

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, May 12, 2009
6:30 PM**

COMMISSIONERS PRESENT

Jeff Klein, Chair
Dick Newman, Vice Chair
Teresa Bresaw
Lisa Batey
Paulette Qutub
Lisa Batey

STAFF PRESENT

Katie Mangle, Planning Director

COMMISSIONERS ABSENT

Scott Churchill
Chris Wilson

1.0 Call to Order – Procedural Matters

Chair Klein called the meeting to order at 6:45 p.m. and read the conduct of meeting format into the record.

2.0 Planning Commission Minutes

2.1 March 24, 2009

Commissioner Batey:

- Corrected 2.1 page 6 line 203, "Before further discussion about [Code amendments], she wanted to know what incentives existed **and what rental rates were for different types of** ~~for~~ businesses..."
- Corrected 2.1 page 13, line 420, "Commissioner Batey said **that in discussion with Susan Shanks, she had the Commission** suggested that staff reports contain the letters sent to the applicant regarding deficiencies or missing items.
- Corrected 2.1 page 17, line 563, "~~...that~~ **and** the real **reviewers** of whether it complied rested with the Planning Commission on that particular application."

Commissioner Bresaw moved to approve the March 24, 2009 minutes as corrected. Vice Chair Newman seconded the motion, which passed unanimously.

3.0 Information Items

Katie Mangle, Planning Director, announced that the City Council hearing for the Transportation Code Amendments was scheduled for June 2, 2009. Planning Commissioners were all welcome to attend, but she asked that the Commission also designate one Commissioner to represent the Commission as a whole.

Commissioner Bresaw asked if 500 sq ft could be a compromise between the Planning Commission's preferred 200 sq ft and City Council's 1,500 sq ft as the trigger for public area improvements.

Chair Klein:

- Asked if the City Council was looking for unanimous decision on the proposal.

- **Ms. Mangle** stated staff did not know. Susan Shanks was still trying to contact Councilors Joe Loomis and Susan Stone directly to understand their issues. She believed they probably wanted more removed from the proposal.
- Was not certain that those changes put teeth into the City's Code. There was certainly an inevitable transportation impact from increasing the size of a home.
 - The two opposing Councilors seemed to say that the proposal would not fund what the City wanted, accomplish the goals the City had set, and would limit people from building on their property. She clarified this was false.
- Believed other possibilities existed to address the City's street improvement shortfall, but did not believe the proposal should be thrown out. The City required the same requirements of new construction.
- Suggested adjusting the percentage of the requirement. For a substantial remodel to a home, \$3,000 to \$4,000 was not a breaking point. A 1,500 sq ft remodel typically cost more than \$40,000, so the Code would add 10% for the cost of street improvements.
- Supported other options to supplement the proposal, but did not believe it should be thrown out to appease two people, especially after all the work that went into the changes.
 - **Ms. Mangle** reminded that the Planning Commission had also grappled with the issue. It was a fair policy debate and having the Commission share with Council the discussion leading to its decision might be helpful.
 - While scheduling the City Council/Planning Commission joint worksession for June 2nd might be possible, the Commission needed to find the best way to communicate with Council to avoid waiting for a joint worksession for each Code amendment package.

Commissioner Batey noted that the language Council was considering was unknown, so the Commission could not yet take a firm position.

Chair Klein believed the Commission could take a firm position on the recommendation that the Commission had decided upon.

Commissioner Batey confirmed that City Council was given samples of typical street improvement costs.

- **Ms. Mangle** added that Ms. Shanks did a special, hour-long worksession with Council on this issue alone. Council was well informed, but it was a policy difference regarding how much contribution should be expected of single-family residences.
- Staff had proposed 1,500 sq ft as a counter proposal because it was the average size of an existing home in Milwaukie. Essentially, the requirement would be waived for most expansions, but should be required for remodels equivalent to building a new home.

Chair Klein suggested the fees could be tweaked or that portion of the Code suspended for one year to see if a rush of people applied to expand their houses, which would then prove what Council was saying.

Commissioner Batey agreed that was a great idea.

