



# City of Oregon City

625 Center Street  
Oregon City, OR 97045  
503-657-0891

## Meeting Agenda City Commission

*Dan Holladay, Mayor  
Rocky Smith, Jr., Commission President  
Brian Shaw, Nancy Ide, Renate Mengelberg*

---

Tuesday, December 13, 2016

5:45 PM

Commission Chambers

---

### REVISED - Work Session

#### EXECUTIVE SESSION OF THE CITY COMMISSION

*Executive Session to immediately follow the Work Session of the City Commission, held in the Oregon Trail Conference room at City Hall.*

*Pursuant to ORS 192.660(2)(i): To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.*

#### 1. Convene Work Session and Roll Call

#### 2. Future Agenda Items

*The Commission's adopted goals and available staff resources shall be considered when recommending future agenda items. The Commission may add an item to a future agenda with consensus of the Commission.*

#### 3. Discussion Items:

##### 3a. [PC 16-122](#) Willamette Falls Legacy Project Riverwalk Design Concepts

**Staff:** Community Development Director Laura Terway

**Attachments:** [Staff Report](#)  
[www.rediscoverthefalls.com](http://www.rediscoverthefalls.com)

##### 3b. [16-711](#) Legislative Update and City's Legislative Priorities with Erik Kancler

**Staff:** Public Works Director John Lewis

**Attachments:** [Staff Report](#)

##### 3c. [PC 16-121](#) Residential Membrane (Fabric and Metal) Accessory Structures Direction

**Staff:** Community Development Director Laura Terway

**Attachments:** [Staff Report](#)  
[Memorandum to the City Commission](#)  
[Guide for Building An Accessory Structure](#)

**4. City Manager's Report****5. Adjournment**

*Agenda Posted at City Hall, Pioneer Community Center, Library, City Web site.  
Video Streaming & Broadcasts: The meeting is streamed live on Internet on the Oregon City's Web site at [www.orcity.org](http://www.orcity.org) and available on demand following the meeting. The meeting can be viewed live on Willamette Falls Television on channels 23 and 28 for Oregon City area residents. The meetings are also rebroadcast on WFMC. Please contact WFMC at 503-650-0275 for a programming schedule.*

*City Hall is wheelchair accessible with entry ramps and handicapped parking located on the east side of the building. Hearing devices may be requested from the City Recorder prior to the meeting. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.*





# City of Oregon City

625 Center Street  
Oregon City, OR 97045  
503-657-0891

## Staff Report

File Number: PC 16-122

---

**Agenda Date:** 12/13/2016

**Status:** Agenda Ready

**To:** City Commission

**Agenda #:** 3a.

**From:** Community Development Director Laura Terway

**File Type:** Planning Item

### **SUBJECT:**

Willamette Falls Legacy Project Riverwalk Design Concepts

### **RECOMMENDED ACTION (Motion):**

Staff recommends the City Commission provide feedback on the Riverwalk Project.

### **BACKGROUND:**

Willamette Falls Legacy Project staff and design team members will provide an update on the riverwalk design process, with a focus on the design concept drawings that were part of a public workshop on November 17, 2016. It is hoped that this will be a dialogue with the Commission rather than a one-way communication. The project team wishes to gather input from the Commission to feed into the preferred design.

The presentation will cover the following topics:

- Update on parking and transportation work that will kick off in January 2017
- Design concepts for the north riverbank, pipe chase, and clarifier
- Materiality and experience for explorer trails, the public yard, and the falls overlook
- Community engagement
- Project schedule and next steps
- Q&A



# City of Oregon City

625 Center Street  
Oregon City, OR 97045  
503-657-0891

## Staff Report

File Number: 16-711

---

**Agenda Date:** 12/13/2016

**Status:** Agenda Ready

**To:** City Commission

**Agenda #:** 3b.

**From:** Public Works Director John Lewis

**File Type:** Presentation

**SUBJECT:**

Legislative Update and City's Legislative Priorities with Erik Kancler

**RECOMMENDED ACTION (Motion):**

Staff recommends listening to Erik Kanceler's legislative update and providing him direction.



# City of Oregon City

625 Center Street  
Oregon City, OR 97045  
503-657-0891

## Staff Report

File Number: PC 16-121

---

**Agenda Date:** 12/13/2016

**Status:** Agenda Ready

**To:** City Commission

**Agenda #:** 3c.

**From:** Community Development Director Laura Terway

**File Type:** Planning Item

### **SUBJECT:**

Residential Membrane (Fabric and Metal) Accessory Structures Direction

### **RECOMMENDED ACTION (Motion):**

Staff recommends the City Commission provide direction on if the City should pursue amendments to the Oregon City Municipal Code for accessory building and/or membrane structure regulations.

### **BACKGROUND:**

The Oregon City Municipal Code prohibits most fabric and metal accessory buildings, known as membrane structures, when visible from the adjacent sidewalk or right-of-way. In June of this year the City received a significant number of Code Enforcement complaints about membrane structures, which created a conversation by the City Commission to determine if the regulations should be amended. The applicable standards and associated violations were discussed a series of City Commission meetings. With direction from the City Commission, staff may continue implementing the Oregon City Municipal Code as it was adopted or proceed with amendments through the public review process.

## **M E M O R A N D U M**

To: The Honorable Mayor and City Commission  
From: Community Development Director Laura Terway, AICP  
Re: Membrane and Fabric Covered Storage Area Regulations  
Date: December 6, 2016

---

The Oregon City Municipal Code prohibits most fabric and metal accessory buildings, known as membrane structures, when visible from the adjacent sidewalk or right-of-way. In June of this year the City received a significant number of Code Enforcement complaints concerning these structures which created a larger City Commission conversation. As a result the applicable standards and associated violations were discussed at a series of City Commission meetings.

### **Oregon City Municipal Code**

In addition to the requirements by the Building and Development Services Divisions, the Planning Division regulates accessory structures. The regulations were adopted through a public process which included notification to all property owners and a variety of public meetings including review by the Planning Commission before approval by the City Commission. A summary of the applicable regulations is provided below.

- Accessory buildings are defined in chapter 17.04.010 of the Oregon City Municipal Code (OCMC) as “a detached structure subordinate in size and use, but located on the same lot as, a principal building”. Structures are further defined in OCMC 17.04.1215, as “anything constructed or erected that requires location on the ground or attached to something having location on the ground”. Thus, all membrane structures including barns, carports, sheds, and outbuildings are considered accessory buildings.
- Accessory buildings are listed as a permitted use in all residential zoning designations. Each zoning district includes:
  - Minimum setbacks (distance from the structure to the property line)
  - Maximum building height
  - Maximum lot coverage (the percentage of property covered with a building)
- Additional restrictions for accessory structures are identified in OCMC Chapter 17.54.010 and include:
  - Maximum building footprint
  - Limitations that the structures may not be located in front of the home
  - A reduced setback in cases where requirements are met
  - Requirements and limitations for exterior building materials (including a section on membrane structures)
- Lastly, residential design standards in OCMC Chapter 17.20.020 requires membrane structures used or designed to be used for parking vehicles to be mitigated with design elements on the front of the home (such as window trim).

## **Code Enforcement**

Since the retroactive membrane structure prohibition became effective on January 1, 2011, the City received 105 complaints through May of this year. Over this time period most of the violations have been into compliance, including five cases where property owners were required to remove their structures through the court process.

The City received 37 complaints in June of this year, more than a third of all complaints in the past 5 years combined. Seventeen of those violations, have been remedied. The remaining structures are metal and all but one fails to comply with other applicable requirements, such as the minimum setback distance from the property line. As a result, even if the material of the structures was acceptable, 16 of the 17 structures themselves would remain in violation. Seven of the structures were constructed after the membrane structure prohibition.

Currently, enforcement is being delayed while the City Commission considers direction on this matter.

## **Options for the City Commission**

The City Commission is encouraged to provide direction for one of the following options:

### Option #1: Maintain the Existing Regulations

Staff would proceed with enforcement of the municipal code as adopted.

### Option #2: Change the Code

Though the Commission may seek to amend any portion of the regulations, from the previous discussions, the following areas of concern were identified most frequently by the Commission:

- Amend the code to allow membrane structures constructed before the prohibition to remain in place.
- Amend the code to allow metal membrane structures.
- Amend the code to remove the setback requirements for accessory buildings.

The City Commission could send this issue to the Planning Commission to provide a recommendation.

The City Commission could:

1. Direct staff to begin the process to amend the code; or
2. Request that the Planning Commission review the issues and provide the City Commission a recommendation.

## **Conclusion**

Most metal and fabric membrane structures are currently prohibited when visible from the adjacent sidewalk or right-of-way in Oregon City. With direction from the City Commission, staff will continue implementing the Oregon City Municipal Code as it was adopted, proceed with amendments through the public review process, or have the Planning Commission review the issue and provide a recommendation.

Date: December 13, 2016

To: Mayor Dan Holladay  
Oregon City Commission  
625 Center Street  
Oregon City, OR 97045

Re: **2017 Legislative Priorities**

Dear Mayor Holladay and Commissioners:

Ahead of our discussion this evening, I'm writing with a brief outline of the legislative topics I intend to cover. My intention is to present and discuss issues pertinent to Oregon City's interests that been identified by city staff as likely/potential priorities. Based on our discussion this evening, and the feedback received on these and other issues of interest, I will work with the City Manager's Office to prepare a more detailed report and provide additional resources to help further guide planning efforts ahead of session.

The policy topics I intend to cover include the following, which are listed in order of their likely priority:

- **Right of Way Management/Home Rule Authority** – Legislation to limit how local governments collect revenue for the use of city-owned right of way is expected.
- **State Telecommunications Finance Policy** – Similarity, legislation to limit the manner in which cities collect revenue from telecommunications providers is also expected.
- **Transportation Funding** – The passage of a statewide transportation package is a top legislative priority for 2017. Included in that will likely be specific topics of interest including funding for I-205 expansion and Amtrak Cascades service.
- **Property Tax Reform** – The Legislature will be actively reviewing Oregon's property tax system with the goals of a) increasing revenue for local and state governments, and providing for a simpler, more stable, and equitable tax code.
- **Recreational Liability Protections** – recent court cases have created significant liability issues for cities, parks districts, and others who provide recreational opportunities to the public. Legislation will be introduced in an effort to address those issues.
- **Brownfield Cleanup** – Legislation to lessen the cost of brownfield cleanup as well limit associated liabilities with performing brownfield cleanup is expected.
- **Willamette Falls Legacy Project** – Review of legislation that could impact (positively or negatively) the ongoing effort to redevelop the Blue Heron site.

I look forward to our conversation this evening.

Sincerely,



Erik Kancler  
*Owner, Consulting LLC*

## Kattie Riggs

---

**Subject:** FW: Membrane Structure Consideration  
**Attachments:** RV Structure.docx

---

**From:** Danny Imes [<mailto:danny.imes@gmail.com>]  
**Sent:** Sunday, December 11, 2016 1:44 PM  
**To:** Dan Holladay <[dholladay@orcify.org](mailto:dholladay@orcify.org)>; Brian Shaw <[bshaw@ci.oregon-city.or.us](mailto:bshaw@ci.oregon-city.or.us)>; Rocky Smith, Jr. <[rsmith@ci.oregon-city.or.us](mailto:rsmith@ci.oregon-city.or.us)>; Nancy Ide <[iden@ci.oregon-city.or.us](mailto:iden@ci.oregon-city.or.us)>; Renate Mengelberg <[rmengelberg@ci.oregon-city.or.us](mailto:rmengelberg@ci.oregon-city.or.us)>; 'Frank O'Donnell' <[frankodie50@gmail.com](mailto:frankodie50@gmail.com)>  
**Subject:** Membrane Structure Consideration

Good afternoon, Mayor Dan Holladay, Commissioner Brian Shaw, Commissioner Rocky Smith, Jr., Commissioner Nancy Ide, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell.

I'm writing today because I've learned that you will be discussing metal membrane structures in an upcoming meeting and want to express my support in favor of these structures as well as keeping our neighborhoods and city in good order.

I'm attaching a letter I've written up to express my feelings as a citizen of Oregon City. In addition to the letter's content, I'd like to express that I'm happy to be part of the solution when it comes to the expense of changing the law, especially if other membrane structure owners are in favor and are willing to participate (share the cost). I'm in favor of the concept of registering or even permitting my structure (though I'm fully aware that mine does not follow any setback codes as they are currently written).

I'm pleading with you to reconsider the code, not only grandfathering in for those in place prior to 2011 but for those of us who have invested since that date as well as even those who'd like to do so in the future. If I am required to remove mine as it stands, I would then assume most everyone will have to remove theirs as it seems to me that even if grandfathered in, MOST are also breaking setback codes (which have been in place long before 2011). Please allow us to continue to use our investments to protect our RV's.

Please kindly see attached document. Any feedback you have would be appreciated.

Lastly, thank you for your investment in our community. Your service is truly appreciated.

Sincerely,  
Danny Imes

I moved to Oregon City two years ago. A year later I was fortunate enough to purchase a 2010, \$12,000 camping trailer. My family and I camp many times per year and we were excited to make this jump from an old little tent trailer to a nicer larger trailer.

After purchasing the new(er) trailer, I then thought for another year on how to protect it from pine needles, my neighbor's cherries and the weather. I looked online at codes, drove around the neighborhood and viewed dozens of RV type covers and saved my pennies to purchase a nice (\$3,000) cover of my own. My neighbor across from me has an old ripped tarp covering his boat and I didn't want to be "one of those neighbors." Not only that, those sorts of covers are conducive to mold and critters which would likely ruin my camping trailer.

Speaking of neighbors, I spoke with my surrounding neighbors to get their opinions on the issue. Not only did they agree that it was a good idea, my neighbor just next to me provided tools and help as I prepared the site for the new RV cover.

Seeing dozens of these units around my neighborhood (one directly behind me) and after speaking with a neighbor up the street who had put one up recently, and seeing another one installed on the street parallel to mine, I had wrongly assumed that we were all ok on codes. I thought that as long as I had no foundation or wiring involved and that because my unit would be tied down by rebar stakes, it would not be considered a building but "temporary" and that setbacks would not be an issue. Almost all of the RV structures I've seen around the neighborhood (dozens, seriously) are breaking setback codes, let alone material codes, which I learned about most thoroughly at the commissioner's in August 2016.

