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**REGULAR MEETING**

Oregon City, Oregon, December 19, 1990

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

Roll call showed the following present:

Mayor David D. Spear  
Commissioner Daniel W. Fowler  
Commissioner Suzanne VanOrman  
Commissioner Robert M. Light

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

It was moved by Light, second by VanOrman, to approve the minutes of December 5, 1990.

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

On the call for future agenda items, Clair McCulley, requested that the matter he earlier requested for hearing be set. This was continued to the January 16, 1991 agenda for decision as to whether or not it was appropriate to be heard before the Commission.

At the request of Mayor Spear, it was moved by Light, second by VanOrman, to continue Agenda Item 11, Commission Report No. 90-299, Final Order on PZ-90-05, Denial of a Plan Amendment and Zone Change Request for the Stalick Property, to the January 16, 1991 agenda.

Roll call: Light, Aye; VanOrman, Aye; Fowler, Abstain; Spear, Aye.

Commission Report No. 90-300, Request for Zone Change - 33.82 Acres near the Intersection of S. Central Point Road and S. Partlow Road and fronting on S. South End Road, requested by William and Naomi Parrish, et al - Public Hearing, was presented. The report noted that a request had been submitted by William and Naomi Parrish, et al, for a zone change from "R-10", Single-Family Dwelling District to "R-8", Single-Family Dwelling District for 33.82 acres located near the intersection of S. Central Point Road, S. Partlow Road, and fronting on S. South End Road.

The report continued that at the November 27, 1990 meeting, the Planning Commission held a public hearing to consider the request. After deliberation, the Planning Commission recommended approval of the zone change request with the following conditions (unless otherwise specified all conditions are the responsibility of the property owner):

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Attorney advised that this should be an independent motion rather than a development condition.

It was moved by Fowler, second by VanOrman, to approve the zone change as amended with the conditions as amended and that a final order be drafted for January 16, 1991 agenda.

The City Attorney reminded that the conditions were the addition of "on those Tax Lots" to Condition 3 and the addition of Condition 4 as read by McGriff.

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

It was moved by VanOrman, second by Fowler, to direct staff to pursue a speed limit that goes from South End along Partlow Roads around on Central Point to the Hulse residence as a speed reduction from the now 45 to 35 which it is at the beginning of Central Point Road and further direct staff to pursue limiting truck, tractor, trailer traffic on those particular roads as it will be a residential community with the City considering some impediment to high speed traffic that occurs on Partlow and Central Point Road.

John Block, Development Services Director, advised that these are County roads and will need to work with the County.

VanOrman then amended her motion to include the City work with the County to submit a joint request; Fowler approved.

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

Commission Report No. 90-306, Request for Comprehensive Plan Amendment and Zone Change - 31.52 acres located on the west side of Molalla Avenue, Southwest of Clackamas Community College - Public Hearing, was presented. The report noted that a request was made by Trace Development Corporation for a Comprehensive Plan Amendment and Zone Change for 31.52 acres located on the west side of Molalla Avenue, southwest of Clackamas Community College. The request was for a Comprehensive Plan Amendment from "LR" Low Density Residential to "HR" High Density Residential and a Zone Change from "R-10", Single-Family Dwelling District to "RA-2" Multiple-Family Dwelling District for 25.77 acres and 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 for .87 acres.

The report continued that the Planning Commission conducted a public hearing on this request on November 27, 1990. The action taken was to unanimously recommend approval of this request subject to the following conditions (unless specified all conditions were the responsibility of the property owner):

1. That a wetland delineation and a determination of the actual boundary by a wetlands biologist or hydrologist be required prior to the submittal of applications for an permits. The wetland study and boundary shall be reviewed and approved by the Division of State Lands and the Planning Division. If a permit is required, review and approval shall include DSL, the Corps of Engineers and the Planning Division. The owner shall secure any required permits from DSL and the Corps of Engineers and shall comply with any conditions attached thereto.
2. That prior to development, the owners shall be required to sign a petition in favor of the formation of the LID for Meyers Road and public facilities (sewer, water, storm drainage, turn lanes and signatliztion). Development of the subject property may only occur concurrent or subsequent to the signing of the LID petition.
3. Streets
  - a. That dedication of the right-of-way for Meyers Road exention shall be required to be dedicated after the alignment is determined through the LID process.
  - b. If required by ODOT, a dedication to State Highway requirements shall be required to accommodate at least a 4-5 (90-100') lane section on Highway 213.
  - c. 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.
4. That the development be limited to a maximum of 300 residential units on the subject property as based on the submittal of supporting documents, and that unused density shall not be transferred onto other properties through provisions for Planned Developments.
5. 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.
6. 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 applications.
7. 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 6 inches, 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

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compatibility with adjacent land uses.

The attached staff report contained findings and other specifics on the property. Also attached for Commission review were: 1) Planning Commission minutes of November 27, 1990; 2) Staff Report; and, 3) Public Notice.

The report concluded that if the Plan Amendment and Zone Change were approved, an ordinance and final order would be prepared for the next available Commission meeting.

Commissioner Fowler declared that he would be abstaining from consideration of this item and seated himself in the audience.

