

WEST LINN CITY COUNCIL MEETING MINUTES March 22, 2010

Council Present:

Council President John Kovash, Councilor Scott Burgess, and Councilor Teri Cummings

Council Absent:

Mayor Patti Galle, Councilor Jody Carson

Staff Present:

Kirsten Wyatt, Assistant to the City Manager; Tina Lynch, City Recorder; Ken Worcester, Director of Parks and Recreation; Peter Spir, City Planner; Sarah Javoronok, Historic Planner; and City Attorney Monahan

Call to Order/Pledge of Allegiance

Council President Kovash called the meeting to order at 6:37 p.m. and led the flag salute.

Approval of Agenda

Councilor Burgess moved to approve the Agenda. Councilor Cummings seconded the motion.

Ayes: Burgess, Cummings, Kovash

Nays: None

The motion carried 3-0.

Proclamations, Recognitions and Presentations

- Tree City USA Presentation

Council President Kovash read the Tree City USA Proclamation stating the first full week of April each year is Arbor Week in West Linn, Oregon. It calls upon all citizens and civic organizations to celebrate tree planting by planting, maintaining, studying and enjoying trees in the Community.

Ken Worcester reported there are Tree City USA activities throughout the entire month of April. In the first week of April seedlings will be passed out to the first hundred people who come into City Hall and request one. Ongoing Ivy removal is planned for Mary S. Young, Burnside and Maddox Woods Parks and replanting projects will be going on at Midhill, Mary S. Young, Fields Bridge, and Tanner Creek Parks.

Community Comments:

Olie Olsen, 3993 Kenthorpe Way submitted to Council a packet of information regarding the form of government the City should have. The form of government described by Council as Council/Manager form of government does not exist. He stated he would like to make presentations to Council regarding the correct form of government (We the People) that should be used by West Linn.

Bob Thomas, 2563 Pimlico Drive reported he requested the maximum daily demands (MGD) recorded for 2007/2008 from the Public Works Department. There was no response. A few weeks ago he asked again for the MGD numbers for 2007, 2008 and 2009 and was told to get the information from the City Engineer. After contacting the City Engineer several times, last Friday he was told that it would cost to get this information.

Consent Agenda

- a. Agenda Bill 2010-03-22A Draft Minutes for approval – February 22, 2010

Councilor ... moved to approve the Consent Agenda consisting of Agenda Bill 2010-03-22A, Approval of City Council Meeting Minutes of February 22, 2010. Council President Kovash seconded the motion.

Ayes: Burgess, Cummings, Kovash

Nays: None

The motion carried 3-0.

Report from the City Manager

Kirsten Wyatt, Assistant to the City Manager reported the cancellation of the Willamette 154 Bus Service is now off the table; the bus line will remain unchanged. Tri-Met specifically cited the amount of public input they received at their public hearings and using their web form as a reason why they will maintain this bus service. She thanked all the citizens who expressed their opinions to Tri-Met, the Transportation Advisory Board, the Neighborhood Association Presidents, and the Council for the resolution passed about the need to keep the bus line in Willamette.

As part of the franchise agreement approved with West Linn Refuse and Recycling there will be a complimentary curb-side clean up day that will happen this spring (April 5th through April 9th). On their regularly scheduled garbage day, residents can put anything out at the curb and it will be taken. Specifics as to what will be accepted are included in this month's update newsletter. There will be a drop site for Goodwill at Hammerly Park and Willamette Park. If there are articles that can be used by someone else, don't place them on the curb, she encouraged citizens to take those items to one of the drop sites on April 3, 2010.

Recruitment has begun for the Economic Development Committee. People are encouraged to go online and apply for that committee. The Request for Proposal (RFP) has been sent out for the professional staffing services for that committee.

Ms. Wyatt reported the applications have been posted online for the Community Grants for the next fiscal year. Included in the budget is \$25,000 for community organizations to apply for by April 30, 2010.

There will be no meeting on March 29, 2010; the next meeting scheduled is April 5th for a work session and April 12th for the next City Council meeting.

Council President Kovash thanked all who were involved in responding to the cancelling of the 154 bus line. There were over 1,000 comments about the 154 and as a result they will keep this bus line. Citizens can make a difference.

Business from the City Council

Councilor Burgess commended staff for the good information given to citizens to retain ridership of the 154 bus line.

