

REGULAR MEETING

Oregon City, Oregon, November 16, 1994

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 Robert M. Light
Commissioner James R. Ebert
Commissioner Ronald H. Bespflug

Rich Carson, Acting City Manager
Jean K. Elliott, City Recorder
Edward J. Sullivan, City Attorney

The flag salute was led by Mayor Fowler, after which he called for approval of the minutes. It was moved by Light, second by VanOrman, to approve the Executive Session and regular meeting minutes of November 2, 1994.

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

On the call for presentations and future agenda items, Doug West, The Conifer Group, 18780 S Central Point Road, homebuilder of homes on Leland Road, spoke wanting the City Commission to agree that his Company should not complete half street improvements on Leland Road in front of their four lots and requested that this condition be removed. He distributed a picture board of the conditions of Leland Road. He then introduced Mr. Shottenkirk.

Robert Shottenkirk, 4191 Imperial Drive, West Linn, spoke advising that he sold his home the end of July with the intention of being in a new home by now; which was not the case. He referred to a packet of information he brought for the Commission yesterday. He attentioned inconsistencies of development by referring to the Ainsworth Estates which have no road taper with the Conifer Group being asked to do a half-street improvement at a cost of \$40 to \$50,000. Also South Central Point, Chiara Estates development has no road taper. He felt that with this street being a minor arterial, the City and property owners should share the cost.

VanOrman felt this was not the appropriate time to discuss this and should be formally scheduled to be before the Commission for decision. When asked if he wanted this addressed at the next meeting, West responded affirmatively.

Rich Carson, Community Development Director, advised they could make the improvement as required by the City or if they want to change a condition, since it has been 4 years, they would have to pay \$500 application fee to return it to the City for reconsideration. He understood they were not happy with either solution. Technically, to bring it back to the City for reconsideration, a fee has to be paid.

Bespflug asked what the outcome would be if the \$500 fee were to be paid and it was returned for modification of the condition. They could pay to hear again the answer "no". Carson responded that there is no LID, the Commission made the decision there would be no LID formed; thereby, this is out of the question and there is no money budgeted for the improvement of Leland Road with that leaving the option of the developer honoring the condition. If the Commission wants to

reconsider this matter and reprogram funds to make the street improvement on behalf of the City, that is the Commission's choice.

VanOrman reminded that the argument given at the time, was that it was cost prohibitive for most home owners to do the improvement so the issue is that the City has to make a decision on what is to be done with the road. She felt there was the issue of "hopscotching" and it making better sense to have a plan in place with the City aware of the plan to be prepared in so many years to resolve the road condition.

Bespflug felt the Commission needs to reexamine this and reassess the priority of doing the road. He felt it has gone beyond being a minor arterial because of the amount of development. He felt the street should be developed now and the City look at options of splitting the cost.

Denyse McGriff, Principal Planner, advised the action was taken in 1990 with the appeal period gone. Procedurally, the only way the condition can be changed is to modify. She then explained the process. Once a decision is finally, the only avenue for change is a modification of the condition.

Bespflug noted that with a modification to the condition, they would still have to participate in the development of the street but it would be done as part of a plan the City establishes to do the entire street. He felt the City should look at doing the entire road, the condition would still apply because they would have to contribute to the improvement but it would be done at one time.

Fowler noted a few years ago when the City wanted to improve the road and no one wanted to participate. City policy was then established that developers do the improvements. The road may look patchworked, but eventually it would fill in. It is always more difficult to get homeowners to participate in improvements. It is simpler to have improvements installed when homes are purchased.

Carson advised that the original Waiver of Remonstrance was predicated on an LID but the Commission made a decision with the annexation of that area that an LID would not be initiated; therefore, the Waivers are basically worthless at this point. VanOrman felt that the issue was not participation in the LID; rather, the cost-sharing which was very high and difficult for families. She felt this request was the same, willingness to participate but concern about bearing the entire cost. She felt this was a legitimate point. She felt if the City wants Leland Road to be more than an arterial, the City has an obligation to participate in the cost.

The City Attorney noted that the if the Commission is going to try to modify the condition, the best thing the Commission can do is to initiate a change which would bring the matter before the Planning Commission or keep it the way it is. The Commission cannot allow the change of a condition that was made after notice of hearing because someone requests the change.

The City Attorney suggested reviewing the matter and report to the Commission at the next meeting.

It was moved by VanOrman, second by Bespflug, to have the City Attorney report back at the December 7, 1994 meeting with a report on what may be done with this difficulty.

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

James Dalton, PO box 3, distributed a letter from the Newell/Abernethy Creek Council regarding their review of the Region 2040 Plan and their concern about the designation of Newell Creek

Canyon. They felt the designation of "Open Space" as opposed to "Urban Reserve" was consistent with the Metropolitan Greenspaces Master Plan designation. He read that the Council recommended that prior to City annexation of land in Newell Creek Canyon that: 1) the City shall develop an open space zoning district that will apply to all Newell Creek Canyon lands annexed to City; 2) the City shall adopt stormwater management practices, including but not limited to excluding stormwater facilities from the canyon and requiring any stormwater discharge into the canyon to meet DEQ standards; 3) the Newell Creek Canyon shall be incorporated in the Oregon City and Clackamas County Comprehensive Plans as a Statewide Planning Goal 5 resource; and, 4) the City, County and Metro shall develop and adopt a Newell Creek Management Plan as part of the Metropolitan Greenspaces Master Plan program. It was felt these actions would help keep Newell Creek Canyon a natural resource. He added that the Canyon was an historical and cultural resource also.

Regarding the Goal 5 resource, the City Attorney advised that this represented a significant commitment, planning-wise and financially on the part of the City. A Goal 5 process requires a very extensive review of conflicts, alternatives, an EESE analysis of any uses that might be allowed otherwise and a resolution of those through a program to meet Goal 5. For an area as large and controversial as Newell Creek Canyon, he noted that that could represent a very significant commitment on the part of the City in terms of both planning and financial resources and the Commission needs to be very careful before committing to any particular course of action.

VanOrman mentioned a difficulty with part of the Canyon being in Oregon City and part in the County.

Fowler summarized that the Commission was accepting the letter, agreeing with the open space in terms of 2040 with the other three needing to be discussed.

Betty Savage, 19489 S Meyers Road, owner of Savage Mini Mall, advised that she has sold her property to Randy Sebastian, seven time winner of Street of Dreams homes. She hoped that the City would have him finish Meyers Road. She felt a partnership with home owners was the way to finish roads with neither the City nor the home owner carrying the total burden.

Commission Report No. 94-207, Request for Street Vacation for a Portion of Central Point Road Right-of-Way - Public Hearing; If Approved, Proposed Ordinance No. 94-1030, An Ordinance Vacating a Portion of Central Point Road Right-of-Way, Oregon City, Clackamas County, Oregon was presented the Acting City Manager. The report noted that this vacation was initiated by the City on behalf of Savage Enterprises for vacation of a portion of Central Point Road right-of-way.

The report continued that on September 7, 1994, the City Commission adopted Resolution No. 94-46 which initiated vacation proceedings. The public hearing was continued to November 16, 1994. To consider vacation of a dedicated right-of-way, the City Commission evaluates the following criteria: 1) There is no present or future public need for the street or alley; 2) The vacation is in the best public interest; 3) There would be no negative impacts to adjacent properties; and, 4) Consent of adjacent property owners. The criteria was addressed as follows:

1. This portion of the right-of-way was left over when Warner-Parrott Road was realigned. There are utilities in this portion of the right-of-way; an easement can be granted to allow access.
2. The proposed vacation would allow for the right-of-way to become part of the landscaped area of the abutting property. Savage Enterprises has submitted a proposed landscape plan for this

area. The vacation would provide for the private maintenance and upkeep. A utility easement of 30 feet shall be retained for the existing utilities.

3. The proposed vacation does not limit or impede access to other properties. The only property affected is the Savage property. The right-of-way will be improved with landscaping.

4. The applicant, City of Oregon City, has initiated the request and the adjacent property owners, Bill and Betty Savage, have also consented.

The request to vacate a portion of Central Point Road is consistent with the above criteria. It is recommended that the vacation be approved with the retention of a 30-foot public utility easement. If approved, attached Ordinance No. 94-1030 would enact the street vacation.

Notice of proposed Ordinance No. 94-1030 has been posted at City Hall, Pioneer Community Center, and Municipal Elevator by direction of the City Recorder. It is recommended that first reading be approved, second reading be called and approved for final enactment to become effective December 16, 1994.

Denyse McGriff, Principal Planner, presented the information in the Commission Report and read the criteria that is considered with a street vacation request.

Mayor Fowler declared the hearing open and called for testimony.

