

**CITY OF MILWAUKIE  
PLANNING COMMISSION  
MINUTES  
Milwaukie City Hall  
10722 SE Main Street  
TUESDAY, January 27, 2009  
6:30 PM**

**COMMISSIONERS PRESENT**

Jeff Klein, Chair  
Dick Newman, Vice Chair  
Lisa Batey  
Teresa Bresaw  
Scott Churchill

**STAFF PRESENT**

Katie Mangle, Planning Director  
Zach Weigel, Civil Engineer  
Ryan Marquardt, Associate Planner  
Li Alligood, Associate Planner  
Brad Albert, Civil Engineer

**COMMISSIONERS ABSENT**

Paulette Qutub

**1.0 CALL TO ORDER**

Chair Klein called the meeting to order at 6:39 p.m. and read the conduct of meeting format into the record.

**2.0 PROCEDURAL MATTERS**

**3.0 PLANNING COMMISSION MINUTES**

3.2 November 10, 2008

**Commissioner Bresaw moved to approve the November 10, 2009 Planning Commission meeting minutes as presented. Commissioner Churchill seconded the motion, which passed by a 4 to 0 to 1 vote, with Commissioner Batey abstaining.**

3.3 November 25, 2008

**Commissioner Bresaw moved to approve the November 25, 2009 Planning Commission meeting minutes as presented. Commissioner Churchill seconded the motion, which passed 4 to 0 to 1, with Commissioner Batey abstaining.**

Approved PC Minutes can be found on the City website at [www.cityofmilwaukie.org](http://www.cityofmilwaukie.org).

**4.0 INFORMATION ITEMS–City Council Minutes**

City Council Minutes can be found on the City website at [www.cityofmilwaukie.org](http://www.cityofmilwaukie.org).

**Katie Mangle, Planning Director** introduced new civil engineer Brad Albert who will be helping with development review.

Brad Albert stated he had previously worked for a private civil engineering and surveying firm in Tigard and had been working at the City for about five months.

**5.0 PUBLIC COMMENT** –There was no public comment.

**6.0 PUBLIC HEARINGS**

6.1 Bridge City Community Church Sign Review  
Applicant/Owner: Bridge City Community Church  
Address: 2816 SE Harrison St

File: CSU-08-04  
Staff Person: Li Alligood

**Chair Klein** called the hearing to order and read the conduct of minor quasi-judicial hearing format into the record.

**Li Alligood, Assistant Planner** cited the applicable approval criteria of the Milwaukie Municipal Code as MMC Subsection 14.08.090 Conditional and Community Service Use Signs, MMC Section 19.306 Residential zone R-2, and MMC Section 19.321 Community Service Use CSU.

**Chair Klein** asked if any Commissioners had any ex parte contacts to declare.

All Commissioners declared for the record that they had visited the site. No Commissioners, however, declared a conflict of interest, bias, or conclusion from a site visit; and no member of the audience challenged the jurisdiction of the Commission or the participation of any Commissioner.

**Ms. Alligood** presented the staff report via PowerPoint and concluded that staff recommended approval of the application with the conditions listed on 6.1 page 10 of the packet.

**Commissioner Churchill:**

- Requested further comment from staff about the community benefit of the sign. While identification of the church could be considered a community benefit, the building was identifiable even without the added signage.
  - **Ms. Alligood** replied that the church had many different occupants and uses within the structure, including a day-care center. The proposed signage would allow for easier identification of the occupants.
- Understood that the exception was to increase the size of the sign by more than 100%, and asked if the community benefit of that increase was for greater visibility.
  - **Ms. Alligood** responded that a 4 ft by 4 ft sign was large enough for some uses, but in this case, Harrison St was an arterial with fast moving traffic. Properties to the west, east, and across the street also had signs of a similar size; therefore, staff believed the size was appropriate.
  - She did not know how big the old sign was, but noted several signs had existed there over the years, one of which was about the same size as the proposed sign.

**Commissioner Batey** asked if the prior signs had caused any visibility issues and whether a 6-ft tall sign would cause a visibility issue for traffic coming from 28th Ave.

- **Ms. Alligood** replied that during the review process, the Engineering Department had determined that the proposed location would meet clear vision requirements.

**Commissioner Churchill:**

- Inquired about the particular setbacks required for a corner condition.
  - **Brad Albert, Civil Engineer** explained that the required setback was at least 15 ft back from the face of curb, which starts the sight line of the clear vision triangle. Face of curb was used to determine the sight line of a driver, who must have at least 250 ft of visibility when looking to the east. He and Zach Weigel had visited the site and determined no problems existed in seeing an oncoming car more than 250 ft to the east.

- Noted that a 6-ft tall fence could not be erected on the corner of the property, as only 30 inches were allowed within the 15-ft setback. Giving as much visibility as possible to motorists and pedestrians to make eye contact was ideal, yet the exception would result in exceeding the allowed height by more than 100%.
  - **Chair Klein** commented he had a similar concern and had visited the site with Mr. Weigel. In their vehicle facing Harrison St, they sat at the stop line where motorists wait for pedestrian traffic, and then rolled forward to check for vehicle traffic and where a clear sight line existed. He noted that a clearer sight line existed looking east toward Hwy 224 than looking west on Harrison St because of a sign on the other side and trees present.
  - Mr. Albert clarified that the fence height requirement was 42 in. However, if the fence was in the clear vision area, the requirement was 30 in. The subject sign was not in the clear vision area.
- Asked how a sign almost 100% larger and taller than the standard had passed the community benefits test. Was the pedestrian/traffic visibility trade-off considered?
  - **Ms. Alligood** responded that the clear vision standards ensured visibility was not compromised. Staff had considered whether it met engineering requirements for clear vision, allowed vision at the intersection, and met the planning criteria for the zone. The church provided multiple community uses for multiple groups, so staff considered the more visible sign a public benefit as it more clearly identified the groups using the building.
  - **Ms. Mangle** quoted the Sign Code section that triggered the Planning Commission review. She noted the primary features of a sign exceeding typical sign standards were the proximity of the sign to residences, functional classification, adjacent streets, and scale of surrounding development.
  - When the Planning Commission crafted the Code language, she recalled discussion regarding the contextual relationships with the site, not necessarily establishing a new community use for signs.

**Chair Klein** confirmed that no other correspondence had been received regarding the application and then called for the Applicant's comments.

**Mark Schelske, Pastor, Bridge City Community Church** explained that the sign's proposed size was determined during discussions with Senior Planner Susan Shanks, with whom he had worked directly. He assured that safety was also important to the Applicant because they had people coming to the building as well.

- He understood that the underlying R-2 residential zone limited the sign to 16 sq ft. However, the Community Service Use allowed up to a maximum 40 sq ft or 6-ft high sign and required a minor quasi-judicial review.

**Commissioner Bresaw:**

- Asked if the sign could be smaller and still provide what the Applicant needed.
  - **Mr. Schelske** replied that he did not believe so because a lot of information had to be conveyed.
    - He displayed a picture of the proposed sign and noted that neighboring signs and fonts were studied for appropriate content and design, and that the most readable font was chosen.
    - He explained that the church had named the building "The Bridge House," adding that their mission was to make the building available to the neighborhood for a variety of uses.
    - The sign was designed with different removable panels so each organization could identify their location. Currently, four churches, Sugarplums Day

School, and Inner Anvil Ministry, a youth leadership program, all utilized space in the building.

- A portal website, [www.bridgehousepdx.org](http://www.bridgehousepdx.org), was used to provide phone numbers, event information, etc. The Applicant trimmed the content to the least amount of information that would be visible when driving by the sign.
- He noted that the Historic Milwaukie Neighborhood District Association (NDA) was pleased with the design and tastefulness of the sign.
- Confirmed that the posts were steel and would be painted off-white.

**Chair Klein** understood that the lettering would not change for announcing upcoming events, etc.

- **Mr. Schelske** agreed, stating only the name of the organizations would be displayed. Each organization would have a portal page on the website, providing additional information about events as needed.