Councilor Burgess reminded citizens there are three important ballot measures coming up in May; \$10.8 Million General Obligation Bond (\$5/month for \$285,000) for a new police station, Parker Road property annexation to put a new police station on, and building replacement of Sunset Elementary School. He encouraged citizens to look at

the ballot measures for what they are and not for the time they have been proposed. Council voted unanimously in support of placing all three of these issues on the May ballot. He asked that citizens review the information online (West Linn Oregon.gov\police station) on these ballot measures and vote yes.

Councilor Cummings reported there are two projects identified for West Linn from the Metro Nature and Neighborhoods Capital Grants; the Trillium Creek Restoration partnering with Mary S. Young volunteers, Willamette River Keepers, Oregon Department of Wildlife and Harris Stream Service in the Robinwood Neighborhood.

The White Savanna Oak acquisition received a grant in the amount \$334,000 for a total project cost of \$1.8 million. This is partnering with Oregon Parks and Recreation Department, the Tanner Basin Neighborhood Association and the Trust for Public Lands.

Business Meeting

Agenda Bill 2010-03-22B

ContractAward-Interstate Cooperative Procurement
Fields Bridge park Restroom/Concession Building

Ken Worcester, Director of Parks and Recreation reported staff has been working to develop the most efficient method to provide a new restroom building in Fields Bridge Park. The proposed building is identical to the one that was opened at Mary S. Young Park two years ago (\$330,000). A standard site built building at a cost of \$330,000 was compared to a modular or prefabricated building and it was found that the installation of a modular or prefabricated building of equivalent construction, design and materials at this park will be the most efficient way to go for the following reasons:

- Cost – the current cost savings for this particular building is approximately \$100,000 based on the ability to piggyback on an existing publicly bid governmental contract
- Impact on the park and users – a traditional site built building of this nature would take approximately six months to build; a prefabricated building can reduce the site disturbance to about 2 weeks
- Timing – this installation can be completed in time (June 2010) to capture the traditional summer tournament season of youth baseball
- This prefabricated building comes with a longer warranty (five years) than a traditional site built building (18 months)

Staff is recommending Council pass a motion to award this contract to Public Restroom Company under an interstate cooperative procurement by and through Leon County, Florida.

Councilor Burgess asked if this will be fully City funded. Mr. Worcester stated that part of the Metro Local Share monies dedicated to a portion of this project; however for the most part it is the City's responsibility.

Questions were asked about a hot water heater, a tank-less water system, ADA accessibility and family room regulations, etc. Mr. Worcester stated there will be a small heater. Solar is a possibility but it has been found it may not be feasible because not that much hot water is used, except for washing hands. Ideally the proposed building will have a 30-50 year life span. Gas is not available to the site; however there is an electric tank-less water heater available. They heat on demand and do storing and maintaining a temperature. New regulations require family changing stations which will add about 200 square feet.

Council President Kovash asked if this is a "canned" design or will the design be created by staff. Mr. Worcester stated staff sent their proposed design used at Willamette Park Fields 2/3 and Mary S. Young Park (concession/storage/adequate toilet facilities) and Public Restroom Company had an identical design they were able to bid; it is one of their standard products.

Councilor Burgess asked if the building was considered for sustainability impacts given that the agenda bill notes "n/a". Mr. Worcester stated that sustainability criteria had been considered for the proposed project. Kirsten Wyatt reported she and Chris Jordan will be meeting with the Sustainability Advisory Board to come up with a training program for department heads to make sure appropriate consideration is being used on proposed projects.

There was no public input on this issue. Council President Kovash closed the public portion of the hearing and opened the hearing to discussion by the Council.

Councilor Burgess moved to approve the City Council acting as the Contract Review Board, pass a motion authorizing the City Manager to enter into a contract with the Public Restroom Company under an interstate cooperative procurement by and through Leon County, Florida per Agenda Bill 2010-03-22B. Councilor Carson seconded the motion.

Councilor Cummins stated she was initially concerned about the family room requirements. When she learned there will be stations that meet the needs of small children and ADA stalls to provide privacy she is now more assured of the project. She will be voting in favor.

Ayes: Cummings, Burgess, Kovash

Nays: None

The motion carried 3-0.

Agenda Bill 2010-03-22C

Public Hearing – Ordinance No. 1594, Amending CDC Chapter 25 – Modifying design standards in the Willamette Historic District (Continued from March 8, 2010 Council Meeting)

Councilor Carson excused herself from the meeting due to a potential conflict of interest with this agenda topic.