Ms. Mangle explained she was personally comfortable with the 1,500 sq ft counter proposal because the provision would not affect that many applications per year based on all the past home expansions that had triggered transportation improvements.

- After the year-and-a-half of work invested in the project, she preferred to have as

many Councilors supporting the proposal as possible, because it would still be controversial. She wanted to tell developers that it was City policy and supported by City Council. For the handful of 500- to-800-sq ft additions per year, it might not be worth losing some votes.

- She explained that most other cities did not require residential expansions to do street improvements at all. The requirement had existed in Milwaukie for years, so the proposal would be continuing existing policy, though it is more aggressive than some cities. She reiterated that it was a fair policy debate.

Chair Klein noted that streets in other cities were not in the same condition as those of Milwaukie. Much more planning was done on streets in Portland, Oregon City, and other areas, so it did not do Milwaukie justice to just toss out the proposal. He was willing to consider the difference in the cost of fees.

Commissioner Qutub:

- Asked if there were other funding sources to draw from.
 - **Ms. Mangle** believed Kenny Asher, Community Development & Public Works Director, would say the proposal was an important part of the City's approach to improving its streets. Councilors had discussed other funding sources, such as a street maintenance fund, which would be a separate project.
 - **Commissioner Batey** commented it was hard enough to pass a street maintenance fund, but it was more successful than expected. Perhaps some of that money could be reallocated.
- Believed a Code amnesty would be interesting to see how many people had actually been holding back to avoid the fee. When remodeling, all costs were considered, even an extra \$500.

Chair Klein added that offering an amnesty now would provide local stimulus because it would encourage people do something to their property now and might encourage local contractors to offer discounts. After a 24- to 36-month window, the City could determine whether to return to the Code as written, or extend the amnesty, with the hope that people would remodel, which was the ultimate goal.

Commissioner Batey expressed concern about offering amnesty before addressing other Code design issues, such as massing and scale. She agreed that amnesty was a good idea in general, but no one wanted a number of people suddenly deciding to build mini-McMansions.

Chair Klein asked if there was a rush in getting the Code amendment through Council.

- **Ms. Mangle** replied there was no need to rush the amendment unnecessarily because getting it right was more important. The current policy caused problems for many different applications, which was why staff had focused on it. Delaying a few weeks was not the end of the world, as long as it got done.
- She clarified that Council had already opened the hearing, but the Planning Commission could request that it return to them for further discussion. City Council would have to deny the amendment for it to return to the Planning Commission. However, she did not think the issue was worth it because many other important issues needed to be addressed as well.

Commissioner Bresaw suggested the Commission support that any remodel larger than 500 sq ft require a street improvement in an effort to understand Council's position. If the Commission agreed to 500 sq ft versus the original 200 sq ft, it might be fair to

both sides.

Chair Klein added that the applicant would then only have to give up the right-of-way up to 500 sq ft.

- **Ms. Mangle** suggested continuing discussion to the next Commission meeting to allow Ms. Shanks to continue working with Council and then report back to the Commission about the June 2, 2009, City Council meeting.

Chair Klein did not believe getting a unanimous decision through City Council was the ultimate goal, because he did not think it was possible.

There was a brief discussion regarding the number of City Councilors that would be present to vote at the June 2, 2009, public hearing.

4.0 Audience Participation –This is an opportunity for the public to comment on any item not on the agenda. There was none.

5.0 Public Hearings—None.

6.0 Worksession Items

- 6.1 Work Program Discussion
Staff Person: Katie Mangle

Katie Mangle, Planning Director, directed the Planning Commission to a list of hearings, worksessions, and trainings they participated in over the last year. The purpose of the worksession was to discuss how the Commission worked together as a group and any lessons learned. She believed the Commissioners did a good job discussing differing opinions and crafting final decisions.