Betty Savage, 19489 S Meyers Road, presented background information relative to the vacation. After presenting this information, she began outlining her perception of injustices that occurred. The Commission advised they did not have a problem with the request to vacate and felt the outline of injustices were not relevant. The City Attorney advised that if she wanted to raise the past issues, he would request that the hearing be continued to another agenda so he could review the material she distributed. He further advised he would be happy to talk to her, other than during this hearing matter, about past issues.

With no further testimony offered, the hearing was declared closed.

The City Attorney advised of a needed correction in the first line of Whereas, which refers to Resolution No. 94-167 which should read Resolution No. "94-46" of proposed Ordinance No. 94-1030

It was moved by VanOrman, second by Light, to approve first reading of proposed Ordinance No. 94-1030 as amended.

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

Second reading was called after which it was moved by VanOrman, second by Light, to approve second reading for final enactment to become effective December 16, 1994 as amended.

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

ORDINANCE NO. 94-1030

AN ORDINANCE VACATING A PORTION OF CENTRAL POINT ROAD, OREGON CITY, CLACKAMAS COUNTY, OREGON

WHEREAS, it appears to the City Commission of Oregon City, that on September 7, 1994, Resolution No. 94-46 was duly adopted initiating action on its own motion pursuant to ORS 271.080, and including ORS 271.230, for vacation of a portion of Central Point Road, Oregon City, and thereafter the City Recorder caused notice to be given by posting as required by law, and that the matter of said vacation together with a hearing of any objections or claims to be heard and considered concerning said vacation would be heard and considered at 8:00 PM, Wednesday, November 16, 1994 in the meeting room of the City Commission in the City Hall, 320 Warner Milne Road, Oregon City, Oregon; and said hearing being held, and the Commission finds that the proposed vacation meets the criteria for a street vacation (there there is no present or future need for the street, that the vacation is in the best public interest, that there would be no impacts to the adjacent property owners); and, it appearing that the public interest will not be prejudiced by said vacation;

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

A tract of land situated in the S.S. White DLC No. 41 in the Southeast quarter of Section 6, Township 3 South, Range 2 West, Willamette Meridian, in Clackamas County, Oregon; more particularly described as follows:

COMMENCING at a stone at the Southwest corner of the William Holmes DLC No. 38, and also being an angle corner on the Easterly line of the SS White DLC No. 41; THENCE South $11^{\circ} 30'$ East along said Easterly line of the SS White DLC and the centerline of County Road No. 342 (Leland Road) 31.25 feet to a point; THENCE South $89^{\circ} 28' 20''$ West 30.44 feet to a point on the Northerly line of that tract of land conveyed to Bill W. and Betty Savage by contract on October 23, 1978 as Recorder's Fee No. 78-49464 and said point being 4.47 feet from the Northeast corner of said Savage tract and being also on the Southerly right-of-way line of the new alignment of Warner Parrott Road; THENCE Northwesterly along said right-of-way line around the arc of a 23.00 foot radius curve to the left through a central angle of $40^{\circ} 48'$ an arc distance of 16.42 feet to a point of tangent; THENCE continuing Northwesterly along said right-of-way line around the arc of a 327.66 foot radius curve to the right through a central angle of $67^{\circ} 16' 46''$ an arc distance of 386.70 feet to a point of tangent; THENCE continuing Southwesterly along said right-of-way line around the arc of a 25.00 foot radius curve to the left through a central angle of $67^{\circ} 28' 22''$ an arc distance of 29.46 feet to a point of tangent with the Southeasterly right-of-way line of the new alignment of Central Point Road (Market Road No. 24); THENCE South $42^{\circ} 15'$ West along said right-of-way line 114 feet, more or less to the Northwest corner of said Savage tract; THENCE Northeasterly along the Northerly line of said Savage tract around the arc of a 160.99 foot radius curve to the right, through a central angle of $46^{\circ} 28'$ an arc distance of 130.46 feet to a point of tangent; THENCE North $89^{\circ} 28' 20''$ East along the Northerly line of said Savage tract 88.22 feet to the POINT OF BEGINNING.

be and the same are hereby vacated, reserving a 30 foot utility easement over the vacated area.

Read first time at a regular meeting of the City Commission held on the 16th day of November 1994, and the foregoing ordinance was finally enacted by the City Commission this 16th day of November, 1994.

/s/JEAN K. ELLIOTT, City Recorder

ATTESTED this 16th day of November, 1994.

/s/Daniel W. Fowler

DANIEL W. FOWLER, Mayor

Commission Report No. 94-208, Request for Vacation of Eight Undeveloped Streets Within the Plat of Homestead Acres - Public Hearing; If Approved, Proposed Ordinance No. 94-1031, An Ordinance Vacating Eight Undeveloped Streets in the Plat of Homestead Acres, Oregon City, Clackamas County, Oregon was presented by the Acting City Manager. The report noted that a petition was submitted by the Randall Group for vacation of eight undeveloped streets in the plat of Homestead Acres. The vacation is being requested to allow for the replat of this old subdivision to the new subdivision Fairway Downs Subdivision. The replat was approved in February, 1994.

The report continued that on September 7, 1994, the City Commission adopted Resolution No. 94-44 initiating vacation proceedings and setting the date of public hearing for October 5, 1994. The request was continued until November 16, 1994. To consider vacation of dedicated rights-of-way, the City Commission evaluates the following criteria:

1. There is no present or future public need for the street or alley;
2. The vacation is in the best public interest;
3. There would be no negative impacts to adjacent properties; and
4. Consent of adjacent property owners.

The criteria is addressed as follows:

1. The plat of Homestead Acres was approved by Clackamas County in the 1970s. The subdivision was recorded but never constructed. The property was annexed to Oregon City in December 1991, and the property is being replatted to meet City requirements.
2. The replat of this property, along with the vacation, will allow for better utilization of the property. The new plat will meet all City development standards, create a better lot layout, and eliminate substandard street rights-of-way.
3. The through streets in the subdivision to the south will connect in the new plat - Fairway Downs - and retain the existing street names, i.e. Homestead Drive and Woodglen Way. There will be no impact to adjoining owners to the south.
4. The applicant, The Randall Group, requested the vacation; therefore, consent has been given.

The request to vacate the following eight undeveloped streets in the Plat of Homestead Acres is consistent with the criteria:

1. Woodglen Way
2. Woodglen Court
3. Founders Lane
4. Founders Court
5. Tract "A"
6. Homestead Court
7. Tract "B"
8. Homestead Drive

If the Commission approves the request to vacate, proposed Ordinance No. 94-1031 is presented for approval. Notice of proposed Ordinance No. 94-1031 was posted at City Hall, Municipal Elevator, and Pioneer Community Center by direction of the City Recorder. It was recommended that first reading be approved, second reading be called and approved for final enactment to become effective December 16, 1994.

Denyse McGriff, Principal Planner, presented the Commission Report information.

Mayor Fowler declared the hearing open and called for testimony.

Mike Rinkes, 2980 S Beaver Creek Road, asked who owned the streets and were they dedicated to the City. The City Attorney advised they were dedicated and are public streets. He then asked if Randall was going to experience a lot of profit from this vacation. The City Attorney responded that when streets are vacated, they revert back to the property owners who originally dedicated the streets on each side. Fowler advised this is a new street layout for a development. Rinkes asked if they would be re-dedicated. The response was affirmative. Rinkes advised of preferential treatment of the Randall Group with regard to erosion control factors on the Red Soils property are not put in place on a major grading program. He wondered if they were getting new benefits. There is about five acres of grading with no silt fence in place which is standard procedure.

With no further testimony offered, the hearing was closed.

VanOrman asked if the intent was to remove the original design of streets with the creation of new streets for the development. This was correct.

It was moved by Ebert, second by Light, to approve first reading of proposed Ordinance No. 94-1031.

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

Second reading was called after which it was moved by Ebert, second by Light, to approve second reading for final enactment to become effective December 16, 1994.

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

ORDINANCE NO. 94-1031

AN ORDINANCE VACATING EIGHT UNDEVELOPED STREETS WITHIN THE PLAT OF HOMESTEAD ACRES, OREGON CITY, CLACKAMAS COUNTY, OREGON

WHEREAS, it appears to the City Commission of Oregon City, that on September 7, 1994, Resolution No. 94-44 was duly adopted initiating action on its own motion pursuant to ORS 271.080, and including ORS 271.230, for vacation of eight undeveloped streets within the plat of Homestead Acres, Oregon City, and thereafter the City Recorder caused notice to be given by posting as required by law, and that the matter of said vacation together with a hearing of any objection or claims to be heard and considered concerning said vacation would be heard and considered at 8:00 PM, Wednesday, November 16, 1994 in the meeting room of the City Commission in the City Hall, 320 Warner Milne Road, Oregon City, Oregon; and said hearing being held, and the Commission finds that the proposed vacation meets the criteria for a street vacation (that there is no present or future need for the street, that the vacation is in the best public interest, that there would be no

impacts to the adjacent property owners); and it appearing that the public interest will not be prejudiced by said vacation;

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

- 1) Woodglen Way
- 2) Woodglen Court
- 3) Founders Lane
- 4) Founders Court
- 5) Tract "A"
- 6) Homestead Court
- 7) Tract "B"
- 8) Homestead Drive

be and same are hereby vacated.