Kirsten Wyatt introduced and welcomed Sarah Javoronok, the City's newly hired Historic Resources Planner. Council last year identified a need for this specific expertise in the Planning Department and Ms. Javoronok was hired to fill that position.

Peter Spir, Planner reviewed the staff report with Council. The proposed amendments were intended to address Historic District concerns about infill housing, housing height, accessory dwelling units, setbacks and other issues. The Planning Commission recommended approval of the amendments and then again on remand from City Council. The case went back to City Council for a public hearing on March 8, 2010. It was continued to March 22, 2010, in part to give staff time to address the concerns of City Council and issues raised during public testimony.

Mr. Spir reviewed the concerns and issues with the Council:

- A Public hearing notice error was identified by Beth Kiers. Some people received a notice with only the top half of the notice printed. It was the opinion of the City Attorney at the March 8th hearing that substantive notice had been satisfied. A new notice was mailed out for tonight's hearing.
- There was a request to add to the "Purpose statements" language reference to some elements of the Transportation Planning Rule, grid patterns, accessibility, sustainability, reducing carbon footprint, etc. These items are already declared in the Comprehensive Plan and CDC Chapter 25 has a purpose statement calling for agreement with the Comprehensive Plan goals and policies. Staff felt focus of the purpose statement in Chapter 25 should be on historic preservation rather than the broader subjects found in the Comprehensive Plan. No change is appropriate.
- There were several comments the District Map on page 8 that it was unreadable and outdated. Recommendations were made for changes. Staff agrees changes need to be made however; at the time the DLCD notice did not include a map update. Changes will be made with the Phase II update of the Willamette Code which will occur next year. As an interim measure until the map is updated, a note beneath it will state that "site visits will be required to verify the classification of the structures."
- At this point, there will be no changes to Membership in the Historic Review Board section. These will also be part of another code update later this year adding language creating a West Linn Historic Review Board since Clackamas

County will cease to be the review body for the changes to the historic properties as of September 30, 2010. Those changes will be coming to Council in the next coming months.

- Request that Parking language be changed to clarify that alleys are not for parking but for access to parking, e.g., garages. Staff agrees with this and suggests one change to third sentence, "Alleys were established to provide for access to off-street parking, including garages."
- Comments were received on Windows; should not disallow replacing windows with more energy-efficient double pane windows even if they are the same material. Staff is recommending leaving the language the same; the original wood windows can be just as energy efficient as replacing them. The replacement of the glass can potentially have an effect on the integrity of the District by requiring other changes.
- Another comment on Windows related to returning the language on aluminum windows. Staff returned the language with modifications, "Aluminum windows are prohibited unless they were the original material and meet dimensional standards."
- Comments were received relating to roofing to allow for architectural comp shingles and prohibit milled cedar shingles. Staff agrees with permitting architectural comp shingles. The three tabbed and architectural shingles are common to the district and appropriate materials. Milled cedars shingles continue to be permitted since they were an original material. Language will be changed to read, "Roofing materials may be asphalt composition shingles or milled cedar shingles. Cedar shakes are not permitted."
- Questions were raised about Accessory Dwelling Units (ADUs) which fall into three categories. Attached ADUs which are part of the principle dwelling unit (house). They can be up to 30% of the square footage of the house (250 to 1,000 sf). Detached ADUs can range from 500-600 sf depending if they are one story or two story structures. These are found on top of garages or in back yards. The third type of ADU is the pre-existing structures that are being converted to ADUs and they can be up to 1,000 sf. They are also based on the 30% of the gross floor area of the house.
- It was asked why there is a proposed limit of three occupants in ADUs. Staff is proposing to eliminate that language because the ADUs are already so small they only allow one bedroom. Other City requirements for ADUs don't specify a particular number of people.
- Concerns were raised about pre-existing accessory structures being converted to ADUs. The proposed language would allow 1,000 sf which is in agreement with Chapter 34. There is a trend that so many of the provisions proposed are trying to accomplish conformance with Chapter 34.
- What is the relationship of Subsections (f) and (g); do they address different situations for ADUs. The confusion regarding subsection (f) and (g) in the March 8 draft was due to staff's drafting error. The language in Subsection (g) was an

alternative to Subsection (f) but was not identified as such. Staff recommends replacing both versions with the language proposed for the Code revisions.