**Commissioner Batey:**

- Asked how long the congregation had owned the church.
- **Mr. Schelske** replied almost two years. They had been the primary tenant in the church for almost five years, leasing from Northridge Community Church before buying the building.
- He clarified that the old sign was 38 sq ft, longer and narrower, stating "Northridge Community Church" and a slogan. It was removed about three years ago.

There were no further comments from the Applicant.

**Chair Klein** called for testimony in favor of, opposed, and neutral to the application.

**Ed Zumwalt, 10888 SE 29th Ave, Milwaukie, OR** representing the Historic Milwaukie NDA stated that the group had no objections to the Applicant's proposed sign. He noted that Mr. Schelske had presented the proposal to the NDA last fall and had answered all their questions satisfactorily. The neighbors believed the sign would be an improvement to the site.

There was no further public testimony.

**Ms. Alligood** noted that in the zone, the sign could actually be up to 12-ft tall, so the applicant's proposal was actually quite conservative.

- She clarified that the building had been constructed in 1944.

**Mr. Schelske** added that his congregation made significant renovations to the building and created useable spaces in order for it to be a resource for the community. The church saw the building as an opportunity to invest in the community and he invited the community to utilize the building for meetings.

- He explained that the church had a tenant living in the house across the street that was surrounded by parking lot.

**Chair Klein** closed the public hearing for CSU-08-04 at 7:05 p.m.

**Commissioner Bresaw** commented that she liked the posts and arch on the Bridge House sign. She preferred a smaller sign, but there was no safety issue, so it was

acceptable. The sign made the church more commercial, but they did need to advertise for their tenants.

**Vice Chair Newman** was concerned that the sign was close to the corner; however, per staff it met requirements. People living in the area must have considered it, and since they supported the sign application, he was in favor of the project.

**Chair Klein** agreed, adding that Mr. Weigel had eased his concerns regarding safety.

**Commissioner Batey** added that the conditions of approval stated that the sign shall not encroach on vision clearance areas. She had no objection to the sign application.

**Commissioner Churchill** liked the design, noting that the Design and Landmarks Committee (DLC) did a good job of encouraging the right forms.

- He was still concerned about the size and location. He preferred that the sign be further from the corner toward the church's entrance where it would still capture the same drive-by attraction, except perhaps for traffic coming on 28th Ave.
- He understood the clear vision zone identified by engineering staff, but the sign would still impact the clear vision that currently existed.

**Commissioner Bresaw** agreed it would be nice if the sign was set back further, but that was the Applicant's decision.

**Commissioner Bresaw moved to approve the Bridge City Community Church sign, CSU-08-04 with the conditions. Commissioner Batey seconded the motion, which passed 4 to 1 with Commissioner Churchill opposing.**

**Commissioner Churchill** commented that although not required, a story pole mock-up would be ideal, especially when addressing line of sight issues to provide a better impression of a proposed sign's size. Though a 36-in- or 40-in-high stake was placed on the corner indicating the sign's distance from the curb, it still did not reflect the 6-ft height.

**Chair Klein** read the rules of appeal into the record.

6.2 Pond House Community Service Use application for Booktique bookstore and Ledding Library use  
Applicant/Owner: Joe Sandfort, representing the City of Milwaukie  
Address: 2215 SE Harrison St  
File: CSU-08-05  
Staff Person: Li Alligood

**Chair Klein** called the hearing to order and read the conduct of minor quasi-judicial hearing format into the record.

**Li Alligood, Assistant Planner** cited the applicable approval criteria of the Milwaukie Municipal Code as MMC Section 19.321, MMC Section 19.307 Residential—Business office—Commercial zone R-1-B, MMC Chapter 19.500 Off-Street Parking and Loading, and MMC Chapter 19.1400 Transportation Planning, Design Standards, and Procedures.

**Chair Klein** asked if any Commissioners had any ex parte contacts to declare.

**Commissioner Churchill** declared that he had been asked to consider being a member of the Library Foundation to be developed in the near future. He did not believe it would impact his ability at all to make a fair and unbiased opinion.

All Commissioners declared for the record they had visited the site. No Commissioners, however, declared a conflict of interest, bias, or conclusion from a site visit.

**Commissioner Bresaw** stated that her neighbor Colleen Schacht was chair of the Library Board, and had mentioned the issue was coming to the Planning Commission.

**Chair Klein** declared that he reached out to Dion Shepard, Chair for the Historic Milwaukie NDA because the NDA had not formally addressed the application. Conversations with Ms. Shepard included concerns about businesses sprawling into neighborhoods and discussion about the City purchasing homes to convert to business use.

No member of the audience challenged the jurisdiction of the Commission or the participation of any Commissioner.

**Ms. Alligood** presented the staff report via PowerPoint presentation. She and staff then responded to comments and questions from the Commission as follows:

- Details regarding potential improvements to the Harrison St and 23rd Ave intersection and nearby pedestrian access and amenities were found in the transportation impact analysis found at the end of the application materials.
  - Because no physical changes were proposed to the site, no public improvements were triggered. However, the City volunteered to implement as many of the improvements suggested by an engineering firm [DKS & Associates] as possible.
- **Zach Weigel, Civil Engineer** explained that the bold line shown in front of the Pond House on the displayed drawing signified the new curb line. Additional lines indicated the new sidewalk that would connect into the existing sidewalk.
  - The improvements were suggested to better align 23rd Ave with Harrison St to provide better clear vision on Harrison St.
  - The drawing provided a staff recommendation at this point and was not part of the decision before the Commission. Engineering had not yet determined if the parking spaces in front of the Pond House and the existing sidewalk would remain or not.
- **Ms. Mangle** clarified that DKS & Associates was asked to prepare a traffic study and had evaluated the area for needed safety improvements. DKS concluded that the proposal had no traffic impacts, so no mitigation was necessary. However, if the City wanted to take voluntary measures to improve the area, the drawing provided a rough sketch concept of the project. The next step would involve design. Parking could be further discussed later.
- **Mr. Weigel** utilized the displayed drawing to explain how adjusting the angle [of the street] would improve the line of sight on Harrison St.
- **Ms. Alligood** clarified that the Code only stated that parking must be 300 ft from the structure; it did not specify a route. Since the front entrance of the Pond House was 200 ft from the Ledding Library parking area, the Code was met.
  - **Commissioner Batey** questioned that interpretation of the Code, noting that the parking spaces at the Ledding Library were less than 200 ft from the Pond House if one swam.

**Commissioner Bresaw** questioned the trip generation analysis of 98 daily trips for the old medical office, which was a small house, not a large medical office.

- **Ms. Alligood** replied that the number of daily trips was evaluated by calculation, not an onsite evaluation.
- **Ms. Mangle** clarified the calculation was based on the Institute of Transportation Engineers (ITE) manual for a building that size. It did not assume a large office building.
- **Mr. Weigel** explained that the ITE manual did not distinguish between different types of practices in a building, but lumped all medical offices together.

**Chair Klein** asked about the history of the building's prior occupancies.

- **Ms. Alligood** replied it was a dental office in the 1980s. A psychologist owned the building when it was purchased by the City. She was uncertain whether the business had operated as a home business, but if so, it was allowed outright in the zone.

**Vice Chair Newman** asked what types of items would be sold in the Booktique bookstore and whether the Commission would limit what the Booktique could sell by approving the application. He noted that Booktiques in Hillsboro and Salem also sold artwork, calendars, etc.

- **Ms. Alligood** understood that used books would be sold, but deferred the question to the Applicant. She clarified that any limitations would be noted in the conditions of approval and the retail use being established would be the Booktique. No specific condition was established regarding the type of merchandise.

**Ms. Mangle** noted that if the Commission wanted to make any such specifications, Condition 2 could be modified to reflect the Commission's intent.

**Chair Klein** confirmed that no other correspondence had been received regarding the application and then called for the Applicant's comments.

**Joe Sandfort, Ledding Library Director** explained that the application would allow the operation of a small bookstore at the Pond House, which would benefit the entire community.

