

CITY OF KING CITY
CITY COUNCIL MEETING MINUTES (CORRECTED)

Administer Oath: City Manager Mike Weston administered the Oath of Office to the following newly elected council members:

Jaimie Fender
David Platt
Kenneth Gibson
Micah Paulsen

Call to Order: A regular meeting of the King City – City Council was held at the King City Hall beginning at 7:00 p.m. on Wednesday, January 16, 2019, Mayor Gibson requested a moment of silence then proceeded to call the meeting to order at 7:01 p.m., followed by roll call and the Pledge of Allegiance

Roll Call: The following City Council members were present:

Mayor Ken Gibson
Councilor Jaimie Fender
Councilor John Boylston
Councilor Smart Ocholi
Councilor Gretchen Buehner
Councilor David Platt
Councilor Micah Paulsen

Absent: None

Staff present included:

City Manager (CM) Mike Weston
Chief of Police (CP) Ernie Happala
City Recorder (CR) Ronnie Smith

Agenda Item 4: **Approval of Minutes:** July 18, 2018
December 5, 2018

MOTION MADE BY COUNCILOR BOYLSTON TO APPROVE JULY 18, 2018 MINUTES, SECONDED BY COUNCILOR BUEHNER

VOICE VOTE: 7-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED THE MOTION CARRIED 7-0.

MOTION MADE BY COUNCILOR BOYLSTON TO APPROVE DECEMBER 5, 2018 MINUTES, SECONDED BY COUNCILOR FENDER.

VOICE VOTE: 7-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED THE MOTION CARRIED 7-0.

Agenda Item 5: **Open Forum:**

Mayor Gibson opened public comment on any item on the agenda (including questions, suggestions, complaints, and items for future agenda) and stated each person's time would be limited to three minutes.

Cherree Weeks – 12540 SW Prince Albert: Has concerns where the current US Postal service mailbox is currently located. She would like it to be easier for folks that have a harder time getting out of the car.

Agenda Item 6: Unfinished Business: None

Agenda Item 7: New Business:
7.1 Officer Appointment

The Council Voted for the following appointments.

- o Mayor – Ken Gibson
- o President – Jaimie Fender
- o Secretary – John Boylston
- o Treasurer - Gretchen Buehner

Mayor Gibson welcomed the new council members and mentioned that Metro approved the URA 6D and that he is excited about the future.

7.2 Consider Committee Appointments

CM Weston presented the Committee appointment calendar. Council discussed the committees. Council members volunteer. Please see Governmental Organizations Related to King City Council Representatives attached.

MOTION MADE BY COUNCILOR BUEHNER TO APPROVE COMMITTEE APPOINTMENTS, SECONDED BY COUNCILOR BOYLSTON.

VOICE VOTE: 7-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED THE MOTION CARRIED 7-0.

7.3 Ordinance 2018-06 – Municipal Code Amendment – Section 8.16 & 8.20 Regarding Disposal Rates – Second Reading

The City Council had a public hearing On December 5, 2018, where the council accepted public testimony. The Public hearing was closed that night.

MOTION MADE BY COUNCILOR BUEHNER TO APPROVE ORDINANCE 2018-06 MUNICIPAL CODE AMENDMENT – SECTION 8.16 & 8.20 REGARDING DISPOSAL RATES, SECONDED BY COUNCILOR PLATT.

ROLL CALL VOTE:

Councilor Gretchen Buehner – Aye

Councilor Smart Ochoi - Aye

President Bob Olmstead – Aye

Councilor Billie Reynolds – Aye

Councilor Jaimie Fender - Aye

Mayor Gibson – Aye

THE MOTION CARRIED 7-0.

CM Weston read the title – ORDINANCE NO. 2018-06, AMENDING THE KING CITY MUNICIPAL CODE SECTIONS 8.16 AND 8.20 RELATING TO THE COLLECTION OF SOLID WASTE AND IMPLEMENTATION OF ANNUAL COST OF LIVING INDEX.

7.4 Public Hearing – Case No. LU 18-03 Zone Change

CM Weston Read the title - ORDINANCE O-2019-01 AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND ZONING MAP ON PROPERTY LOCATED AT 16935 SW 131 STREET FROM R-12 TO THE NMU (NEIGHBORHOOD MIXED-USED ZONE.)