- Why shouldn't ADUs that are converted existing structures have to match the features of the principal dwelling? Staff feels the existing outbuildings and accessory structures were often simpler in construction and lacking in ornamentation compared to the residence. The conversion should not require the addition of features that were not original to the structure.
- Why are ADUs not classified as a duplex? Staff's response is that duplexes are typically two equal sized, common-walled, fully contained attached dwellings whereas ADUs are at most 30% of the square footage of the principal dwelling unit and they have only one bedroom.
- Review of language restricting windows facing side yards on the upper levels of ADUs. Three years ago, this was the subject area that was the cause for this Chapter being reviewed. It was not only the proximity of the ADUs to adjacent properties, but the subsequent loss of privacy by the adjacent property owners because of the side elevation windows. Staff recommends language restricting side elevation windows.
- Do not allow City Engineer to waive Sidewalk requirement for in lieu. Staff agrees, sidewalks encourage walking, sociability, improve health, and enhance sense of community.
- Lot sizes/Density. Concern that all lots created by partition should be 5,000-6,000 sf. Staff agrees with the Historic Review Board review of partitions and subdivision, but the approval of such should be left to the Planning Director and Planning Commission. It would be consistent with the R-5 zone and agree with the original 1893 plat. Instead of having language calling for "rectangular or traditionally shaped lots is the more appropriate response. That is what staff is recommending.
- Flag lots. Although increased density allows for better utilization of local infrastructure, the issue is maintaining the historic pattern of homes along the street. Staff discourages adoption of language allowing flag lots.

Public Testimony

Gail Holmes 801 Windy Court stated she is the Chairman of the Historic Resource Advisory Board. Chapter 25-4 shows a diagram of the historic rectangular lots; some are smaller, some are double lots. When the development was first put together the City was trying to encourage more homes being built. Often times the second lot was a garden or space for a barn. The lot in the southwest corner on 4th and 12th Streets is the only lot that gets a little nip off of it. This lot would not be rectangular nor within Code. This is a 10,000 sf lot; and if 5,000 sf is allowed, this lot should be able to be divided. She feels the wording is well-cited; if it is a road that changes the lot, it would be acceptable.

The lot on 5th and 13th Streets, northeast corner, is one of the significant historic structures. This house helped to award that District. It is important to note the house sites three feet on the property line. At some point, if someone tried to sell, redevelop and create a flag lot there would be room but it would go totally against the Historic District. She would not like to see that happen. She feels the City is making changes in the Code that will support this District in the future.

Ms. Holmes stated she would not like to see flag lots; all the lots were made to be rectangular, side-by-side with the porches on the front.

Councilor Cummings asked what is the tipping point for the percentage of new versus old. Ms. Holmes stated this area has 65 buildings; there needs to be 51%. When they applied for the National Registry they had 60% significant/supporting structures. They would not like to see one of their significant homes be impacted by a change such as a flag lot or smaller lots. The Historic Review Board has been reviewed and been involved with this process all along; however, they have not been able to review the newly proposed language changes.

Charles Awalt, 1847 5th Avenue stated it is imperative that something get passed tonight. These measures came through as emergency measures back in July and has been through the most horrific play of errors. The property on 13th and 5th, the language in the code defines requirements for subdividing, was written around this one property. The property owner is desperate to sell and she is waiting for these changes to go through. She is a good steward of the property; it has a Model T garage and an 1810 barn on site. The tack room and chicken coop was constructed before 1926. This is a significant piece of property and the only way it can be divided would be to take the barn and the garage off.

Mr. Awalt stated he thinks the City would do well by passing these code changes. Council needs to pass something tonight because these are protections for the district. No one has been building and no one has been demolishing structures. He expects this year to see some building again and hopefully relieve some of the pressure off of these properties. He has reviewed the current suggested changes and they look reasonable to him.

Alice Richmond, 3939 Parker Road stated she is hopeful that Council will makes a decision in favor of this application. She would like to see the flag lots rejected.

Council President Kovash closed the public testimony portion of the hearing and asked staff to make their final comments.

Mr. Spir stated the Willamette did a very good job in satisfying the City's overall density requirements. This district is zoned R-5 (8 units per acre) while the majority of West Linn is zoned R-10 (4 units per acre). Although the City is not getting the maximum

amount of the lots, there are historical issues at play. Years from now the City will respect the recommendations that have been testified tonight that protecting these larger lots is important for the future.