- During its limited hours in 2008, the Booktique had made over \$2,000, which the Friends of the Ledding Library (Friends) used to financially and otherwise support the Ledding Library. He named several projects that were funded by the Friends.
- In 2009, the Booktique would be open more hours, so the Friends anticipated contributing even more money in support of library projects, thus easing pressure on the City's budget.
- The Lake Oswego Library Booktique made \$100,000 in 2008. He could not guarantee that his Booktique would make as much money that quickly, but Lake Oswego had been open for a while and had made over \$1 million for their library.
- The Booktique would make more community members aware of the Pond House and what it offered to the City, such as poetry meetings, City meetings, and workshops that were currently held there. The works of local artists were hung on the walls.
- He believed that the Pond House should be put to great use and urged the Planning Commission to approve the land use application. The Friends' Booktique at the Pond House would help Milwaukie economically and bring more attention to the Pond House, a wonderful community asset.

**Commissioner Batey** asked how many people attended the poetry series.

- **Mr. Sandfort** responded that the allowed occupancy of the building was 48 people, and usually about 45 to 48 people attended. He could not recall if the occupancy level [permit] was posted.

**Commissioner Bresaw:**

- Confirmed that poetry readings were usually held the second Wednesday night of each month and asked how the parking worked for library patrons when poetry readings were held.
  - **Mr. Sandfort** believed parking was sufficient for the poetry readings and other library programs. An announcement was made that attendees could utilize the parking lot across from City Hall.
- Inquired about consideration given to the aesthetics of the outside of the building.
  - **Mr. Sandfort** replied that he had sent a memo to the Facilities Department regarding capital improvements of interest that included refurbishing the driveway area into a tiled or paved patio-type area as well as implementing a landscaping plan.
    - He agreed the front could look better. The requested improvements were not major, but he knew money was limited.
  - He also believed the right side of the driveway needed to be surveyed, but could be an asset if it was more attractive.

**Commissioner Churchill:**

- Asked if Mr. Sandfort had seen the diagram regarding the potential rebuilding of the curb and inquired about his reaction.
  - **Mr. Sandfort** understood that it was a preliminary idea, but wanted to discuss it further with Mr. Weigel before responding.
- Expressed concern about the loss of parking out front, given it was a retail presence that would begin loading up the neighborhood that was already concerned with the Waldorf School and other uses behind it.

**Chair Klein:**

- Questioned whether or not adequate parking really existed. At one point, the library did not have enough parking. He recalled concerns about the Ledding Library having adequate parking when North Main Village was developed. Mr. Sandfort and Friends feared residents and visitors of the project would park in the library's parking spaces. Adding a retail spot was inadequate with two parking spaces. The rest would overflow into the library's main parking lot.
  - **Mr. Sandfort** understood the concern and explained the library parking lot had expanded to 40 spaces. The noted concerns were when the parking lot was only 21 or 22 spaces.
  - If approved, the Applicant considered keeping the Booktique open on Fridays, Saturdays, and Mondays, 10:00 am to 5:00 pm, which were non-peak parking lot hours. The Booktique was a small operation that would not generate large amounts of traffic and parking.
  - The parking lot was busy during big programs, but there was generally room, so he was comfortable with the proposal.
- Noted that Mr. Sandfort hoped for grand sales similar to Lake Oswego's Booktique and asked how many customers were expected each day.
  - **Mr. Sandfort** deferred to Carol or Barbara-Lee Orloff because they had been at the Booktique during the past year.
  - He confirmed that the rummage and plant sales were very good fundraisers and the Applicant wanted them to continue.

- A Christmas rummage sale was held in October and the plant sale was normally held on the 2nd Saturday in May. More [sales] might be wanted in the future, but currently only two events were being held each year.
- Believed those events were high points for the library that attracted a substantial number of people. Most people would park in front if events were held in front of the facility, which would cause parking problems.
  - **Mr. Sandfort** replied that he noticed people driving east to west on Harrison St past the Pond House. People would park in front of the Pond House if a space was available. If not, they turned into the library parking lot.
- Asked if he was opposed to the Commission limiting the library to two or three exterior events a year.
  - **Mr. Sandfort** replied that he would want to work with the Commission.
  - **Mr. Marquardt** stated that special event permits were available through the City for larger events that occurred on an infrequent basis. Considerations for granting the permits included managing parking, crowd control, etc.

**Commissioner Churchill** asked if the curbside striping on Harrison St allowed three or four parking spaces.

- **Ms. Alligood** confirmed three parking spaces were available.

**Chair Klein** asked if an agreement with the Waldorf School existed because he noted that when he drove by on Planning Commission nights, a school bus was parked in front.

- **Ms. Mangle** did not believe it was a normal occurrence, but was uncertain.

**Commissioner Bresaw** asked staff about posting of the public notice sign, which was on the library door.

- **Ms. Alligood** responded that despite best efforts, the sign posted on January 16 disappeared in the windstorm and then reappeared on the library door. She reposted the sign on January 21st, but it was now on the front steps of the Pond House. Notice was also published in newspapers and mailed to all property owners within 300 ft.
- **Mr. Marquardt** confirmed Mr. Sandfort was in contact with Operations Director Paul Shirey regarding landscaping improvements. The improvements were scheduled and part of the larger City operations budget, but they would not be done immediately.

**Chair Klein:**

- Asked for information about the implications of the new library bond measure that passed with regard to the Pond House.
  - **Mr. Sandfort** replied that he had not really considered that clearly. Most of the district measure would be spent to increase library hours, staff the reference desk at all times, and probably increase staff at the circulation desk and in the Children's Library. If approved by the City Manager, Budget Committee, and City Council, the Library also hoped to increase the amount of materials available to the community. He did not believe the measure would have a large effect on the Pond House.
  - He confirmed that Friends, not Library staff, staffed the Pond House because the library could not afford to do so.
  - With regard to the items sold at the Booktique, he deferred to Barbara-Lee and Carol Orloff, but understood the primary items for sale were books, videos, CDs, books on tape, just as in a regular bookstore.

**Chair Klein** called for public testimony in favor of, opposed, and neutral to the application.

**Barbara-Lee Orloff, 1400 SE Lava Dr, Milwaukie, OR** reviewed her background and described the benefits of the Booktique to the community.

- Visitors to the Booktique and the Sunday farmers market bookstall were of all ages, abilities, backgrounds, and interests. Something was available for everyone at affordable costs.
- The Pond House location was close to most schools in Milwaukie. Many people walked to the Booktique. Those who drove usually parked in the library parking lot.
- Volunteers at the Booktique helped enriched the City through their service, promoting a true sense of community.

**Chair Klein:**

- Asked what products the Booktique would sell and why it was needed since sales currently occurred at Waldorf School and the farmers market.
  - **Ms. Orloff** clarified that the Booktique did not actually sell items, but asked for donations for used reading materials. The only other items sold were Friends merchandise, including t-shirts, caps, or book bags.
  - She clarified that unlike what most considered as a rummage sale, the Friends sale was more like a collectables sale featuring unique items that had a more holiday focus.
  - The Booktique was needed because the sale at Waldorf School happened over a weekend once a year. If regular weekly hours at the Pond House Booktique generated enough interest, one or two smaller sales might be also held at the Pond House. The Booktique's regular hours would also help generate general interest in the Milwaukie community because the Pond House is centrally located to most public and community services.
- Asked if current Booktique patrons would object to the walking distance from the library parking lot.
  - **Ms. Orloff** did not believe so. Many patrons walked or took the bus. Many started at the library and then came to the Booktique, leaving their car in the library parking lot. She noted the walk by the pond was pleasant.

**Commissioner Batey:**

- Clarified that the Booktique would only sell secondhand donated materials.
  - **Ms. Orloff** confirmed that no new materials would be sold in the Booktique. All materials sold were donated from throughout the community.
- Asked if the goal was to eventually eliminate the annual book sale.
  - **Ms. Orloff** replied that was a possibility. Smaller book sales could occur at the Pond House once or twice a year. The plant sale was an ongoing yearly project, timed as a community event the Saturday before Mother's Day in coordination with the Annie Ross and Waldorf School plant sales.

**Commissioner Bresaw** asked if one advantage of the Booktique was to avoid transporting books to other locations such as the farmers market.

- **Ms. Orloff** stated selling books at the farmers market could continue. She estimated about \$10,000 in donations had been received over the last two summers. It was hard work, but very rewarding.
- Milwaukie had a spirit of volunteerism that enabled Friends to do all the activities. Responding to an earlier question, she confirmed that a group of volunteers staffed the Booktique.