Regarding setbacks, I paid extra to have my unit installed almost as wide as my driveway (19 feet) in order to avoid a "cluttered" look. I wanted it to look like it belonged there. Following setbacks (which I was unaware of at the time) would have been cheaper for me, but it would not look as nice and neat as it does now. The unit I've installed is the same color as my garage door and matches my house nicely even though it is metal and not wood.

About a week after I had mine installed, my neighbor up the street took his down (which had been up for almost year). I asked him about it and found out someone complained about his and he had to remove it or pay heavy fines. This was shocking and frustrating. If enforcement is based only on complaints, then anyone at any time could complain about mine and I'd be in the same situation. Yet some could put one up and never have any problems. Assuming none of my neighbors have a problem with mine, does that mean I can leave mine up? Or can ANYONE complain? I heard recently that someone was driving around town looking for these in order to file complaints. Does that really constitute a complaint? Does this hit-and-miss enforcement decision promote the idea of folks "rolling the dice" in hopes of simply not being complained against? Interestingly, the structure that was removed up the street in order to comply with regulations has now been reinstalled. It looks nice how it stands but I have to wonder if the owner is just hoping not to be called in again (especially considering it wasn't a neighbor who had called in the first place).

I recently read the code again online (which is not clear to me) and noticed that the purpose behind it is to keep garbage piles and junk to a minimum in our neighborhoods. But, in fact, that's exactly why I put



mine up; to keep my RV looking nice. I have NOTHING under my cover except my RV. I'm completely against the idea of old cars, junk piles, etc, etc, being stored within eye sight of my neighbors. I feel that the purpose for the code was to improve neighborhoods and that is exactly what I was trying to do when I purchased the cover. Sure, I'd like to build a \$20,000 car port but that is out of the question for me. It was a stretch to go from a \$50 tarp to a \$3,000 nice cover as it was. If I'm forced to remove mine, it's back to an old blue tarp for me, which I know my neighbors will NOT like and I believe is far more of a nuisance than the \$3,000 unit I had installed.

I believe there are already nuisance laws in place protecting neighbors from junk piles cluttering up neighborhoods and that RV / boat covers are irrelevant to that point. My suggestion is that all metal membrane structures be allowed with no setback rules but must be placed behind the front plane of the house on the property.

I hope that code can be adjusted so that I can keep my new RV cover. My unit has open sides and currently does not follow setback rules. As mentioned before it looks much nicer snug up against the house and fence line then it would look 3 feet from the house and fence line, in my opinion. I believe this to be true for a high percentage of the structures I see around my neighborhood every day. My purpose and the code's purposes seem to line up. I want my property to look nice for my neighbors. In addition, I want to protect the investment on my RV. What can we do to adjust the code so that anyone in the city can do the same; not just those who happened to have put theirs up before the code was put in place?

Because enforcement on this code is complaint based, I've asked Frank O'Donnell to forward my letter anonymously in hopes that I don't end up with a complaint on my structure as well. I believe the majority of homeowners agree with Mr. O'Donnell's position on these units. I've talked to a variety of folks, not just those who own structures and, though I know they are out there, I have not yet talked to a single person who believes they should be banned (including setbacks). I am in full agreement with City Planning and codes that keep our city safe and in good order, but I believe this one is unnecessary in accomplishing our most important purposes.

We appreciate your consideration and representation.

Sincerely,

Danny Imes

An Oregon City Resident

**Kattie Riggs**

---

**Subject:**

FW: Dec. 13th City Hall 5:45 P.M. Meeting

Begin forwarded message:

**From:** "[bophayley@comcast.net](mailto:bophayley@comcast.net)" <[bophayley@comcast.net](mailto:bophayley@comcast.net)>

**Date:** December 12, 2016 at 9:56:09 PM PST

**To:** Dan Holladay <[dholladay@orecity.org](mailto:dholladay@orecity.org)>, Brian Shaw <[bshaw@ci.oregon-city.or.us](mailto:bshaw@ci.oregon-city.or.us)>, "Rocky Smith, Jr." <[rsmith@ci.oregon-city.or.us](mailto:rsmith@ci.oregon-city.or.us)>, Nancy Ide <[iden@ci.oregon-city.or.us](mailto:iden@ci.oregon-city.or.us)>, Renate Mengelberg <[rmengelberg@ci.oregon-city.or.us](mailto:rmengelberg@ci.oregon-city.or.us)>

**Subject:** Dec. 13th City Hall 5:45 P.M. Meeting

Good evening everyone,

My name is Debra Kasnias, and my husband Bruce Kasnias and I have lived in the Barclay Hills Estates, for 28 years now. We have an RV shelter that covers our 21 foot Cuddy cabin boat. It is bolted into the concrete, 3 feet away from the left hand side of our house. We have a permit for it, yet we received a notice on our garage in October 2,016. We attended the meeting at City Hall along with "NUMEROUS" other people. My husband has to work tomorrow, but I will "DEFINITELY" be there !!!!!!!!!!!!!!!!!!!!!!! We are grandfathered into this, and I am the lady that said that the boat cover is now a mini sanctuary, for many of the elderly cats in our neighborhood. The RV shelter is also behind a large chain link, locked fence and gate. Right now our family is going through a major health crisis. Our 35 year old daughter is having a terrible problem with her Hyperthyroidism. Big sister (2 years older) suffered a "THYROID STORM" at age 17, and when I worked at Kaiser Permanente Hospital on Sunnyside in Clackamas, the 18 Pathologist's that I worked for and supported, helped save her life - 4 times !!! They are all documented modern day medical miracles. Our daughter had a one in a million chance of surviving, so I "THANK GOD" & my co-workers for saving her life - over & over... 4 times. Anyway, believe me in the grand scheme of life, this problem with our RV shelter is a drop in the bucket. I am also showing up to help support all of the other people, who are struggling with this ridiculous problem. Like myself, we don't need our blood pressure raised anymore than it already is. I don't have time for a heart attack, over all of this nonsense !!!!!!!!!!!!!!! Also, there are many young children and people starving to death, that could so use the money being spent on all of this, for food and shelter. Would you all be so kind, as to "FIX THIS PROBLEM IMMEDIATELY !!!!!!! No more wasting our Oregon City tax dollars !!!

"THANK YOU FOR ALL OF YOUR HELP IN ADVANCE". See you tomorrow night.

Sincerely,

Debra (Debbie) Kasnias

13456 Barclay Hills Drive

Oregon City, OR 97045

Barclay Hills Estates

(503) 650-8265 - Home telephone number

(503) 348-1947 - Cell phone number

**Kattie Riggs**

---

**Subject:** FW: Membrane structure

---

**From:** John Figini [<mailto:jfigini@pacseafood.com>]

**Sent:** Monday, December 12, 2016 12:09 PM

**To:** Dan Holladay <[dholladay@city.org](mailto:dholladay@city.org)>; Rocky Smith, Jr. <[rsmith@ci.oregon-city.or.us](mailto:rsmith@ci.oregon-city.or.us)>; Brian Shaw <[bshaw@ci.oregon-city.or.us](mailto:bshaw@ci.oregon-city.or.us)>; Nancy Ide <[iden@ci.oregon-city.or.us](mailto:iden@ci.oregon-city.or.us)>; Renate Mengelberg <[rmengelberg@ci.oregon-city.or.us](mailto:rmengelberg@ci.oregon-city.or.us)>

**Subject:** Membrane structure

To the Mayor and City Commissioners:

My wife and I recently purchased a home that has an RV structure which may be under review as to its meeting the city code requirements. One reason we liked the property was because of the RV cover which we like because it provides protection for our vehicle and we can use it as a covered area breezeway. We have planned on and do keep the structure clean and we are also going to paint to match our home.

We will not allow the covered area to be used as general storage, which can be considered unsightly.

We hope that we would qualify for a possible grandfather clause since the structure has been there for a while, possibly before our property was part of the city limits.

If there is anything that can be done to assist in changing the code including helping in the cost of Code amendment we certainly will be willing to do so.

Thank you for taking the time to consider this e mail.

John Figini

**Kattie Riggs**

---

**Subject:** FW: Membrane structures

---

**From:** Mike Crawford [<mailto:mikecrawford41@msn.com>]

**Sent:** Sunday, December 11, 2016 8:17 AM

**To:** Dan Holladay <[dholladay@orc-city.org](mailto:dholladay@orc-city.org)>; Brian Shaw <[bshaw@ci.oregon-city.or.us](mailto:bshaw@ci.oregon-city.or.us)>; Rocky Smith, Jr. <[rsmith@ci.oregon-city.or.us](mailto:rsmith@ci.oregon-city.or.us)>; Nancy Ide <[iden@ci.oregon-city.or.us](mailto:iden@ci.oregon-city.or.us)>; Renate Mengelberg <[rmengelberg@ci.oregon-city.or.us](mailto:rmengelberg@ci.oregon-city.or.us)>

**Subject:** Membrane structures

Our cougar carport has been in place since 1988. This unit covers a \$30,000.00 dollar trailer and has never been a problem.

I left pictures of our property and the carport with the commission when i attended the meeting..

We should be grandfathered in this matter! Very well maintained. Matches the house.

Michael a crawford..

Sent from Samsung tablet

## Kattie Riggs

---

**To:** Nancy Ide  
**Subject:** RE: Membrane structures

Begin forwarded message:

**From:** Teresa Hayworth <[ythayworth@hotmail.com](mailto:ythayworth@hotmail.com)>  
**Date:** December 13, 2016 at 5:03:22 AM PST  
**To:** Dan Holladay <[dholladay@orcify.org](mailto:dholladay@orcify.org)>, "Rocky Smith, Jr." <[rsmith@ci.oregon-city.or.us](mailto:rsmith@ci.oregon-city.or.us)>, Brian Shaw <[bshaw@ci.oregon-city.or.us](mailto:bshaw@ci.oregon-city.or.us)>, Renate Mengelberg <[rmengelberg@ci.oregon-city.or.us](mailto:rmengelberg@ci.oregon-city.or.us)>, Nancy Ide <[iden@ci.oregon-city.or.us](mailto:iden@ci.oregon-city.or.us)>  
**Cc:** Frank O'Donnell <[coachfranko@comcast.net](mailto:coachfranko@comcast.net)>  
**Subject:** Membrane structures

Dear Mayor Holladay and City Commissioners,

I'm writing to you today concerning the upcoming meeting you will be having on December 12th at which you will be discussing the future of the existing municipal code which bans all membrane structures (as was defined by the Planning Commission 2009) from any residential property within the city limits. I've taken several pictures for your review however, they are too large to send via email. I've attached the transcript which I typed up and sent to you previously in September of this year.

Let me start off by saying thank you for reviewing this code which has caused a lot of grief for everyday folks like myself and my husband.

I reviewed, once again, the transcripts from the meetings held by the Planning Commission from 2008 to 2010. It is very apparent to me that the reasoning for the code amendment addressing membrane structures, four walled and made of cloth or vinyl, was largely ignored during the initial meetings. As a matter of fact, it was evident that two out of the five planning commissioners had an agenda to outlaw all membrane structures, including metal ones, solely due to the fact that they found them to be offensive to look at and for no other reason. The initial reason for the need for the code amendment, as stated by Christina Robertson Gardener, was that there were some folks who were storing waste or hazardous materials inside of the four walled cloth/vinyl membrane structures and code enforcement was not able to address the problem due to the four walled nature of the structures. In the end, Mr Powell and Mr Lajoie decided for the entire group that it was ok for folks to have these structures as long as they didn't have to look at them. They admitted that it did not solve the problem with storing junk or hazardous materials.

It is also laid out in the transcripts that the entirety of the code amendment was never presented to the City Commissioners. It was lumped in with a large amount of other issues that the City was dealing with at the time. It is understandable how easily the information was missed however, the fact remains that we have people out there now who have had their lives

negatively impacted due to this code. In my view, the code amendment that regulates membrane structures in The City of Oregon City is a true representation of Government overreach of our private property rights. The amendment has little or nothing to do with safety but has more to do with aesthetics.

During the last meeting The City Commission held in which membrane structures was spoken about, one of the Commissioners brought up the issue of being a potential homebuyer who wouldn't want to look at one of those "things". My answer to that is simple. Don't buy a home in a neighborhood that has those "things". There are many neighborhoods within our city that has HOAs or CCRs that prevents homeowners from having RV Coverings. I think it's wrong to impose the views of some of the citizens onto all of the citizens.

I refer to my photos which show the structures along with the RVs which are allowed to exist under our current code. It was stated by Ms. Terway that the reasoning for having setbacks for accessory structures was to prevent fire hazard and also so as to not block the neighbor's view. I would contend that those reasons cannot and should not apply to the metal RV coverings. All over the city, one can easily see that Motorhomes, Travel trailers, etc. not only block views but they are also parked right up against homes. I read an article last night concerning the fire ratings for motor homes and it turns out that they are highly combustible. Metal RV Coverings are not combustible. Metal RV Coverings do not pose a danger to anyone or anything. Metal Coverings do not prevent passage of a person who may need to have entry into someone's back yard. Metal RV Coverings are not enclosed, not four walled, and are considered moveable meaning that they are a person's private belonging and not part of the property.

I have to go to the view in my back yard. I chose to purchase my home, despite the view of the backstop and the water tower, because I saw in my neighborhood several Metal RV coverings and it was exactly what I and my Husband were looking for. We wanted to live in a neighborhood with other folks who like what we like and live how we live. I believe that most people do the same when they are looking to buy a home. They want to live in an area that fits their needs. I truly don't understand why it is so important to some that everyone live exactly the same way. Whatever happened to diversity?

Back in September, I volunteered to pass out flyers to everyone I could find who had the so called membrane structures. I thought it was going to be really great to get out and meet some new people. What happened was very unexpected. As I went out from one home to the next suddenly I became very sad. By the time I had gone to the third home I was shaken. I tried to go to another home and another but I found that I couldn't. After speaking to just a few people it hit me hard that these people were going to be hit hard, and for what?

