

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, July 28, 2009
6:30 PM**

COMMISSIONERS PRESENT

Jeff Klein, Chair
Lisa Batey
Teresa Bresaw
Chris Wilson

STAFF PRESENT

Katie Mangle, Planning Director
Brett Kelper, Associate Planner
Li Alligood, Assistant Planner
Brad Albert, Civil Engineer
Bill Monahan, City Attorney

COMMISSIONERS ABSENT

Dick Newman, Vice Chair
Paulette Qutub
Scott Churchill

1.0 Call to Order – Procedural Matters

Chair Klein called the meeting to order at 6:37 p.m. and read the conduct of meeting format into the record.

2.0 Planning Commission Minutes

2.1 June 23, 2009

Commissioner Bresaw moved to approve the June 23, 2009 Planning Commission Minutes as presented. **Commissioner Wilson** seconded the motion, which passed 3 to 0 to 1 with **Commissioner Batey** abstaining.

3.0 Information Items

Katie Mangle, Planning Director, distributed preliminary plans for the Jackson Street Improvement Project and announced that an open house would be held at City Hall on Thursday, July 30, 2009. Images of the proposed bus shelters would soon be available on the City website.

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

5.1 Summary: Portland Parks Maintenance Building – *continued from June 23, 2009*

Applicant/Owner: Portland Parks and Recreation Department
Address: 8545 SE McLoughlin Blvd
File: CSU-09-02, TPR-09-02
Staff Person: Li Alligood

Chair Klein called the public hearing to order and read the conduct of minor quasijudicial hearing format into the record.

Li Alligood, Assistant Planner, cited the applicable approval criteria of the Milwaukie Municipal Code as found on 5.2 Page 6 of the packet, which was entered into the record. Copies of the report were made available at the sign-in table.

- She noted that the agenda was incorrect; WG-08-02 was not part of the subject application.

Chair Klein asked if any Commissioners had any ex parte contacts to declare. Commissioner Bresaw declared that she worked for the City of Portland Water Bureau call center, but had no direct connection with the Portland Parks and Recreation Department (Parks and Recreation) and was without bias regarding the application. No other Commissioners declared an actual or potential conflict of interest. All Commissioners had visited the site, but no Commissioner declared a conflict of interest, bias, or conclusion from a site visit. No Commissioner's participation was challenged by any member of the audience.

Commissioner Bresaw added that Mart Hughes worked in the Parks & Recreation building and that the Planning Commission had contact with Mr. Hughes in the past with regard to wetlands.

Ms. Alligood presented the staff report via PowerPoint, providing background of the site, describing the proposal, the Community Service Use (CSU) criteria, key issues, and decision options. She responded to comments and questions from the Commission as follows:

- She confirmed that the Parks and Recreation facility did serve Elk Rock Island.
- In response to requests submitted by the Commissioners, she indicated that in the years prior to the tax exemption going into effect, the total tax assessed on the property was a very small percentage of the taxes paid in the area.
 - The City of Portland was a tax-exempt entity and the only tenant in the building since 2006, so their tax exemption passed to the property owner who had not been assessed property taxes for several years. The City of Portland was only renting 50% of the building, but she deferred questions regarding why 100% of the taxes were exempt to Clackamas County. She had asked the County how tax exemption was determined and was told that because Parks and Recreation was the only tenant in the building, tax exemption status was applied to the whole building.
 - She noted that denial of the CSU application would not necessarily require Parks and Recreation to move because they could expand within their current use. Denying the application would just prevent them from expanding to 100% of the building. The tax exemption would not be affected whether the application was approved or denied.
- The southwest corner of the site, shown in the aerial where trucks were parked, was owned by Helen V. Wagner, Trustee.
- She confirmed that construction had not yet begun on the building and that the modular building would be removed. A condition of approval indicated the parking area's entrance.
- The site was 1.2 acres. Currently, 10 employees occupied one-third of the building. If the CSU was approved, there would be 17 more employees.
 - She explained that economic development was included as a CSU benefit because it would intensify employment in the area. A minimum of 10 employees was required per acre as a method of gauging whether an industry met the intention of the industrial district by how many people they were employing at their most employment-rich area. If Parks and Recreation increased their total employee count, the City's goals of employment intensification were being met, bringing the benefit of having more people interacting with the city, such as eating downtown.

Chair Klein:

- Noted that at present it appeared that the entire building was occupied because there were more than 17 cars in the parking lot and various doors open when he drove by.
 - **Ms. Alligood** deferred to the Applicant for details about occupancy.
- Asked who was funding the improvements on the McLoughlin Blvd side.
 - **Ms. Alligood** responded that the City of Portland would fund all improvements.

Commissioner Wilson asked how long such facilities generally stayed in one location. One benefit was that the City would have a great building later for that manufacturing area.

- **Ms. Alligood** did not know how long the Applicant would remain, but guessed it would be as long as the building served their needs. She deferred to the Applicant for further explanation.

Chair Klein confirmed that no other correspondence had been received and called for the Applicant's testimony.

Richard Bosh, Project Manager and Architect, Portland Parks and Recreation presented the Applicant's testimony as follows:

- The building was a big hanger with two interior buildings and open space used for vehicles and storage. Activity was going on throughout the building because people were using the space, but in terms of human occupancy, the west side was the only one used for the offices associated with the Zone 3 Maintenance District that maintained the parks.
- The intention was to have two divisions move in: Zone 3 Maintenance District and City Nature, which tended to be there all the time. City Nature wanted the building to be their headquarters for the east side of the city of Portland. Currently, City Nature was located in the modular building, waiting to move into the renovated space.
- The Maintenance District had been using the other side for years. That side was in better condition and maintenance employees were less present during the day so they were easier to placate. As far as users, only half the building was being used, but vehicles occupied the whole facility.