The City Attorney advised that any criteria not in the staff report which was available to the public which anyone thinks should be applied and has not been applied has to be raised with sufficient specificity to allow members participating to deal with the matter. He noted Fowler as the applicant in this matter and stepped down from the podium.

Denyse McGriff, Principal Planner, addressed the Commission advising that she would go through the record so if anyone needs to challenge it with any specificity they will know what that is. She advised that the criteria for a Comprehensive Plan Amendment and Zone Change were set forth in Section 0-1 of the Comprehensive Plan. She proceeded to read the criteria, the analysis and findings and the conditions approved by the Planning Commission.

Mayor Spear declared the public hearing open and called for testimony.

Joe Dills, Planner with OTAK, representing Trace Development, advised that he agreed with the Conditions and noted that he initiated the limitation of no more than 300 units.

With no further testimony, the hearing was declared closed.

It was moved by Light, second by VanOrman, to approve the Plan Amendment and Zone Change subject to the conditions of the Planning Commission with a Final Order to be presented on January 16, 1991.

Roll call: Light, Aye; VanOrman, Aye; Fowler, Absent; Spear, Aye.

Commissioner Fowler re-joined the Commission members on the podium.

Commission Report No. 90-301, Request for Street Vacation - Pierce Street between Division Street and 8th Street - Public Hearing, was presented. The report noted that a request for street vacation was submitted by the Oregon City Church of the Nazarene. The street requested for vacation was Pierce Street between Division and

8th Streets. The vacation was requested so that the Church could consolidate their properties and consider expansion of church facilities and services at their present location.

The report continued that on November 7, 1990, the City Commission adopted Resolution No. 90-76 which initiated vacation proceedings and set the date of public hearing for Wednesday, December 19th at 8:00 p.m.

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; 2. The vacation is in the best public interest; 3. There would be no impacts to adjacent properties; and, 4. Consent of adjacent property owners. The criteria was addressed as follows:

1. There is no present or future public need for the street. The street request for vacation is Pierce Street between Division Street and 8th Streets. The portion of Pierce Street requested for vacation is located in the Clackamas County Addition to Oregon City, which was platted in 1850. The street is improved to a width of approximately 26 feet, with no curbs or sidewalks. The Nazarene Church owns all abutting property to the portion of the street requested for vacation. The request for vacation has been reviewed by City departments and private utilities. Comments received were as follows:

Building Official: No conflicts.

City Engineer:

A) Existing Use: Pierce Street in this location is built to a rural standard with very low use - 170 vehicles/day (see traffic count dated November 8/9, 1990). Applicant owns property on both sides of proposed vacation.

B) Existing Utilities: An existing waterline and gas line exist in Pierce Street. C) Vacation Benefit: Vacation of the street would provide more parking for the applicant, and decrease use of neighborhood on-street parking.

D) Recommend vacation with the following conditions:

1. Retain general utility easement.
2. Approval from emergency services - fire, police.
3. Applicant to construct commercial driveway approaches at both ends of vacated street and/or submit a parking plan for approval and implementation.

Development Services Director: Recommend approval, if emergency services have no need for the street. Retain easements for any utilities, including private utilities. Reconstruct curb returns to standard driveway approach.

Fire Department: No Conflicts.

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Police Department: No Conflicts.

Public Works: An easement would need to be retained to maintain all underground utilities, including water, storm and gas lines.

Northwest Natural Gas: Facilities are located within the proposed vacation area. Request that an easement be provided protecting facilities for right-of-access, repair, and/or replacement and requiring that no structure be built or erected within a distance of 10 feet from the centerline of said facilities.

US West Communications: No conflict.

The applicant stated that their property and adjacent properties were fully accessible by other surrounding streets. Church representatives contacted surrounding residents and property owners and have submitted a summary of responses.

A traffic count was conducted by City staff in November of 1989 which showed that Pierce Street between Division and 8th Street had very low use with the majority of traffic occurring between 7 and 9:00 p.m., during church activities. The traffic count was attached.

There was no substantive need identified for continued vehicular use of Pierce Street for the general public. The majority of vehicles using the street were church-related. A need to retain utility easements was identified, because of the underground water and gas lines.

2. The vacation is in the best public interest. The applicant has identified several benefits from the requested vacation. They state that additional parking for the church will decrease the number of cars which currently use on-street parking in the neighborhood. Other benefits identified were greater security and safety for people walking between the church buildings and the parking areas, and greater flexibility for the church in planning expansion of their facilities. These items are not necessarily a public benefit, but can be considered in the public interest because they would increase pedestrian safety and would afford a growing church community the ability to remain at their existing location. The applicant noted that their congregation has been in Oregon City for 60 years. During that time, the congregation has had several building expansions, the most recent in 1973. The church is currently studying its growth and expansion of facilities. Pierce Street places major constraints on the church's ability to expand, due to setback requirements for corner lots. Vacation of the street would allow greater flexibility in planning expansion. The applicant has submitted a concept site plan and perspective of possible building additions. The church is not requesting approval of the expansion at this time; any church expansion would require a conditional use permit. The Commission could find that the vacation was in the public interest because it would reduce on-street parking in the neighborhood, increase pedestrian safety for church users, and allow greater flexibility for the church in developing

expansion plans.