I drove through neighborhoods crying because I truly couldn't believe that all these nice people were going to be forced to take down something that belonged to them. One was being used by an elderly couple who had no garage. The woman was in a wheel chair. It was their only source of protection from the elements to get from the car to the house. Others had what was probably their most prized possession, an older RV or a boat, stored under these covers. I was truly taken aback by the thought that only those who have the money to build a wood framed carport that matched their home would be allowed to shelter their RVs or boats and those who are not so fortunate were now going to be forced into being even less fortunate. I ended up

going home in tears and my husband volunteered to drive me around and gave me support to get the flyers out there.

I know that my email is long and maybe full of a lot of details that you really don't care about but I do. I think and wonder about what kind of society we've become when we force laws on people and their property only for the reason that we feel what we are looking at is detestable. Have we become so shallow that it is more important how something looks rather than how useful it might be. There are many folks in our city and elsewhere who are not as fortunate as I am or you are, be it for whatever reason, but I truly don't think that any of us should judge another for what they like or even for what they can afford.

My hope is that you will take a long hard look at what this code is causing and what it will cause. The fact remains that there is no justifiable reason for this membrane structure code to exist. It should not have ever happened.

Thank you for your time,

Teresa M Hayworth

Sent from Windows Mail

---

# SECTION 1

City of Oregon City  
Planning Department

**Meeting details**

**December 2009 to July 2010**



# City of Oregon City

## Planning Commission

Meeting Stats from December 2008 to July 2010

As it pertains to discussion of regulation of membrane structures

Under L08-01

The City of Oregon City Planning Commission held 22 meetings from December 2008 to July 2010.

Only four out of the twenty two meetings held had conversation, over one minute long, relating to regulation of membrane structures.

# City of Oregon City

## Planning Commission Meetings

Timeline December 2008 to July 2010

- 12/08/08 Transcript L08-09 proposed adoption for code amendments
- 01/12/09 Not on agenda
- 01/26/09 Not on agenda
- 02/09/09 Not on agenda
- 04/13/09 Not on agenda
- 05/11/09 Not on agenda
- 06/08/09 Not on agenda
- 06/22/09 Not on agenda
- 08/10/09 Not on agenda
- 08/24/09 Not on agenda
- 10/12/09 Not on agenda
- 11/23/09 Transcript L08-09 Review of code updates
- 12/14/09 Transcript L08-09 Further review w/definitions
- 01/11/10 Transcript L08-09 Still working on. Will get back to Planning Commission
- 01/25/10 Transcript L08-09 More definitions
- 02/08/10 Transcript L08-09 Asked for continuance
- 02/22/10 Transcript L08-09 Defining temporary structures before going to City Commission
- 03/22/10 Not on agenda
- 05/10/10 Not on agenda
- 05/24/10 Not on agenda
- 06/24/10 Not on agenda
- 06/28/10 Not on agenda

Only Four out of Twenty Two meetings had discussion about membraned structures over a 20 month period.

# City of Oregon City

## Planning Commission Meeting

November 23, 2009

The following acronyms will be used in identifying the speaker:

DL Dan Lajoie

CG Chris Groener

CS Carter Stein

AD Allan Dunn

TP Tim Powell

CRG Christina Robertson-Gardiner Associate Planner

PW Pete Walter Associate Planner

T Powell: Good evening ladies and gentlemen. Welcome to the planning commission for November 23 2009 at the new city hall and the new commission chambers. Which were all pretty impressed with so far. At this time I'll call the meeting to order and ask for any public comments on items not listed on the agenda, and seeing no one here at this time we'll move on to planning commission or um planning commission minutes. Um, there are a lot of minutes to go through here so I'll leave it up to you gentlemen to see what you'd like to do. I read through them all. The only ones that I could not read were the ones in black.

P Walter: I think we had a problem with the color on those pages when we converted over to electronic documents so we apologize for that. We will. Yes.. hello. It's on. Yeah, we converted that document over to electronic and it turned blue and black so we will be happy to bring those again to the next meeting.

T Powell: OK

P Walter: August, what was the date on that set of minutes?

C Stein: August 13<sup>th</sup>

P Walter: August 13<sup>th</sup> 2007 minutes.

T Powell: Yeah, and these do go way back to 07 so there are quite a few minutes, um, to digest, so as I said

C Roberts-Gardiner: He was able to look through all of them and to the preliminary review

P Walter: Yeah I have a very brief preliminary review so um but most of the contents there may be some other things that should be happ if you want to point out those we'll be happy to look at those (inaudible)

C Stein: It looked to me like they were nearly verbatim transcripts of the tapes, of the audio tapes. Is that (inaudible)

P Walter: They were very long detailed sets of minutes.

C Stein: I did skim them. I didn't scan them. Um, I did notice that the minutes from January 8<sup>th</sup>, 2007 were approved at the uh March 12<sup>th</sup> 2007 meeting.

P Walter: OK

C Stein: And, the other thing that I did notice was that the March 12<sup>th</sup> 2007 meeting minutes, um, should say March 12<sup>th</sup> 2007 and not March 12<sup>th</sup> 2006 at the top.

P Walter: OK. Thank you. I'll be sure to change that. Thank you

T Powell: There were a few, I mean there are actually quite a few commissioners who were not identified in the discussion. Honestly I can't remember that far back to so that end I think it's probably alright though if we knew it came from this the desk as opposed to someone in the audience.

C Robertson-Gardiner: Right

P Walter: Correct

T Powell: I'm fine with that if everyone else is.

P Walter: Yeah, we Um, if we didn't know who was speaking, we didn't make any attempt to second guess it.

T Powell: And then my last I guess question would be, all of these are on tape Are they not?

P Walter: Uh, we will have audio for uh all of these I believe and uh We didn't start videoing well we will have video through Willamette falls tivo

T Powell: audio. Yeah I meant audio, sorry. Yes? So weve got em.

P Walter: and uh, yeah um, these are all transcribed from audio. So to the extent we have that.

T Powell: OK, any other comments or motion or discussion? From anyone? Anyone?

C Stein: I agree with you that it's difficult to piece together the uh the exact record but um in in in the uh as I as I skim through I think that these are fairly accurate. I do think that they are probably taken from the uh the uh audio tapes so. If if I I would move to approve uh um uh the minutes as a minute this evening

T Powell: Uh except for these

C Stein: Except for these

T Powell: except for those for August 13<sup>th</sup>

P Walter: August 13 07

C Stein: except for these from August 13<sup>th</sup> which is illegible

T Powell: OK Do We have a second?

A Dunn: second

T Powell: Thank you

P Walter: OK we have a motion to approve a backlog of 2007 PD committee meeting minutes with the exception of of the August, uh, sorry, 13<sup>th</sup> 2007 minutes. Um, Nancy do I do this vote on the machine or can I just do it

Nancy: as as normal

P Walter: ok um lets see. Chair Powell how do you vote?

T Powell: Aye

P Walter: Commissioner Dunn?

A Dunn: Aye

P Walter: Commissioner Groener

C Dunn: Aye

P Walter: Commissioner La Joie?

D La joie: Aye

P Walter: Commissioner Stein?

C Stein: Aye

P Walter: Motion passes

T Powell: alright. Thank you very much. Uh, next we've got the uh planning commission hearing L08-01 code amendments and um we are opening this up to as a hearing so we'll read the legal information to the public. A staff report has been prepared, so the application has been prepared and made available 7 days prior to this evenings hearing. The staff report identifies the approval criteria that applies to the applicant's proposal.....(time on video 05:58 – 06:32) Alright with all of that I'll turn over to staff

C Robertson-Gardiner: Alright. Thank you Chair Powell. Uh, tonight is the first night uh looking at the 6 month update of the L0801 code amendment file that you spent a year on, uh, last year, and if you remember that when the city commission approved the uh code updates in the ordinance they placed 2 um dates in the ordinance, the uh November 9<sup>th</sup> date for the planning commission and a January 20<sup>th</sup>

date for the city commission to reopen the file for a 6 month update to see if there were any issues that need addressed. With that many changes happen to a code, we always want to make sure that there's the ability to um address any issues. Uh, when the uh codes were adopted last Spring there were also some outstanding issues that were not addressed during that update and um in the attached memo of your packet we tried to identify those and to uh kind of explain the next steps. So what I'd like to do tonight is really just go through the memo item by item and myself or uh Pete Walter will discuss it and uh get your comments tonight and get direction. Uh, we plan on coming back to the uh December 14<sup>th</sup> meeting with additional code changes, and um, at this point I um, I don't believe that we will be having the December 28<sup>th</sup> Planning commission meeting back that's something that can be decided at the end of this evening. Uh, but I anticipate that we'll probably have one or two more meetings in January and then this will move on to the city commission level for their hearings in February and March.

T Powell: OK

C Robertson-Gardiner: Uh, the uh uh in order of the memo, uh, temporary structures, uh, if you remember, previously there was a discussion about regulating, uh, temporary structures under 200 square feet and especially the material type, uh cloth or fabric like structures. And at that time staff was waiting for direction from city commission and we uh received that direction last spring and they directed us to come back um with code to uh make that happen to regulate that. And I think I didn't have any code tonight to review. The actual code, uh, section will be quite simple. It will be one or two sentences. But what I'd like to talk tonight about is just the ramifications and the implementation of that and some things to think about and maybe getting some direction for the planning commission and then in the future of the city commission. Um, the first thing to think about is do we put this in our nuisance code in title 13, so it's it's once it's the it becomes effective that date everyone is uh affected by it or do we put it in title 17 so that you have the ability to have a grandfathered issue or you can show if you've had this up for so many years you could be grandfathered in. So that's 2 questions, Do you want it to be a nuisance or is it going to be a land use? That's uh one set. The second is uh, how exactly does the planning commission envision um the public education aspect of this because there definitely needs to be a heads up given to the community. What are the reasons for it, why are we doing it. Is, is Um uh do we want to create an amortization time? Where um, maybe it it's January one 2011 where it becomes enacted to give people enough time to uh, um, to plan on what they're going to do with their existing uh fabric uh temporary structure or to make sure that they don't don't purchase one in the future. So that's one thing to think about. How do we want to create the date that it starts, uh and what kind of public education do we want to do to get the word out. One thing we can do is put a big flyer in the utility billing to get that out. Uh, I would say the normal path would be talking to neighborhood associations or CIC but the person who's not really connected to the city, how can we get that information out to them, obviously an article in the newspaper, but those are kind of part of the larger implementation. The code itself can be written but I think on my end the staff is giving the public enough heads up that when it actually starts to be enforced they know about it and it's not taking them by surprise.

T Powell: Sure. Before we have that discussion, I'd want to find out the folks in the audience, if you're here for this discussion or did you have some other issue you want to bring up so you don't have to wait through all this?

?? Citizen: Thank you

(11:11 –20:53 ) un-related to membrane structures

(20:54 – 46:43)

T Powell: OK. Well let's uh get back to the discussion at hand and we're talking about um.

C Robertson-Gardiner: Temporary structures

T Powell: Temporary structures

C Robertson-Gardiner: Yeah,

T Powell: and the code

C Robertson-Gardiner: And, Uh, so the (inaudible) I'm the staff that's kind of directed to implement it so I'm thinking the devil's in the details here, you know, um

T Powell: As you always do

C Robertson-Gardiner: As I'm tasked to do, uh you know how do you go about um letting the public know that something they may have already purchased may very well be not allowed in the future and to a level that they feel comfortable when the date comes that they've had enough notice rather than I didn't know and then suddenly getting 5 people at a city commission meeting wanting to talk about "I never knew, you know, I never knew this happened", That's why. That's why. That's what I think about

A Dunn: I guess. I guess, before we go there...we don't have any code at this point. What is, what is the direction?

C Robertson-Gardiner: Right. The direction was to not allow them

A Dunn: inaudible

C Robertson-Gardiner: The, well, There's 2, what that well you could just not allow it and say all accessory buildings must be made out of the following materials and you exclude fabric or cloth uh, or uh vinyl. .

D La Joie: How, how are greenhouses dealt with?

C Robertson-Gardiner: That, and then other one is how do you deal with like going to Freddy's and buying that little kind of furniture canopy outdoor thing where the uh

T Powell: That's smaller than we're talking about

C Robertson-Gardiner: Right now we're

C Groener: By definition anything under

C Robertson-Gardiner: That's the problem is right now we have that break at 200 and so it's a nice break because under 200 doesn't need building permits and so um when you come in for a building permit we can review you. When you're doing something that doesn't require a building permit, um, the person may thought they've done their due diligence but they may have, you know, gone to the wrong

department or looked up the wrong thing or didn't even think about it and then they go purchase or build a something and then uh, they find out later through code enforcement that it's illegal because they weren't putting those, you know they weren't tagged through the permitting process and that's always the problem you know and the stores district has that problem with windows we have a regulation that's not tagged a permit, it's hard to enforce.

C Groener: And what was the size again that it was under?

C Robertson-Gardiner: t, uh, t anything under 200 square feet is not regulated for material

C Groener: 10 x 20?

C Robertson-Gardiner: Yeah. So it's basically a one car garage which is 200 sf and under so, we used to have it at 120 sf and that was the listed the length, but um, building permits went up to 200 a while back so it was moved to 200 because once again it's that problem of when you don't have a permit how do you make sure that you are enforcing and educating the public about

T Powell: it was, I was, it was...refresh my memory. It seems to me that we're talking about having these in the front façade. I mean, behind in the back

C Robertson-Gardiner: well right now they're not allowed in the front today. So this is allowed anywhere on property

T Powell: They're not allowed but they're out there. That was our big issue.

C Robertson-Gardiner: They're, no, today you can have a membrane structure under 199 sf , 200 sf, as long as it's behind the front of the house

T Powell: Right

C Robertson-Gardiner: You can't have it in your driveway but you can have it to the side or rear of you house. That's today. And the question is if we want to further regulate that and say you don't want it, maybe you don't want it visible from the right of way. Do you not want it at all (inaudible), Do you not want anything between 120 and 200 that's membrane structure but you'll allow something under 100, 120. That's fine. You can do that, but that's, when you do that then you start really have to work hard on the education factor which can be done but that's a conscience effort of how are we going to educate.