Read first time at a regular meeting of the City Commission held on the 16th day of November, 1994, and the foregoing ordinance was finally enacted by the City Commission this 16th day of November, 1994.

/s/JEAN K. ELLIOTT, City Recorder

ATTESTED this 16th day of November, 1994.

/s/Daniel W. Fowler

DANIEL W. FOWLER, Mayor

Commission Report No. 94-210, File PD93-01 - Planned Development - Final Development Plan Trillium Estates - Public Hearing, was presented by the Acting City Manager. The report noted that on the November 16, 1994 agenda was the review of the Final Development Plan and program for Trillium Park Estates. The property is located east of Division Street, west of Highway 213, north of Morton Road, south of Davis Road.

The report continued that on October 27, 1994, the Planning Commission held a public hearing to consider the final plan and program for the planned development known as Trillium Park Estates. The applicant is Rivergate Development Company. The proposal is for a 68-lot single-family planned development. The proposal also includes a subdivision for the 68 lots and a tract for open space.

The Planning Commission recommended approval of the Final Development Plan and Program with the following conditions:

1. Hydrological/Geological/Geotechnical: Recommendations from the Geotechnical and geological reports dated 9-27-94 and 8-29-94 shall be followed.

In addition, the final engineering plans shall be reviewed by the applicant's and the City's geotechnical and geological consultants and their recommendations shall be followed.

For lots identified by the geotechnical and geological consultants as requiring additional analysis, the building permit applicant shall complete a site-specific topographic evaluation prior to the issuance of building permits for those lots.

2. Wetlands: a) The open space shall be preserved in its natural state. Re-landscaping shall include planting of street trees, landscaping yards to a normal level, and renovation of affected natural areas. A plan for this landscaping shall be submitted to staff for review and approval prior to installation. Additional tree loss shall be prevented by restricting tree cutting on private property through CC&Rs.

b) A storm water detention structure or pond located on the west side of Highway 213 shall be constructed to slow the run-off and allow sediment deposition to occur before the water flows into Newell Creek. Adequate rip-rap shall be provided at points of discharge to control erosion.

3. Transportation: The access street (proposed Gilman Drive) shall be per the City's standard local street section (50' right-of-way - 32' pavement), between Division Street and Trillium Park Drive. A five foot sidewalk shall be constructed by the applicant between Trillium Park Drive and Division Street.

Davis Road: For a secondary Access, Davis Road shall be upgraded to an acceptable rural standard (24 feet of pavement) to provide two way access for emergency vehicles. If the existing pavement section is not structurally adequate (3 inches of asphalt, eight inches of rock), the road section shall be reconstructed. The as-traveled road section may not be in the legal right-of-way, according to information obtained from Jim Bean resulting from a boundary dispute with his neighbor to the north. It is recommended that a boundary resolution agreement be obtained between the property owners on the north side and the south side of Davis Road between Division Street and this project, fixing the legal right-of-way to match the as-traveled alignment.

Traffic Safety: Parking shall be restricted for the first 50 feet from the intersection of proposed Gilman Drive and Division Street.

Constrained Streets: That a 40-foot right-of-way section, per the City's new proposed constrained section, be used for this planned development due to the topographic limitations and large open space.

4. Street Design: Right-of-way. The proposed local streets (within the development) with a forty foot right-of-way and a 28-foot pavement section meets the City's criteria for a constrained section. Parking shall be restricted to one side only. Ten feet of additional right-of-way shall be dedicated along the project frontage of Davis Road.

5. Reserve Strips: A one-foot reserve strip dedicated to the City at the end of all stub streets shall be shown on the final plat.

6. Half Street: Davis Road along the frontage of the applicant's project shall be constructed to a half-street standard. That includes curb and sidewalk located on the project side based on the City's standard local street section and ten feet of pavement located on the other side of centerline constructed to a rural standard.

7. Cul-d-sac: Proposed Canyon Court shall be allowed to have a hammerhead turnaround as allowed by the variance request.

8. Street Names: All street names shall be reviewed and approved by the City prior to approval of the final plat.

9. Access Control: In Phase I, a one-foot non-access strip shall be shown on the final plat at the following locations: Phase I: Lot 1 along Gilman Park Drive frontage; Lot 23: along the stub street frontage; Lots 24 and 25 along the northwest frontage. Phase II: Lots 3, 9, 14, 18, 19, 37 & 38 along Trillium Park Drive frontage.

10. Utility Accessway: These areas shall be fenced and the City shall provide gated access.

11. Building Sites: Phase I: Lot 10 and 22 shall be adjusted to meet the minimum 45-feet of frontage on a standard street; Phase II: Lot 16 shall be adjusted to meet the minimum 30-feet on a cul-de-sac.

12. Parcel Side Lines: Any non-radial lot line intersecting a curved right-of-way line shall be noted as a non-radial line on the final plat.

13. Grading: A site grading plan for slopes less than three percent measured front to back and along the frontage shall be required as part of the final construction plans per the City's Residential Lot Grading Criteria. If significant grading is required for the lots, rough grading shall be required of the developer.

14. Future Lot Division: None of the lots can be redivided, and the open shall not be developed into residential lots in the future.

15. Protection of Trees: Trees six inches and larger shall be preserved wherever practicable outside of the building areas.

16. Easements: A public utility easement shall be dedicated on the final plat in the following locations: Ten feet along all street frontages and rear lot lines and five feet along all side lot lines. Easements required for the final engineering plans shall also be dedicated to the public on the final plat.

Any required off-site easements shall be obtained prior to any off-site construction and/or recording of the final plat.

The conservation easements for the wetland areas shall also be shown on the final plat.

17. Required Public Works Improvements: All required public works improvements shall be designed and constructed to City standards.

Streets: The interior local streets shall be constructed to the City standard of 40-foot right-of-way with 28-foot urbanized street section. Centerline monument boxes shall be required.

18. Drainage, Erosion/Sedimentation Control: A storm drainage system shall be required per the City's Drainage Master Plan. Access shall be provided to manholes and discharge points.

If roof drains cannot drain directly to the street, the final engineering plans shall provide connection to back yard drainage systems.

The final engineering plans shall also include an Erosion/Sedimentation Control Plan based on Clackamas County's Technical Guidance Handbook. A DEQ permit shall be required for erosion/sedimentation control. (DEQ permits are required for sites larger than 5 acres).

19. Sanitary Sewer: Sanitary sewer shall be provided per the City's Design Standards, including access to manholes for maintenance. The lines between the proposed lots and Highway 213 shall be evaluated by the geotechnical/geology consultants.

20. Water/Fire Hydrant Location: Water shall be provided per the City's Design Standards. The final fire hydrant locations shall be approved by the Fire Department. In addition, the proposed dead ends of the waterlines in proposed Canyon Court and proposed Bean Road shall be looped together.

21. Sidewalks: Five foot sidewalks adjacent to the right-of-way shall be installed as part of the individual building permit requirement, except that the developer shall install the sidewalks at the following locations: Along the frontages of Lot 16 and 27; Along the west side of Trillium Park Drive from Davis Road to Gilman Park Drive; Along the south side of Gilman Park Drive from the stub street to Division Street; Along the frontage of Tax Lot 200 on Gilman Park Drive; and, Along the frontage of all open space access points.

22. Street Trees: Street trees shall be planted by the developer in the planting strip adjacent to the curb along all streets in the subdivision. A street tree planting plan, specifying type of tree and caliper size, shall be submitted to staff for review and approval prior to final plat approval. The street trees shall be established at a minimum caliper of two to two and one-half inches.

Tree Survey: A tree survey shall be required based on the following: The rights-of-way shall be flagged for staff evaluation in the field to determine if trees within the right-of-way can be saved.

Following the evaluation, initial right-of-way clearing limits shall be established. Following a site visit by City staff and the applicant, significant trees to be retained on the lots shall be marked on the preliminary plan with building envelopes overlay. Setbacks for the trees to be saved shall be determined after staff review of the tree survey. Any trees that will be retained shall be adequately protected through staking and fencing to the dripline of the tree prior to beginning of construction.