3. There would be no impacts to adjacent properties. The applicant is the property owner on both sides of Pierce Street. Vacation would not reduce or impact development potential for surrounding properties. Emergency services (fire and police) have indicated that vacation of the street would not impact their operations or ability to provide services. Staff finds that the vacation would not have a negative impact on adjacent properties. The Commission would need to hear any testimony at the public hearing before making a complete finding on this criterion.

4. Consent of adjacent property owners. The Church of the Nazarene is the property owner on both sides of Pierce Street and is the applicant. Representatives of the church have also spoken with neighboring properties; sixteen owners or occupants have consented to the vacation. A summary of contacts made with neighboring properties was submitted by the church.

The report concluded that staff found that the request to vacate Pierce Street met the criteria and recommended approval of the vacation with conditions that a general utility easement be retained within the vacated right-of-way and that the property owner construct commercial driveway approaches at both ends of the vacated street and/or submit a parking plan for approval and implementation. Expansion of the parking lot or other church facilities requires a conditional use permit.

Attached for Commission review were the application for street vacation submitted by the Oregon City Church of the Nazarene. If the Commission approved the vacation, an ordinance would be prepared for a future meeting.

John Block, Development Services Director, presented the staff report and reminded the Commission of the four criteria and read each one.

Mayor Spear declared the public hearing open and called for testimony.

Jack Hammond, 21790 Willamette Drive, West Linn, Attorney representing the Church of the Nazarene, explained the need of the vacation for future expansion of the facility and noted that the easement requirement was acceptable.

Dwight Douglas, Sr. Pastor, 716 Taylor, addressed the Commission and spoke regarding the expansion and the need for more room. He noted the Church had three concerns, i.e. safety, parking, and expansion room.

Steve Johnson, 816 Pierce, addressed the Commission and expressed opposition to the vacation because of the need for safety services at his residence and he felt that in light of Measure 5 the Church should pay the City for the vacated land.

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Steve Bunke, 1701 8th Street, expressed concern regarding the procedure used with no notice of hearing provided. He noted that 170 vehicles use this street each day and that 12 to 24 pedestrians use the street because Taylor is busy. He disputed the Church claim of inadequate parking. He entered 18 pictures into the record that showed the occupancy of the lot on different occasions. He noted that Taylor Street is used for parking because it was closer and a matter of convenience and that the City needs the street or it would not be maintained. He felt that the City should not give the land at no cost. He noted that the Church does need room for expansion but not through a street vacation and that they will remove parking places for the expansion. He proposed that office space could be provided in a Church-owned house across the street and that barricades could be used on Sundays during service times.

Kevin Stampher, 812 Pierce Street, advised he was not notified of this hearing and was opposed to the vacation because of the hazards that would be created.

Sarah Hochstetter, 1620 9th Street, advised she has lived there for 50 years and was opposed to a street vacation for the convenience of others.

On rebuttal, Attorney Hammond noted that they were not removing parking and not replacing it with the proposed expansion; the law does not permit payment for street vacations; and, regarding parking on the street, the June and September study showed that in June, an average of 32 cars were not accommodated in the parking lot and in September an average of 40 cars were not accommodated. He advised that the house across the street was not habitable.

VanOrman asked if the area from the back of the Church to the front of Taylor was equivalent to one City block. This was answered affirmative.

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

The City Attorney advised that a notice of the public hearing was required to be published, not mailed. He then read the standards for street vacation which included consent of the requisite owners; notice duly given by publication; whether the public interest will be prejudiced by the vacation of the street.

Jack Lynch, Fire Chief, noted that the public safety concern was examined carefully and that there would be no impact to the delivery of service to the neighborhood.

It was moved by VanOrman, second by Light, to approve the request for street vacation subject to the conditions listed in Commission Report No. 90-301 with staff to return with an ordinance.

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

Mayor Spear declared a break at 9:13 with the meeting reconvening at 9:25 p.m.

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Commission Report No. 90-303, Ordinance No. 90-1062, Adopting the Downtown/North End Urban Renewal Plan - Public Hearing, was presented. The report noted that on the December 19, 1990 agenda was an ordinance that would adopt the Downtown/North End Urban Renewal Plan and make certain findings and determinations. A copy of the Renewal Plan and Report was attached for Commission review.

The report continued that an amendment to the City's Hilltop Renewal Plan was adopted in August that removed the Downtown area from the plan. At that time, the Commission directed that a new plan for Downtown be prepared. That plan has now been prepared and was ready for final public hearing and adoption. The Plan was prepared by the City's Urban Renewal Agency with the assistance of the Agency's Citizen Advisory Committee and the Planning Commission. Numerous work shops and public hearings were held. At each stage of the Plan preparation process, comments were made and incorporated into the Plan.

The Planning Commission held a public hearing on November 27, 1990 and recommend approval with the finding that the Renewal Plan was in conformance with the City's Comprehensive Plan. Attached was the Planning Commission staff report and recommendation for Commission review. The Urban Renewal Agency held public hearings on November 28 and December 12, 1990. Modifications were made to the Plan based upon public testimony at each hearing. The Agency was scheduled to approve the Renewal Plan at a special meeting to be held December 19, prior to the City Commission meeting.