T Powell: Well, and and a big part of this is um, is the um, code enforcement. It's having issues and and that's one of the things that we want to try and resolve is there's solid waste being stored under these things regardless of whether they're on the side of the house or in the back of the house or the front of the house, and they're, it's it's dangerous. And so, you know, if you have it in the back of your house, I mean, it's probably still dangerous but I don't want to see it from the street.

C Robertson-Gardiner: Right, well, and then if you're (inaudible) one option you take you say, you know, membrane structures and however we define membrane structures, uh, are allowed as long as they cannot be seen from a right of way. But then, you know, your right of way is above, then you just say at pedestrian level right of way. So that's one option too.



C Groener: Just to be clear to like all the folks say with or have to the side of their house with their boat or their camper trailer all that covered with those structures, those would now be no longer allowed.

C Robertson-Gardiner: If you, if you choose, right now you can't have it in front of your house.

C Groener: Right

C Robertson-Gardiner: So if you wanted to put your boat under a membrane structure you'd have to have it to the side or rear of your building. So if we wanted to say that "those aren't allowed at all", we could say that, we could say that "those aren't allowed if they can be seen from a public right of way at a pedestrian level", that's an option. We'd say they're not allowed between 120 and 200 sf, cause right now 200 and over we don't allow them to be membrane, we require them to be compatible with the house. So we could just move from compatible with the house down to 120 sf so you could still have, well you may still be able to have your boat, if you have a 100 sf little teeny boat. I mean if you have like a little row boat.

C Groener: Literally

C Robertson-Gardiner: But um, yeah. But that, these are all options but I guess that the biggest um point I want to come across tonight is, when you're under 200 sf it's a code enforcement education and how's the best way to enact this code in concert with the education program so people feel that when the code is enacted that they've had advanced notice and a reason, what's the reason why.

T Powell: Right. Sure.

C Robertson-Gardiner: W Why are they doing this.

TP: Well and I think that that's reasonable. I, I think we should give it um, you know, a year before we enact it. I, I, you know, I personally think it should be a nuisance, uh uh, as opposed to, you know, grandfathering anything in, I think they should be considered a nuisance. And in fact, it is a nuisance, you know, and the public education piece can be through um, uh, water bill, uh it can be through a website, yeah with a big picture of it and say, you know, could draw a big line through it, you know, an obvious things. The library postings, I mean there are lots of things we can do, I think that would help that um, and the reasons, I mean there's lots of reasons. I mean the biggest problem we have, like everything else is we've got a group of people that abuse that and it's causing an issue for and costs, it's costing the city a lot of money to go and take care of these problems out in the field. Um, enough of that.

Code compliance is having a big diff, quite a bit of difficulty in getting it taken care of. So...Do I want to add more work with them? Not necessarily but I want to give them, I want to give them the ability to fix it. And that's with, That's where we started this discussion, I think, you (?) and I probably. So, I, I, I, you know, I don't know what you guys think. I think we talked about it at the uh, the initial code discussions and everybody agreed that that was something that we should look at, so I'm open for, certainly, some more discussion on what we should do, what size, where etc. but I'll give you, my opinion, I shouldn't do that. My opinion is that it should not be seen from the public right of way. That, and if they want to have one in their back yard, they can have it in their back yard. I just don't think it should be seen from the public right of way.

C Groener: I guess I have a little different take on that cause for, I'm thinking about boat owners for example and just even if you were my neighbors where they have their boats stored under these things and how many folks have those and they're, they're, I mean they are tactful, the ones I'm thinking of are, but I can also think of a few that aren't, um, but, so I probably wouldn't quite be at the level you are. I really don't like it out in front. I think it should be....

C Robertson-Gardiner: Right. And that's today's code.

C Groener: That's right and I agree with the code today, I uh, I guess we'll, I guess, I don't. We're having a discussion of the extent of the code today or in a future conversation?

C Robertson-Gardiner: I think it's starting today and I think it's on a staff level. I chose not to start writing the code yet because I wanted to get these variations and trying to get feedback. I actually wouldn't mind if, you definitely have an opinion

T Powell: so, and you're looking for direction and that's what we're here to give you I think and so I'd like to have it out. And we might as well discuss it out while we can

A Dunn: What I'm hearing is that we're trying to regulate a behavior by a code and I, it's like you said, there's some people who abuse the fabric side, I guess. What are we trying to solve here? The unsightly? What, what don't we like that we're trying to regulate?

T Powell: Temporary structures. Uh, that's what we're trying to regulate. Temporary structures, I mean, it's it's like you know you wouldn't want somebody to set up a big tent right in the front yard in front of the house.

A Dunn: Some temporary structures look good. So, are we just saying that we don't want them?

T Powell: Well, that's in the eye of the beholder. I mean, a lot of people are getting tickets for having these things that they think look good but in fact they don't.

A Dunn: Well that's what I don't understand. So getting a ticket...Why are they getting tickets? Is it because they're in the front yard? Or is it

T Powell: There are a lot of reasons

C Robertson-Gardiner: Yeah. I can give a little background, uh, today, if you had one in the front yard it's just unfortunate but uh, I think one thing code enforcement is having trouble with is, this maybe something that I may be able to take a little more look into but, they're having trouble is when you have something inside a structure, it's harder for them to get um the court identify it as solid waste um, and therefore be a nuisance cause you're storing stuff, I'm using nice terminology, uh inside this temporary structure. And so in a sense, it's behind four walls, even though they're membrane four walls. so that, I think that's where Nancy Bush is having trouble is that people start kind of erecting these quasi structures to hide their stuff and then it's hard for the judge to come out and say, "well you're, it's inside a structure therefore um it's inside your home and you're not having outdoor storage". And so I think it's the outdoor storage vs indoor storage aspect whereas if you were a pack rat and you put, you covered your garage with stuff, as long as you weren't a fire hazard, that's ok. But if you had that same stuff in your back yard into three different membrane structures, to the judge, that's the same thing as your stuff being in your garage.

C Groener: So, so from the city perspective, the real problem is solid waste, per se, and what if we weren't able to write in, and I know you guys don't like the structures whatsoever necessarily but, uh that you could allow a structure and have write in the definitions of RV or boat or something to that effect. Can we do something along those lines. So that we tightly identify what could be allowed under that type of structure eliminating anything outside of four wheels, two wheels, whatever. Then you're not going to have a solid waste issue unless it's a trash boat or something.

C Robertson-Gardiner: And that's a good attorney question that we can ask.

T Powell: And I guess to further that, the question I would ask is, if you do that, do you put the stipulation on it that it, that boat or RV or whatever has to be a licensed vehicle?

C Robertson-Gardiner: That's already there.

P Walter: That's already a separate part of the code

T Powell: You can't have a junker sitting out there under cover and not running, with tags, and operable.

C Robertson-Gardiner: No. You have to have it licensed. So I can ask our attorney about, can we kind of start regulating the content, which is I'm using that word. But we can talk a little about it. Another option is, do we say you can have these but you can't have walls, because that's one thing I know with Nancy Bush is when we had the whole carport garage discussion, is if you can see in it, and if you're stacking stuff in your carport, Nancy can regulate it but if it's your garage or part of your house then she can't and that's why that change had to happen last Spring real quickly because she did not want carports to be considered the same as garages for her ability to regulate. So it maybe something as simple as, not understanding the permeations of it as, it can't have walls. It might be, you can still get your boat covered or your RV covered and maybe you can go down a third of the way down but maybe you can't have full walls, then that can be regulated. You can regulate the stuff inside of it for solid waste. I can ask our attorney about that

T Powell: Well, the other questions is, can you legislate um, that they be in good condition? And how do you identify what is good condition. That's, that's another question I'd ask the attorney. Cause I think you, if you have these things, and they're standing there torn to shreds, and they're just hanging there, and yes they're legal and have an RV under them but they're shredded. Uh uh you know that's an eye sore and a nuisance.

C Robertson-Gardiner: We do have, I think, general descriptions of good conditions of buildings. I think we could go down that path as long as we use definitions of what good condition is and I think we could list different things and use comparables um, so I think that is, actually we can do that. Um, cause that is pretty clear and objective. The, uh uh what it could be used for and the walls vs no walls thing I think I'd have to talk to the city attorney about.

P Walter: Are we hearing a preference of a nuisance code vs a land use code with regard to how this code would be written up?

T Powell: to me, we are

C Groener: Not for me. Not at this point, Not until I hear about what is, I mean, you're really going to anger some people. There are a lot of people that are

D La Joie: But why are we, why are we talking about this? This is, you know, it actually is a sense of urbanness that we're talking about and that has a rural. I can understand how people feel about Oregon city being that but, we are starting to denser and bigger and this is about urbanness and this is not a place for that in our city. Not in the city limits.

C Groener: well, but the question of whether it's planning or I mean, or you've got how its effecting right now and whether it's retroactively applied or not. I mean that's the question at hand too and at least I need to know generally how many people can be effected tomorrow once we pass this can be sited.

C Robertson-Gardiner: At a staff level, land use seems fair but, I don't know how to even begin how to grandfather. How do you have proof that something was up prior. So, if we ever did put it into title 17 for, for planning, I know it would be a nightmare to ma, have some homeowner prove that they has it up.

T Powell: I don't think they can. That's the difficulty.

C Robertson-Gardiner: Unless they had it up that August when we took the aerial photo, you know.

T Powell: Yeah. And that's why I think it should be in the nuisance. I mean, I don't know that they need to be grandfathered in. If you've got somebody who's got five of these things lined up in their front yard, and I know a couple that do, how we do determine that, you know, only one is appropriate on each property. You know, they're going to be mad either way.

A Dunn: Hold on, hold on. You said there are five in the front yard?

T Powell: Yeah. Well, that's behind the house.

A Dunn: That's why we're discussing a code that we really don't.... I don't think this is a unique problem. I was wondering if there were some models that are from other cities that have dealt with this issue

C Robertson-Gardiner: Yeah. Um, we have looked around and um, in the metro region, I haven't seen that many honestly, um, because I think it's a really hard code, I mean code enforcement um, and to nail it down. So, what I have seen code, I think Eugene, somewhere in the valley, it's like a one or two sentence. So the question is how do you um, actually, um implement it? And that's something I can do more due diligence. I want to um have this preliminary conversation tonight to get direction and find out where you wanted to go and I can definitely do more research with other departments and it's more of, now you have your one sentence how do you actually implement it as a city.

T Powell: Right

D La Joie: and and just to go back a little bit further, so we're talking about fabric ones now. Is that we've got it down to last time and not the a, not the sort of pole..

C Robertson-Gardiner: No. They're called membrane structures.

D La Joie: membrane structures. So the metal roofed ones that sort of come down and over a little bit but are just shelters for boats. We're not talking about those?

C Robertson-Gardiner: That, they weren't brought up for this discussion til now.

C Groener: That's the thing with the metal ones. What if they're the tarp like

C Robertson-Gardiner: Well that's membrane structure. A membrane structure has some cloth over a

A Dunn: metal structures would be regulated already by building code over 200 sf

C Robertson-Gardiner: right. We don't allow membrane over 200 permanently.

D La Joie: but are they, because I see a lot of these ones where a boat's under it and they're sort of just shaped like this and the sides dome down and there's just poles. Right. I don't that's a building department thing because they don't have a foundation.

C Robertson-Gardiner: well, well if it's under 200 sf then it wouldn't be

C Groener: It has to be over 200 then it would kick into

C Robertson-Gardiner: Yeah, Yeah

P Walter: And if they're moved and they're over 200 then they're only permitted if they're compatible with the primary building materials on the house

CRG: Or they get an exception. And there are some areas

P Walter: A large lot over 20 thousand sf. That's the code um, and then, so there, there has to be some compatibility with existing surroundings.

C Robertson-Gardiner: Yeah. That's definitely a good thing to bring up. We want to differentiate the materials

D La Joie: these are a nuisance as well, honestly. They weren't intended for that use. They were intended for a more rural kind of setting. They're just, they're just, they're not part of the architecture, they're not part of the vocabulary. So, I, I just think that they're pretty offensive as well.

T Powell: Pole barn. That's why we don't allow pole barns in the city. I mean, I mean, it's fine in a rural area.

C Robertson-Gardiner: As long as they're 800 sf or less and you have a 20 thousand sf lot. (Laughter)

T Powell: exactly, exactly. But who's going to put a pole barn

C Robertson-Gardiner: Ah well, we still see it

C Stein: so the person who's covered their RV with a blue tarp, parks that in his driveway, is that covered under this as well?

C Robertson-Gardiner: That's not a membrane structure. If he took his blue tarp and (inaudible). And that's been some of the problems

C Stein: So it's ok to cover your RV with a blue tarp and bungee cords

D La Joie: you just can't have a frame under that tarp

C Stein: so what we're talking about is something that doesn't look good. We're talking about an eye sore. We're talking about a nuisance, something that can be seen from the public right of way. I've seen RVs covered with the blue tarps and Um, why wouldn't we include that as well if we're talking about eyesores and public nuisances?

C Robertson-Gardiner: I'll add it to the list

T Powell: Well, we're, these things. We're not making this stuff up. We've received complaints from citizens. That's where it's coming from. I mean, so I know there's an issue out there

D La Joie: There are those who want what we're talking about here. Those are the few that most of the people are looking out for. "That thing looks really bad down the street". So more people are thinking the way we're thinking than not.

C Robertson-Gardiner: And looking at a densifying city, and people still wanting a fair amount of amenities, but yet their lot has gotten smaller, and they don't want to pay for off-site storage they come up with these type of solutions.

C Groener: I want to see how many complaints and stuff like that too before we start talking about a complaint issue. How many complaints have we actually seen?

C Robertson-Gardiner: OK

C Stein: Another concern I have about the visibility of these structures from public right of way has to do with um, the height of the structure um, for example if your structure is at the top of a hill and there's a six foot fence and the structure's eight feet tall and you can see this structure um from 200 feet away down the road uh, but you cannot see it as a pedestrian on the sidewalk in front of the house, uh how do we deal. One other thought that I had was that you know that the structure doesn't have to be invisible from the public right of way but maybe it has to be 90% obstructed or 90% out of view, only 10% of the structure could be in view or that the roof could be in view or um, that that was just a concern that I had is that that you know our fences are six feet tall in general and, in in in general these structures are tall enough to allow a person inside.