**Ed Zumwalt, 10888 SE 29th Ave, Milwaukie, OR** read his written statement, which was submitted to staff, as follows:

- “Speaking as Vice Chair of the Historic Milwaukie NDA, we find nothing in the application that would be detrimental to our neighborhood. The parking and traffic impacts would be negligible, if any, and the general projected use would be a huge asset, not only to the neighborhood but to the City as a whole. As for the library, speaking as a Board Member, the Pond House as it stands now represents the beginning of a dream we have had for years. It can and will be the center of many events and attractions that will enhance Milwaukie's reputation throughout the area. Thank you.”
- He added that having the Booktique was a natural addition and would only be a benefit to both the City and the library longterm. School kids would use the Booktique to save money on reading materials.
- Many Booktique customers would walk or park at the library. As the Booktique and its hours became well known, library patrons would walk over, browse and purchase books.
- Ultimately, the dream was to build a bridge across the pond, which would be a wonderful asset and shorten the walk from the library.
- Events currently held at the Pond House, including poetry readings and City meetings, already made the building a valuable asset.
- He believed the parking issues would be solved, and that foot traffic would be great.
- He noted the NDA was always leery of businesses infringing on the neighborhood, and he believed because of the neighborhood's location, it would be overrun. Businesses wanting to purchase homes for sale were not well-received, because of parking issues, etc., but he did not view the Pond House as an infringement

**Chair Klein** asked if Mr. Zumwalt was saying that the parking issues would be solved, contrary to his typical concerns about parking in the City.

- **Mr. Zumwalt** stated that parking in Milwaukie would never be solved.
- The parking issue involved three parking spaces in front of the Pond House and the library parking lot. He clarified that many people would be walking to the Booktique, especially from library, which would greatly solve the parking problem for the library and the Pond House Booktique.

**Commissioner Batey:**

- Was less concerned about the Booktique's parking because patrons would trickle through. However, evening events like poetry readings would bring 45 people at a time who were probably not pedestrians.
- Reiterated that Mr. Zumwalt often complained about parking and that the City did not take parking seriously.
- **Mr. Zumwalt** clarified that Milwaukie would always have parking issues as long as projects like North Main were built with one parking space per unit. However, the pressure would not be as bad on the library and Pond House parking because there would be a lot of foot traffic. As mentioned, parking was also available across the street at City Hall parking lots, at least until the Town Center building was constructed.
- He noted that Mr. Alexander, the new architect of the South Downtown Concept Plan, said the City should never build anything on the City Hall lot, affirming those citizens opposing the Town Center project.
- Stated that the first areas where people will park on the nights of poetry readings would be on Harrison St and then on 23rd Ave, not in the library parking lot.

**Chair Klein** asked where members parked when NDA meetings were held at the Pond House.

- **Mr. Zumwalt** replied that most parked in the library parking lot.

**Commissioner Bresaw** asked how City Hall parking was managed for evening events.

- **Ms. Mangle** replied that parking was not regulated at night and was free for evening events.

**Colleen Schacht, Chair, Ledding Library Board, 4300 SE Somewhere Dr, Milwaukie, OR** stated that the Ledding Library Board supported opening the Booktique as soon as possible because Friends provided needed funds for the library. The Board was willing to work with the Library and City to do what was needed to open the Booktique.

- The Pond House was an asset to Milwaukie. In addition to poetry readings and other meetings, the Arts Commission also met there. The Arts Commission would like to hold more art shows at the Pond House, which would bring people into the City.
- Also, as a member of Friends, she volunteered at the book booth at the farmers market, which was a big job but very rewarding. Many attendees had inquired about the Booktique's status and had asked when it would open.
- The Booktique met a real need in this economy. People were no longer shopping at Powell's and such for books.

**Commissioner Bresaw** asked about the outside garbage cans.

- **Ms. Schacht** replied that the plan was to incorporate two bike spaces to close off the driveway. It might be possible to build an enclosure or put the garbage cans on the side of the house. Garbage cans were not typically supposed to be left out in neighborhoods, so it was a practical matter that could be solved.

**Commissioner Churchill** asked if Ms. Schacht objected to a condition of approval requiring a garbage enclosure on the site.

- **Ms. Schacht** replied that she was not an engineer, but thought it was possible.

**Chair Klein:**

- Suggested the garbage can question was more for the Applicant than a volunteer.
- Noted the Applicant mentioned having art shows at the Pond House, so it seemed the Booktique was more than just a bookstore.
  - **Ms. Schacht** responded that many people wanted the Pond House to be a cultural center and community-gathering place for the City of Milwaukie, which would be a great asset. Currently, it operated as an addition to the library, which was running out of room.
- Asked if the size of the Pond House would limit usage. He envisioned a cultural center as having a stage and question whether an audience of 45 was adequate.
  - **Ms. Schacht** clarified that currently artists displayed their work during poetry readings. Artists could have a gallery opening by invitation only. Everyone would just have to be cognizant that space in the Pond House was limited.

**Carol Kay, President, Friends of the Ledding Library, 11868 SW William Otty Rd, Happy Valley, OR** stated that she wanted to address parking concerns.

- Many events were held at Pond House and most everyone stated that buying the Pond House was the best thing the City could have done.
- She asked everyone who came to the Pond House where they parked and was told,

"Oh, just down the street." Parking had never been an issue. During the plant sale, people carried armloads of plants and Boy Scouts with wagons helped them to their cars.

- No one at any event had ever complained to her about parking, though library staff occasionally complained, but that was before the library's parking space increased.
- The first year, the plant sale brought in \$400, while \$5,700 was made the fifth year of the sale. The sale was held on the library grounds and everything was donated and many volunteers participated.
  - Over the years, \$16,000 had been spent for computers and Friends also helped renovate some space in the library, alleviating the pressure on the City's budget.
  - The First Saturday musical program was also completely sponsored and run by the Friends funds and volunteers.
- The goal was to bring attention to the library. No funding was received from the City and no paid library employees were involved at the Booktique.
- She reiterated that parking had not been an issue. Most big events were on the weekends and they were sensitive about using the law firm's parking spaces next door if they had clients.
- She sensed that Commissioners had different ideas about the Booktique's operation and emphasized that the donated items were typically in beautiful condition.
- She continually received positive feedback about the Booktique, which enhanced the City's image. She urged the Commission to approve the application.

**Commissioner Bresaw** stated it was unfortunate that a gardening club could not take care of the front yard.

- **Ms. Schacht** replied that one goal was to have an outreach program to the community for gardening events other than the plant sale.

**Lauren Johnson, Portland Waldorf School, 2300 SE Harrison St, Milwaukie, OR** stated that the Waldorf School fully supported the application and had an extremely positive relationship with the Ledding Library and Friends.

- She was saddened to think that the major book sale might move out of the Waldorf School gym, however successful the Booktique might be in the future.
- The Waldorf School had wonderful, collaborative events with the library, such as with the plant sale. If additional space was needed for the plant sale or other events, it was available at the school.
- The school was always willing to speak with the Library or City about upcoming events that need to use school parking. The Waldorf School site was heavily used in many ways and there was a waiting list.
- They worked assiduously with the neighborhood north of Harrison St regarding any parking issues that might arise. She wanted people to know that the Waldorf School had an open door policy about any problems that might arise in the neighborhood.

**Chair Klein:**

- Expressed concern about complaints heard from neighborhoods that parents and volunteers of the Waldorf School took up parking spots in front on the street and into the neighborhoods.
  - **Ms. Johnson** replied that the school encouraged parents and others to use the parking lots on Monroe St and not park to the north.
  - The school did a house-to-house visit, encouraging all residents to tell the school about any cars that were unrecognized or parked for an extended time.
  - Upon further examination, they found a number of people parking in the area were not related to the school. This helped the City better understand the

- impacts of people parking and using the bus system.
- Asked if she thought adding a retail location would cause further parking impacts.
    - **Ms. Johnson** answered no because of the minimal number of people coming and going, and with increased education about using the library parking lot when shopping at the Booktique.
    - She noted for the record that the school discouraged parents from using the parking spaces in front of the Booktique because it was not safe to cross the street there. People, of course, were free to do what they wanted in legal parking spots, but the school discouraged it.