23. Street Names/Traffic Control Signs: Street name signs shall be installed at all street intersections and any traffic control signs as required, at the expense of the developer. The City shall install the signs and bill the developer.

24. Street Lights: Street shall be owned by the City of Oregon City and shall be installed at the expense of the developer. Portland General Electric Company or a qualified electrical contractor shall prepare a street lighting plan subject to City approval. PGE or a qualified electrical contractor shall install the street lights. Street lights shall be 100 watt high pressure sodium fixtures mounted on fiberglass poles with a 25 foot mounting height. Street lights shall be placed at street intersections and along streets at property lines. The spacing of street lights shall be based on the recommendations of the Illuminating Engineering Society of North America as published in their current issue of IES, RP-8. Any necessary electrical easements shall be dedicated on the final plat.

25. Bench Marks: At least one bench mark based on the City's datum shall be located within the subdivision.

26. Other Utilities: The developer shall make necessary arrangements with the following utility companies for the installation of underground lines and facilities: Portland General Electric; Northwest Natural Gas; US West Communications; and, TCI Cablevision.

27. Technical Plan Check and Inspection Fee: A five percent (5%) Technical Plan Check and Inspection Fee shall be paid prior to approval of the final engineering plans for the required public works improvements. The fee is the established percentage of an approved engineer's cost estimate. Half of the fee is due upon submitting plans for final approval, the other half is due upon approval of the final plans.

It is the City's policy that the City will provide spot check inspection only for non-public funded improvements and the developer's engineer shall provide inspection and surveying services necessary to stake and construct the project and prepare the as-built drawings when the project is complete.

28. Conformity With Subdivision Code, Final Approval: A Subdivision Compliance Agreement providing for surety shall be required if the final plat is to be recorded prior to completion of all required improvements. 2) Conditions Acceptance. Upon acceptance of the public improvements by the City, a two-year maintenance bond shall be required as described in the Subdivision Compliance Agreement. 3) Final Plat Requirements. The final plat shall comply with ORS 92.010 through 92.190, and City Code 16.16.030 through 16.16.050. In addition the following requirements shall be required: a) Surveyor shall obtain a copy of the current City Final Plat Review Checklist prior to submitting the final plat for specific checklist requirements. Use standard approval format and declaration formats shown in review checklist. Surveyor shall review the final plat using the City's Final Plat Review Checklist, and submit his checklist to the City with the final plat. A copy of the plat fully complete with the exception of any final special utility easements shall be submitted with the engineering plans for review. b) Show the City Planning File Number on the final plat, preferably just below the title block. c) A blue-line or xerox copy of the final plat illustrating maximum building envelopes shall be submitted to planning. d) Use recorded City control surveys for street centerline control, if applicable. e) Tie to City GPS Geodetic Control Network, County Survey reference PS 24286, and use as basis of bearings. Include ties to at least two monuments and show measured versus record and scale factor. Monuments may be either GPS stations or other monuments from prior City control surveys shown on PS 24286. If ties are to prior City control surveys, monuments ties shall be from the same original control survey. The tie to the GPS control can be part of a reference boundary control survey filed for the subdivision. f) Show state plane coordinates on the Point of Beginning. g) The developer shall submit a draft copy of the proposed Conditions, Covenants, and Restrictions (CC&Rs) to the planning staff for review and approval prior to final plat approval.

29. All provisions of the zoning, subdivision, sign, building and other applicable ordinances shall apply within a PD zone unless specifically varied by the City Commission in its approval of the final and subdivision.

30. Hours of Construction: Construction vehicles and other vehicles associated with the development shall park on the construction site. The adjacent streets shall not be used for any construction activities. Hours of construction shall be 7:00 AM to 6:00 PM, Monday through Friday; 9:00 AM to 6:00 PM on Saturday. Construction is prohibited on Sunday.

31. Approval of Time Period: This land use decision shall be exercised shall be exercised within a period of one year from the effective date of the Planning Commission decision. Any land use permit may be extended, prior to expiration, by Planning staff for a period of six months up to

an aggregate period of one year. This permit may not be extended unless there is substantial implementation thereof.

Planned Development: If within one year substantial construction or development has not occurred in compliance with the approved final development plan and program and schedule for a staged competition, the authorization shall expire. The Planning Commission may authorize for good cause up to two additional one year extensions following a public hearing after application by the owner or authorized agent. (Further procedure outlined in Section 17.64.120).

The report concluded by noting that attached for Commission review were the Findings of the Planning Commission, Planning Commission minutes and the applicant's submittal. Also attached was the Final Order which would allow the land use action. It was recommended that the land use action be approved and the Mayor authorized to execute the Final Order.

Denyse McGriff, Principal Planner, presented the Commission Report information. She requested waiving reading of the criteria. The request was granted. She provided a copy of amendments to the staff report for the Commission which contained the following:

Page 36: #9, Access Control. The existing dirt pathways through Tract A shall be improved with a natural material surface (such as gravel or bark chips).

She noted a lot of paths that children have made throughout the Canyon area and it was suggested these existing paths might be used; but rather than a 10 foot concrete path, place a natural material on the surface of compacted bark or gravel. She recommended adding after Phase II, "Pedestrian Access. So that the existing dirt paths through Tract A shall be improved with a natural material surface such as gravel or bark chips".

Page 36: #10, Utility Accessway. These areas shall be fenced and the City shall provide a gated access. The surface for this accessway shall be compacted graveled constructed to standard roadway width (20 feet minimum).

She noted prior experience is to have a wide paved accessway so that public works can get trucks in with residents using this opportunity to use the accessway for other things such as washing cars with soap, or using the access to get into the Canyon. A gated access was discussed to prevent unauthorized access with Public Works having the key.

She recommended adding the following: "The surface for this accessway need not be paved but that compacted gravel be used instead to the standard roadway width which is 20 feet".

Light asked about the gated access. McGriff advised there would be an actual gate to block even foot traffic. Fowler asked if the City would provide this. McGriff responded that the Planning Commission imposed that condition upon the City; in the future, she will have the Planning Commission impose the gate upon the developer instead of the City.

Bespflug asked about the depth of the gravel. McGriff responded it would be to City standards. Henry Mackenroth, City Engineer, advised it would be 8 to 12 inches. Bespflug asked what would be driven on the road. Mackenroth responded it would be double axle trucks.

Page 37: #11, Building Sites. "On lots where it is reasonably required to meet hydrological/geotechnical recommendations from the engineering analysis under condition #1, required setbacks may be adjusted (subject to staff review and approval)".

She explained that because some of the property falls under the Unstable Slopes Overlay, there will be required a geotechnical review. Based on that review, there may be need to adjust the setbacks in the R-10 zone with no knowledge what they will be until the report is completed. She recommended the above wording.

Page 37: #16, Easements. Change paragraph 3 to read: "The conservation easements for the wetland areas and possible wildlife corridors shall be shown on the final plat".

Page 38: #19, Sanitary Sewer. Add: "Subject to supervision of the City Engineer, the developer/applicant may proceed with the Morton Road LID to the extent necessary to provide the sewer connection under Highway 213".

Page 38: #21, Sidewalks. First location, change to: "Along the frontages of lots 17 and 34 in Phase II".

Fowler asked about the amendments and the Planning Commission approval. McGriff interjected that these amendments are being presented by staff that further clarify the questions by the Planning Commission who requested staff to research them further.

Bespflug asked about the Conservation Easement on Page 37, #16 and asked how they were identified. McGriff responded they were identified on a map with delineations and determinations done for those areas and fall within Tract A. He asked how the "possible wildlife corridors" would be identified. She responded that the wildlife corridor would have to be left nebulous because the purchasers of the lots are unknown. The applicant has placed within the CC&Rs provisions for different types of fencing. Bespflug felt that irrespective of who will buy the lot, the corridor should be definable now so that when it is platted that buyer knows that they have this. He noted to the City Attorney that the whole subdivision could be a wildlife corridor. The City Attorney noted that it would be delineated in the Final Order.

Ebert questioned the amendment for Page 38 and asked if it was appropriate to attach a condition on this Planned Development to an LID that is not associated with this proposal. McGriff responded that the LID was associated with the project. The City Attorney noted that it is permissive that the developer/applicant may proceed. If that LID were already implemented, then it would authorize the applicant to proceed.

The City Attorney noted that this was a de novo hearing that you will hear not only legal arguments but you will hear new evidence in this matter. It is one of few applications in which you may hear new evidence. Therefore, under the provisions of ORS 197.763, he informed the Commission and the audience that the applicable criteria are listed in the staff report that is available for review. The parties must address themselves to those criteria or any other criteria they believe are applicable. Failure to raise an issue with sufficient specificity to allow the other parties or the Commission as the governing body to address that issue is waived if this matter were taken to LUBA with regard to that issue.