C Robertson-Gardiner: yes. And, and you know when we use the right of way terminology which, you know, as long as we create some clear objectives so an enforcement officer can read it, take the pictures, and make their findings. Uh, there's always going to be a case where they need it and people can still see it just because of our topography of our city um, we're never going to be able to uh. Unless we just outlaw it there's going to be a weird situation where, you know, people from above can look down and see it but when you're the pedestrian at the street you can't and. I mean whenever you have a definition like that there's going to be the outliers

T Powell: So by way of um, I'm not sure we're agreeing on whether or not it's a nuisance but um, it a start time is a year from now? We're going to give the people a years notification? I mean to me, I think a year's sufficient.

D Groener: I don't know what "it" is

T Powell: whatever the plan is that we come up with, whatever that is. I mean we'll try to get Christina some, something to work with here, you know, so if you can work with that maybe a year being the time



C Robertson-Gardiner: Yeah. We'll have to put that in the code as "effective" x date to x date. And it would probably, to me uh, this code update will probably be approved by the city commission in March, early April in worse case scenario, and we can either go with a January 1, 2011 or some mid spring 2011 date. Oh but we'll actually write the date in the code. It wouldn't be, I think, well our attorney will ask well it might be harder to say um, one year from an effective. But I can talk to the attorney to actually figure out how to implement that.

T Powell: It would actually be nice to be able to look at the code, what is, what are, what is allowed off street parking. What is, what are, what are the requirements, I mean, can you have a boats, RVs and all those things? I mean, if that's not even allowed

C Robertson-Gardiner: No. you can have RVs and Boats on your property.

T Powell: On your property

C Robertson-Gardiner: and the only time is if you have a private CC&R that doesn't allow it. And in Oregon City I can tell you that not a lot of CC&Rs are actually enforced.

T Powell: and does it required that they are behind the façade of the home?

C Robertson-Gardiner: No, No that would be most CC&Rs say that but the city, as long as you're not blocking, the right of way issue, you can have it in your front driveway. It just has to be operable and intact.

T Powell: any other comments. Did you get enough?

C Robertson-Gardiner: Yeah, I think I have enough. I'll give you an update on the next meeting of where I'll have some of these legal questions and you may have, may take a stab at attempt at code or I may not have that yet. I may just get...you know the code may be our end result. We may be just working towards what we actually write in that one or two sentences rather than just go the opposite way and just nit picking at

T Powell: It'll be good to get input from code compliance too, not that I'm trying to develop code, cause I'm not specifically, I'm not, I'm trying to look out for the citizens and for everybody involved and I want to be fair. We all want to be fair with what we have. Um, so that might be beneficial

C Robertson-Gardiner: Yeah

14

City of Oregon City  
Planning Commission meeting  
December 14, 2009

Start video 1:55:04

CRG: and if you don't have any more questions I can move on to the membrane structures discussion

TP: Boy

CRG: I know, uh, I'd like to officially put exhibit L into the file tonight. Those are the email from Nancy Busch that I actually e, forwarded to you last week, uh, and we've actually uploaded it on your uh, agenda tonight. You can find it. Exhibit L. So I can officially add that into the record tonight. And uh, as you recall at the last meeting uh, the goal was to go through the issues relating to membrane structures and once there's a consensus on that, come up with actual code language rather than start with code language and meddle around with it let's try and figure out what we want and that way we can address it. So, I spoke with Ms. Richter about two weeks ago and about membrane structures and um I know she's available to kind of bring into this conversation and Nancy Busch was not available to come tonight but you do have her comments um and I also wrote copied down some of the talking points in bulleted form from last meeting. But uh, I think the first uh, issue I'd like to bring up in talking with Carrie Richter is she is really seeing that this should go in the land use code if there's qualifications to it. So, if we just want to say no membrane structures in the city that could potentially be a nuisance, but once you are looking at setbacks or vision (view) that's really where you would want to put it into the land use code because if somebody wanted to build something, I'm going to go to the land use code to see if there are any restrictions on the structure. So, that was her suggestion is. Go black and white, go with nuisance but if we have some regulation on it. We should really put it into our accessory buildings and structures part of our code which is 17 54. Uh, but she didn't see anything um, about uh, regulating from a pedestrian level and that obstruction concept, so legally uh she didn't see anything uh, that was, um, a red herring. I don't know if it would be easier if you want to comment or if I...it's kind of odd that I'm paraphrasing

Richter: your doing fine cause you're the one who put this thing together so but I'm happy to add

CRG: So please enter in if I've crafted my sentence, you know, not quite what we spoke about but, um she didn't see any problem with regulating the membrane structures based on not being able to see them, um but keeping this clear and objective. And that tarps covering RVs can just be not allowed. So, that's that's not a problem. Or making them temporary, like you know, putting a tarp over something for 10 days or 20 days but the long term tarping of an RV, that that can easily be regulated. Um, and then, uh, the we, can also potentially differentiate membrane structures for storage, membrane structures for the purposes of outdoor entertaining, so that's really a devil in the details definition, but one thing I've always been concerned about is how through a definition, regulate. What we all think of is this membrane structure and the nice outdoor gazebo you get from Freddy's that you put up in June and you have your outdoor furniture and your fire pit or whatever. Um, is it a square footage, the material, the intent of use is all things we can use in the definition? And intended use can also definitely be in



there. So, when Nancy Busch is out there...and conditioned, so if that suddenly gets big holes and flapping in the wind that becomes uh, a uh, issue uh, in it's own right is a solid waste issue when the tarp is no longer, er uh the membrane structure I mean the entertainment canopy is not used for it's intended purpose.

Uh, let's see, I was able to contact the Oregon Planning network and talk to other planners through our list (inaudible) about how they regulate uh these structures and I got a definite answer from a lot of communities which is uh, not really our priority at this time. And so, most either don't regulate at all, so, like Sisters, is actually just enacting code to do what we're doing, which is not allowed in the front of the building or front setback. And I think Sisters had some additional things on the side. But I haven't heard from any community in Oregon that actually goes farther than that. So, uh, we

D La Joie: I would have thought, anything along the outter edge of the city, you know, where it's being more rural, would probably run into this problem.

CRG: and and, it's not that they don't it's just that it hasn't risen to a priority level for them. Um

Richter: I found it a fair amount of regulation in the East Coast regulation of of pods and portable temporary portable storage kinds of things but nothing like you're talking about in terms of membrane structures. The tarp attached to the house that hangs out and it's tied to a tree kind of thing.

I think really the questions is, is this something that you want folks to come in and get permits for. In other words, do you want to know at the outset that that these folks are doing. Do you want them to pay 20 dollars to get a permit or, do you just want rules? This is, you can't, you can't store hazardous waste outside...you cannot have a tarp with outside with, with covering um, certain materials, for a certain period of time. What, is it just going to be a list of thou shalt not? Or, is there going to be some um, analysis that you're going to make in terms of, this is an OK structure and this is not and Ok structure?

TP: Well, and that's a good question. And and the answer is what we've been struggling with this past year. And that is, we, we are, you know, from from the citizens perspective, and I'll be honest with you, they don't and they've said it many times... I don't want to see a big blue tarp, or or a big membrane structure in somebody's front yard with their RV parked under it or their boat or their truck or their car. If you want to have that, and right now we don't allow that, it's past the front façade. Well, when you have nine of these in a row and you have a long driveway, all of a sudden now you have a tunnel. And, and we have found, we being the city, have found that, that it's difficult uh, because we don't have, we don't have any code that if they're storing behind that RV..they're storing uh, you know, solid waste, She can't go in and do anything about it. Nancy, being Nancy Busch.

Richter: But, but we can prohibit the solid waste part and forget about this tarp question. I mean, is this a question of of nuisance type material that is not on a concrete slab in a structure so that it is protected from the weather.

TP: correct

Richter: so, so we could forget about the whole tarp question and we could prohibit the storage of anything...of a certain size, a certain type, in a particular area, or at all.

TP: mm hmm

Richter: and what I think what our quality standpoint that would make some sense.

TP: Well, from a historic point of view that makes a lot of sense too.

Richter: right

TP: and that's where it started Carrie. It started in the historic district and has spread out. And, and that's the concern both Dan and I shared was that in a historic home or in a historic neighborhood, that's that's not historic. We, we can manage most things, uh, if you want to put it in your backyard, and if I can't see it, then I guess that's probably ok.

Richter: well is that, is that, I mean, are you talking about visual aesthetics

TP: both.

Richter: or are you talking about some kind of, I mean, Nancy's concern is if the stuff corrodes and leaches out into the soil and enter the storm water system

TP: I think it's a combination. Unfortunately, I mean, I

Richer: So maybe the the solution is not, I mean, you can still do something with the RV covered or the tarp covered RV. But maybe this is more a questions of of storing junk outside without it being in buildings with walls

TP: right. Cause you can't legislate that

Richter: well, I mean, we could do that if you wanted to but that's a different

TP: Yeah, yeah, I'm not interested I what people have in their garage necessarily, but in a carport with no walls, that becomes an eyesore or if that can become dangerous

CRG: and I think this, this may be a conversation with Carrie and I, we, we lump them all together as accessory buildings and so therefore we have setbacks to them. We can just regulate them that way, so if we don't consider that

?: what was them? Can we

CRG: uh uh a membrane structure. A membrane structure and a tuff shed or a hand built wood shed setback wise and, you know, size wise, and location wise, they're all regulated the same today. Um, so if we don't consider them a accessory building, we'll have to kind of have a code around separate

Richter: We'll have to create a different code for separate uses.

CRG: mm hmm. And a own separate dimensional standards

Richter: it would be much easier anyway

CRG: mm hmm.

TP: Yeah. I mean, yeah if you have a garage, you have a carport, and those should be defined separately... and then you have this membrane, uh, membrane structure, if in fact we allow that at all, and that should be defined.

CRG: and we have accessory building potentially

TP: and then accessory building and that could be defined as well

Richter: and you could identify with this this outside storage is and this outside storage could be allowed for 60, 90, a hundred day, to 120 days and if Nancy sees it out there for 121

TP: well, I mean, I understand the complexity of it. I mean it's gone, it's gotten bigger than, than all of us I think here, but I, I, we're trying to uh solve a couple of things. One, is were trying to help um, well we need it, now there's storage of solid waste because we have no idea how to control that cause we can't see it or, um, which I think we can solve but, by doing just what Carrie said, I think we can probably solve a lot of that. Um, and over, uh commissioner Groener, would say, " well, you know, you know you can't. you want to tell everybody exactly what to do, what you can and can't do". But, we need to be able to regulate it some way.

Lajoie: Yeah, I think you need to protect the neighborhood some way, is what it is. Even though it's personal property it's still part of a neighborhood. You still have that obligation

CRG: Right. Let's go back to the and's ad the what ifs, cause you always think of those. So, we are regulating, um I guess, when when would you say it's ok to have 200 sf, or 180 to 200 sf membrane structure? When would it ever be ok? To understand the parameters.

Richter: If it's not visible from the street

TP: Yeah, from my perspective, yeah if it's not visible from the street.

Lajoie: for me too...if it's in the backyard and it's not

Right: If 90% of it's not visible from the street

CRG: from the pedestrian right of way

?: from the pedestrian right of way. So if you're on a corner, you know, that's part of, you know

TP: that's pedestrian right of way

Lajoie: and you can see into the back yard...well...that's just the way it is

CRG: you can build yourself a hedge

PW: What about from a bicycle? Is that a pedestrian right of way?

CRG: We (inaudible) at pedestrian height which is generally at 6 feet. 5, 6 feet which is what we say. Well that's the view along the sidewalk

TP: well, well in this town we've got a lot of differing, we've got a lot of uh

?: topography changes

CRG: right, right. So if I'm, this is the abutting street, so if I'm at uh, uh, way up and I can can look in that's not what we're talking about. I'd look at, id be looking at the abutting right of way, and I walk just that abutting right of way frontage, and can I see it. That's how, to me, that's the easiest way. Because if you get past that it gets too subjective

CRG: K, um, here's a suggestion, uh, I think we're moving forward, so at the January meeting I'm going to have bulleted points of what I think we're all getting at and to kind of check yes, yes, yes, yes. And then maybe at the following meeting, actually create code to address it. That's reasonable

TP: And I think if, we, as we said we'll review this, if we have comments we could

CRG: Please call or email me

TP: Cause I have some, I mean, I have a couple of things I'd list when I read this originally and I have to go back and

CRG: so, I think for me to just understanding those parameters, like this is what we care about, this this is

Richter: what about the uh, the sort of the RV cover with the uh blue tarp scenario. How does that fit into these items?

CRG: Well, I think it depends on how, we can, you know, your defining membrane structure and you find a tarp is not a membrane structure in that it can't be up for more than X days.

Richter: A tarp is a temporary covering that can't be up for more than a certain amount of time.

CRG: I would say that it's not a membrane structure. It's

PW: It's its own category

CRG: It has its own category, you know. It's serving a finite purpose

Lajoie: some people throw a tarp over something because.....well, you know, your trying to (P), well yeah, you know. That, it's its own category.

CRG: Yeah. It's either 30, 60, or 90 days. Whatever

Lajoie: yeah yeah something like that

TP: yeah yeah well if your willing to build a, uh, a, uh aluminum top with poles, I mean, that's going to meet a different criteria

CRG: well, that's a good thing that you brought up because at the last meeting there was a question is, we were talking about membrane structures, it's a it's a membrane material that is pulled over a support structure which isn't not that kind of metal top and and do you see that as a different issue and do you, would you like to regulate that differently?

D La Joie: I don't know if it's differently. You know the the thing that's interesting about those is that they don't require a foundation, you know they have steel columns and they have a horizontal, you know, so they require a foundation so it's "Temporary" you know it's a temp, it's not locked down to a foundation and so it's sort of in a temporary category too. Um, if that helps...um

CRG: and which is a different we've never viewed. Right now just in Oregon city an accessory building is something with a roof and posts, I mean that's basically we don't look at, do you need a permit, we don't look, I mean, permits are over 200 sf, but we don't look at permit, we don't look at materials, when it's under 200 sf, Um, it's an accessory building is that definition. So

TP: No height, no height issues?