The Commission and Ms. Mangle offered the following comments and discussion points about the Planning Commission's work over the last year as follows:

- The wetlands tour (capped?) was great because it prompted review of the Commission's decisions and how those decisions might have been considered differently. Taking additional tours whenever possible would be helpful.
- The Favorite Appeal (AP-08-01) was the Planning Director's denial of the property line adjustment (PLA-08-01) for the people living at 12293 SE 40th, next to the church. It was noted that when overturning a Planning Director's decision/denial, the Commission had to determine what the Director had done wrong.
 - **Chair Klein** commented that he thought a Code amendment should have been done for the site instead.
 - **Commissioner Bresaw** said she was happy how the appeal had turned out because it added value to the lot.
- Some projects did not turn out as expected.
 - **Vice Chair Newman** questioned how the Commission could have approved the Ukrainian Bible Church behind Linwood Elementary School, yet the sign for the Bridge City Community Church on Harrison, which he thought would be in the way, turned out to be no big deal. He questioned why the Commission had not asked about the materials proposed for the Ukrainian Bible Church.
 - **Ms. Mangle** explained some items could be considered for a Community Service Use (CSU), but they had to be careful about how those items were raised. For the Immoveable Foundation Church (IFC), the design review type was very limited, but the result was better than it would have been otherwise.

- Story poles, as mentioned by Commissioner Churchill, would have been helpful for the Ukrainian Bible Church. While there were issues of comparative scale and construction materials, the church did ultimately function well within the neighborhood.
- The Commission should be sure to receive the scaling of the proposed project and surrounding buildings.
- **Ms. Mangle** wished staff would have asked more of the school district. For instance, the Milwaukie High School arts annex could have been better connected to Main St. Staff missed an opportunity to positively influence the project.
 - Prior to applications coming to the Commission, she wanted to improve staff's role as influencers on projects and not just focus on their regulatory role.
- When an application was not complete or failed in some areas, the Commission needed to send it back to the applicant for completion, or recommend denial and let the applicant redo it.
- The Jefferson St Parecki project was a big lesson learned because the Commission approved something different from what the Design & Landmark Committee (DLC) thought they had approved.
- When the Commission considered granting a new CSU, such as the IFC, it would be good to consider a financial breakdown of the tax base that could be generated for the City with comparable houses in the area.
 - **Ms. Mangle** clarified that a financial breakdown was now a consideration during the staff review. No new CSUs had been proposed yet, only modifications to current CSUs.
- It was important that new Commissioners realize there were no dumb questions, and that usually someone else had the same questions. Asking questions also helped one gain confidence; you had to trust yourself.
 - Asking questions also benefitted the public process because the audience, while they might not agree with the decision, could witness the Commission's decision process.
- Neighborhood notice was another item that could be improved.
- After the North Clackamas Park ball fields, the Commission learned about lighting, and the lights at the Milwaukie High School football field worked well without much overspill.
 - Staff heard complaints when the field was being used by adult leagues, but the lights did not seem to be a problem after an adjustment was made.
- The Commission should go see the Logus Rd improvements because the street represented the future of street design. Essentially, stormwater runoff was now treated on-site with no need for pipes to take it elsewhere. There had been many public complaints, but now people were happy with it.
- Some things could not be anticipated in the time the Commission had to review an application.
 - **Vice Chair Newman** said the application and review processes had greatly improved. Staff presentations were clear, so he was not sure what else could be done to reduce the occasional unpredictable project outcome. He believed there might be some dishonesty on the applicants' part.
 - **Ms. Mangle** added that in some ways, applicants were trying to sell their product, which put staff in a tough spot because they had worked with the applicant to set them up for success.
 - Many applications never came before the Planning Commission because they did not meet Code criteria. For applicants who could be successful, staff tried to influence the project to meet the criteria, but staff also had to be careful not to be

