the State on the construction of a traffic signal on State Highway 213 as part of the Meyers Road Local Improvement District project. The agreement provided the roles and responsibilities of the City and State on the project and was attached for Commission review.

The report concluded that the traffic signal was part of the original local improvement district formation but not included in the current construction contract because of timing factors. The signal portion of the overall project would be advertised for bid and constructed this winter. It was recommended that the City Commission adopt a motion approving the agreement and authorize the Mayor and City Recorder to execute.

It was moved by VanOrman, second by Light, to approve the agreement and authorize the Mayor and City Recorder to execute.

Powell referred to Paragraph 3 of the Contract regarding the advance deposit of \$5,000 from the City to the State. She asked if that was the extent of the City's funding for the signal. Block explained that the \$5,000 was an estimate to cover the State plan review that the City is having done as well as any field inspection during construction. That could change dependent upon actual costs incurred. The costs will be paid from the project account which is being advance financed by the City and will be reimbursed through participation. Block advised that the project was about \$150,000 with the City's share 20 percent, \$30,000, with that budgeted and programmed with the overall project budget.

The City Attorney disclosed that his firm does work for ODOT; Mayor Fowler advised that he would be abstaining.

Roll call: Ebert, Aye; VanOrman, Aye; Light, Aye; Powell, Aye; Fowler, Abstain.

Commission Report No. 91-221, Facility Plan Addendum, was presented by the Manager. The report noted that on the November 20, 1991 agenda was the final draft of an addendum to the Facility Plan for Commission consideration. The addendum provided additional options for constructing a consolidated City Administrative building in Downtown Oregon City. The additional study was prompted by the announcement by Clackamas County to move the Justice functions from Downtown to Red Soils.

The report continued that the options to consolidate Downtown raised the question of what to do with the old City Hall (Main Fire Station) and the Carnegie Library. While no alternative uses or solutions could be agreed upon for reuse of these buildings, the Commission did agree on what would not be done. Since the consolidation project was planned as a Phase II project (five to ten years away), it was felt that a further review be conducted prior to implementing the Phase II program. The addendum was discussed at a Commission work session on October 23, 1991, and comments from the work session were incorporated into the final draft.

The report concluded that if the Commission supported the final draft, a motion approving the addendum and directing that it be included into the appendix section of the City's Facility Plan be adopted.

It was moved by Powell, second by Light, to approve the addendum and direct that it be included into the appendix section of the City's Facility Plan.

Roll call: VanOrman, Aye; Light, Aye; Powell, Aye; Ebert, Aye; Fowler, Aye.

At this time, the Manager advised that at the November 6, 1991 meeting, the Commission continued Commission Report 91-206, Resolution No. 91-62, Proposed City-Initiated Annexation Segment of Meyers Road Right-of-Way, to the November 20, 1991 agenda. That report was not ready for presentation and requested that it be continued to the December 4, 1991 agenda.

It was moved by Powell, second by VanOrman, to continue that matter to the December 4, 1991 agenda.

Roll call: Light, Aye; Powell, Aye; Ebert, Aye; VanOrman, Aye; Fowler, Aye.

#### CONSENT AGENDA

The following items were considered routine and could be adopted in one motion. Mayor Fowler called for discussion of any particular item. With none requested, it was moved by VanOrman, second by Light to approve the Consent Agenda as recommended in each report.

Roll call: Powell, Aye; Ebert, Aye; VanOrman, Aye; Light, Aye; Fowler, Aye.

Commission Report No. 91-218, Public Utility Easement Acceptance - Cook Street Addition, was presented. The report noted that on the November 20, 1991 agenda was a public utility easement which would provide for an off-site storm drainage facility for the Cook Street Subdivision. It was

recommended the Commission accept the easement and authorize the Mayor and City Recorder to execute.

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Commission Report No. 91-223, Final Order on PZ-91-08, Denial of a Plan Amendment and Zone Change for the Hellberg Property, was presented. The report noted that on September 4, 1991, the City Commission directed staff to prepare findings and a final order denying the request for a Plan Amendment and Zone Change by Larry Epstein. The Final Order and Findings implementing the Commission's decision were attached for Commission review and approval.

\* \* \* \* \*

Commission Report No. 91-225, Request of the Recommendations of the "Fair and Efficient Law Enforcement Committee" - Resolution No. 91-67, was presented. The report noted that on March 7, 1991, the Board of County Commissioners adopted Board Order No. 91-166 establishing the Fair and Efficient Law Enforcement Committee (FELEC). The County Sheriff and the cities of Clackamas County concurred in the formation of FELEC, whose members were: Ed Lindquist, Clackamas County Commissioner; Bill Brooks, Clackamas County Sheriff; Dan Fowler, Mayor, Oregon City; and, Roger Hall, Councilor, Milwaukie. Staff members of FELEC were: Peter Harvey, City Manager, Lake Oswego; Michael Jordan, Administrator, Canby; Ris Bradshaw, Chief Deputy Sheriff, Clackamas County; and, Mike Swanson, CEO, Clackamas County.

The report concluded that the purpose of the Committee was "to find ways to coordinate, cooperate and provide efficiencies in the delivery of law enforcement services and to explore ways to achieve fiscal fairness". After many meetings and deliberations, the members of FELEC unanimously endorsed this proposal and recommend its approval. It was recommended that Resolution No. 91-67 be adopted.