CRG: uh, well, the we, when the need to start getting building permits is when you are um, over ten feet and then planning you allow that, the 3 foot setback rule to allow you to get in and we actually allow you to go uh 13 or 14 feet, 14 feet. So there's a little discrepancy but, there's sometimes we may just need a building permit um, because you're 11 feet, but you don't need any planning review. You can have that 3 foot setback so, well that's fine, all this stuff we're doing we're just going to be reorganizing how we view. Cause right now we just view everything as a, as a accessory structure. So we'll have to come up with some catalogs.

TP: So, in my opinion, anything that is visible from the street should be either a garage or a carport defined as such and made of material that that matches the house. You know, that's the

D La Joie: that's sympathetic with the house somehow

TP: Yeah, that's how, that's that's my perception. That's how I would like to see it. Uh, beyond that, um, I mean if you're going to have a ten foot height and you've got an RV under it, it's already going to be over ten feet high. I mean, it's gotta be. So, it it it, it already needs a building permit and approval to do it. But, so, there are a lot of those out there that have never gone through that process. Yeah, So

CRG: and we do have a way, right now, any building uh, between 200 and 600 sf um, needs to be compatible material wise with the main house and we do have kind of a (inaudible) out, um, to have metal. That's usually in an existing kind of county developed area that's kind of been out, and all their neighbors have metal buildings. So, there there is a way that the predominant development pattern is a house and then a larger metal pole barn. Well, there's a way. You have to have all of your neighbors sign off in support. But there's a staff way to get that but you have to be in that kind of development.

TP: Right. And that make sense

CRG: It could be the same. I think we could view maybe those metal pole things in the same way we view metal pole barns between 200 and 600 sf but it would be the same process where all of your neighbors would sign off. You present your, you'd have to show where you were living, you know where your lot is in the city.

TP: And it still has to be behind the front façade of the house

CRG: That, that, that won't change

TP; Yeah. K.

CRG: That's all we have tonight on the code amendments so if there are any sections that you feel we need to address or just even ideas that you know we are missing, please let us know, because this really is our last chance for a while to get changes to our municipal codes so we have a nice opening right now and I'd hate you know spring and summer come and you know.....

# City of Oregon City

## Planning Commission Meeting

January 11, 2010

Video: 48:24

Robertson-Gardiner: The last two issues that I want to bring up are membrane structures. We're still working on it, so we will get back to you on membrane structures and archeological resources I brought up at the last meeting.....

# City of Oregon City

## Planning Commission Meeting

January 25, 2010

Video: 2:03:36

Pete Walter: We've added in both a definition for membrane fabric covered storage area which would be in the definition section of the code in chapter 17.04, and uh, we have a drafted language for review of membrane structures, uh, for your review after working with the planning commission and the city attorney's office. Um, we're waiting for comments on these review criteria from the code enforcement department cause they will be the ones who are enforcing it. Um, and so, if you have any questions about those I'd be happy to, uh, go into that. Um, there are exceptions within that code section for uh, tradition.., typical garden structures and and and outdoor play areas. However, there is , and there is discretion for the community development director to grant exceptions um for temporary structures um that would be up for less than 30 days per year. Um, so, that's that piece. And finally there's uh, um, oh, not finally, there's a use matrix that was adopted and posted to the uh, code website. And the use matrix was intended for uh, use by staff. Uh, err, it's a rather complicated table, um, and may have some errors in it. So we, we, we don't believe it's a useful tool to be up there on the website when they can just contact staff or refer to the zoning uh, code to see which of the permitted uses are for each zone.

Uh, the uh progress on the archeological.....

# City of Oregon City

## Planning Commission Meeting

February 8, 2010

Video 1:08:47

T Powell: OK, next would be um, L08-01. Uh, commission report is, uh, right there. And this is, oh my gosh I'm sorry I can't read that, it's too small, uh, six month hearing uh code update. Thank you

So, I will turn this over to you, Tony (Konkol), are you the uh

T Konkol: Yeah, yeah, I've requested a continuance to, uh through February 22<sup>nd</sup> 2010 planning commission hearing. Uh, if anybody would like to speak tonight, I recommend that you take that and then continue that hearing. I don't have any requests at this time, to speak um. We're just trying to clean it up, the code a little bit more and um there were some outstanding questions from the last hearing that we, uh, weren't able to address then, uh, quick enough to get back to you.

T Powell: I'll ask our vast audience if you'd like to speak. I see he does not want to so uh, let's go for a motion on this. Motion to uh, to continue to uh February 22<sup>nd</sup> 2010?

Groener: Move

T Powell: alright Commissioner Groener. Do we have a second?

Stein: Second

T Powell: and Commissioner Stein Second



# City of Oregon City

## Planning Commission Meeting

February 22, 2010

Video 02:05:00

C Robertson\_Gardiner: Thank you Chair Powell and Commissioners. Uh, this evening we've tried to put together the, the whole packet of the work we have done over the last three months. Plus I'd like to update outstanding issues with you and go over some changes that are, we have made since the last time we met with you and, um both Mr Walsh and I will go through the Uh memo and pick out just the issues that are new. Uh, but before we begin, there's three exhibits on your Diods that I want to enter into record this evening. Exhibit A, u you'll see proposed changes to uh chapter 12.04.25 and this was apparently left out by our engineering division Bob Paulson though that he had given this to you. And what this is is the policy on curb cuts that they'd formally like to codify and so this, what, is you see right there is adopted policy that the engineering division has for what you can and can't do with curb (inaudible) and it also helps a lot with code enforcement, especially people who put, uh, two by four plywood over curbs to a try to hop up over it to get access to the RVs or trying to get drainage or get illegal second access so they, they wanted to move forward and move from a policy to a codification. And that's what's in your, in your um, dios tonight. Um, the second, that'd be exhibit A, the second one um, you'll see it starts with uh chapter 17.49 and these are just some grammatical edi, edits from (inaudible) and these don't really effect the content and I, the staff w would to recommend that we just enter into record and we update them um, when we send this to the City commission.

Uh, the last one is exhibit C, which is a letter from Dan Berg, um dated uh, February 22<sup>nd</sup>, 2010, and we will speak about this later this evening. But I wanted to speak about these things. they Actually have already been uploaded on to the agenda, so people in the audience if you want to take a look at the electronic agenda on our website these have already been uploaded. And they should be uploaded on yours as well.

T Powell: Thank you.

Video 05:10

C Robertson-Gardiner: The first outstanding issue is temporary structures. And the planning commission met in

Planning Commission meeting cont.

2/22/2010

C Robertson-Gardiner: December and January to discuss.. oh sorry

T Powell: Just a second. We're going to need to find it on here

C Robertson-Gardiner: It should just say memo, or

It's eight pages

T Powell: got it.

C Robertson-Gardiner: OK. And I'm at the bottom of page one, uh looking at temporary structures. Uh, just to recap, uh temporary structures were discussed in depth of by the planning commission uh looking at how they would be regulated, um especially under 200 sf. Uh, the code changes haven't um, been amended since the last time we spoke but I have one request from planning commission to get a verification as I re-look over the uh proposed language. Was it intended for not only membrane structures but for metal uh accessory buildings? Cause membrane isn't quite the right word for that so there may need a tweak to also include the metal temporary structures. I just wanted to reconfirm that that was included in the general...ok

T Powell: inaudible

C Robertson-Gardiner: So when we pass this the City Commission will also make sure that the wording identifies metal. But it's the same uh, the code looks at can you see it from the public right of way at pedestrian level, is the main jist, and if you can, it will not be allowed. Uh we will also be sending the code changes back to the CIC, we sent previously in January but I wanted to reiterate to the CIC that if they feel that neighborhood associations want to get more involved in this please, please, please, please, please come city commission level. So far I've yet to hear from the CIC um since the last time I uh sent information and I may have even taken the next step to really explain a little bit more of the intricacies that we are say, cause I want to make sure they are involved in this process before it gets adopted rather than just having it (inaudible) in their laps. And so that will be doing at the March CIC meeting at least at the minimum sending them a detailed letter explaining the next step of the process and how they can get involved.

Next on page two is archeological resources.....

# SECTION 2

City of Oregon City  
City Commission

Meeting details

December 2009 to July 2010

# City of Oregon City

City Commission

Meeting Stats from Oct 2008 to July 2010

As it pertains to discussion of regulation of membrane structures

Under L08-01

From October 2008 to July 2010, The City Commission held 59 meetings. Of the meetings, only 12 out of the 59 mentioned membrane structures. Discussions between City Commission, staff, and the Planning Commission were held in only 5 out of the 12 meetings, as it pertained to membrane or temporary structures. The time spent during the 5 meetings with discussion of membrane structures were for 6 minutes, 3 minutes, 5 minutes, 13 minutes, and 3 minutes.

# City of Oregon City

City Commission Meeting

February 18, 2009

Video 1:02:33

A Norris: a continuation of a public hearing on ordinance 8-1014 amendments to the Oregon City zoning and development codes. And the staff has requested that we continue this item to the March 18<sup>th</sup> City Commission meeting. Do I have a motion for.....

D Neeley: So Moved

A Norris: Moved by commissioner Neeley. Second by commission Wuest to continue to March 18<sup>th</sup>. Nancy the vote please.

Nancy: Commissioner Smith

Comm Smith: Aye

Nancy: Commissioner Nicita

Comm Nicita: Aye

Nancy: Commissioner Neeley

CommNeeley: Aye

Nancy: Commissioner Wuest

Comm Wuest: Aye

Nancy: Mayor Norris

Mayor Norris: Aye. Motion passes

# City of Oregon City

Oregon City Commission

Work Session

March 5, 2009

Video: 56:36

CRG: and regulating the material of accessory buildings under 200 square feet. So, those are kind of the five issues that on the planning staff level. Uh, we either didn't know the direction from City Commission on or we gave comments back on and we wanted to make sure before anything was proceeded further, we wanted to make sure we had. Uh these are um small little uh

D Neeley: Sheds

CRG: No. It's more of a

D Neeley: buildings under 200 feet. I'm trying to envision. They're only under 200 sf

CRG: Vinyl carports

D Neeley: oh, oh, oh, ok

CRG: yeah. That's the perfect example of what the planning commission is looking at:

A Norris: So, are these items just question marks for the planning commission or were these supported but they just didn't know what. They were just directionless

CRG: They were supportive of all these issues but wanted. But we as staff wanted to make sure we were on the same page and we need to get direction from you and then moved back and then go through

A Norris: I really want to see that tree permit program as part of property before I die

?: That was the one that was most controversial from our standpoint because it takes a lot of additional resources to do that

\*\*\*\*\*Conversation continued about trees\*\*\*\*\*

Video 59:36

CRG: and just briefly, the anticipated time length for adoption, today is March 5<sup>th</sup> City Work Session. We'd like to ask you, do you want to have another work session, what topics would you like to have them on, and how many hearings do you anticipate we need to adopt this. So this question back to the City Commission.

A Norris: Could we have a...would it be too soon for staff to have a joint work session with the planning commission at our next scheduled work session?

?: I think we could do that

A Norris: because then we could address these topics and kind of get them bundled together more completely and hear, have a chance to talk together about any spot that they think is incomplete as well. Was that concurrence by calling

D Neely: \*\*\*\*Spoke about a neighborhood creek and neighbors wanting to expose it\*\*\*\*

# City of Oregon City

City Commission meeting

March 18, 2009

Audio 49:00 to 50:00

A Norris: first is items 6. A. which is a continuation of a public hearing for ordinance no. 8-1014 which are copious amendments to the City of Oregon City zoning and development codes. And staff is requesting a continuance of this item to May 20<sup>th</sup>. Do I have a motion for continuance please?

D Neeley: So moved

A Norris: Moved by Commissioner Neely

R Smith: Second

A Norris: Seconded by Commissioner Smith for continuance all those in favor say aye. Opposed same sign. Motion passes unanimously.



# City of Oregon City

City Commission meeting

Joint Work Session

April 7, 2009

Video 1:15:59

A Norris: We are now back in session. Um, this section is on the proposed code amendments. I know we could talk about this forever so could we set a time limit of ah, a half an hour? OK? Or less. That means you must be succinct in your questions and uh, succinct in your responses. Ok, it'll be a challenge. Alright, Pete and Christina

CRG: Thank you,

A Norris: Please lead us through

CRG: Thank you Madam Mayor and Commissioners, plural. Uh last March we had a work session we the city commission to go over, just a preliminary power point to give a general outlook of the code amendment process, uh the content of the code, and can to get the commission up to speed. And there were some outstanding issues that the Planning Commission had when they recommended approval of the code amendments in December and uh requested a work session with the City Commission so we are, uh one of the main reasons why we are here tonight is to look over those outstanding issues. In general with this process uh planning staff does have some other direction questions for you. If you look at the memo, uh, it's dated April 2<sup>nd</sup>, with our new city logo, which were are very excited to see, you'll see there are three sections, A, B, and C. "A" is our preliminary selection of City Commission hearing dates, and Uh, by this evening we would really appreciate it if we could get, uh just a general uh direction if you find that these dates acceptable knowing of course that the public hearing process is subject to change. Two, we have the opportunity for one more work session before the first public hearing if you do indeed want to move forward with those dates. Identify what code issues uh need further discussion and the confirmation that you want another work session and on the second page, "C" outstanding code issues.

Of these, Planning Commission issues, uh we would like some further direction uh for each one. Either, A, you would like to address these issues in the current amendment process. Two, you would like to address these issues in a separate amendment process. Or, C, you would not like to address these issues at this time. And I have Tim Powell, the chair of the Planning Commission, who will lead that discussion.

At the last City Commission, there were two other discussion items, you'll see that, um, the last two items on the page before the attachment. One is the natural resource annexation policy, and Pete, in your email, uh that you received uh, two uh, two examples from Wilsonville and Lake Oswego, looking at their annexation Policy. Uh, this does not have to be done during this code amendment process but we wanted to give you as an option to look at. And attachment "D", uh conservation easements uh

commissioner Neeley did bring up a voluntary easement program uh to look at preservation of open spaces especially in regards to uh habitat and title three and we have information on that easement process that uh Pete Walter can speak to.