There being no further public testimony, Chair Klein called for further comments from staff.

**Ms. Alligood** clarified that although much of the testimony regarded the Booktique, the establishment of the CSU was for the entire Pond House, of which the Booktique was just a portion.

- The garbage enclosure was something that staff would want to see within the year or so, but staff did not want to make approval contingent on that condition of approval.
- She emphasized that establishing this use of the Pond House extended and expanded the Ledding Library campus, creating a conglomeration of buildings and uses that all served the common cultural and educational civic purpose.
- She recognized the concerns about parking, but when considered in the context of a campus of uses sharing space and amenities, shared parking made sense rather than requiring additional parking near the site.

**Commissioner Bresaw** asked if six months was reasonable for the garbage can enclosures as opposed to one year.

- **Ms. Mangle** said she hesitated because a long list of improvements had been requested of the Facilities Department and she wanted to be realistic about the timing of any construction project.
- Typically, conditions of approval were linked to the building or occupancy permit. The amount of time was open for discussion, but perhaps the Commission could consider not requiring the enclosure immediately.

**Ms. Mangle** reviewed the issues discussed by the Commission, and noted that one issue that was raised was to ensure that the retail-related uses related to the library so that a potential future site owner could not lease the Pond House to a private bookseller.

**Commissioner Batey** understood the Applicant was already envisioning more than that by planning for art shows.

- **Ms. Mangle** clarified that was distinct from the Booktique. She confirmed the art shows were only for showing art, not for selling art.
- **Ms. Schacht** stated that no definite plans existed for art shows. She clarified the art shows would be a separate use of the Pond House by the Arts Committee, not the Friends.

**Chair Klein** asked if that would be something that would return before the Commission.

**Ms. Mangle** revised her earlier comment, stating that if the concern was more about having private, for-profit retail activity entering into the house in the neighborhood; one way to address that concern might be to tie this to City uses, not necessarily specific to the library, because it is a City building used by many City departments.

- She stated that Zach Weigel had pointed out that in terms of the traffic study and trip generation, the allowed uses for the site would include anything that would fill the category of a recreational facility. In terms of traffic impacts, the list of allowed uses was fairly broad. Recreation community center was the category that applied.
- She understood one concern was to ensure no loophole existed in the approval that allowed the City or a future owner to lease the Pond House to a private bookstore such as Powell's.

**Chair Klein:**

- Added the concern also regarded what was being sold and who would benefit from the facility. Art galleries were very busy and created a lot of foot and vehicular traffic.
  - **Bill Monahan, City Attorney** noted there were two distinct uses: The fixed, 365-day-a-year use for the Booktique; the other portion of the building was to be available for limited times, like a weekend or 12-week series, where no onsite sales were related to that function.
  - A fundraiser might occur where sales benefited a nonprofit organization, but the Commission could determine how to limit that more infrequent use
- Believed the Commission often got lost in the nonprofit aspect. It was a retail location. If a Powell's was located next door, they would view the Booktique as competition because they were selling used books.
- Was concerned that there was not a clear definition of what would take place at the Pond House. The Booktique, art shows, poetry readings, etc., had all been named.
- Emphasized that having clear definitions was important and noted the many issues and problems that occurred with Classic Memories. He did not think the Friends of the Library, the Library, or the City understood the Pond House's potential, so a definition was needed of what would take place.

**Ms. Mangle** stated that the Applicant's table on 6.2 page 37 of the packet indicated the spaces and proposed uses within the Pond House. Knowing that the Planning Commission would be concerned, staff worked with the library staff and Friends of the Library to determine the best-defined proposal. The table could be further refined should the Commission offer clarifications or have questions.

**Commissioner Batey** asked how the table content was reflected in conditions that set certain limits for the Applicant.

- **Ms. Mangle** replied that Condition 2 states that the approval applies only to the Pond House; future occupants must submit a trip generation analysis.

**Ms. Schacht** interjected to clarify that the Booktique was a function of the Friends of the Library as a fundraiser for the library to sell used materials. The rest of the Pond House had broader use for the City. She agreed that they seemed to be feeling their way along because nothing similar had come up before. Ideas had been discussed, but some policies probably needed to be set.

**Commissioner Bresaw** believed wording on the second bullet in the Meeting Area section was too broad, because it could be interpreted as to accommodate 45 people, seven nights a week. The wording should be changed to better fit all parties.

**Commissioner Batey:**

- Added that the next sentence stated "upwards of 50 attendees" when the Commission was told the building's capacity was 45 people. There were all kinds of problems with the application.

- Asked to hear the non-boilerplate section of the notice that went to neighbors, specifically about parking, numbers of people, and frequency of meetings.
  - **Ms. Alligood** replied the noticed did not go into great detail. She read, “The Milwaukie Planning Commission will consider approving a Community Service Use application, CSU-08-05, to allow use of the Pond House as an extension of the Ledding Library. Proposed uses include a Friends bookstore, community events and meeting space, and space for library staff.”
  - **Ms. Mangle** added that the letter included a link to the City’s website where the whole packet was available.
- Asked where the 45-person occupancy limit came from, how strict it was, and how the City proposed to enforce it.
  - **Ms. Alligood** replied that occupancy was calculated by the Building Department. In informal conversations, the Building Official explained [occupancy limits] were determined using basic calculations and the size of the structure. Occupancy was established as part of the Certificate of Occupancy, not by the fire service district.
  - **Commissioner Churchill** added the occupancy limit was set by tables and formulas in the code used by the Building Department. Areas of assembly had a higher density allowed with multiple exits out. The Pond House did not qualify because of the exiting required. He believed the 45-person occupancy was posted.
- Inquired whether the City had assessed where parking occurred at peak uses, such as during poetry readings.
  - **Ms. Alligood** replied not to her knowledge.
- Asked how long the former use was valid for [traffic] comparisons if the prior use had lapsed. In other contexts, such as with a nonconforming use, if the building was not used for six months, the use lapsed and reverted to the underlying Code. It was a medical office [use], but did not appear to be a business use, and had looked more like a house before the City bought it.
  - **Ms. Alligood** replied that Commissioner Batey was absolutely right about nonconforming uses. In this case, the use was residential business office in a commercial zone. The use was allowed outright regardless of whether it was in continuous use or not.
- Understood that the use would be allowed, but why compare traffic impacts against some lapsed use?
  - **Ms. Alligood** replied that for a CSU, staff considered the potential for intensification of traffic on the site. Improvements were triggered, or not, when traffic impact was determined after comparing the existing and proposed uses.
- Asked why the property was not compared to a residential use for the traffic analysis.
  - **Mr. Monahan** clarified that the best information available was utilized. The historic record indicated the property was used as a professional office for a long period of time. More traffic was generated from a professional office than for a residence, so it made sense to use the historic knowledge of the most intense use of the property to compare with the proposed use. The lapse of time should be balanced according to the length of time per use.

**Chair Klein** called for the Applicant’s rebuttal.

**Ryan Marquardt, Associate Planner** representing the Applicant, agreed the proposed uses were included in the table (6.2 page 38) of the application. The Applicant was open to putting specific limitations on those uses. Condition 1 stated that the final uses as approved had to be in substantial conformance with the proposal, and the Applicant

intended to stay with what was proposed.

- He agreed housekeeping items were needed on the site, and added that Mr. Sandfort was working with Paul Shirey to complete the landscaping and trash enclosures as soon as possible.
- If the Commission had comments regarding other improvements, he suggested working through Mr. Sandfort and Mr. Shirey in the Operations Department as the best course of action.

**Mr. Sandfort** added that he would email the Facilities Department about garbage enclosures as he agreed that was a good idea.

- Events such as the poetry series were an integral part of the Pond House. He believed they knew what they wanted to use the Pond House for, including cultural events, storage in the basement, as well as the Booktique. He did not want to limit the poetry series, and was considering an author series as well.
- He did not want the Pond House to sit empty. It was an asset paid for by tax payers and it should be used to its best extent.
- He understood concerns about parking, but according to those who frequented events at the Pond House, parking was not a problem.