Notice of proposed Ordinance No. 90-1062 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 January 18, 1991.

John Block, Urban Renewal Executive Director, noted that the Urban Renewal Agency had spent months developing a Plan for Downtown Oregon City. In August, the Agency amended the Downtown/Hilltop Renewal Plan by eliminating Downtown from that Plan because the Downtown Plan had not worked financially because the taxable properties had declined. New economic realities were taken into account and a new Plan developed. The Plan meets the ORS requirements with the Consultants present to answer questions.

He noted the receipt of a letter from Steven W. Abel, Attorney for Lone Star Northwest. Mr. Abel indicates that the Plan is not financially feasible and that it violates two Comprehensive Plan policies, i.e. Policy Section D, Maintaining a diversified economy; and, Policy K, Property safety or development limitations within a flood plain. Block noted that ORS requires the Plan to be financially feasible and the project consultants calculated the economic impact on Oregon City and have determined that the Plan is financially feasible. Changes in economic and financial conditions are expected through the 15-year projected life of the Plan. Their are

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amendment provisions in the Plan that allow for modification periodically as changes occur.

Regarding the two Plan Policies, the Planning Commission held public hearings and adopted findings, conclusions and determinations that each of the project activities were in compliance with the Comprehensive Plan. In addition, no businesses will be displaced as Mr. Abel indicated. Regarding developing in a flood plain, the City's Comprehensive Plan encourages development in all areas of the City. Where development occurs within flood hazard areas, the City has specific standards that apply. The City owns property that is planned for development in a flood hazard area.

Mayor Spear declared the public hearing open and called for testimony.

Commissioner Fowler declared a potential conflict, but will on the advice of legal counsel still vote on the matter.

Denyse McGriff, Citizen, 815 Washington Street, noted that she was happy about the feasibility of reducing traffic in the McLoughlin Neighborhood. That proposal has been removed from the Plan and requested that it be put back. The reason for putting it back was the City was going to look at this area for many reasons. There are businesses at each end of Washington Street and the neighborhood feels the businesses are important and does not want them disturbed. They would like to see the residential character of that area enhanced and maintained. The vacancy rate is now reduced with a mix of age groups with the owner-occupants fixing up the homes and taking pride in their neighborhood. Residents feel that businesses are vital to the area but as residents they are desirous of claiming the residential street and feel there is traffic that should be using Highway 213 but use Washington Street. The residents feel that a study need to be done to determine if there is a solution to the problem. Without the proposal in the Plan there is no way for solution of the problem because the proposal would implement a policy in the Transportation Plan.

She noted a petition signed by 17 residents of the McLoughlin Neighborhood and read the request outlined in the petition.

In rebuttal, Bill Osborn, 2201 SW Stafford Road, West Linn, representing Krueger Lumber, 1625 Washington Street, explained that the reason for the language change was noted in the minutes. He noted that the Lumber Company had been in business at one location for 75 years and approves the Plan with the language change. He represented an informal group of merchants who are open for business in Oregon City and asks that development not restrict job opportunities on North Washington Street nor impede traffic flow on Washington or 15th Streets but endeavor to beautify properties on the Washington Street corridor. He gathered about 200 signatures to a petition for input regarding Washington Street. He feels there is the best wording in the Plan and would like to see the Plan go forward

with the language change which would give the merchants something to look forward to and provide a chance to improve the property values in the area.

John Block, Urban Renewal Director, advised that the Agency heard both sides of this concern. There is a certain financial reality of Urban Renewal in that it is not going to be a cure-all for a number of issues either for the McLoughlin Neighborhood or the Washington Street Business community. The project of traffic diversion was in the Phase III portion of the Plan for the year 2006. There will be changes in the Northend of the community. He suggested not to expect Urban Renewal to resolve the issue of a neighborhood versus a business community; the better approach may be to bring the neighborhood and business community together through a Transportation Master Plan process to discuss transportation in general for that area so that it would be the within the City's department that deals with transportation issues and not the Urban Renewal Agency that only deals with projects.

Light asked if the Plan can be amended and updated as needed. Block affirmed this. Discussion was held as to when a traffic study could be done. No decision was made.

With no further testimony, the hearing was declared closed.

The City Attorney advised of the following changes: Ordinance No. 90-1062, Section 1, the word "amendment" was deleted; Plan Report - first line of Page 32, "in fact pledged" changed to read "levied"; Plan Report - third paragraph, line 3, of Page 32 "pledged" changed to read "levied", "debt service" changed to read "pay bonded indebtedness"; Plan Report - last paragraph, end of first sentence on second line add new sentence after word "emerge." to read "Other interpretations of the measure could be made by the legislature or the courts; the effects of these interpretations cannot be predicted." Finally, Page 2 of Appendix B was missing and should have read "result in renewal project revenues which are different from those estimated in this Report.