Video 1:19:38 to 1:46:00

T Powell: Thank you Christina. ....

- Tree preservation
- Commercial re-zoning in the Southend area

Video 1:22:47

- Temporary access structures. And the questions was, uh, should we allow temporary, and I mean we're talking about the temporary pop-up type uh structures. First, in front of the homes. Second next to the homes and if so, sizes and uh, wha wha, uh, sizes and materials, and placement. Um. We currently do not allow these to be in front of homes, although we have some out there, but um, that's a code compliance issue that we'll have to work on. Um, the other part of that is how do we enforce it and do we have the ability to enforce it. So that's the item that we want to discuss, uh not even specifically in the historic district although that's where it first came up, um now it's kind of spread all over the city. Um, and then the big one is the sign code.

- Sign Code

Video 1:45:45 to

T Powell: The next is uh temporary accessory structures. And I guess the question is, you know, we've got them off the main front of the building but there are many that are on the side of the building and on the back of the buildings and they're made of fabric, and and we've got some serious code problems with people filling them with trash. And we, it's very difficult for staff, code compliance. To take care of that if we don't have something in the code to to help with that. So that's something the I we, we as a uh body wanted to move forward and see if uh we'd come up with some agreement.

A Norris: Anyone object? .... Go for it.

T Powell: You always get the good ones when you wait to put in the good ones til the end of the meeting. They blow through em

# City of Oregon City

City Commission Meeting

May 20, 2009

Video: 1:24

A Norris: And the next item is 6. A. this is a proposed municipal code comprehensive plan amendments. A gigantic project that has been started about a year ago, I guess. They've been working on it for a long time. Anyway, this um we will, uh we plan to do this evening is to open to the public, hear the staff report, open the public hearing and hear any testimony if there is, and then we will continue this um on June 3<sup>rd</sup> and with the hope of adopting it in August some time, I think, isn't it? Let's see. I forgot what we said here.

CRG: I'll go over the power point

A Norris: That way you guys can go over the schedule. Ok. Uh Dan, I this you? Mr. Drentwell community development director.

D Drentwell: Thank you Mayor and Commissioners. Let me give a brief overview of where we're at and then Christina Robertson-Gardiner will go into some detail about all these changes. And again, uh well, this is the first public hearing on this. And we're proposing that it be continued as a public hearing until June 3<sup>rd</sup> for more testimony.

So, some background. This is a, this whole code amendment package is the result of the adoption of a concept plans for Park Place and Beavercreek. Um, and as part of the process we also went through the code and looked at other issues that we thought needed improvement and that's why we have such a high volume of items that are under consideration. The Beavercreek concept plan, we're having issues with implementation because a lot of the proposed annexations have not occurred there. And, so, implementing ordinances specific to Beavercreek are not included in this package but we hope to move that forward in the near future. But the code amendments do contain zoning changes, proposed com plan changes for the Park place area.

So a brief summary of some of the other code amendments that we're proposing they deal with chapter 16, which is our subdivision code, chapter 17 which deals with zoning including site plan design review, and then smaller revisions to chapter 12 which relate to street sidewalks and public places, and chapter 15 building and construction.

The planning commission held 9 work sessions and nine hearings on this package and as you recall we had a joint work session with the Planning Commission and then also with you on April 7<sup>th</sup>. Between the time the Planning Commission approved this package and now, the staff has added some additional items for consideration. We've run these by the Planning Commission. They feel fine that they are being considered by you at this point but I'll briefly go over those.

1. Is minor adjustments to our Natural Resource overlay district. This is the district that implements title 13 of Metro's code which deals with wildlife, habitat and wildlife protection. We're still working with Metro on some of the detailed mapping issues as far as code goes they're ready to issue a letter. We're expecting that next week that says that we meet their criteria.

And, as I mentioned, we have some very minor mapping issues to work through with some of their biologists and Pete Walter's working with them on that as we speak.

Since the planning Commission hearing we've had a couple of citizens request re-zoning as part of this package and Christine will go over the details .....

Video: 1:17:11

CRG: Thank you Mr. Drentlaw, Mayor and Oregon City Commission. Uh, I took the power point presentation from the April Work Session and updated it. I will try not to go into detail too much cause you've seen this before, but, the audience and the cable audience haven't seen this and I think it's just a nice recap of what we're doing. So, I'll try to be concise but brief. Uh, we broke these up into three categories just to understand all the uh changes we were making.

We call category one, comprehensive.....

Video 1:17:55

CRG: and three, just general reorganization, removal of outdated code, and clarification, and clean up.

Video: 1:46:10

CRG: I would like to add one more exhibit into the record, it says amendments to the Oregon City Municipal Code, section 1704, 500, 1704, 1010 and 1204 005. And these are just a little bit more cleanup and having discussions with our code enforcement department, they felt that our definition of garage may impede some of their ability to do code enforcement so we are striking the "including carports" from the garage definition. Uh, we are removing the word permanent as a definition for recreational vehicle. That it flat out is not a dwelling. And the jurisdiction and management of public right of ways are in our telecommunications chapter, and it really needs to be in our public streets chapter, and we're adding it to there. And, at this time we're not removing it from our telecommunications chapter but we may amend it in January 2010.

Video: 1:47:22

CRG: This is our first public hearing.....

# City of Oregon City

Oregon City Commission

June 3, 2009

\*\*\*\*\* No discussion about Membrane Structures \*\*\*\*\*

# City of Oregon City

## City Commission Meeting

July 1, 2009

1<sup>st</sup> and 2<sup>nd</sup> reading of the adoption of amendments for ordinance no. 08-1014, Municipal Code Amendments, Fie L 08-01

Video: 46:05

A Norris: Next. We have a resolution, the second reading of ordinance 8-1014 which are the municipal code amendments which, I believe is our 14<sup>th</sup> hearing, or uh something like that including the planning commission. I wrote that down, Yeah, seven plus five including tonight, so that's twelve. Right. Mr. Drentlaw how are we doing on these code amendments?

Drentlaw: inaudible. Yeah it has to do with expiration of approvals and you'll see originally that we had those applying to just type 4 and our intent and testimony had to do with all types of inaudible. So I believe that Mr. Sullivan is going to do the first reading

?: If you want to do them all you've got to do a first reading. A suggestion might be you could hold off until you have your automatic review of these things in six months

Drentlaw: inaudible

?: Yes you can, if you want to do it. But you're going to have to go through a first reading again and you wouldn't be able to adopt into the next meeting.

A Norris: WE can't do a first meeting?

?: Isn't it more of a typo?

?: it's more than a typo

A Norris: So it does make a difference. So we can't do the first and second reading tonight, together?

?: You could if you want to, if (inaudible) haven't, you don't

A Norris: Right. That's the recommendation we have before us is to do first and second together.

?: You can still do the first and second tonight and only include the revision of that one section.

D Neeley: The requirement in our code is do we have to declare an emergency on this

A Norris: No

D Neely: Ok I move for first reading of ordinance no. 08-1014

J Nicita: clarification. Are you moving to do the first and second reading together?

D Neeley: I think we can do that

A Norris: but you have to do them one right after the other

D Neeley: So he does have to read it twice

A Norris: It's just the first reading now for this motion. May I have a second please

J Nicita: second

A Norris: Moved by Commission Neeley seconded by Commissioner Nicita. For the first reading, Mr. Sullivan

Mr. Sullivan: First and Second Readings of Ordinance No. 08-1014, Municipal Code Amendments, File L 08-01

**\*\*Membrane structure code amendment was not read\*\***



## COMMISSION REPORT: CITY OF OREGON CITY

TO:	Honorable Mayor and City Commission
FROM:	Dan Drentlaw, Community Development Director
PRESENTER:	Dan Drentlaw, Community Development Director
SUBJECT:	Code Amendment Update
Agenda Heading: General Business	
Approved by: Larry Patterson, City Manager	

### RECOMMENDED ACTION (Motion):

For information. The Planning Commission has begun review of the code amendments. The next scheduled hearing is December 14, 2009, with additional hearings on January 11th, January 25th and February 8th, if needed. The first City Commission hearing was scheduled on January 20th, and will most likely need to be continued to February 17th. A joint Planning Commission/City Commission work session is tentatively set for February 9th.

### BACKGROUND:

As a result of the code amendment hearings in June of this year, the Planning Commission identified several areas they would like to investigate. Some of the more important include regulation of temporary structures, refinements to the Natural Resource District and archeological resources. Several other topics require a longer more involved process and need direction from the Commission. They include:

1. Commercial zoning in the South end area. - Staff has begun discussions with the CIC and the idea of a citizen survey is being discussed.
2. Regulation of trees on private property. - In order to assess if there is public support for such regulations, discussions with CIC could be initiated and an ad hoc work group assigned. This program would require considerably more resources to implement.
3. Sign code rewrite - This would be processed separately as the sign code regulations are separate from the zoning code. This would require an ad hoc committee as well.
4. Tree City USA designation. Staff is prepared to present at the December 16th Commission meeting.

### BUDGET IMPACT:

FY(s):  
Funding Source:

### ATTACHMENTS:



# City of Oregon City

Oregon City Commission

January 12, 2010

Video: 1:20:32

A Norris: So let's move on to our code amendment update. Our new community development Director Tony Konkol.

T Konkol: Thank you mayor and Commissioners. This is an update of the process of where we're at. You may recall, back in June 2009 we updated our code and we, as part of the approval of that legislative action, and we continued it, the hearing for under, six months out, to come back and just review, make sure we've got everything we needed to win those code amendments. There were a couple other issues raised that weren't included in that June 2009 adoption that we're trying to address as part of this process that we're going through right now. We've been holding public hearings with the planning commission. Our next one is scheduled for January 25<sup>th</sup>. For the notice when we continue this we actually picked a date of January 20<sup>th</sup> to be in front of the City Commission and we're going to be continuing that to the meeting in February (inaudible) plus we are planning on having a joint planning commission/City Commission work session February 9<sup>th</sup> (inaudible) what the planning commission has done to date. Some of the issues that we were tasked to address in this go-around included how to regulate temporary structures, refinement to the natural resources overly district for density transformers and utilities over creeks, and streams, and wetlands, low impact designs for parking lots and other buildings to be incorporated into the code, and then you've got a presentation tonight concerning the archaeological resources throughout our city and how we would incorporate that into our land use process for noticing SHIPPO to get their comments ahead of time when we do have land use applications in those odd or moderate zones or however those are going to be defined via that map that's being produced. There were several other issues that were raised that, probably larger than what we would put into this clean up including, and these are several discussions that we've, I've put on for the retreat that we're going to have later this month including The Southend Concept Plan, and any discussion of any commercial or small retail in that area and how the commission would like to proceed with it, regulation of trees on private property and city wide and how that relates to not only to implementing such a regulation such as that and the staff time and FTEs that will be necessary to implement such a program, but how do we get there, Whether that's through, as you may recall we brought a resolution before you trying to create the tree committee through the planning commission with additional members or whether that should go back to the natural resource committee or a tree committee as a subcommittee of the natural resource committee. So that's been forwarded to your retreat as well for discussion. Another issue is the sign code. We've had our sign code in place for quite a while and we keep talking about this every year of addressing it. What's the priority to rewrite our sign code? We continue to make amendments to our existing code and never actually just start over and rewrite it which is probably necessary for that sign code.....(continues)

\*\*\*\*No other mention of membrane structures\*\*\*\*

# City of Oregon City

Oregon City Commission

January 20, 2010

Video: 55:42

A Norris: scheduled to be a public hearing for the Oregon City code amendments update and the recommended action is that planning staff is asking to hold this over to February 6<sup>th</sup>, its not coming up on my thing here, February 17<sup>th</sup> . Thank you. May I have a motion to do so

D Neeley: so move

A Norris: Do I have a second?

D Wuest: Second

A Norris: Seconded by Commissioner Wuest

Motion passed with all members saying, "Aye"

# City of Oregon City

Oregon City Commission

Joint Work Session

April 13, 2010

Video: 1:08:00

A Norris: Why don't you go ahead.

P Walter: Thank you Mayor and everybody. Thanks for coming. As you know, this large file in front of you is a body of code amendments that the Planning Commission has been working on for several years. Almost two and half years now. The City Commission started a public hearing for this file on March 17<sup>th</sup> and we are currently have an open record. And the next hearing for this will be on April 21<sup>st</sup>. My proposal for this evening is to, uh, I'm going to direct you to some of the exhibits that are in your packet and we are going to work primarily from two of those exhibits. The first is a memo describing the proposed amendments. That's an eight page document, and if we work off of that, I think we'll be able to make it through the work session in a reasonable amount of time. And, if we have specific questions, with respect to the code, we can refer to the code amendments by chapter section, which is 157 pages long. Also at the March 17<sup>th</sup> hearing, The Commission had some questions to which we prepared a memo in response to those questions about the archeology map .....

Video: 04:11

P Walters: The first one has to do with regulation of temporary structures. We've prepared a definition of what these structures, uh membrane structures in 1704 of the code. And what this regulation would do would severely limit or eliminate the ability to put up a temporary fabric or metal structure on private property. And this code language would prohibit these structures if they are viewable from the public right of way. And it would prohibit them from being in front of the house. And we're not proposing that this code go into effect until January 1<sup>st</sup>, 2011 so as to allow some time to prepare a public education program about the regulation since it would go into effect on January the 1<sup>st</sup> 2011 and it would be retroactive. There would be no grandfathering in of these structures so if you have a membrane structure on your property we do require that you come into compliance once the code enforcement department notifies you. We would prepare a public information campaign that we could do on the website, through utility billing, through the city involvement commission and neighborhood associations, as well as through the regular meetings of the planning commission and the City Commission.

A Norris: That, um that um, compliance date is only for this particular code piece? The rest of them, I would assume, would go into effect as soon as they're adopted.

P Walter: That's correct

A Norris: K

P Walter: with respect to the second outstanding issue.....