**Chair Klein:**

- Asked why eight parking spots were designated [in the City Hall parking lot] for library parking only on farmers market days if the library parking lot was sufficient.
  - **Mr. Sandfort** replied that library staff did not park at the library. The City supplied 12 spaces at the City Hall lot for library staff. During the farmers market, the spaces obviously aren't there anymore, so that's why parking was supplied behind City Hall. From his experience, eight library cars rarely were parked there.
- Stated that even when library cars weren't parked in the eight spaces, someone wrote tickets to people parked there [during the farmers market].
- Wanted to discuss special uses. The Commission had a history of approving applications, believing they had made a sound decision and understood what might happen, only to be surprised later by something not considered.
- Was hesitant about the application because he could only see a few things, but then an art show pops up, and then, because the building has a kitchen, a bake sale is discussed, etc. Yet none of these ideas were initially considered by the Commission.
  - **Mr. Sandfort** believed the application was specific regarding the uses of the Pond House. They would be cultural events.
- Noted that no definition of cultural event existed. Was an art sale a cultural event?
  - **Mr. Sandfort** did not think art sales in particular were mentioned, but rather, art exhibits. Artists display their work for one month at a time, but as far as he knew, no art was sold.
- Did not believe a heavily-attended event like First Thursday was presently occurring at the Pond House.
  - **Mr. Sandfort** agreed that would not happen there.
- Asked if that meant that an art show should not, or probably would not, take place.
  - **Mr. Sandfort** replied that he had not considered every possible event that may occur.

**Commissioner Batey** said it sounded like the Arts Committee was exploring potential uses that might not be within the described uses. She asked whether the conditions and proposal needed to be revisited.

**Chair Klein** asked if by approving the application, the Commission would also approve

all of the other potential uses.

**Mr. Monahan** replied that they could approve with some limitations. Events could be limited in duration to hours, days, or number of weeks in a row. The display of art could be limited to a show format only, as opposed to a commercial art sale.

- Limitations could also be applied to definitions. The Applicant could return in six or nine months with a suggested definition of the cultural and community events allowed, once they had more history with which to work.

**Chair Klein:**

- Asked if it was feasible to approve the Booktique, allow limited usage for a set number of rummage and plant sales, and then revisit the application in six months.
  - **Mr. Monahan** replied that cultural activities were already taking place at the Pond House. He believed that limiting use to just the Booktique and the two special events without allowing for the poetry readings and other ongoing activities would be a mistake. Limited venues were available for these events in the community and the community had come to rely on using the Pond House.
  - Some parameters could be put on the events, which had been attempted in the list of spaces and proposed uses. The Commission could limit what cultural events might mean and then ask the Applicant to return with a more definitive list at a later date.
- Understood that the hearing could be continued to let the Applicant decide what events would take place at the site for the Commission to review.
  - **Mr. Monahan** clarified that he was not suggesting a continuation.

**Commissioner Churchill** did not believe a continuance was needed. An art show did not generate more traffic than an art gallery. A mass production-type art show at the farmers market might generate traffic, but not the type of show seen at the Pond House.

**Mr. Weigel** noted that the submitted traffic study considered very general uses.

**Commissioner Batey** pointed out that the traffic report stated, "It is unlikely that patrons or visitors to the Pond House would park at the library and walk 600 ft along Harrison St."

**Chair Klein** read, "As listed, up to 8 parking spots may be deemed as for the proposed use, assuming up to three employees could translate up to five vehicles parked in 23rd Ave."

**Mr. Weigel** explained that the uses applied in the traffic report were for general office, specialty retail, and recreation community center.

- For the recreational community center use, that portion of the building could be used every day for any type of event and would still have fewer trips than what existed before.

**Ms. Mangle** added that what had existed before was the most likely use allowed in the underlying zone. If not purchased by the City, the building would most likely be an office use, which was allowed outright in the underlying zone.

**Commissioner Batey:**

- Said it made no sense that a medical/dentist office had more trips than all the proposed uses combined. One poetry reading would result in 90 trips.
  - **Mr. Weigel** replied only if every person drove themselves.

- Suspected most did drive themselves. But even if not, it was hard to believe that all the other uses of the building still did not generate as many trips as a doctor's office.
  - **Mr. Weigel** asked if other things were happening at the same time as the poetry reading.
- Presumed other things would be happening during the day, though maybe not at night. The total daily trips were what mattered.
  - **Mr. Weigel** noted that the Booktique was specialty retail, a category that also included coffee shops. He emphasized that the traffic numbers were very conservative.

**Commissioner Churchill** believed Mr. Weigel provided a good analysis. The tools did not define the reality of trip generation even though it was in the ballpark. The information was a reference line that was taken into consideration.

**Chair Klein** stated he had used [that reference line] as a general reference when looking at the bank building. It was a number that had to be addressed whether it was a benefit or hindrance to a private business owner. However, if the Commission was wrong with this being a City application...

- **Ms. Mangle** explained that the City was willing to do some intersection improvements. Staff anticipated an increase in trips as a result of the application and that mitigation would be required, which was often done through street improvements and made the intersection design drawing helpful.
- She reminded that an increase in trips was not cause for denying a project.

**Commissioner Churchill** stated that the mitigation, though a rough design, created parking problems. The three parking spots in front would be used and would be essential for semiambulatory people.

- **Mr. Weigel** reiterated that the design submitted by DKS was very preliminary. He was not even sure what the Downtown Plan called for in that area. He assured staff would work with the library regarding any improvements in front of the Pond House and would include all policies of the TSP and Downtown Plan.

**Vice Chair Newman:**

- Suggested a contingency to allow the situation to be reviewed in 9 to 12 months to determine the ramifications and then modify them if needed.
  - **Ms. Mangle** reminded that as part of the Waldorf approval, one condition required a postoccupancy parking and traffic study. Some of the work with the neighborhood to the north was a direct result of the postoccupancy traffic study that had identified parking problems and helped resolved some of those issues. There was precedence for that process and it was a very successful exercise.
  - **Ms. Alligood** added that one proposed condition of approval was an ongoing monitoring of on-street parking on 23rd Ave to determine if further parking management was required.
- Recalled a previous problem when private citizens had to make a big investment based on the Commission's decision. However, in this case that incentive was not there to discourage the Commission from going back and making changes.

**Commissioner Churchill** cited MMC Section 19.307 Residential Business Office Commercial Zone R-1B and asked if no parking was required because the library was in R-1B.

- **Ms. Alligood** responded that it was the opposite. Since the Ledding Library was located in the Downtown Storefront Zone, the Applicant was not required to provide parking for the library.

**Commissioner Batey:**

- Clarified that the conditions only said, "Remove the driveway access and replace with a curb," but did not make any of the items on the intersection design drawing a condition.
  - **Ms. Alligood** agreed, adding they were just preliminary proposals.
  - **Ms. Mangle** said it was voluntary on the part of the City and would become a capital project developed in that manner.
- Asked if the condition involved tearing out the driveway and installing a planting strip, for instance.
  - **Mr. Weigel** replied that the condition regarded only the driveway approach. The driveway on the property would be removed at the City's leisure.
  - **Ms. Alligood** added that the City would install a sidewalk and parking strip in alignment with the existing sidewalk and parking strip on Harrison St in place of the driveway approach.

**Chair Klein** closed the public testimony portion of the hearing for CSU-08-05 at 9:14 p.m. The Commission took a brief recess and reconvened at 9:27 p.m.

**Chair Klein** stated that following discussion with Ms. Mangle, it seemed that a continuation might be the best action.

**Ms. Mangle** explained that a continuation of the hearing was recommended if the Commission wanted to add or modify the conditions of approval, so the work could be done carefully.

**Planning Commission Discussion**

**Vice Chair Newman** noted that Josephine County was finally opening their library after 20 years, thanks to being voluntarily-funded and operated by the Friends of the Library. Oregon City's library services were marginally better, if at all.