The effects of the property tax limitation on this urban renewal project should be kept in perspective. The tax limitation amendment has, at least initially, introduced a new element of uncertainty into the forecasting of renewal plan revenues and time of activities. However, these estimates always have been subject to uncertainties and factors beyond the control of the renewal agency and City Commission. For example, changes in national or local economic conditions, in public and private investment decisions, in lending practices, or in assessment procedures all can powerfully affect renewal project revenues, and the time of project activities. Cyclic changes such as these are to be expected during the life of any urban renewal plan. Adaptations to changing conditions are routinely made, and it can be expected that adaptations will be made to accomodate changes resulting from the property tax limitation."

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It was moved by Light, second by VanOrman, to approve first reading of proposed Ordinance No. 90-1062 with the changes as read by Counsel.

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

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

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

#### ORDINANCE NO. 90-1062

AN ORDINANCE ADOPTING THE DOWNTOWN/NORTHEND URBAN RENEWAL PLAN AND MAKING CERTAIN FINDINGS AND DETERMINATIONS.

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The Renewal Agency of the City of Oregon City has caused to be prepared and submitted to the City Commission for review and approval pursuant to the provisions of ORS Chapter 457, an Urban Renewal Plan entitled Downtown/North End Urban Renewal Plan, hereinafter referred to as "Urban Renewal Plan No. 2"; a copy of which is on file with the City Recorder and a copy of which is attached hereto as EXHIBIT A and incorporated by reference as if fully set forth herein.

Section 2. After proper public notice, the Planning Commission held a public hearing on Urban Renewal Plan No. 2 on November 27, 1990 and forwarded their recommendation to the City Commission. A copy of the staff report is attached hereto as EXHIBIT B and incorporated by reference as if fully set forth herein.

Section 3. After proper public notice the City Commission held a public hearing on Urban Renewal Plan No. 2 on December 19, 1990, and considered the recommendation from the Planning Commission and the public testimony presented.

Section 4. After full consideration, the City Commission makes the following determinations and findings:

- a) The Urban Renewal Plan No. 2 area is blighted and its rehabilitation and redevelopment is necessary to protect the public health, safety and welfare of the City.
- b) The Urban Renewal Plan No. 2 conforms with the Comprehensive Plan of the City as a whole and provides an outline accomplishing the projects proposed.
- c) Urban Renewal Plan No. 2 provides for the acquisition of specific parcels of real property and the displacement and relocation of persons and housing, necessary to

carry out the Amendment.

d) Adoption and carrying out of Urban Renewal Plan No. 2 is economically sound and feasible.

e) The City will assume and complete all activities prescribed for it by Urban Renewal Plan No. 2.

Section 5. Urban Renewal Plan No. 2 is hereby approved and the City Recorder is directed to publish notice of adoption of the Ordinance in the Enterprise-Courier in accordance with ORS 457.095.

Read first time at a regular meeting of the City Commission held on the 19th day of December, 1990, and the foregoing ordinance was finally enacted by the City Commission this 19th day of December, 1990.

/s/JEAN K. ELLIOTT, City Recorder

ATTESTED this 19th day of December, 1990.

/s/David D. Spear

DAVID D. SPEAR, Mayor

Commission Report No. 90-308, Resolution No. 90-94, Periodic Review of Comprehensive Plan - Public Hearing on Final Order, was presented. The report noted that in November, 1987, the City received a Notice of Review from the Department of Land Conservation and Development. The Notice outlined the four factors established by State Law (ORS 197.640 (3) and OAR 660-19-055) by which the City's Comprehensive Plan and implementing ordinances must be reviewed. The four factors were summarized as follows: 1. substantial change in circumstances; 2. new statewide planning goals or administrative rules; 3. new state agency programs; and, 4. additional planning requirements not yet performed.

The report continued that following receipt of the review notice, the City contracted with the Benkendorf Associates to compile the periodic review order to comply with the four factors. Planning Division staff completed the requirements necessary to carry out the requirements of the Order.

The Planning Commission, along with an 11-member citizen's committee, conducted a detailed review of the periodic review requirements. The Planning Commission held hearings on all of the implementing ordinances needed to carry out the four factors. On December 13, 1990, the Planning Commission held a public hearing on the Final Order and recommended that the Final Order be approved and forwarded to LCDC for their review. The Final Order was attached for Commission review. Also attached for Commission review was Resolution No. 90-94 which would adopt the Final Periodic Review Order and allow for its submittal to LCDC.

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Denyse McGriff, Principal Planner, presented the report and advised of some typographical errors and attachments that were yet needed.

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

The City Attorney corrected the following errors: Page 2, "1998" should be "1988"; Page 15, under Plan Category, "Indust" should be "Industrial"; Page 18, "resurect" should be "resurrect"; Page 20, add ";" between Bridge and I-205; and, Page 22, Item 3 "ORS 197.732" should be "ORS 197.752".

It was moved by VanOrman, second by Fowler, to adopt Resolution No. 90-94 as amended.

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

#### RESOLUTION NO. 90-94

A RESOLUTION ADOPTING THE FINAL PERIODIC REVIEW ORDER AND FORWARDING IT TO THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT FOR REVIEW.