Councilor Burgess moved to approve Ordinance No. 1594, An Ordinance Modifying Design Standards And Setbacks For Homes, Accessory Dwelling Units And Other Development In the Willamette Historic District as recommended by the Planning Commission per Agenda Bill 2010-03-22C. Councilor Cummings seconded the motion.

Councilor Burgess moved to amend the main motion by placing a note beneath the District Map (Figure 1, page 8) which states, "Site visits will be required to verify the classification of the structures." Councilor Cummings seconded the motion.

Ayes: Cummings, Burgess, Kovash

Nays: None

The motion carried 3-0.

Councilor Burgess moved to amend the main motion by changing the language in Section 25.070(C) to read, "Alleys were established to provide for access to off-street parking including garages." Councilor Cummings seconded the motion.

Ayes: Cummings, Burgess, Kovash

Nays: None

The motion carried 3-0.

Councilor Burgess moved to amend the main motion by changing the language in Section 25.070-H(2) to read, "Aluminum windows are prohibited unless they were the original material and meet dimensional standards." Councilor Burgess seconded the motion.

Councilor Burgess voiced concern about the possibility of replacing aluminum windows with wooden or storm windows. Mr. Ramis explained staff could prepare a document that can be used within the District that if a structure is a primary structure, replacement must be aluminum. If the building is not a primary historic significant structure, aluminum windows can be replaced with something other than aluminum; there is nothing that prevents the addition of storm windows.

Ayes: Cummings, Burgess, Kovash

Nays: None

The motion carried 3-0.

Councilor Burgess moved to amend the main motion to change the language in Section 25.070-K(2) p. 22 to read, "Roofing materials may be asphalt composition shingles or milled cedar shingles. Cedar shakes are not permitted. Councilor Cummings seconded the motion.

Council President Kovash voiced concern about sustainability and the use of materials that are in short supply. Old growth cedar, which is the source material for cedar shingles, is in very short supply. Cedar trees are so valuable in Paris that they are being stolen. Wood shingles are fire hazard and tend to rot. They are treated with chemicals which affect the water system. If it is possible to use composition roofs, he encouraged the Council to vote on the side of the environment and not allow cedar shingles for new construction or replacement roofs.

Discussion followed on the use of cedar shakes or other roofing materials and a friendly amendment was made to the proposed motion. The motion was restated.

Recess was taken at 8:25 and the meeting reconvened at 8:40 p.m. Council President Kovash explained that the meeting was not being broadcast live; transmission lines are not working.

Councilor Burgess moved to amend the main motion to change the language in Section 25.070-K(2) p. 22 to read, "Roofing materials should be asphalt composition shingles. Milled cedar shingles may only be used if replacing milled cedar shingles or if they were the original material. Councilor Cummings agreed to seconded the restated motion.

Ayes: Cummings, Burgess, Kovash

Nays: None

The motion carried 3-0.

Councilor Burgess voiced concern about using the word "patterned shingles" in Section 25.070-K(3) and asked if other roofing materials are allowed. Mr. Spir noted if people can identify other roofing materials that are accessible based on historical photographs; the code has language that allows them to use that material. Ms. Javoronok reported Section 25.100-(D) there are provisions for minor alterations and maintenance, "Repair and/or replacement of roof materials with the same kind of roof materials existing, or with materials which are in character with those of the original roof." This would address the additional roof types and whether they are something that would be permitted.

Councilor Burgess moved to amend the main motion to change the language in Section 25.070-K(3) p. 22 to read, "Alternating or checkerboard shingles are not permitted." Councilor Cummings seconded the motion.

Ayes: Cummings, Burgess, Kovash

Nays: None

The motion carried 3-0.

Council President Kovash opened the meeting to discussion of Accessory Dwelling Units (ADUs) being limited to one bedroom. Councilor Cummings voiced concern of the use of the word "family" and restricting the occupancy to three people. Mr. Spir stated the Fair Housing Act has specific requirements for the definition of "family." Typically family is defined as a maximum of five people related by blood and marriage. Accessory dwellings are intended only to provide supplemental housing opportunities for children returning home from college or a grandparent situation. One bedroom is adequate for these uses.

Councilor Burgess moved to amend the main motion to change the language in Section 25.070-N(1)(2) p. 23-28 to read as proposed by staff at tonight's meeting in the Summary of Comments from the March 8, 2010 Public Hearing to date and Responses, dated March 12, 2010. Councilor Cummings seconded the motion.