- The Planning Commission needed to lead the way to help bring about a reason for coming to Milwaukie, instead of having a light rail to nowhere.
  - The Ledding Library was a fabulous library in a great setting with the pond, Masonic Lodge, and City Hall. It was a logical center for the town and this application was one more step toward making it that way. The library offered another reason to come downtown, especially in the current economy.
- He favored the application and wanted to get the project started. The library was a major portion of the budget and could be reviewed and modified in the future if necessary.
- Parking problems in the area were because transit station users took parking spaces and it did not look like that problem would be solved.
- He hoped for more traffic because Milwaukie wanted people to come downtown. He wanted poetry readings and art shows so local artists had a venue, but he did not believe the town/neighborhood would be overrun.
- He understood the Commission was being cautious after been bitten by about three big issues, but those could not be changed. This application could be changed and controlled because it was the City's project.
- He wanted to act on the application tonight.

**Commissioner Churchill** believed the Pond House and library had potential as a center of activity and cultural center of Milwaukie. It was the logical spot for poetry readings and art showings.

- He supported what appeared to be a modest retail expansion, but was concerned by the removal of the three parking spots adjacent to the Pond House, which were essential for anyone not capable of walking from the library parking lot. He reiterated that the ITE manual did not address reality, but it was the only available tool.
  - A bridge across the pond was ideal, but was probably not in the budget in the near future.
- It was a stretch to consider parking at the library as serving the Pond House. If the three spaces were removed, more parking would be pushed into the neighborhood. Having attended NDA meetings there, people park in the five or six spaces on Harrison St on the north side of the Waldorf ball fields, and then into the neighborhood.
- He noted three issues to be addressed in the conditions of approval, which he believed could easily be addressed tonight.
  - A postoccupancy traffic evaluation similar to that of the Waldorf School.
  - Trash enclosures, which the Applicant agreed to; the funding needed to be worked out.
  - Encourage that the three parking spaces on Harrison St be retained. He was uncertain if the Commission could require the spaces to remain due to City right-of-way issues, but he felt strongly that the spaces should not be removed.
- He believed the Pond House would be a great addition to the library complex and that the small retail Booktique would enliven that corner of the site.

**Commissioner Bresaw** supported the application, noting that the City Hall parking lot was available for evening meetings.

- She did not believe anyone should have to pay for a formal traffic study, as the matter could be more complaint-driven with common sense information used as opposed to a formal traffic study.
- She wanted landscaping improvements done in the future and a condition requiring that the garbage cans be screened within six months, which could be done through volunteer labor.
- She confirmed that she was prepared to act on the application tonight.

**Commissioner Batey** stated she was not ready to make a decision because the conditions required quite a bit of work.

- The first condition stated, "Final uses shall be in substantial conformance with the proposal approved by this action." However, the table did not seem to envision uses like what the Arts Committee might want to make of the building. The language needed to be encompassing enough to reach the potential uses of the building.
- She believed the building had good potential as a community center and it sounded like most of the uses were already in progress, except the Booktique, which was the least problematic in her opinion. It would not have the traffic impacts on the neighborhood that bigger events would.
- The Commission had heard concerns from neighbors about the Waldorf School parking. She was concerned the neighborhood had not received adequate notice about the parking implications of the application. However, poetry readings had been happening for six months, so apparently they knew of some of the uses occurring.

- The conditions did not address some issues like limits to retail and what could be sold. She was not opposed to art sales, but there was not enough vision for her to be comfortable voting tonight.

**Chair Klein** agreed, and wanted to emphasize that events at the Pond House should be City-sponsored. In looking at the spaces and proposed uses in the Pond House, most spaces were designated as uses for the Friends of Ledding Library. The Pond House did not belong to the Friends, but to the City of Milwaukie. The Commission needed to understand what this was going to do.

- He was originally critical of the purchase of the building. Since then, he believed the space could be a cultural place for the city, but he questioned whether 45 people at a cultural center did Milwaukie justice.
- He wanted to make sure that the Commission's decision was sound, and some pretty big holes existed. The Friends did not pay for the facility and would not be paying for any of the improvements. The City of Milwaukie needed to be able to make decisions, but the application was not written to provide a clear definition of how the property would be used. After spending \$500,000 on the property, the City was essentially giving it away. Nothing similar was done with City Hall or other City facilities. He questioned the rush to approve the application so used books could be sold.

**Commissioner Churchill:**

- Understood Chair Klein and Commissioner Batey's concerns, but did not feel the holes in the plan were gigantic. There appeared to be enough votes to pass the application tonight unless the majority could be convinced that substantial holes existed. The Booktique seemed to be the core of the application.
  - **Ms. Mangle** agreed, but added that it also was intended as one ongoing use along with an umbrella approval for use as a community center.
- Noted that representatives from the poetry reading group and Arts Committee were not present to make other comments.
  - **Ms. Mangle** said that Mr. Sandfort represented the poetry series.

**Chair Klein** said that once the gaps were filled, he was on board with the application. He believed in the plan, but wanted to be sure the wording was correct.

**Commissioner Churchill** supported Chair Klein's position, but believed enough simplicity and definition existed to get close to an approval tonight.

**Commissioner Bresaw** hoped all the Commissioners would agree. The meeting area seemed like the biggest issue, because it was broad and general. The wording stated evenings and weekends, but did not say anything about daytime. She assumed "5 to 8 times per week" meant evenings and weekends only for large groups of people.

**Chair Klein** asked if that could be cleared up by 9:30 p.m. or by two weeks from now.

**Commissioner Churchill** did not think everything that might happen could be nailed down exactly.

**Chair Klein** agreed, but believed language should be included to better define the parameters for the users, so the Applicant and Commission could be comfortable.

**Commissioner Batey** noted the conditions approved use from 8:00 a.m. to 9:00 p.m.,

seven days a week. She presumed they would not use it all of those hours, but they could. The uses were vague enough that some big loopholes existed. Six months from now, if they were using it to give classes, the neighborhood could be upset. The document could be better.

**Ms. Mangle** noted that Item 6.2 page 38 provided a more detailed description of the specific activities and hours regarding how the Pond House was currently used.

**Chair Klein** replied that it was not representative because Mr. Sandfort stated it would be open Mondays, Wednesdays, and Saturdays. The document indicated it was open six days a week.

- **Ms. Mangle** explained that the idea was to permit the site in a broader way, so if they wanted to open it one more day a week, they would not have to return for Planning Commission approval. This was the official approval for the proposal referenced in the conditions.

**Commissioner Batey** pointed out it was all the pages, not just that page. It was good to leave leeway, but no guidance was given to the City for enforcing deviations.

- **Ms. Mangle** responded that the City had a facilities use policy and the Pond House would be a City facility.
- **Mr. Monahan** stated that a limitation already existed regarding who was able to make use of the rooms, how it was scheduled, and the limitations. He did not know if the library or another entity handled it, but that entity would limit the occupancy and manage the intensity level of the use.

**Vice Chair Newman** clarified that the application did not turn the Pond House over to the Friends of the Library. The facility was run by the City.

- The number of days open and events that occurred would be under Mr. Sandfort's jurisdiction. The uses the Commission seemed to be worried about were already occurring. The Applicant just wanted to add a little used bookstore.
- He looked forward to having a used bookstore, which would really be a media center for the community.

**Commissioner Churchill** agreed, adding that the worst case was 45 people in the building plus the Booktique running seven days a week.

**Chair Klein** pointed out that was 45 people in the building driving 45 cars that would fill every parking spot at the library.

**Commissioner Churchill** did not think the Pond House would be packed seven days a week 8:00 a.m. to 9:00 p.m. He believed the worst density of use had already been seen short term. He believed the Applicant had done a fairly good job of defining what the Booktique operations were from 8:00 a.m. to 9:00 p.m.

- The City managed the building, though he was not sure how the building was managed within the City. He assumed that the outline on 6.2 page 38 regarded the Booktique's impact, which would not really make a big difference.

**Chair Klein** agreed, but emphasized that the asset belonged to the City, not to the Friends. The City needed to control it. He felt Community Services or the library should handle the building's management.

- He was fine with the Booktique in the garage, but the other events were a concern and should be City-sponsored events. Parking would be a problem and people would

park into the neighborhood.