Mayor Gibson Read from the Public hearing script.

The purpose of this hearing is to consider Ordinance No. O-2019-01 - Case No. LU 18-03 Zone Change-plan amendment.

I will identify the subject, announce when the public hearing is open, and request anyone interested in stating their feelings regarding the matter being considered. Failure to raise an issue in person or by letter to the City Council precludes the raising of that issue at a subsequent time on appeal. Any party with standing may appeal the decision of the City Council to the Attorney General or district attorney according to the rules adopted by that Board.

If you wish to speak for, against, or comment in any way:
Please identify yourself as wishing to speak when I call for testimony.
When called to speak, please come forward, give your name, address and make your statement. The maximum time allotted for testimony shall be:
3 minutes..... For Individuals.
20 minutes..... For Applicants and persons representing four or more persons.
10 minutes..... For Applicant's rebuttal.

I call to order the public hearing regarding Ordinance O-2019-01 pertaining to application Number LU-18-03 for Zone Change-plan amendment.

Staff, please read the title of Ordinance No. O-2019-01
ORDINANCE O-2019-01 AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND ZONING MAP ON PROPERTY LOCATED AT 16935 SW 131 STREET FROM R-12 TO THE NMU (NEIGHBORHOOD MIXED-USED ZONE.)

Do any members of the City Council wish to abstain? None.

Do any members of the City Council wish to report any significant ex parte contact? If so, is there any members of the audience wish to comment or challenge that report? None.

Does any member of the audience wish to challenge the jurisdiction of the City Council to hear this matter? None.

Does any member of the Audience wish to challenge the jurisdiction of the City Council to hear this matter? None.

Does any member of the Audience wish to challenge any individual member of the City Council? None.

For all those wishing to testify, please be aware that if you fail to raise an issue in person or by letter today, you will be unable to raise that issue at a subsequent item on appeal to the Land Use Board of Appeals. Failure to specifically address the approval criteria that staff will describe also precludes the raising of an issue related to those criteria on appeal.

At this time, I call for the staff to present the applicable approval standards.

Keith Liden – City Planner: The application consists of four parts that are summarized below.

Zone Change/Comprehensive Plan Amendment and Related Applications

The property is currently zoned R-12 – Attached Residential, which allows a variety of housing types with a maximum density of 12 units per acre. The applicant requests a change in the zoning to NMU – Neighborhood Mixed-Use, which allows the same residential uses as R-12 with the addition of neighborhood-scale commercial uses. The King City Comprehensive Plan provides criteria for evaluating changes in zoning.

Zone changes and plan amendments must be approved by the King City Council. The remaining elements of this application may be approved by the Planning Commission, and no City Council review is required (however, Planning Commission decisions may be appealed to the City Council). Therefore, the Planning Commission action had two parts: 1) recommendation to the City Council regarding the zone change; and 2) a decision pertaining to the subdivision, tree removal, and Goal 5 safe harbor review subject to City Council approval of the zone change.

The applicant received approval from the King City Planning Commission for a proposed subdivision of the property along with approval of related applications for tree removal and Goal 5 Safe harbor review pertaining to the drainageway located only the west edge of the property. The Planning Commission approved these three applications, subject to conditions and City Council approval of the zone change.

Community Meeting

Chapter 16.46 of the King City Community Development Code (CDC) requires applicants to hold a community meeting to introduce a development proposal to neighboring property owners prior to submitting a formal application. As described in the application, this meeting was held on January 8, 2018, in compliance with the requirements stipulated in Chapter 16.46

Agency Comments

No agency comments were received pertaining to the zone change.

FINDINGS AND CONCLUSIONS

The King City Comprehensive Plan contains the applicable evaluation criteria when considering a zone change in the Land Use Designations and Location Criteria section.

Land Use Designations and Location Criteria – Mixed Use (Comprehensive Plan)

The location criteria are intended to provide guidance for the Planning Commission and City Council when land use and zoning designations for specific properties are proposed to be amended. They describe the basic characteristics a property or properties should have to be eligible for a particular land use designation.