WHEREAS, ORS 197.640 requires local governments to evaluate the Comprehensive Plan at least every five years, and

WHEREAS, the City of Oregon City has undertaken a review of the Comprehensive Plan to bring the Plan into compliance with the Four Factors, and

WHEREAS, the Oregon City Planning Commission has reviewed the Final Order at a public hearing on December 13, 1990, and

WHEREAS, the Oregon City Planning Commission has recommended submittal of the Final Order to the Department of Land Conservation and Development as meeting the Periodic Review requirements and is attached as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Oregon City

1. That the Final Periodic Review Order meets the requirements of ORS 197.640 to .649 and OAR 600, Division 19
2. That the Final Periodic Review Order be submitted to the Department of Land Conservation and Development for review and approval.

Adopted, signed and approved this 19th day of December, 1990.

/s/David D. Spear  
Mayor-Commissioner

/s/Robert M. Light  
Commissioner

/s/Daniel W. Fowler  
Commissioner

/s/  
Commissioner

/s/Suzanne VanOrman  
Commissioner

Comprising the City Commission  
of Oregon City, Oregon

Commission Report No. 90-305, Transfer of Certain County Roads - Resolution No. 90-93, was presented. The report noted that on the December 19, 1990 agenda was a resolution that initiated the process of transferring jurisdiction of certain County roads to the City subject to payment of required road transfer funds.

The transfers were necessary to accommodate future improvement plans for these roads. The roads were identified in the attached resolution. Correspondence between the City and County on this request was also attached for Commission information.

The report continued that of the original list of roads, the County does not want to transfer any more of South End Road until the City agrees to the transfer of all of South End Road inside the City limits. This is to avoid having some portions of the road transferred and other portions not transferred. This was acceptable to staff. Transfer payments have not been determined but will be calculated as per the City/County Urban Growth Management Agreement.

The report concluded by recommending that Resolution No. 90-93 be adopted and staff directed to submit the Resolution to Clackamas County for Board order adoption.

John Block, Development Services Director, presented the staff report. Commissioner Fowler advised of a potential conflict regarding Meyers Road, but would still vote.

It was moved by Fowler, second by VanOrman, to adopt Resolution No. 90-93.

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

#### RESOLUTION NO. 90-93

A RESOLUTION REQUESTING THE TRANSFER OF CERTAIN COUNTY ROADS FROM CLACKAMAS COUNTY SUBJECT TO PAYMENT OF REQUIRED ROAD TRANSFER FUNDS.

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WHEREAS, on December 19, 1990, the City Commission of Oregon City adopted a motion requesting transfer of the following roads:

1. Central Point Road - County Road No. 41028 from Linn Avenue to Partlow Road.
2. Leland Road - County Road No. 32020 from Warner Milne Road to Meyers Road.
3. Gaffney Lane - County Road No. 32006 from Gaffney Lane Grade School to Meyers Road.
4. Meyers Road - County Road No. 32008 from Leland Road to Noble Road.
5. Partlow Road - County Road No. 32035 from South End Road to Central Point Road

and

WHEREAS, Clackamas County will pay the City for the transfer of the above County roads as per the City/County Urban Management Agreement, and

WHEREAS, it is in the public interest for this transfer to take place.

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of Oregon City to accept jurisdiction of said mentioned County roads subject to the payment of the required road transfer funds from Clackamas County.

Adopted, signed and approved this 19th day of December, 1990.

/s/David D. Spear  
Mayor-Commissioner

/s/Daniel W. Fowler  
Commissioner

/s/Robert M. Light  
Commissioner

/s/  
Commissioner

/s/Suzanne VanOrman  
Commissioner

Comprising the City Commission  
of Oregon City, Oregon

Commission Report No. 90-304, Acceptance of the End of the Oregon Trail Master Plan - Resolution No. 90-92, was presented. The report noted that on the December 19, 1990 agenda was the final draft of the End of the Oregon Trail Master Plan and acceptance resolution for Commission consideration. The City has participated with Clackamas County and the Oregon Trail Foundation over the past two years on the preparation of the Master Plan.

The report continued that the final draft of the Master Plan was now complete and was endorsed by the Steering Committee appointed to oversee the preparation and was approved by the Board of County Commissioners. Attached to the resolution were the Board Order of approval and Committee endorsement for Commission information.

The City's Urban Renewal Agency held a workshop on the Trail Master Plan and recommend several renewal projects to assist in its implementation. The next step was for the City Commission to accept the Plan and direct the City's Planning Commission to hold hearings to consider incorporating the Master Plan into the City's Comprehensive Plan.

The report concluded by noting that copies of the various Steering Committee and public presentation minutes and actions taken on the Plan preparation were attached for Commission review. It was recommended that the Commission adopt Resolution No. 90-92.

John Block, Development Services Director, presented the staff report. Ken Dauble, Clackamas County Planning and Project Manager, was present and provided a review of the process for the last four years.

Commissioner Fowler declared a potential conflict but would still vote on the matter.

It was moved by VanOrman, second by Light, to adopt Resolution No. 90-92.