**Commissioner Churchill** suggested an event permit could be required and traffic management programs could be in place. He believed the issues could be managed. It was unfortunate that the gem of the Pond House was at the crux of a traffic feeder onto Harrison St.

**Vice Chair Newman** noted that having the Pond House at the hub of the City's transportation spokes was also a positive because everyone had to go through there.

**Chair Klein** stated the wording did not include permits for events that did not fit the description on pages 4 through 7 (6.2 page 35-38) of the application. They would be allowed outright.

**Ms. Mangle** suggested a continuance to allow staff to tighten up the descriptions of uses and refine pages 4 through 7, the table, and the narrative describing the uses to make them more directly defined and referenced in the conditions.

**Chair Klein** understood the vote was possibly 3 to 2, but would become 4 to 1 if the wording was tightened up and more time allowed.

**Commissioner Batey** said she did not see anything insurmountable, it just needed to be tightened up and clarified. The Commission would be seeing the project time and again if the application passed as presented.

**Commissioner Churchill** thought Mr. Marquardt could tighten loose holes quickly in a 15 minute break.

**Ms. Mangle** said the most that staff wanted to do tonight was reference that either Condition 1 or 2 more specifically reference the uses described in pages 4 through 7 of the application. She did not want to change those conditions right now.

**Mr. Marquardt** stated page 6 (6.2 page 37) of the application could have more definition regarding cultural and community events. The schedule of hours for the days of the week on page 7 was meant to be a typical week at the Pond House, but it seemed the Commission wanted more constraints or better structure. He believed it best to deliberate when a special event permit would be necessary with community services to avoid having to return before the Commission time and again.

**Chair Klein** assured he did not want to exclude events like art shows or calendar sales.

- He wanted a clear definition of who was managing the Pond House. If the usage and management responsibilities were clarified, then he was happy with the project. He did not believe that waiting two more weeks for approval would negatively impact the Booktique.
- He agreed that the management of the space was a concern, but it was not the only one.

**Commissioner Churchill** did not believe management of the facility was part of the application, necessarily. The City of Milwaukie owned the property.

- **Ms. Mangle** added that like most things at the City, it was a multidepartmental effort between the Library, Community Services, Facilities Department, and the IST Department.

- She was hearing concerns about what would be approved so the users and Commission could understand what was allowed. More specifically, if something went wrong or impacts were seen, did the City have a policy or procedure for it to be addressed?

**Chair Klein** believed the City had a better ability to manage it than the Friends. It was easier to schedule neighborhood meetings at the Pond House with the community service office, rather than figure out who to contact to hold a meeting there. The Application did not define who would be scheduling uses. There were many issues he had, but that was his biggest issue at this time. He also wanted to know who took priority when events were being scheduled at the facility.

**Commissioner Churchill:**

- Confirmed that the City managed the building's schedule as it was property of the City of Milwaukie. He assumed the Friends made arrangements with the City to use the facility similar to the proposed schedule.
- Reiterated his concerns about parking and the trash enclosure, but understood the City was in control of managing the property, not the Friends.
  - **Mr. Monahan** stated the City would likely manage the property and enter into a long-term relationship with the Friends, who would know that they could control certain areas of the facility. Other areas would remain under the control of the library or another City department to schedule reservations for various uses.
  - The Friends would only control those over areas they were using. Areas not defined on the noted list would continue to be under the control of someone else. Ultimately, the City was responsible for the project.
- Stated that under those terms, he was comfortable with the control of the use. If any issues arose with traffic or occupancy, it would be taken up with the City.

**Chair Klein** reiterated currently there was a 3 to 2 vote. If the language was reworked, the application would be continued to the next meeting where a 5 to 0 vote might be possible.

**Commissioner Batey** understood the only condition that needed to be written involved enclosing the trash cans, which would not take long.

**Commissioner Churchill moved to approve Case File CSU-08-05 with the addition of the trash enclosure to the Conditions of Approval. Commissioner Bresaw seconded the motion.**

**Commissioner Bresaw** commented that it was ultimately the City's responsibility to make sure parking, traffic, and everything else went well in the end.

**Ms. Mangle** stated that if the Commission was going to approve the motion, staff could craft the condition if given a moment to tie it to the appropriate finding. She suggested taking a non-binding straw vote.

The straw vote was 3 to 2 with Commissioners Newman, Bresaw and Churchill in favor, and Chair Klein and Commissioner Batey opposed.

**Commissioner Churchill** reviewed the concerns expressed by the Commission, noting that the main meeting space seemed to be the core issue. He assured he wanted to understand the concerns, which seemed to have been addressed by the City Attorney.

**Commissioner Batey** explained that the conditions and how they tied to the application were loose and ill-defined. In some ways, the conditions should be more controlling, but in other ways, they might be too controlling. A major rewrite of the conditions would be necessary before she would vote in favor of the application. It was not always about defining, but cross-referencing as well.

The Commission took a brief recess to amend and craft the needed conditions.

**Ms. Mangle** read the new proposed Conditions of Approval for the Commission's consideration as follows:

- ***“Condition 7: Provide an enclosure to screen trash and recycling cans within one year of the date of approval.”*** The intent was to complete it sooner, but the Facilities Department was not present to commit to a time schedule.
- ***“Condition 6: By January 30, 2010, the City shall review the uses and parking for the property and report to the Commission on uses and parking for the Pond House. At this time, the City may revise the allowed uses and times of operation. Notice shall be provided per MMC 19.101.13.”***
- She summarized that the changes would effectively address questions asked about clarifying the proposal. As City property, the Commission could revisit or refine the proposal and make adjustments, as well as address parking problems within one year by making a major or minor modification to the Community Service Use. Even if a minor modification, they would provide notice to the neighborhood in the same way as was done for the hearing.
- This would be one way to allow approval tonight, but also put on record that things needed to be addressed within one year.

**Commissioner Churchill** suggested a possible six-month timeframe for new Condition 6 to be sensitive to the dissenting votes.

**Chair Klein** responded that a year would provide a full season of activities to evaluate.

**Commissioner Bresaw** added if there were lots of complaints, changes could be made before one year since the City would be approving the schedule.

**Ms. Mangle** added that in the interim, staff could report more about how the property was managed and by whom. The condition at least provided a deadline for a more formal report.

**Chair Klein** restated the motion to approve Case File CSU-08-05 with the rewritten conditions of approval.

**Motion carried 3 to 2 with Chair Klein and Commissioner Batey opposing.**

**Chair Klein** read the rules of appeal into the record.

**7.0 WORKSESSION ITEMS** -- None

**8.0 DISCUSSION ITEMS**

**Chair Klein** reported that Mayor Jeremy Ferguson had wanted to speak with the Planning Commission regarding the vacancy left by Charmaine Coleman. He did not

believe it was in the best interest of the Commission to recommend a candidate because the Commission served the Mayor with the approval of City Council. Appointing Commissioners was best left to Council.

- He had spoken with Mayor Ferguson and provided an outline of what he felt were the strengths and weaknesses of each candidate, but did not give any direction otherwise.
- He wanted to raise the issue with the Commission should anyone be approached about the matter. He preferred the Commission not discuss it, but offered to share the outline he prepared.
- Both candidates were very well qualified and had visited Planning Commission meetings.

**Mr. Monahan** clarified that if there was remaining time on terms, the Commissioner was entitled to the full extent of the term unless he or she resigned.

**Chair Klein** reported that sidewalks were being installed on the Logus Rd project.

**9.0 OLD BUSINESS** —None.

**10.0 OTHER BUSINESS/UPDATES**

**11.0 NEXT MEETING:** February 10, 2009

11.1 Parking Code Update project briefing

11.2 South Ardenwald Master Plan-project briefing with staff from the Housing Authority of Clackamas County.

**Forecast for Future Meetings:** February 24, 2009

Briefing on Metro Code Compliance projects: Title 4 – Industrial and Other Employment Areas, and Title 13 – Nature in Neighborhoods.

Meeting adjourned at 8:53 p.m.

Respectfully submitted,

Paula Pinyerd, ABC Transcription for  
Alicia Stoutenburg, Administrative Specialist II



Jeff Klein, Chair