Mayor Fowler declared the public hearing open and called for conflicts of interest. Fowler and Light advised of knowing the applicant but neither had any discussion with him. There were no ex parte contacts.

James Bean, 1900 Davis Road, owner of Rivergate Development and applicant spoke. He presented background information of the original proposal for preliminary approval for 76 units and advised of several significant changes that took place as the proposed development evolved. Through the use of an aerial photograph which showed the entire area along with a topographical map display, he presented the proposed development. As to the question of what is in Newell Creek and what isn't, he advised this proposal was related to Newell Creek (using the display maps he outlined the location of his property in relation to the Canyon). Through the use of the displays, he explained the matter of the roads. Also through the use of a prepared documentary, of which the Commission and he had copies, he referenced this document throughout his presentation. He explained that he was asked to do five test pits; however, he had eleven pits done which provided no evidence of landslides, only Silt which is good soil for building purposes.

He went on to explain that the County requested a wildlife corridor because of concern that the easterly border of his development is also the border of County right-of-way which has a long slope with no road. Down that slope a lot of animals traverse. Therefore, he intends to leave the 8.5 acres as open space. However, it was felt that the animals needed a way travel from the south side and if the State builds a fence along the edge of that property, there would be no way for the animals to get through. Bean was willing to place on the lots along the westerly edge an easement so if a fence is built that cuts off access, these property owners would be under a constraint to leave a 10-foot strip on which no fences could be built back to the road. This would be included on the plat.

Using a display map, he noted that the development would intrude upon a property he does not own, it belongs to Herman Martin. Mr. Martin signed an agreement to allow the road with Bean's part being to ask that he be annexed to the City which was accomplished about a month ago with it now at the Boundary Commission.

He advised that this application was filed on April 9, 1993 and since that time a new Unstable Slope Code has been adopted. Everything in the application refers to the Code in force at the time of filing. Using the old process, there are only eight lots that exceeded 25 percent slope with three at 26 percent, one at 27 percent, one at 28 percent, one at 34 percent and two at 30 percent.

He noted that the tree survey has been completed. He then referred to the errata sheet, Page 36, Utility Accessway, regarding the width of 20 feet minimum with the Plat being 10 feet wide for the accessways. McGriff responded that it should be 10 feet. Fowler noted the fence with the City providing the gated access and asked who provides the fence. Bean responded that he provided the fence. Bean expressed concern regarding the LID. He mentioned that the LID was approved in 1988; the City hired OTAK to perform a survey regarding how to service a lot of land. Bean noted the recommendation for a pump station to pump the affluent up to Division and a pump station in another location to pump up to Division. He suggested locating the line under the Highway with no need for pump stations for which he obtained the proper permission. Now the sewer line will go down Gilman Park Road and along an entire route which he pointed out on a display map.

On the call for questions for the applicant, none were asked.

The City Attorney advised that the Final Order as presented made two references to Exhibit "A" with the only Exhibit "A" he found were the conditions and not the findings. He suggested that the Conditions be listed as Exhibit "B" and the Findings be the staff report. He wanted resolution of the road issue.

Bean summarized by noting there was an actual Davis Road that is built substantially on top of what was supposed to be called Fee Road with the actual Davis Road being 30 feet to the north which would put it through Mr. Dunn's house and a couple of other houses. The City requested him to solve this. Bean advised he had it surveyed and knows where the paved street actually is and building will be to the south to not impact the homes on the north. Bean will submit to the City the appropriate paperwork to have the City identify where Davis Road is so it becomes a legal edge of the road and the homeowners do not have to worry about what is happening to their homes.

The City Attorney advised that the issue to him is whether or not there will be something along the lines of the vacation earlier tonight, i.e. to vacate a road at the same time a new road is being laid out. Bean expressed doing whatever is needed. The City Attorney noted the concern is that there is no Plat that is already problematic like a road running through it being inconsistent with the lots already laid out. Bean responded that his Plat did not include any of the property because the Davis Road part is to the north and not on his Plat. The City Attorney then attentioned the wildlife issue. He then suggested the condition "that there shall be a 10-foot setback on all lots on the east portion of the Plat required in the event that the State of Oregon or its successors erects or causes to be erected a fence on the land between the Plat and Oregon Highway 213". Bean felt this was fine.

James Dalton, PO Box 3, Oregon City, mentioned that there is already a wildlife corridor through the property and the word "possible" should be removed. The City Attorney advised of having removed it. He wanted to continue to work with Mr. Bean to keep the property as natural as possible.

With no further testimony offered, the hearing was closed.

It was moved by Light, second by VanOrman, for approval of the development as provided in the staff report and as amended by Counsel with Conditions as Exhibit "A" and Findings as Exhibit "B" to include Condition No. 32 to read: "that there shall be a 10-foot setback on all lots on the east portion of the Plat required in the event that the State of Oregon or its successors erects or causes to be erected a fence on the land between the Plat and Oregon Highway 213."

On discussion, Bessflug referred to Condition No. 2, Wetlands, a), and asked how the open spaces were to be protected and how they would be maintained and under Condition 2, Wetlands, b), and asked what provisions would be in place to clean the sediment periodically.

McGriff responded that in the information packet, is an extensive set of Conditions, Covenants and Restrictions with a detailed analysis of the open space with the Planning Commission specified that the open space remain in a natural state except for those existing pathways. Normally, natural areas are left natural.

Bean responded to the sediment question by noting that the final design will be through the Engineering Department probably with cleaning in the design. Fowler noted that once it is dedicated to the City, Public Works will periodically maintain. Bessflug asked if there would be anything in the CC&Rs that the Association will periodically check and clean out the sediment or will it fill up and be just a pass-through and no longer a sediment pond. Bean advised that the areas will drain

more than just his property. He understood he would have the maintenance responsibility for two years and after that it is a City responsibility. Bessflug asked if the pond will be located in a publicly owned area or is it on private property in one of the open spaces. Bean responded that it was in the large open space and he will have to provide an easement that would allow the City access. McGriff noted that it is already required that the easement be on the Plat.

Bessflug referred to Page 3, Condition No. 13, Grading, and wanted to know how the slopes would be protected. McGriff responded attentioning Condition No. 18 which pertains to drainage/erosion/sedimentation control. Bessflug asked if there was hydroseeding or something to protect the slopes. McGriff responded affirmatively. Mackenroth added that the slopes will have to be protected when they are in final configuration for erosion control.

Bessflug referred to Condition No. 15, Protection of Trees and wanted to know how the protection would be accomplished. McGriff responded that first the Engineer and staff will examine the trees within the public right-of-way and attempt to minimize removal of those trees through marking as do the trees that will be removed. At that point, only the right-of-way can be cleared. After that, the remaining trees are fenced and staked at the driplines before construction occurs. Bessflug noted that this did not answer his question and combined Condition No. 15 and Condition No. 22, Street Trees and asked again how will the trees be protected, i.e. with snow fencing, so construction will not deface them. McGriff responded again that the trees would be fenced and staked so they cannot be damaged.

Bessflug referred to Condition No. 16, Easements, and questioned the need for the easements. He felt and asked if the City was utilizing these easements. McGriff responded that when a comment sheet is returned from agencies and private public utilities, the indication is one of need. Bessflug noted that in dealing with another jurisdiction, they have done numerous vacations of the easements because they are not utilized and they do utilities in the public right-of-way. Light suggested that this be studied outside of this application. McGriff noted that this is a standard in the subdivision code with a variance not requested regarding easements. She recalled three vacation of easements with those needed because of combining of lots.

Bessflug referred to Condition No. 20, Water/Fire Hydrant Location, regarding the looping of waterlines, he asked if there was an Engineering plan on that at this time. The City Engineer responded that there are existing deadend lines. McGriff responded there is a utility plan that is required as part of the subdivision approval that was included in the book of documentary information the Commission had before them.

Bessflug referred to Condition No. 21, Sidewalks, and wanted to know if the City could place a timeframe for when the 5-foot sidewalks would be installed in the common areas. Fowler suggested completion upon final acceptance of the subdivision. The Community Development Director responded that these have to be installed prior to building permit issuance. Bessflug suggested including that language along with including the language in Condition No. 22, Street Trees. McGriff responded that the trees can be planted after all street improvements are completed or they can bond for those but they have to be planted before issuance of building permits. Bessflug asked when they would be put in. McGriff responded again, at two different stages.