#### **RESOLUTION NO. 91-67**

**A RESOLUTION FROM THE CITIES OF CLACKAMAS COUNTY TO THE BOARD OF COUNTY COMMISSIONERS REQUESTING IMPLEMENTATION OF THE RECOMMENDATIONS OF THE "FAIR AND EFFICIENT LAW ENFORCEMENT COMMITTEE"**

**WHEREAS,** the Clackamas County Blue Ribbon Report on Law Enforcement was presented in December, 1988; and

**WHEREAS,** Ballot Measure 5 reemphasizes the need for efficient and effective service delivery; and

**WHEREAS,** the County Sheriff and City Police Chiefs are continuing to work toward areas of operational efficiencies.

**WHEREAS,** the committee known as the "Fair and Efficient Law Enforcement Committee" was set up and recognized by the cities of this County and the Board of County Commissioners, and further that said Committee has met numerous times and intensively examined the problems and potential solutions; and



WHEREAS, said Committee has made recommendations to the cities and the Board of County Commissioners which is set forth in its report dated October 22, 1991.

NOW, THEREFORE, BE IT RESOLVED by the cities of Clackamas County that the cities hereby request the Clackamas County Board of Commissioners implement the recommendations of said Committee:

As soon as possible, the Board of County Commissioners should authorize the Clackamas County Sheriff's Department to immediately prepare the necessary submissions to the Portland Metropolitan Area Local Government Boundary Commission authorizing the creation of the recommended law enforcement district;

Citizen committees must be an essential part of the process; and

The County should submit the question of creation of the district at the May, 1992, primary election if said district is authorized by Boundary Commission action.

IT IS FURTHER RESOLVED that the members of the Committee, both City representatives and County representatives be commended for their time and effort to solve very difficult issues of the efficient delivery and equitable funding of law enforcement service throughout Clackamas County.

Adopted, signed and approved this 20th day of November, 1991.

/s/Daniel W. Fowler  
Mayor

/s/James R. Ebert  
Commissioner

/s/Suzanne VanOrman  
Commissioner

/s/Carol A. Powell  
Commissioner

/s/Robert M. Light  
Commissioner

Comprising the City Commission  
of Oregon City, Oregon

\* \* \* \* \*

Commission Report No. 91-219, Public Utility Easement Acceptance - "C" Trunk Sewer Project, was presented. The report noted that on the November 20, 1991 agenda was a public utility easement for Commission acceptance. The easement would allow the "C" Trunk Sewer to be construction across a portion of Clackamas Community College property at the Northwest corner of State Highway 213 and the Molalla Avenue intersection. Attached was the easement document for review. It was recommended that the Commission accept the public utility easement and authorize the Mayor and City Recorder to execute.

\* \* \* \* \*

On the call for items from the Commission, Light advised of concern from a citizen regarding noise from the Armory on nights that it is rented; Powell advised of vandalism to the Promontory signs and requested "no parking" be painted on the wall or roadway; Ebert requested a timeframe for the Park Place Sewer project; Fowler requested that Planning staff work with the Historic Review Board to identify buildings in the Downtown area that could be designated either locally as historical structures or as National Register nomination.

Mayor Fowler appointed Light as liaison to the Library Board; Brenda Tank to the Budget Committee with term expiring 12-31-93; re-appointment of Alayne Woolsey, term to expire 1-31-94; Claire Met, term to expire 1-31-94; and Dan Daniels, term to expire 1-31-93, to the Civic Improvement Trust.

The Manager advised that he had received a summary from the November 16, 1991 goal setting session. There was a need for a follow-up session. December 16, 1991 at 3:00 p.m. was established if the facilitator was available.

With no further business, the meeting adjourned at 8:42 p.m.

  
JEAN K. ELLIOTT, City Recorder

## REGULAR MEETING

Oregon City, Oregon, December 4, 1991

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 Daniel W. Fowler  
Commissioner Carol A. Powell  
Commissioner Robert M. Light  
Commissioner James R. Ebert

Charles Leeson, City Manager  
Jean K. Elliott, City Recorder  
Edward J. Sullivan, City Attorney

The flag salute was lead by Mayor Fowler, after which he called for approval of the minutes. It was moved by Ebert, second by Light, to approve the regular meeting minutes of November 6; and, Executive Session and regular meeting minutes of November 20, 1991.

Roll call: Powell, Aye; Ebert, Aye; Light, Aye; Fowler, Aye.

On the call for citizen presentations and future agenda items, Curt Leiss, 110 J. Adams Street, requested assistance regarding noise as the result of rental activity of the Armory, this was referred to staff; Betty Mumm, 463 Mt. View Street, presented a letter regarding the Central Point LID agenda issue.

Commission Report No. 91-226, Sale of Surplus Property - Public Hearing, was presented by the Manager. The report noted that on the December 4, 1991 agenda was a public hearing to consider the sale of five City-owned properties:

1. Assessor Map 3-2E-5C, Tax Lot 900 - A parcel 20 feet in width by 1,529 feet in length, comprising approximately 30,582 square feet. The property is planned Industrial and zoned Campus Industrial and has been included in the subdivision plat for the Red Soils Industrial Park. The property is not needed for public use and the Oregon City Urban Renewal Agency has indicated its