- part of any sales pitch. Staff's job was to present the project and help the Commission understand how it met the Code.
- The Commission could review impact items such as glare, continuity, materials, etc., but could not do much about aesthetics. The Code allowed the Planning Commission to set conditions on specific items, such as tree preservation or neighborhood impacts, but not to dictate design. The Commission had more influence on CSUs with regard to aesthetics, but less on private projects.
 - The Planning Commission could include CSUs in the DLC's scope as a tool when needed, but the Commission had to be very clear about what the DLC should review.
 - An applicant was not required to present final drawings of a project if the project met the City's building guidelines. As long as no prohibited materials were used in downtown, changes could be made to the project.
 - Projects that came to the Commission were generally approvable because staff spent a lot of time working with the applicant to make the application fit the Code criteria. On some difficult projects, however, staff presented both findings in support of approval and denial.
 - The constraints of the 120-day land use clock made influencing projects more difficult for staff because of their focus on preparing the application for the Commission.
 - Commissioners should read through the packet and call staff with questions, especially regarding deal-breaking issues, well before the meeting date. Some answers might be found buried in the meeting packet, while others staff could research and bring more information to the meeting, if needed.. This also enabled staff to notify the applicant about specific issues and enable them to respond, which was most important.
 - Suggestions for future tours included another Wetlands Tour and a housing tour of the Housing Authority of Portland's New Columbia in North Portland.
 - Touring the new I-205 light rail line was suggested; however, other light rail sites might be more beneficial for the Commission because of differences in scale and environment.
 - The I-205 light rail water crossing at Johnson Creek might be helpful to see because of the water quality resource (WQR) review near Kellogg Creek.
 - The Planning Commission would review some light rail elements, but most of the project was in the right-of-way and would not be subject to land use review.
 - In addition to the WQR review, the Commission might also do design review for a substation building on private property, and possibly a park and ride facility. The DLC might be asked for an advisory design review.
 - The light rail project already had a state land use approval to exist as a transportation corridor. Local jurisdictions could do a land use review if a CSU, or WQR, etc., were triggered; however, the City was only able to help shape the project through design review, not deny the use.
 - Suggestions for future training sessions included learning how to read and what to look for when reviewing plan sets, and understanding elements of architectural design, such as floor area ratios, height, bulking and mass, and their differences, etc.
 - The Commission also welcomed any suggestions by staff of training courses that might be helpful to the Commission.
 - Training on WQRs and water crossing would be beneficial because upcoming projects included the Kellogg for Coho Project, Riverfront Park, the Trolley Trail, and Title 13 requirements regarding habitat preservation and the expansion of the WQR areas. The Kellogg Creek restoration and bridge replacement, the dam, light rail crossing the dam and the creek, were also projects being addressed by the Planning Department.

- **Ms. Mangle** clarified that nothing official was happening at the parking lot across the street from City Hall; Metro and the City each still owned half of the property.
- Attachment 3 6.1 page 9 of the meeting packet summarized the City's Code revision projects, which included the Transportation, Parking, Residential Design, and Sign codes.
- Key issues for the Commission to address this next year were discussed as follows:
 - Addressing design standards for single-family housing was one of the most pressing issues. The project should progress quickly given the Transportation Growth Management grant and consulting provided (Attachment 3, Zoning Code Assessment, Code Section 19.400).
 - The Residential Facilities Code was also a high priority in order to fix how the City dealt with federally protected housing categories. A worksession would be scheduled soon. Code fixes would only address definitions.
 - **Chair Klein** wanted the Planning Commission to take a more active role in long-range planning, such as addressing how to make all City streets more livable and how to get street improvements funded. He believed the Commissioners should at least make their opinions known and work toward such long-term planning items.
 - **Ms. Mangle** noted that two projects were slated for long-term planning next year, but funding was no longer available for the Comprehensive Plan update.
 - She clarified that cell phone towers had been a substantial issue 4 years ago because no Code prevented them from being placed just about anywhere. With advances in technology, smaller units could be placed on existing poles, so the issue only came up about once a year. The Code might also be working to discourage them.
- The Commission discussed the possibility of requiring that power lines be placed underground in residential areas. Key discussion points included:
 - Zach Weigel, Civil Engineer, had said burying power lines property by property did not make sense, but it could be done in new subdivisions.
 - **Ms. Mangle** said she would check with JoAnn Herrigel, Community Services Director, about setting a goal to have PGE power lines buried underground within a 30- to 40-year horizon.
 - PGE could have buried the lines when Lake Rd was widened, but City Code did not require it, so the lines would be overhead.
 - The McLoughlin project would have cost another \$1.5 million to bury the lines.
 - Power lines at Riverfront Park would be moved to avoid having them go through the middle of the park, but they would not be buried underground because a major trunk line was involved.
 - In winter, Milwaukie suffered from significant power outages due to damage from trees. The City tried to preserve trees and views, but having the wires everywhere hindered the City's beautification efforts.
 - Requiring that power lines be buried from the street to the house would facilitate the move to bury power lines in the future.
- Harmony Rd could be widened as far as the expressway to reduce traffic congestion getting out of town. A 4-lane road might be practical as long as they only went to the expressway.
 - **Ms. Mangle** offered to report about other regional projects, such as the Urban Growth Boundary (UGB) expansion, because such items affected long-range planning issues addressed by the Commission. Often, no time was available at meetings with full agendas to discuss other projects.
- The Commission briefly discussed traffic issues at Sunnybrook Rd resulting from