Bessflug referred to Condition No. 23, Street Names/Traffic Control Signs, and wanted to know when the street signs are installed. The City Engineer responded that street signs are installed by Maintenance crews of the City after the first lift of paving. Bessflug suggested installing the signs prior to issuance of building permits. The City Engineer noted that a problem with that is the loss

of signs and posts during construction. Bessflug advised he would rather do that than have a problem with emergency equipment attempting to find the address. The City Attorney noted adding prior to issuance of building permits.

Bessflug referred to Condition No. 30, Hours of Construction, and asked if there was a City ordinance that states the hours of construction. McGriff responded negative that this was a condition that has been imposed for six years by the Planning Commission. It was brought to them because of complaints of construction noise with the Code allowing the Planning Commission to impose conditions that are reasonable. Fowler asked if he wanted the Commission, in the future, to consider this as an ordinance. Bessflug advised that surrounding communities allow construction on Sunday with restrictions from 10:00 AM to 6:00 PM; he felt unsure of prohibiting it on Sunday. McGriff noted that the years ago the Planning Commission received testimony that they did not want construction on Sunday.

The City Attorney read the revised Conditions, in addition to the prior revisions, as being Condition No. 21, add: "The open space access shall be installed no later than the time of final Plat approval".

Condition 22, add: "The improvement shall be installed or bonded in accordance with Section 16.16.010".

Condition 23, add: "That improvements shall be installed by the City prior to the issuance of building permits".

The maker of the motion and the one who second, gave assent to the amendment.

Roll call on amendment of motion: Bessflug, Aye; Ebert, Aye; VanOrman, Aye; Light, Aye; Fowler, Aye.

Roll call on motion as amended: Ebert, Aye; VanOrman, Aye; Light, Aye; Bessflug, Aye; Fowler, Aye.

Commission Report No. 94-209, Park Place Park - Request for Additional Funding Authorization, was presented by the Acting City Manager. The report noted that during the period following the annexation of the Park Place area, the City has been attempting to establish a park in the area. At one time, a potential site was located. City staff requested and received a Community Development Block Grant during the 1990-93 cycle for the acquisition and planning and development of the park.

The report continued that when the City acquired the Park Place Water District, it was learned that the District owned a parcel of land outside the Urban Growth Boundary. Under State law, the parcel was going to create some complications due to the dissolution of the district. At that time, a private party proposed trading four parcels of land located inside the City for the Water District property located outside the UGB. This was agreed to by the City.

The County agreed that the CDB grant could be modified to planning and development of the park. The grant is approximately \$175,000 of CDB Grant monies and a matching amount of \$45,000 of City monies.

The City has been working with the Park Place Neighborhood through a Citizens Advisory Committee on the development of the park. The Phase I part of the project is the least

development that will still give a usable park. The balance of the park will be constructed as funding and opportunities arise.

The current cost estimate for the development of Phase I of the park is approximately \$322,000. Of this amount \$175,000 will be covered by the CDB Grant (the City matching funds is approximately equal to the Consultant's fee.). That leaves a shortfall of \$147,000 for the construction and \$15,000 for detail design of a permanent rest room and maintenance storage building.

The adopted budget on Page 250 shows this project being budgeted at \$220,000 (\$175,000 CDB Grant and \$45,000 City match). At that time, there was no planning or design work done. Therefore, no accurate cost estimate could be made. At this time, the preliminary design and cost estimate is available and the community has described the minimum development that they would like to see on the site.

The same budget page shows the 8th Street Dock being funded at \$406,000 (\$178,000 from a grant and \$328,000 from the City). It is highly unlikely that this project will be able to go forward in this budget year. It is, therefore, proposed that \$162,000 be transferred from this project to the Park Place Park Construction.

The 8th Street Dock Project would not be abandoned, but delayed. The funding for this project will require reexamination in any event, as the source of the anticipated grant money is not viewing the project in a favorable light. Therefore, City monies could be used for other projects if it is noted that the project is still viable and the monies need to be replaced.

It was recommended that the City Commission authorize the expenditure of an additional \$162,000 on the development of Park Place Park and that the funds come from the 8th Street Dock project and that the 8th Street Dock Project be retained.

Henry Mackenroth, City Engineer, presented the Commission Report and used a conceptual display to explain what is being planned. He then introduced, from the audience, the persons who have been working on the project.

John Mason, 16143 S Front Avenue, Chair of the committee, thanked the Commission and others for their interest and support in the development of the park. Format for his presentation was Paulette Merrill to present the history of the park; CC Baxter will talk about the involvement of the community; Carol Mayer/Reed will discuss the graphics on display before the Commission. He continued by telling of the Mission Statement. First, they want the park to be a safe place to be; they want the park usable by the young, middle aged and old; and, they want the park to be designed in a way for intelligent expansion to add items to the park as funds are available.

Paulette Merrill, 16390 S Hiram, presented the history noting that in March 1992, CC Baxter who was Chair of the Neighborhood Association, was contacted to form a committee to meet with the City on a regular basis to smooth the transition between Park Place and Oregon City. The committee was for rumor control, public relations, so the City could be advised of problems. One of the matters assigned to the committee was zoning with that having been presented before the Commission with another matter, a park. The site the City selected was not acceptable to the residents on the committee. The committee then located another site which is the one under discussion at this meeting.

CC Baxter, 15921 S Apperson, presented an artistic display of suggestions for the park as prepared by students of Park Place School.

Carol Mayer/Reed, Landscape Architect in Portland, 319 SW Washington, Ste. 820, Portland, spoke and used the Plan that was on display. She explained the topography and noted the trees and bushes that were there by nature and those that would be added. She pointed out the walking trails, the accessibility for handicapped, picnic sites, viewpoint, proposed restroom facilities, play areas, play areas that included tennis and volleyball activity areas, drinking fountains, parking lot, site for proposed park host, and landscape irrigation. She mentioned the phasing of this project and what was proposed for each phase.

Bespflug asked about the frequency of the pathway lighting. She responded approximately 90 to 120 feet dependent upon the fixture and shrubbery. Light asked about the plans for the old barn on the property. She responded that the barn be razed as soon as possible. Mackenroth interjected that the Committee has looked at the barn with an eye to potential reuse and decided that was not practical financially. There would be a future recommendation that the barn be made available for salvage for anyone needing some of the materials and then remove the balance. Light asked if the materials could be sold and the money go into the park. Mayer/Reed noted that it should be taken down as soon as possible because of the liability of the structure and the open well inside. It was mentioned that research should be done to see if the well could be used for irrigation.

VanOrman questioned a report noting that the park was \$336,000 with the Commission Report advising it was \$322,000 with her figures revealing there is actually \$220,000 available of which \$175,000 CDBG funding and \$45,000 already budgeted. Mackenroth responded that the County administers the grant with the City not getting the money; it has been awarded and the City is in process of spending it. The City has to contribute a 20 percent match to the \$175,000 which approximates \$45,000 for a total of \$220,000 for the project. He continued that the consultants fee is about \$45,000 which comes from the \$220,000. VanOrman summarized by asking if the \$175,000 was subtracted from the \$320,000 which is why the \$147,000 plus \$15,000 was needed for a need of \$162,000.

VanOrman asked the Finance Officer if a supplemental budget wasn't necessary. Wimmer responded there was a big amount in Capital Outlay along with a list of projects; therefore, the money is already there. Capital Outlay is budgeted funds, not individual projects.

Bespflug commented that the budget would not be exceeded; rather, one of the projects would not be funded. He then questioned how the project will be completed and how the funding would be replaced. Fowler identified the project as the 8th Street Dock. Mackenroth acknowledged that the project was the 8th Street Dock with that project having funding problems. The City is contributing almost 3/4 of the cost out of City funds with an attempt to raise the balance from a grant through the Marine Board. The Board has been reluctant to award that grant because of handicap issues for one. The project probably will not be done this budget year because of the problems at issue. VanOrman interjected that the Marine Board is doing what it can to make sure the project does not happen.

Bespflug again expressed concern about how the \$162,000 would be replaced. He assumed a park budget for Phase 1 and a plan for what will be done in Phase 1 and a Master Plan with the remaining items for Phase II. Mackenroth noted that the Master Plan would show a list of individual projects that would be appropriate for funding from outside sources. Bespflug referred to the \$220,000 allotted to this project and advised it did not specify whether that was Phase 1 or the entire

project. He wanted to know the ultimate cost for the park. Mackenroth responded that if the park were to be completed today, it would be approximately \$600,000 to \$700,000 with total City funds. Bessflug expressed feeling the numbers were picked out of the air. VanOrman asked what the commitment of Community Development toward the park. Mackenroth responded the reason for the Master Plan was to have a list of project to continue doing the development work so there would be something to be adopted by the Commission for when grants became available applications could be submitted.