Councilor Cummings raised concerns about the square footage allowed for accessory dwelling units. Mr. Spir reported 30% of the square footage of the principle house is allowed up to 1,000 sf. There is the opportunity to take an existing large garage and convert it to an ADU and the 30% rule would apply in that structure.

Councilor Burgess accepted a friendly amendment to his motion and moved to change the language in Section 25.070-N(2)(C)(i) to read, "ADUs within a primary structure or sharing a common wall with the primary structure shall not exceed 30 percent of the gross square footage of the house on the lot or 250 square feet, whichever is more, and a maximum of 1,000 square feet in size;" Section 25.070-N(2)(C)(ii) to read, "Single story ADUs in detached structures approved after March 22, 2010 shall have a maximum size of 600 square feet and two story ADUs approved after that date shall have a maximum size (total of both floors) of 500 square feet;" and Section 25.070-N(2)(C)(iii) to read, "ADUs in existing detached structures such as workshops, offices, garages, etc. approved prior to March 22, 2010 shall not exceed 30% of the gross square footage of the house on the lot or 250 square feet whichever is more and a maximum of 1,000 sf in size." Councilor Cummings agreed to second the revised motion.

Ayes: Burgess, Kovash

Nays: Cummings

The motion carried 2-1.

Discussion followed on the term "opaque" glass used in reference to windows; possibly the word should be "translucent." Opaque glass does not do anything to adding light; translucent means you can't see through it but the lights gets through. Concerns were raised about the availability to natural light or of people opening the windows for air.

No one would like to see air conditioners used on the windows. Mr. Spir stated that a skylight could be possible; most of the structures are oriented perpendicular to the street to allow maximum sun exposure. Light and ventilation can be accomplished by skylights or louvered windows on the second story.

Councilor Burgess moved to amend the main motion to add language in Section 25.070-N(3)(d), page 26 to read; "Only windows with translucent glass are allowed where facing side lot lines on upper levels." Councilor Cummings seconded the motion.

Ayes: None

Nays: Cummings, Burgess, Kovash

Motion failed 3-1.

Council President Kovash opened the discussion to sidewalks.

Councilor Burgess moved to amend the main motion to remove the language in Section 25.070 O, page 28-29, "The City Engineer may waive the requirement for sidewalks on street frontage where all other adjacent lots are built out and no sidewalks exist on that street side. Fees in lieu may be required." Councilor Cummings seconded the motion.

Concerns were raised about the absence of sidewalks in this area. Mr. Spir stated this is an opportunity to go case-by-case in terms of sidewalks. The counter opinion is to put the sidewalks in now or there will never be sidewalks. Staff suggested leaving the fees in lieu so that when sidewalks are needed there are funds available. Most of the sidewalks are on one side of the street; there are some gaps in the sidewalks. Council President Kovash noted the traditional streets in this neighborhood do not have sidewalks and don't want sidewalks. The traffic is light and people walk in the streets. Councilor Cummings she is torn between retaining the authenticity of this neighborhood and requiring sidewalks. Councilor Burgess stated there is lots of room for sidewalks in the rights-of-way. This is a walking neighborhood and predominately there is a sidewalk on one side and not the other. The Planning Commission is recommending a sidewalk. He would like to see walking encouraged and all the neighborhoods should have sidewalks and not the fee in lieu.

Ayes: Burgess, Kovash

Nays: Cummings

The motion carried 2-1.

Council President Kovash opened the meeting to discussion of lot size and density.

Councilor Cummings moved to amend the main motion to remove the extra shall in the last line in the opening paragraph of Section 25.110, page 32-33 to read,

“The Historic Review Board review of the proposed subdivision shall be based on the following criteria.” Councilor Burgess seconded the motion.

Ayes: Cummings, Burgess, Kovash

Nays: None

The motion carried 3-0.

Councilor Burgess moved to amend the main motion to change the language in Section 25.110-C(2), page 33 to read, “All new lots shall be rectangular or approximately the shape of traditional lots elsewhere in the district.” Councilor Cummings seconded the motion.

Ayes: Cummings, Burgess, Kovash

Nays: None

The motion carried 3-0.

Councilor Burgess moved to amend the main motion to amend Section 25.110-C(3), page 33 to read, “Flag lots are discouraged in the Willamette Historic District.” Council President Kovash seconded the motion.