The NMU Zone is designed to allow for a mix of neighborhood-scale and medium density residential uses. Properties designated NMU should have six basic location characteristics.:

1. The site shall have direct access to a collector or arterial street. Access to a collector or arterial street via a local street may be appropriate to comply with driveway access requirements and if it is found that adverse traffic impacts will not be created for surrounding properties, which are greater than what is possible under the existing zoning.

The property has access to SW 131st Avenue, which is designated as a collector street. The portion of SW Fischer Road, which abuts the property, is designated as a neighborhood collector. SW Fischer Road is designated as a collector to the east of the SW 131st Avenue intersection.

2. Sufficient facility and service capacity to accommodate this type of development. The important facilities and services to be considered include but are not limited to sewer, water, storm drainage, police and fire protection, health services, public transit, and street capacity.

The facilities serving the West King City area were designed to accommodate development of the properties including this one. The proposed zone change will affect the mix of uses on the property but the intensity of development and its potential demand on public facilities and services will remain comparable to the current R-12 Zone. Necessary public facilities and services can be provided.

3. Traffic congestion, parking, or safety problems shall not be created or exacerbated by commercial development on the site. This determination shall be based upon such considerations as street capacity, existing and projected traffic volumes, speed limits, number and type of turning movements, and the traffic generating characteristics of the potential commercial and residential activities on the site.

The potential traffic impacts of this development have been analyzed by a qualified traffic engineer. Given the comparable level of development allowed by the R-12 and proposed NMU zones, the traffic impact of the proposed zone change and resulting development is found to be a negligible difference from the existing R-12 zoning. The NMU Zone includes development limitations (Section 16.102.040) including 12 units per acre for residential development and a Floor

Area Ratio (FAR) of 1.5 to 1 to ensure that resulting development is consistent with surrounding residential neighborhoods. The applicant has demonstrated that functional and safe access can be provided.

4. No natural development limitations such as unstable soils or flooding that affect significant portions of the property.

The only development limitations are found in the extreme western portion of the property. This area will be protected, and no development is proposed for this area.

5. Opportunities will be available to achieve a compatible relationship with surrounding land uses including but not limited to:

- The site configuration and characteristics that allow for the privacy of adjacent residential uses.
- Commercial activities on the site that will not interfere with nearby residential uses.

SW 131st Avenue and SW Fischer Road provide physical separation from residences across the street, and street trees will provide some visual screening. The residences on the east side of SW 131st Avenue are oriented toward SW Carmel Street and have a solid fence and vegetative screening along the SW 131st frontage. The residences along the south side of SW Fischer on both sides of SW 131st, have a landscaped buffer between the homes and the street. The two recently completed three-story apartment buildings to the north have a landscaped buffer along the south property line. The single-family homes to the west are separated by the vegetated drainageway, which is protected from development.

As noted herein, the commercial uses allowed in the NMU Zone include a limited array of neighborhood-scale service, retail, and dining uses. Auto-oriented uses and drive-through windows are not permitted. The NMU Zone also features a full range of design requirements, such as maximum height limits, parking lots only to the rear or side of buildings, buffering from noise, lights, and limits on hours of operation, which are all designed to address potential compatibility issues. Finally, the future development of Lot 17 will be subject to site development review approval, where CDC requirements and a specific development proposal will be reviewed by the city, including a public hearing with the Planning Commission. The commission would have the authority to impose conditions of approval to further address specific compatibility issues.

6. Significant unique natural features on the site which can be maintained.

The significant natural resource area on the site is the drainageway on the western boundary of the property. As noted herein, it will be protected from development and preserved.

The applicable criteria in the Comprehensive Plan are satisfied, and the proposed zone change from R-12 to NMU should be approved.

Would the applicant please come to the podium, state your name, address and make any comments you may have for the Planning Commission.

Mark Dane – Mark Dane Planning: Was on the phone. He stated that he has been working on this project for about a year with the city. He also spoke about the neighborhood meeting. He also mentioned that he incorporated as much parking as he could.

Does any member of the audience wish to speak in favor of this application?
David Loprivzi – 13321 SW Timara Lane: He is in support of the development. He also asked is there going to be a restaurant or a coffee shop? Mayor mentioned he said that is the plan.

Marc Manelis – 17454 SW 128th: He would like for the council to approve the zone change.

Does any member of the audience wish to speak in opposition to this application?
None.

Does anyone wish to provide neutral comment?
John Walter – 16560 SW Monterey Lane: has concerns over traffic.