Light commented that no one feels the City is committing funds to \$500,000; this is a good start compared with parks put in place the past few years. VanOrman reminded that the City has not expended much for parks with Wells Fargo funding two of the tracks and trails. Ebert asked if this would become part of the Parks Master Plan. Mackenroth responded that a Master Plan was being created for this park.

Bessflug expressed having a problem with a budget of \$200,000 allocated for this project; he felt that Phase 1 should not be designed for \$322,000 with the object being to search for additional funds. He felt the budget should be adhered to. Fowler expressed feeling that the group was not in error to develop a logical first Phase and asking if there was a way to make it happen. They are making it happen by the fact that because of the 8th Street Dock project, there is money.

It was moved by Ebert, second by Light, to approve the request for additional funds by transferring the \$162,000 from the 8th Street Dock project to the Park Place Park project.

Bessflug commented that he did not believe this to be responsible in allowing this project to automatically be designed knowing they were exceeding what was budgeted just because there happens to be budgeted money available that probably would not be spent. He felt it was not fair for the park to be designed on that assumption. He felt the money should have been available for other neighborhoods who wanted to increase their park.

Roll call: VanOrman, Aye; Light, Aye; Bessflug, Nay; Ebert, Aye; Fowler, Aye.

It was suggested that the Commission consider the balance of the agenda items as Consent items. It was moved by Ebert, second by VanOrman, to approve the balance of the agenda items as Consent items with the recommendations as presented on the staff reports.

Bessflug requested that he had questions regarding Commission Reports 94-212 and 94-211. Regarding Commission Report No. 94-212, United States National Bank - Cash Management Service Agreement for Retail Lockbox Service - Resolution No. 94-58, he felt that part of the discussion when the water rates were increased was that the increase would be large because the Commission projected no increases for the following five years because of the potential of Measure 5 being passed. At that time, there was discussion that if Measure 5 did not pass, the Commission would reevaluate the rate increase for a decrease. He felt the Commission should do a reevaluation at this time. VanOrman noted that the particular item being considered now was related to the monthly billing. Bessflug noted that the monthly billing was based on the monthly rate increase. VanOrman advised that the monthly billing was based on a request by the Commission. Bessflug interrupted and advised he did not have a problem with that, he wanted to use this agenda item as a forum to bring up discussion to reevaluate that percentage of rate increase that was done because Measure 5 did not pass.

The Finance Officer responded that the Commission decided to spread out the increase with 5 percent increases over a number of years for water rates. There was no spreading out of sewer increases. Bessflug felt that part of the package, the water rate had one increase for year 1 and showed zeros for the following years with the premise being Measure 5 passing. Wimmer responded that water rates were the only one with steps. Fowler request information be prepared and forwarded to the Commission regarding this matter. VanOrman did not recall that conversation but felt it should be for a future agenda.

Bessflug then referred to Commission Report No. 94-211, Subdivision Compliance Agreement - TP92-01, Fairway Downs, Phase I, page 2 of the Agreement "...that subdivider complete required public improvements, except for the second lift of asphalt, street trees, and improvements to the Glen Oak Road/Beavercreek Road intersection on or before.." and asked why we were making an exception of the street trees and if they aren't going to be put in by December 31, when would they be put in. The last sentence says "...street trees shall be planted prior to the second lift..." with that giving him some indication that that will happen either at 90 percent of the houses being completed or no later than one year from the project acceptance, the certification date. He felt that that nulls that; but, he could not find when improvements to the Glen Oak Road/Beavercreek Road will happen. Neal Robinson, Project Engineer, responded that the City, under the original Planning Commission conditions on this project, is responsible for acquiring the necessary rights-of-way for the developer to complete the improvements. The City has a right-of-way company attempting to accomplish that now. Bessflug asked when the improvements would happen. Robinson responded it would be following right-of-way acquisition. Bessflug asked when. Robinson felt it would be appropriate to place a timeframe. Bessflug suggested one year from certification date. Robinson noted that six months following City acquisition of right-of-way as being appropriate. Bessflug advised that was fine.

Ebert recommended the motion on the floor be modified to delete Commission Report No. 94-211 and consider that separately. VanOrman agreed.

Roll on amendment: Light, Aye; Bessflug, Aye; Ebert, Aye; VanOrman, Aye; Fowler, Aye.

Roll call on motion as amended: Bessflug, Aye; Ebert, Aye; VanOrman, Aye; Light, Aye; Fowler, Aye.

Commission Report No. 94-213, South/North Corridor Project - Tier 1 Final Recommendations - Resolution No. 94-59, was presented by the Acting City Manager. The report noted that at its October 6, 1994 meeting, the South/North Steering Group approved a detailed set of recommendations for Tier 1 of the South/North Corridor Project. The recommendations are being considered by all participating jurisdictions along the corridor, with the intent the Metro Council and C-TRAN Board consider the recommendations and any comments by participating jurisdictions and make a final decision on the Tier 1 Phase of the project by December, 1994. A copy of the Decision Process is attached.

Of particular importance to Oregon City are recommendations concerning the South Terminus. The overall project will be pursued in two phases, i.e., the Phase 1 terminus will extend to the Clackamas Town Center Area (CTC) with Phase II extending to Oregon City. The summary of the recommendations is as follows:

Initiate amendments to the Regional Transportation Plan and Regional Framework Plan identifying Oregon City as the ultimate south terminus,

Identify a process to select a preferred alignment to Oregon City (McLoughlin or I-205) within the next six months,

Suggest revisions to the City's Comprehensive Plan which encourage transit supportive uses,

Support the Clackamette Cove development as an important project, and

Encourage Tri-Met to plan high-quality feeder bus service between Oregon City and transit centers at the CTC and Milwaukie.

In addition, the recommendations to commit to beginning the DEIS and a funding plan for the Phase II extension.

Added to the November 16, 1994 agenda was proposed Resolution No. 94-59 which expresses City Commission support of the South/North Steering Group Tier 1 Final Recommendation Report.

At the work session on November 10, 1994, the Planning Commission recommended that the City Commission adopt the resolution. Proposed Resolution No. 94-59 was presented for Commission adoption.

RESOLUTION NO. 94-59

RECOMMENDATION OF THE OREGON CITY COMMISSION IN SUPPORT OF THE SOUTH/NORTH STEERING GROUP TIER 1 FINAL RECOMMENDATION REPORT DESCRIBING THE LIGHT RAIL ALTERNATIVES TO ADVANCE INTO THE TIER II DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR FURTHER STUDY

WHEREAS, in April 1993, Metro Council and the C-TRAN Board of Directors selected the Milwaukie and I-5 North Corridors as the region's next high capacity transit priority for study and combined them into the South/North Corridor to be studied within a federal Alternatives Analysis/Draft Environmental Impact Statement; and

WHEREAS, in October 1993, the Federal Transit Administration approved the South/North application to initiate Alternative Analysis/Draft Environmental Impact Statement and the South/North Preliminary Work Plan, and issued notification of intent in the Federal Register to publish a South/North Draft Environmental Impact Statement; and

WHEREAS, in December 1993, the South/North Steering Group concluded the federally prescribed Scoping Process, which included a comparative analysis of various high capacity transit mode alternatives, by selecting the light rail transit and various light rail terminus and alignment alternatives to advance into Tier 1 for further study; and

WHEREAS, the South/North Evaluation Methodology Report, as adopted by the South/North Steering Group in December 1993, prescribes the South/North study organization and process for the conclusion of the Tier 1 recommendation to participating jurisdictions for their consideration, that participating jurisdictions are to forward their recommendations to the C-TRAN Board of Directors and the Metro Council who are to make the final determination of the alternatives to advance into the Tier II Draft Environmental Impact Statement for further study; and

WHEREAS, the Evaluation Methodology Report, further prescribes the criteria and measures to be used to select the alternatives to advance into Tier II and the Draft Environmental Impact Statement; and

WHEREAS, the alternatives that were selected at the conclusion of Scoping have been developed and the criteria and measures from the Evaluation Methodology Report have been developed and documented within various technical memoranda, include the South/North Tier 1 Technical Summary Report and the South/North Tier 1 Briefing Document; and

WHEREAS, the technical methodologies, assumptions and results have been reviewed by the South/North Expert Review Panel which found, in summary, that, "The Panel finds that the data developed is sufficient to make the decisions regarding which alternatives should be carried forward for further study"; and

WHEREAS, a comprehensive public involvement program was developed and implemented by the South/North Study that included but was not limited to a variety of community meetings, a 60-day public comment period on the Tier 1 alternatives and data, meetings for the Steering Group to receive oral public comment, and an on-going Citizens Advisory Committee that received staff reports and presentations, provided regular public comment opportunities, and in September 1994 formed an independent Tier 1 recommendation that was forwarded to the Steering Group for its consideration; and

WHEREAS, in October 1994, the Steering Group considered the Citizens Advisory Committee and Project Management Group recommendations, public comment and the Tier 1 criteria and measures and issued its own unanimous Tier 1 recommendation to the participating jurisdictions, C-TRAN Board of Directors and Metro Council for their consideration; and

WHEREAS, the Steering Group's Final Tier 1 Recommendation identifies the LRT alternatives that they concluded best meet the project's goal and objectives as adopted in December 1993 by the South/North Steering Group within the Evaluation Methodology Report.