Video: 15:23

P Walter: The definition for a membrane or fabric covered storage area is an area covered by a tarp or tensioned metal or fabric membrane that is either attached to a rigid framework natural feature or some other feature that is used for storage. It is not intended to include the weatherproofing of a vehicle, boat, or other individual item by a tarp or other type of covering as long as the covering is attached directly to only that particular item.

A Norris: Rocky

R Smith: Um, for the temporary structures, that includes things like a car lot having a tent, or a shopping center doing a sidewalk sale, or I mean, how specific does that go? Is it pretty much for all of those? Or is it that it's temporary, meaning, is temporary a weekend or is temporary 2 weeks?

P Walter: Let's refer to the code section as inaudible

T Powell: From from our perspective, it meant temporary meant, let's let's take it 2 ways. Say for your examples that, that would not be a factor.

R Smith: right

T Powell: you know, if somebody were to put up a tent for a a weekend wedding party that would not be affected. If you had a boat underneath a big awning type thing, that is, that is affected by the code.

D LaJoie: we also recognized those little gazeebos things, 8x8, that's not included in it

P Walter: If we go to page 90 of the code packet, the, this is page 106 of chapter 17.54, which are the supplemental zoning regulations. "Membrane or fabric covered storage area. All membrane or fabric structures shall be located behind of the front of the building line, shall not be visible from the abutting right of way at the pedestrian level". And here's the exceptions, "They may be made by the community development director for temporary storage as long as the membrane or fabric covered storage area is removed within 10 days and is not erected for more than 20 days in 1 calendar year and is not seen as a nuisance to the city". And it does not apply to gardens and tents in the garden.

R Smith: and it says specifically active outdoor uses then I would think that those were active outdoor uses. Specifically it was storage of things is what the heart of what we were looking at

A Norris: Daphne, do you have a question

D Wuest: yes. I believe we are we have fences that they can be higher if they're in the back yard vs in the front yard, so these, but, it it sounds like these fabric or membranes, or metal membrane temporary

structures, doesn't matter if they're front yard or back yard, it's just wherever you can see them, correct?

P Walters: visible from the public right of way at the pedestrian level, so yeah

D Wuest: So I, maybe you could just refresh me, so the policy on the boats and RVs, once we take the covers off them, the boats and RVs aren't supposed to be in the yards.

P Walter: I believe as long as you have current tags on a vehicle or a boat or a trailer you

R Smith: But I think that what, Daphne, are you just talking about when an RV is topped off, tarped over. That isn't covered under this I believe

D Wuest: Right. So I'm asking for just the broader policy behind it.

A Norris: We're talking about nuisance. We're talking about the nuisance of it

T Powell: so question is if you have a camper

D Wuest: Or an RV sitting there

T Powell: if it's licensed and it's in operable condition it can be there

P Walter: that's correct

D Wuest: In the front yard?

T Powell: That's the code

P Walter: the hope is that they will come in for an accessory building permit and they will use an appropriate material of some sort in the interest of covering that.

T Powell: Now that's, you've just opened a whole other can of worms

D Wuest: Yeah

Inaudible

A Norris: I think the bigger question that we need to discuss, that maybe we should put off til the end is, the enforcement.

T Powell: Right

A Norris: Cause we've been reluctant to enforce this up to this point. So I think we need to talk about the resources necessary to carry out the "how" of that. So why don't we move that to the end because these are going to require enforcement that we do not now have.

Video: 1:37

A Norris: So, next steps are, we will be looking at this group of code changes at the April 21<sup>st</sup>

P Walter: April 21<sup>st</sup> we will have a public hearing. We will present a power point to the public and the Commission again that provides an overview of these but it won't be as detailed as this work session

has been. And if you are, if there are additional concerns and comments that come up with respect to the language, we will be happy to entertain those. I believe the, the Commission has the prerogative to either make the decision that night or to, you know, continue it over to. There are outstanding issues that the hearing on the 21<sup>st</sup>

A Norris: and I think that, um, I mean, that some of the outstanding things that are the cost of enforcement, some of the new pieces, the archeological SHIPPO mapping piece, I don't know what we're going to do about trees, essentially I feel are unresolved today. So whether you want to bring us as planning staff, additional information to help us with those decisions, or what do we want, to carve out chunks, I guess that that's our prerogative as we go through the process.

P Walter: What staff can provide for you is a recommendation of how we can proceed in the interim and a recommendation for future work items because there's clearly some additional work that needs to be done on the code with would require re-noticing and doing another measure # 56 out.

## Commission Meetings and Membrane Structures

March 17, 2010

Tony Konkol: We've created a new definition in the zoning code that identifies exactly what a temporary structure is. And what we're looking at is a tarp or um metal or fabric membrane that is attached to structures for storage. Ah this does not include weatherproofing such as for a boat or a car so a those have been exempted. Um we've also included of a how we would enforce this and if it's, if it's visible from the right of way at pedestrian height in front of the home it would be something that we would regulate. We've also uh proposed to not implement this until January first of 2011. This is to give a us an opportunity, if this is what the commission wishes to do a to try and get the word out to the neighborhood associations, the C.I.C., that this will be coming a will be a new code that is going to be enforced and one of the stipulations that the planning commission attached was that this would apply to existing as well as new ah so there would not be the protection of a preexisting nonconforming situation, so if it's a tarp that's been there for two or three or four years, a code enforcement will come and potentially request that it be removed. Um they spent a lot of time on this issue trying to craft a an equitable and fair definition of where it should be located and how it should be viewed, um they spent quite a bit of time on this. Um we've worked with the attorneys on the definition as well as the implementation and I'd be happy to answer any questions as we move through this if you do have concerns about what that definition exactly says. (End of Membrane Structures Presentation and continued with next code amendment.) There was commission discussion following Konkol's presentation, but membrane structures were not mentioned. The subject is to be continued to the April 21<sup>st</sup> commission meeting.

April 21, 2010

Continuance requested & approved

May 5, 2010

Pete Walter: The planning commission and the city commission had a work session on April 13<sup>th</sup> to review our six months code revisions and at the work session we discussed some outstanding issues that the commission requested that we bring back further information on. Um I will briefly go through those um they're in your packet a with respect to the code section on tree protection[...] Finally on um the definition of membrane structures which is being proposed a the planning commission at the a February 22<sup>nd</sup> hearing a did clarify that membrane structures was to include both fabric or metal in the definition. And that would have the effect of regulating ah metal pole barn type structures as well as fabric structures that are less than 200 square feet a that are visible from the public right of way on properties um they wanted you to be aware that the planning commission had recommended that clarification, and a we're looking for further input from the commission to with respect to these and help you with any questions. (End of Membrane Structures Presentation and continued with other code amendment information.)

Commission Questions and Discussion: The only reference to membrane structures was as follows:

Mayor Norris: ...okay, membrane structures, We're really clear about that. That's an aesthetic, that's an a neighborhood livability thing...

June 2, 2010

After a lengthy presentation and discussion regarding landscaping and issues involving the confederate Indian tribes, the only discussion of membrane structures was as follows:

Commissioner Wuest: What these membrane structures that um you're not supposed to be able to see from the street level from a side or a front yard would we um what kind of examples could be of a structure of a could be could exist that would be within the code? What did it leave any room for any other

Mayor Norris: The garage

Commissioner Smith: The front yard?

Commissioner Wuest: No, not in the front yard. I just wanted, so they'd still be allowed if you just can't see 'em? Maybe around back?

Mayor Norris: (nodding affirmatively) It's just an aesthetic.

Commissioner Wuest: Okay, that's what I wanted to know. Thank you.

June 16, 2010

First reading passed 4-0

July, 7, 2010

Second reading passed 4-0



**Kattie Riggs**

---

**Subject:** FW: City Resident Consideration Request

**Importance:** High

---

**From:** Wayne Morris [<mailto:WayneM@McKinstry.com>]

**Sent:** Monday, December 12, 2016 7:16 PM

**Subject:** City Resident Consideration Request

**Importance:** High

Dear Nancy,

I am writing to you in regards to the December 13<sup>th</sup> work session addressing the current “membrane shelter” issue. I believe that in fairness to all stakeholders in our community and in our neighborhoods that we listen to our home owners (and taxpayers) about the issue of private property use. I agree that respecting neighborhoods that need to be protected from misuse, neglect, and impeding on adjacent home owners’ rights is important as well. What I would ask is that consideration be given to allow me to protect my investment from the negative effects of weather or UV degradation by using a membrane shelter. I believe that by using a permit fee and including current requirements for RV’s and Boats to be behind a gate and setback from the street would help regulate any misuse of residential and neighborhood standards.

*Respectfully,  
Wayne Morris*

**Wayne Morris**  
**McKinstry Co.**  
**Ph. 503.793.7530**

**McKinstry**  
Consulting | Construction | Energy | Facility Services



This email is the property of McKinstry or one of its affiliates and may contain confidential and/or privileged information. If you are not the intended recipient or have received this e-mail in error please notify the sender immediately and delete this e-mail. Any unauthorized copying, disclosure or distribution of the material in this e-mail is strictly forbidden.

# Berryhill Apartments – Retaining Wall Construction

City Commission Meeting  
December 7, 2016

John Lewis, Public Works Director  
Public Works Department



# Berryhill Apartments

## Retaining Wall Construction



**13945 Beaver Creek Road**



# Project Team

## Berryhill Apartments

- **Owner:** George Glass, Berryhill Equity LLC
- **Contractor:** PLI Systems – Soil and Foundation Stabilization ([www.plisystems.com](http://www.plisystems.com))
- **Geotechnical Engineer:** David Higgins, CEG, LEG Shannon & Wilson, Inc. ([www.shannonwilson.com](http://www.shannonwilson.com))
- **Structural Engineer:** Quincy Engineering ([www.quincyeng.com](http://www.quincyeng.com))

# Photos

## Berryhill Apartments



Plastic sheeting covering the slope downhill  
from the duplex and 8-Plex



View of the slope behind the duplex and 8-plex

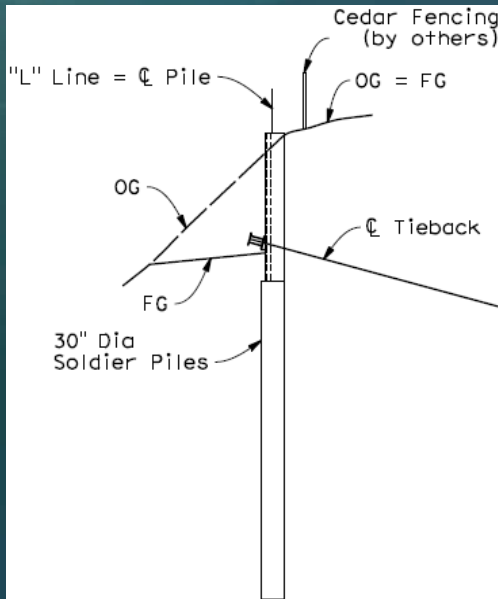
# Repair Solution

## Berryhill Apartments

- In summary, a soldier pile wall with a single row of tiebacks was selected as the most viable slope stabilization alternative for the Berryhill Apartments.
- The wall will stabilize the upper slope where the duplex and 8-plex are located so that the Forest Edge Apartments' landslide downslope will not trigger ground movement below the duplex and 8-plex.

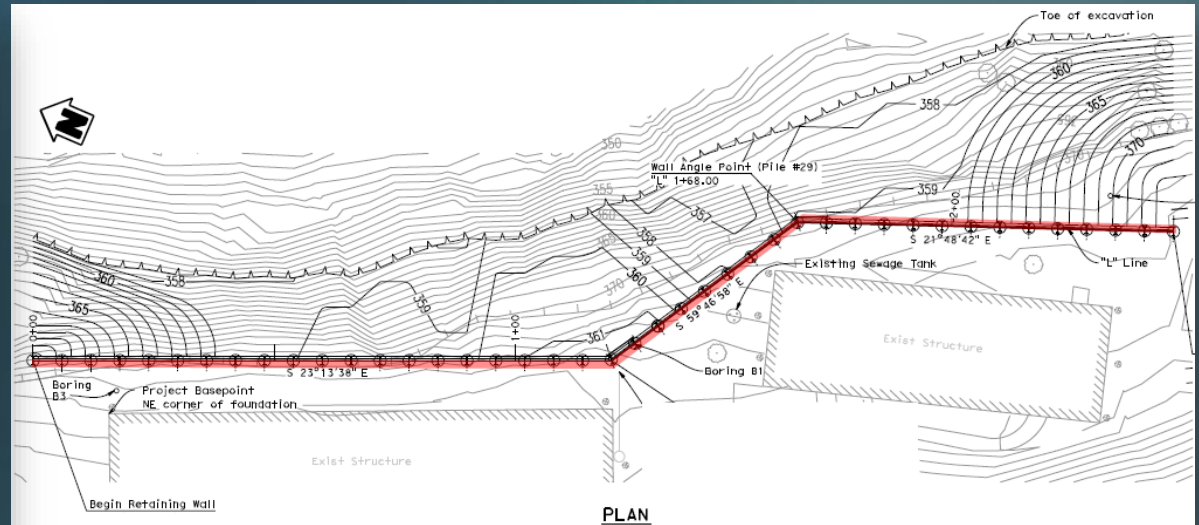
# Repair Solution (cont'd)

## Berryhill Apartments



**TYPICAL SECTION**

Standard detail



**PLAN**

Retaining wall plan



# Photos

## Berryhill Apartments





# Construction Schedule

## Berryhill Apartments

Contractor's schedule for completion dates of various construction activities is as follows:

- 12/23/2016: Installation of Tieback Anchors 1-19 and 27-41
- 1/31/2017: Completion of soil removal and hydroseeding

# Construction Schedule (cont'd)

## Berryhill Apartments

- 2/9/2017: Installation of remaining piles (21-24), lagging (bays 20-25), and tieback anchors (20-26)
- 2/17/2017: Completion of final grading, installation of final erosion control measures, site clean-up, and demobilization

# Photos

## Berryhill Apartments



Lagging installation from Bay 1 through 11



Plastic sheeting installation over excavated area near lagged retaining wall



# Photos

## Berryhill Apartments



Personnel installing lagging and drain board for Bay 18



Geotextile fabric and drain rock placed in the benched excavation behind Bays 12 through 18

# Questions?