At this time, I call for the staff report and recommendation.
Keith Liden - Based upon the above facts, findings, and conclusions, the Planning Commission determined that it should RECOMMEND APPROVAL of the proposed zone change-plan amendment from R-12 to NMU to the King City Council.

Does the applicant have any rebuttal? No rebuttal.

If there are no further questions, I will entertain a motion to either close or continue the public hearing.

MOTION MADE BY COUNCILOR FENDER TO APPROVE CLOSE THE PUBLIC HEARING, SECONDED BY COUNCILOR BUEHNER.

VOICE VOTE: 7-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED THE MOTION CARRIED 7-0.

ROLL CALL VOTE:
Councilor Gretchen Buehner – Aye
Councilor Smart Ocholi - Aye
President Bob Olmstead – Aye
Councilor Billie Reynolds – Aye
Councilor Jaimie Fender - Aye
Mayor Gibson – Aye
THE MOTION CARRIED 7-0.

I declare this public hearing closed at 8:37 PM.

Is there any council discussion?

If there are no further questions, The date for the seconded reading of Ordinance O-2019-01 to February 20, 2019, at 7 pm

7.5 Consider Planning Commission Applicants.

Billie Reynolds has applied.

MOTION MADE BY COUNCILOR BOYLSTON TO APPROVE BILLIE REYNOLDS APPOINTMENT TO THE PLANNING COMMISSION, SECONDED BY COUNCILOR BUEHNER.

**VOICE VOTE: 7-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED
THE MOTION CARRIED 7-0.**

7.6 Consider RFP for Community Park Improvements

CM Weston explained the reason for this RFP. The main reason is to smooth the field and install a drainage system.

MOTION MADE BY COUNCILOR BUEHNER TO APPROVE THE RFP FOR PUBLICATION, SECONDED BY COUNCILOR FENDER.

**VOICE VOTE: 7-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED
THE MOTION CARRIED 7-0.**

7.7 Consider RFP for Professional Auditing Services

CM Weston mentioned that this RFP is best practices and is good for five years.

MOTION MADE BY COUNCILOR BUEHNER TO APPROVE THE RFP FOR PUBLICATION, SECONDED BY COUNCILOR BOYLSTON.

**VOICE VOTE: 7-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED
THE MOTION CARRIED 7-0.**

7.8 Consider ODOT Local Agency Agreement MTEP Amendment No. 3 (SW Royalty Parkway – SW Durham Rd

ODOT has awarded a contract to a construction firm and will start work in February 2019.

MOTION MADE BY COUNCILOR BUEHNER TO AUTHORIZE THE CITY MANAGER TO SIGN THE ODOT AMENDMENT, SECONDED BY COUNCILOR BOYLSTON.

**VOICE VOTE: 7-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED
THE MOTION CARRIED 7-0.**

Councilor Buehner was feeling ill and was excused.

7.9 November 2018 Financial Summary

CM Weston introduced the November 2018 Financial Summary.

MOTION MADE BY COUNCILOR BOYLSTON TO APPROVE THE NOVEMBER FINANCIALS SECONDED BY COUNCILOR PLATT.

**VOICE VOTE: 6-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED
THE MOTION CARRIED 6-0.**

Agenda Item 8: Police Chief's Report

No reports.

Agenda Item 9: City Manager's Report

No Reports

Agenda Item 10: Mayor and Councilor's Reports

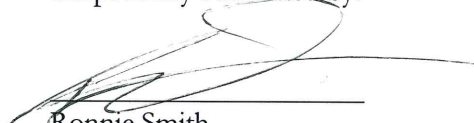
- No Reports

Agenda Item 12: Adjournment

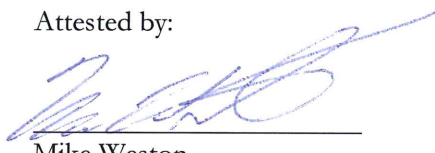
**COUNCILOR FENDER MOVED TO ADJOURN THE MEETING, COUNCILOR
BOYLSTON SECONDED, THE MEETING ADJOURNED AT 9:07 P.M**

Respectfully Submitted by:

Attested by:



Ronnie Smith
City Recorder



Mike Weston
City Manager