NOW THEREFORE BE IT RESOLVED that the City Commission of Oregon City, Oregon, recommends to the Metro Council and the C-TRAN Board of Directors the following approach to continuation of the South/North Transit Corridor Study:

1. To pursue the South/North Corridor in two study phases:
 - a. Phase 1 would consider a Light Rail Transit project between the Clackamas Town Center area (CTC) and the 99th Street area in Clark County.
 - b. Phase II would consider an extension of the Phase 1 LRT Project south to Oregon City and north to the 134th Street/WSU area.

2. These study phases would proceed as follows:

- a. Preparation of the Draft Environmental Impact Statement (DEIS) and funding plan for the Phase 1 LRT alternative would begin immediately.
- b. If LRT is selected as the Locally Preferred Alternative in Phase 1, a DEIS and funding strategy for the Phase II LRT extension would be prepared upon completion of the Final Environmental Impact Statement (FEIS) for Phase 1.

3. The following alignments are alternatives for further study within the Draft Environmental Impact Statement:

- a. Between the Portland and Milwaukie CBDs, that the Ross Island Bridge Crossing, generally between the Ross Island Bridge in the north and Bancroft and Holgate streets in the south, and the McLoughlin Boulevard alignment shall be developed for further study within the DEIS. The Caruthers area crossing will be evaluated further in order to determine whether it should also be included in the Detailed Definition of Alternatives Report and developed further in the DEIS.
- b. Within the Portland CBD that a Surface LRT Alternative on 5th and 6th Avenues shall be developed based upon several principles for further study within the DEIS.
- c. Between the Vancouver CBD and the 134th/Washington State University branch campus area for both the Phase 1 and Phase II termini, the I-5 East Alignment Alternative with station areas between I-5 and Highway 99 shall be developed for further study within the DEIS.

4. Because it has been found that further discussions and analysis should occur, a recommendation for the segment between the Portland and Vancouver CBDs shall wait completion of additional technical work and evaluation.

BE IT FURTHER RESOLVED that the City Commission of Oregon City, Oregon, recommends that the C-TRAN Board of Directors and Metro Council adopt the South/North Steering Group Tier 1 Final Recommendation Report describing the light rail terminus and alignment alternatives to advance into the Tier II Draft Environmental Impact Statement for further Study.

Adopted, signed and approved this 16th day of November, 1994.

/s/Daniel W. Fowler
Mayor

/s/James R. Ebert
Commissioner

/s/Suzanne VanOrman
Commissioner

/s/Ronald H. Bessflug
Commissioner

/s/Robert M. Light
Commissioner

Comprising the City Commission
of Oregon City, Oregon

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Commission Report No. 94-212, United States National Bank Cash Management Service Agreement for Retail Lockbox Service - Resolution No. 94-58, was presented by the Acting City Manager. The report noted that added to the November 16, 1994 agenda was proposed Resolution No. 94-58 which approves a Cash Management Service with United States National Bank for a Retail Lockbox Service.

On a number of occasions, the City Commission has discussed utility billing on a monthly basis. In an effort to implement this process, it is necessary to put in place assistance to staff with regard to accepting payments and crediting accounts. United States National Bank was approached regarding an arrangement whereby utility payments be mailed to a lockbox from which the Bank will process the payments, electronically credit the customer's utility account and credit the City's depository account on a daily basis.

Based upon Commission direction to implement utility billing on a monthly basis and the need to assist with the processing of those payments, it was recommended that proposed Resolution No. 94-58 be adopted.

RESOLUTION NO. 94-58

A RESOLUTION APPROVING A CASH MANAGEMENT SERVICE WITH UNITED STATES NATIONAL BANK FOR A RETAIL LOCKBOX SERVICE

WHEREAS, the City Commission hereby certifies that the City of Oregon City is a municipal corporation of the State of Oregon; and

WHEREAS, the City of Oregon City will be implementing monthly billing for the City's water, sewer and storm drain utility services; and

WHEREAS, the City Commission of Oregon City, Oregon, desires to enter into a Cash Management Service with United States National Bank, 309 SW Sixth Avenue, Portland; and

WHEREAS, the Cash Management Service with United States National Bank is for a retail lockbox service; and

WHEREAS, the retail lockbox service will provide a method of collecting the monthly utility payments; and

WHEREAS, the funds to be deposited with the retail lockbox service will be public funds.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Oregon City, Oregon, that the above named bank is hereby authorized to establish a Cash Management Service for a Retail Lockbox Service and that we hereby agree to be bound by applicable Federal and State laws, rules and regulations for as long as the Service remains active.

BE IT FURTHER RESOLVED that the City's Finance Officer is hereby authorized and directed to execute all documents relative to implementing the above referenced service.

Adopted, signed and approved this 16th day of November, 1994.

/s/Daniel W. Fowler
Mayor

/s/James R. Ebert
Commissioner

/s/Suzanne VanOrman
Commissioner

/s/Ronald H. Bessflug
Commissioner

/s/Robert M. Light
Commissioner

Comprising the City Commission
of Oregon City, Oregon

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Commission Report No. 94-211, Subdivision Compliance Agreement - TP92-09, Fairway Downs, Phase 1, was presented by the Acting City Manager. The report noted that added to the November 16, 1994 agenda was a Subdivision Compliance Agreement for the Fairway Downs, Phase 1 project. The agreement provides for surety to complete public improvements within this phase of the subdivision and to the intersection of Glen Oak Road and Beaver Creek Road in order to meet the approval condition of completing the improvements during phase one construction. The City is responsible for acquiring the necessary right-of-way for construction of the improvements. The firm of Right-of-Way Associates is presently pursuing appraisal and negotiation to acquire the right-of-way. It was recommended that the Agreement be accepted and the Mayor and City Recorder authorized to execute.

After roll call on the motion for the prior two agenda items, VanOrman continued referring to the "second lift of asphalt shall be placed after 90 percent of the houses are constructed and no later than one year from the project completion date. Street trees shall be planted prior to second lift." Bessflug was asking about the improvements on the Glen Oak/Beaver Creek intersection. VanOrman noted she was talking about the "except for".

The City Attorney noted that everything else was done "except for" the second lift under the first sentence in paragraph I. It appeared to him that would include the intersection improvements. The last two sentences deal with the second lift which is the one exception, and the street trees are required to be placed before the second lift. He asked what was left out. Bessflug responded the improvements of the Glen Oak/Beaver Creek Road intersection. Fowler suggested saying "the second lift of asphalt and the Glen Oak and Beaver Creek Road intersection shall be placed after 90 percent of the houses are constructed or no later than one year after the project completion certificate"; which will tie them both to within one year. Robinson noted that may not work with acquisition of the right-of-way. Fowler noted having to amend the Compliance Agreement.

Fowler repeated "the second lift of asphalt and the Glen Oak/Beaver Creek Road intersection shall be placed after 90 percent of the houses are constructed or no later than one year."

The City Attorney reiterated that the third to the last line after the words "the second lift of asphalt" shall read "and the Glen Oak Road/Beaver Creek Road intersection improvements"; Robinson felt the tie-in should be within a certain timeframe after the right-of-way is acquired because of the possibility of condemnation.

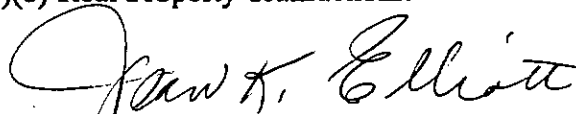
The City Attorney asked if there was a limit on the time that the subdivision improvements have to be completed. Robinson responded that according to the conditions of the Planning Commission,

they are to be completed along with Phase I with the bonding because they cannot finish because the City does not have the right-of-way as yet. They are bonding those improvements pending acquisition.

It was moved by Ebert, second by Bessflug, to accept the Agreement and authorize the Mayor and City Recorder to execute as amended to add: "the Glen Oak Road/Beavercreek Road intersection improvements shall be completed within 6 months of acquisition of the right-of-way for such improvements".

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

With no further business, the meeting adjourned at 11:45 PM. with the Commission convening an Executive Session pursuant to ORS 192.660(1)(e) Real Property Transactions.


JEAN K. ELLIOTT, City Recorder

jke