actions by Clackamas County. City Council wanted to take bolder steps, but would start by sending a letter voicing concerns about the issue. The Harmony Park Apartments did annex into the City and received all the necessary approvals.

- **Chair Klein** wanted to work with the County on the Urban Growth Management Area (UGMA) to facilitate a better process at the City level rather than just at the County level.
 - **Ms. Mangle** explained that staff was improving their contacts and network with County staff to coordinate better on projects; however, until a property was annexed into the City, it was subject to County rules.
 - Staff was working closely with County staff on Lovena Farms, which needed a sewer connection. Staff had to remind the County that the City had an agreement with the owners of Lovena Farms. Under state law, they were subject to the County's Comprehensive Plan until annexed into the City.
 - The County did not tend to influence projects toward annexing into the City. Lovena Farms had construction that was relabeled by the County. If done correctly, it would have forced annexation into the City. The owners were working with the City and County to determine the rules to follow.
- Another training idea for a plans reading workshop was to have the Commission tour completed projects with an architect and the project plans in order to compare the finished project with the plans submitted in the application.
 - The Commission briefly discussed the changes at Ardenwald Elementary School and their preferences.

Ms. Mangle clarified that trees along Jackson St would be replaced with trees from the street tree list because the sidewalks would be widened for the bus stops. Most trees downtown were weedy and not proper street trees. She would check to see if some trees could be saved.

- The Southgate Park and Ride and Jackson St projects were moving forward. The outstanding issue of how to handle stormwater had been resolved, so the building permit plans were being reviewed this week.
- She updated that the staff trailer was no longer in the budget; \$25,000 would be used to move the Engineering Department to the Operations Building. The good news was that the City had no layoffs. New staff positions were proposed but not approved. The Planning Department's consultant budget was approved at \$50,000 as requested.
- The City did not have enough staff as it was; Milwaukie could not be compared to other small cities and their budgets, space, or staff because Milwaukie's staff also addressed regional projects that were always changing outside the city.

Additional comments from the Commission included:

- The planning team Ms. Mangle had assembled was fantastic and well-liked on both professional and personal levels. Their character and hard work were appreciated.
- The Commission did a great job of feeding off each other and asked a lot of good questions which lead to good answers.
- The fact that the Commissioners did not always agree and the alignments were not always the same was a testament to the good work being done. No one could predict which way any Commissioner might vote.

7.0 Other Business/Updates from Staff

7.1 Code Tables – preview of proposed amendments

Ms. Mangle explained the Code Tables regarded housekeeping items in preparation of

next Planning Commission meeting, where the Transportation Code amendments would also be discussed.

8.0 Planning Commission Discussion Items – This is an opportunity for comment or discussion for items not on the agenda.

Chair Klein suggested Commissioners go see the Logus Rd improvements. He would bring pictures of the project to a future meeting.

Ms. Mangle confirmed that Riverfront Park was almost complete. It did not meet a CSU because it was zoned for parks, but the Design Review, Willamette Greenway, and Water Quality Resource would be reviewed by the Commission in July.

9.0 Forecast for Future Meetings:

May 26, 2009

1. Public Hearing: ZA-09-03 Code Tables

June 9, 2009

1. Public Hearing: CSU-08-03 Trolley Trail *tentative*

Chair Klein asked to have a minimum quorum and only one agenda item for May 26 since it was the day after Memorial Day. Confirmation of attendance would be sent through email.

Meeting adjourned at 8:15 p.m.

Respectfully submitted,

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


Jeff Klein, Chair