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

#### RESOLUTION NO. 90-92

A RESOLUTION ACCEPTING THE END OF THE OREGON TRAIL MASTER PLAN AND DIRECTING THAT THE PLANNING COMMISSION HOLD PUBLIC HEARINGS TO CONSIDER INCORPORATING THE END OF THE OREGON TRAIL MASTER PLAN INTO THE CITY'S COMPREHENSIVE PLAN.

WHEREAS, the City of Oregon City, Clackamas County and the Oregon Trail Foundation have participated in the development of a Master Plan to develop a national scale historic attraction commemorating the official end of the historic Oregon Trail, and

WHEREAS, Planning Consultants were hired and a Steering Committee formed to oversee the Master Plan preparation, and

WHEREAS, the Master Plan has been completed and the Steering Committee has endorsed the Plan, copies of which are attached hereto, and

WHEREAS, the Clackamas County Board of Commissioners have reviewed the Master Plan and adopted a Board Order approving the Master Plan, copies of which are attached hereto.

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NOW, THEREFORE, BE IT RESOLVED by the City Commission of Oregon City that:

- 1) The End of the Oregon Trail Master Plan is hereby accepted, and
- 2) The Oregon City Planning Commission is hereby directed to hold public hearings to consider incorporating the End of the Oregon Trail Master Plan into the City's Comprehensive Plan.

Adopted, signed and approved this 19th day of December, 1990.

/s/David D. Spear  
Mayor-Commissioner

/s/Daniel W. Fowler  
Commissioner

/s/Suzanne VanOrman  
Commissioner

/s/  
Commissioner

/s/Robert M. Light  
Commissioner

Comprising the City Commission  
of Oregon City, Oregon

Commission Report No. 90-310, Resolution No. 90-91, Proposed Annexation on the west side of Central Point Road between Partlow and Parrish Roads, was presented. The report noted that on the December 19, 1990 agenda was a continuation of the consideration of a proposed annexation on Central Point Road. The annexation was presented to the Commission at its December 5 meeting, but tabled to December 19 in order to hold a meeting with the various properties involved.

The report continued that a meeting with the property owners was held on December 13. Annexation procedures, double majority rules and sewer service plans were discussed. Most of the questions came from the non-petitioning properties, most of which do not want to be included in the annexation proposal. Staff would be meeting with two of the non-petitioning properties on December 14 and if there were additional annexation petitions filed, the Commission would be advised on the 19th.

At issue was what should be the logical boundary for this particular annexation. As was discussed, the past policy of not including non-petitioning property has created problems in extending sewer service. Since the City has the right, through double majority rules, to include non-petitioning property, the City should do so where necessary to have a cost efficient extension of sewer service.

The report noted that staff would have preferred including all the property along Central Point Road to Parrish Road, but this would have violated the double majority rules. Instead, staff recommended including the most property that fit within the double majority rule.

An additional look was taken at the potential sewer service to the area with staff recommending that the two southernmost properties on Central Point Road, proposed in the original annexation, be removed. Attached was a revised boundary map and sewer plan illustrating that change.

The report concluded by noting that if the Commission agreed, Resolution No. 90-91 should be adopted to forward the annexation proposal to the Portland Area Local Government Boundary Commission for public hearing and final decision.

The Development Services Director presented the staff report and noted that a meeting had been held per Commission direction with the affected and non-affected property owners to discuss annexation process, double majority rules and sewer service plans. The meeting was positive for neighborhood and City staff. He advised that petitions for annexation were today received from Jerrold and Nancy Higgenbotham and Daniel and Kathleen Hughson. He was recommending that the two southernmost properties be eliminated from the annexation.

Kathy Hogan, 19721 S Central Point Road, addressed the Commission asking that by excluding their property, are they still in the LID to help supplement the cost of the sewer. Block replied no because they are not in the City limits, the City cannot include their property in an LID and if their property was benefitted, they could be included in an advance financing district for future payment upon connection. She then asked about the possibility of this annexation going forward and the developer backing out. Block advised that if the annexed properties petitioned for sewers, the City would try to provide the sewer within 12 months.

The City Attorney advised that with Measure 5, the use of advance financing has been in process of re-evaluation with an opinion due next month regarding that matter.

Eugene Hogan, Jr., 19721 S. Central Point Road, addressed the Commission and noted that this has become an emotional issue. With the sentiment expressed by the neighborhood this could ultimately wind up in the Land Use Board of Appeals. He felt that the annexation was dependant upon the developer following through with development. He advised he has not seen the developer. He felt that the ones who have asked for the annexation should get their wish with others forced into this with the double majority process. He felt the meeting cleared the air.

Cliff Helmberg, 20228 S. Matoon Road, real estate agent representing Clyde Brummell. He noted that the developer is well qualified to do the project, is rated in Dun & Bradstreet and is in earnest and on schedule with the plans for development.

It was moved by Fowler, second by Light, to adopt Resolution No. 90-91.

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

4636  
RESOLUTION NO. 90-91

A RESOLUTION INITIATING A DOUBLE-MAJORITY ANNEXATION REQUEST TO THE PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION FOR PROPERTIES ON THE WEST SIDE OF CENTRAL POINT ROAD, BETWEEN PARTLOW AND PARRISH ROADS.