Ayes: Burgess, Kovash

Nays: Cummings

The motion carried 2-1.

Councilor Burgess called the question on the main motion as amended:

Motion to approve Ordinance No. 1594, An Ordinance Modifying Design Standards And Setbacks For Homes, Accessory Dwelling Units And Other Development In the Willamette Historic District as recommended by the Planning Commission per Agenda Bill 2010-03-22C with the following amendments made tonight:

- Place a note beneath the District Map (Figure 1, page 8) which states, “Site visits will be required to verify the classification of the structures.”**
- Section 25.070(C) to read, “Alleys were established to provide for access to off-street parking including garages.”**
- Section 25.070-H(2) to read, “Aluminum windows are prohibited unless they were the original material and meet dimensional standards.”**
- Section 25.070-K(2) p. 22 to read, “Roofing materials should be asphalt composition shingles. Milled cedar shingles may only be used if replacing milled cedar shingles or if they were the original material.**
- Section 25.070-K(3) p. 22 to read, “Alternating or checkerboard shingles are not permitted.”**
- Section 25.070-N(2)(C)(i) to read, “ADUs within a primary structure or sharing a common wall with the primary structure shall not exceed 30**

percent of the gross square footage of the house on the lot or 250 square feet, whichever is more, and a maximum of 1,000 square feet in size.”

- Section 25.070-N(2)(C)(ii) to read, “Single story ADUs in detached structures approved after March 22, 2010 shall have a maximum size of 600 square feet and two story ADUs approved after that date shall have a maximum size (total of both floors) of 500 square feet.”
- Section 25.070-N(2)(C)(iii) to read, “ADUs in existing detached structures such as workshops, offices, garages, etc. approved prior to March 22, 2010 shall not exceed 30% of the gross square footage of the house on the lot or 250 square feet whichever is more and a maximum of 1,000 sf in size.”
- Remove the language in Section 25.070 O, page 28-29, “The City Engineer may waive the requirement for sidewalks on street frontage where all other adjacent lots are built out and no sidewalks exist on that street side. Fees in lieu may be required.”
- Section 25.110, page 32-33 to read, “The Historic Review Board review of the proposed subdivision shall be based on the following criteria.”
- Section 25.110-C(2), page 33 to read, “All new lots shall be rectangular or approximately the shape of traditional lots elsewhere in the district.”
- Section 25.110-C(3), page 33 to read, “Flag lots are discouraged in the Willamette Historic District.”

Ayes: Burgess, Kovash

Nays: Cummings

The motion carried 2-1.

Considering the main motion was just passed, Councilor Burgess asked if an emergency clause can be added for protection of public health, safety and welfare. Mr. Monahan suggested Council to vote for reconsideration.

Councilor Burgess moved to vote for reconsideration of the motion to include an emergency clause. Council President Kovash seconded the motion.

Ayes: Burgess, Kovash

Nays: Cummings

The motion carried 2-1.

Councilor Burgess moved to take up reconsideration of the main motion at this time. Council President Kovash, second the motion.

Ayes: Cummings, Burgess, Kovash

Nays: None

The motion carried 3-0.

Councilor Burgess moved for approval of an Ordinance modifying design standards and setbacks for the homes and accessory dwelling units and other development in the Willamette District as amended plus an amendment that would call for a new Section 2, to call for an emergency clause for public health, safety and welfare.” Council President Kovash seconded the motion.

Councilor Burgess stated the Willamette District is a gem in the City in terms of being recognized as a Historic District nationally. With the construction season coming up there may be new construction and he feels it is important to get this language in place to protect these assets.

Councilor Cummings stated she hoped this language could be changed as soon as possible to maintain the integrity and authenticity of this valuable historic area. She is concerned about some sections that she feels should have been remanded back to the Planning Commission or more discussion on. She will be voting no on this motion because she does not agree with it in its entirety.

Ayes: Burgess, Kovash

Nays: Cummings

The motion carried 2-1.

Because there was not a unanimous vote, the Council will be voting on this issue at its next City Council Meeting.

Adjournment of Business Meeting

Council President Kovash adjourned the March 22, 2010 City Council meeting at 10:07p.m.

RESPECTFULLY SUBMITTED,

Tina Lynch /s/

Tina Lynch
City Recorder

APPROVED BY THE CITY COUNCIL
ON MAY 10, 2010

Patti Galle /s/
Patti Galle, Mayor