WHEREAS, the City Commission is authorized by ORS 199.490 (2)(a)(B) to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and the written consent from owners of more than half the land in the territory proposed to be annexed; and

WHEREAS, the City Commission has received the necessary "consents" in sufficient number to meet so-called "double-majority" annexation requirements listed above and has set the boundary of the territory proposed for annexation as authorized by ORS 199.490 (2)(a)(B); and

WHEREAS, the territory proposed to be annexed is presently within the Clackamas County Fire District No. 71, and would, by operation of ORS 199.510 (2)(a), be automatically withdrawn from that district immediately upon consummation of the annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OREGON CITY, AS FOLLOWS:

Section 1. That the Commission by this Resolution approves the proposed annexation with the boundaries described in Exhibit "A" and depicted in Exhibit "B" attached hereto;

Section 2. That the City Recorder is hereby directed to file certified copies of the statements of consent and this Resolution with the Portland Metropolitan Area Local Government Boundary Commission at once.

Adopted, signed and approved this 19th day of December, 1990.

/s/David D. Spear  
Mayor-Commissioner

/s/Suzanne VanOrman  
Commissioner

/s/Daniel W. Fowler  
Commissioner

/s/  
Commissioner

/s/Robert M. Light  
Commissioner

Comprising the City Commission  
of Oregon City, Oregon

The Manager advised that Agenda Items 12 through 16 were routine matters and could be considered in one motion.

It was moved by Fowler, second by VanOrman, to approve Agenda Items 12 through 16 as recommended by staff.

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

Commission Report No. 90-298, Recommendation from Oregon City/METRO Enhancement Committee, was presented. The report noted that at the December 5, 1990 meeting, the Commission had the opportunity to view the METRO Enhancement Committee's video. The Enhancement Commission was completely satisfied with the results of the video. At their December 6, 1990 meeting, the Enhancement Committee voted to request the Commission make an additional payment of \$250 to Richard Thayer. In addition, the Committee also voted to request an additional \$150 so that up to ten copies of the video could be purchased for the City's use. It was recommended that the additional expenditures of \$400 as requested by the Enhancement Committee be approved.

\* \* \* \* \*

Commission Report No. 90-311, Personal Services Agreement - Mt. View Pump Station Improvement Project, was presented. The report noted that on the December 19, 1990 agenda was a personal services agreement with Lee Engineering, Inc., for Commission authorization. The agreement would provide design, bid document, and inspection and construction management services for improvements to the Mt. View Pump Station.

The report continued that Lee Engineering was hired to evaluate the pump station as outlined in the City's Water Master Plan. That evaluation was attached for Commission review. It was being recommended that improvements be made this spring to coincide with the drainage of the 10 million gallon reservoir. It was recommended that the City Commission approve the personal services agreement and authorize the Manager to execute on behalf of the City.

\* \* \* \* \*

Commission Report No. 90-312, Public Utility Easement and Non-Remonstrance Agreement Acceptance Salmonberry Drive "STEP" System, was presented. The report noted that on the December 19, 1990 agenda were public utility easements and non-remonstrance agreements for the Salmonberry Drive "STEP" System project for Commission acceptance. It was recommended that the Commission adopt a motion approving the public utility easements and non-remonstrance agreements and authorize the Mayor and City Recorder to execute.

\* \* \* \* \*

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Commission Report No. 90-307, Deed of Dedication Acceptance - Gaffney Lane and Glenview Court, was presented. The report noted that on the December 19, 1990 agenda were five deeds dedicating additional right-of-way on Gaffney Lane and Glenview Court for the proposed Graystone development for Commission acceptance. The deeds of dedication were from: 1) R. Lemoyne and Marlene Brady; 2) Marlin and Sharon Stahlnecker; 3) Ralph and Janette Anderson; 4) John and Laverne Buren; and, 5) Kenneth and Doris Kittelson. Copies of the deeds were attached for Commission review. It was recommended that the Commission adopt a motion accepting the deeds of dedication and authorize the Mayor and City Recorder to execute.

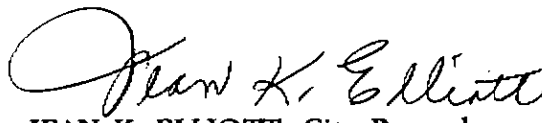
\* \* \* \* \*

Commission Report No. 90-309, Deed of Dedication Acceptance - Industrial Metal Works, Inc., was presented. The report noted that on the December 19 agenda was a deed of dedication from Industrial Metal Works, Inc., for their project on Main Street just north of 18th Street. The dedication of right-of-way was necessary for the future realignment of Abernethy Road to Main Street as anticipated in the City's Transportation Master Plan. Copies were attached for Commission review. It was recommended that the Commission accept the deed of dedication and authorize the Mayor and City Recorder to execute.

\* \* \* \* \*

At this time, Mayor Spear re-appointed Brian Shaw, Lori Dale and Thor Wegner to the Budget Committee with terms expiring December 31, 1993.

There being no further business, the meeting adjourned at 11:03 p.m. to meet in Executive Session pursuant to ORS 192.660 (1)(e) Real Property Transactions.

  
JEAN K. ELLIOTT, City Recorder