Chair Klein asked if the Parks and Recreation's lease increased when the prior tenant, Key Mechanical, left. Did Parks and Recreation start to lease the entire building at that time?

- **Mr. Bosh** responded that he was the third person to inherit the project and the people who established the lease were no longer involved. He did not know about the circumstances around Key Mechanical moving out, which happened prior to him taking on the project.
- As he understood it, the facility was originally leased 4 years ago on a 5-year conditional lease. The lease could be renewed every 5 years and would terminate in about a year. At that time, Parks and Recreation would determine whether to extend the lease or not.

Commissioner Batey asked if the current lease held by Parks and Recreation was limited to 9,500 sq ft and property owner was just letting the department park vehicles on the other side.

- **Mr. Bosh** responded that to the best of his knowledge, the existing lease was for the entire space. When Key Mechanical moved out in about 2007, Parks and Recreation had already applied for a building permit with the intention of moving forward with the renovation. His sense was that the lease accounted for the entirety of the space and had for about 2 or 3 years.

Chair Klein said it sounded like Parks and Recreation occupied the entire building.

- **Mr. Bosh** explained that Parks and Recreation was not occupying the whole building with humans. At present, the department was paying double for people in a rented trailer while waiting to renovate the building. In figurative terms, they were using the building, but the space on the east side of building as shown on the slide was not currently in use. Those who would occupy the facility were not using the bathrooms, showers, or that space for offices. In the interim, they were trying to get a second trailer to ease crowding in the first trailer. In terms of occupancy, they did not occupy or use the entire building, but did have trucks in there.

Commissioner Batey:

- Asked about Diagram A1, the plans of the interior of the building. She observed a cluster of stuff on the left and a big open space and a cluster of stuff on the right.
 - **Mr. Bosh** clarified that one side was occupied by Maintenance and the other side by City Nature. The cluster on the right was not occupied at present, although City Nature did keep their vehicles in that side.
 - He also clarified that the area to the west of the building, next to the little house, was intended as a greenhouse space where plants were propagated and to store basic materials like bark mulch. This area would not replicate horticultural services or the urban forestry department, which had nurseries, but was a small area for some propagation of replacement plants.

Chair Klein:

- Asked if the existing building could be utilized to sublet to someone for the 20% manufacturing use.
 - **Mr. Bosh** replied that the Applicant had discussed subleasing as an option to avoid this application process. However, that option was questionable because the previous tenant left the building in such poor condition that it was not ready for occupancy. Toilets, plumbing fixtures, showers, and other items were in very bad condition. He believed renovation was required no matter what occurred. If Parks and Recreation believed it was even halfway usable, they would have moved in.
- Asked what the employees located at the facility did.
 - **Mr. Bosh** deferred to Betsy Redfearn to respond.

Mr. Bosh responded to several questions by Commissioner Bresaw as follows:

- He confirmed that he was the staff architect for Parks and Recreation. LJ Architecture, who was not present tonight, drew up the floor plans. WHPacific, Inc. completed the landscaping plans. Landscape architect Kevin Epperson was present to address questions. Absent the subject CSU application and process, he believed existing site conditions would continue for perpetuity. As a leased facility, there was no real incentive for the Applicant to make improvements.
- He did not believe the property owner was greatly interested in renovating the building. The owner did essential maintenance on the building, including putting on a new roof, cleaning up mold, fixing leaks, etc.
- Parks and Recreation was given power of attorney on the owner's letterhead in support of the renovation. The renovation would leave the owner with a greatly enhanced interior facility, without which the owner would not likely be able to rent the building out again.

Chair Klein:

- Pointed out that with Portland Parks and Recreation as a tenant, the owner saved \$12,000 a year in taxes.

- **Mr. Bosh** agreed, though that had not been much of a consideration. He did not deal with such things as part of his job description.
- He explained the Applicant had looked for various locations to better serve the city for more than 10 years. A major master plan had also considered what current facilities could be expanded or improved. After considering many factors like highway location, proximity to service areas, zoning, available land area, etc., the current location was ultimately the most desirable.
- He did not believe due diligence was done to the degree that Parks and Recreation knew that a land use process was involved. He was unaware whether the owner was a local resident, but believed they were glad to have a tenant in addition to the tax break.
- Noted the vacant Fantasy Video building located just on the other side of the Milwaukie/Portland border within the City of Portland that seemed to have all the features that Parks and Recreation needed.
 - **Mr. Bosh** responded that was a fair comment, but Parks and Recreation had committed to the site currently being leased. He could not speak to the history of the site, but they wanted to improve the site being leased so the employees would be in a respectable location. It was an enhancement to have employees who specialized in botany and horticulture maintaining and caring for the green spaces and the Springwater Corridor.
 - While there were tax issues regarding Parks and Recreation, he believed the employees would relish the partnership between the Cities.
- Asked how many other facilities were located outside Portland that were similar to this one.
 - **Mr. Bosh** answered none. First, the subject facility would be a larger. A number of maintenance facilities existed throughout the city, some of which were specialty facilities including Urban Forestry in East Delta Park, the Downtown Facility in Mount Tabor Park and other smaller satellite facilities.

Commissioner Batey asked how many other facilities were leased spaces.

- **Mr. Bosh** replied no other facilities were leased; he believed Parks and Recreation owned all the other facilities.

Elizabeth (Betsy) Redfearn, Zone 3 Maintenance Supervisor, Portland Parks and Recreation Department, explained the differences between Zone 3 and City Nature as follows:

- City Nature was divided into east and west and maintained natural areas like Powell Butte, Springwater Corridor, and Elk Rock Island.
- The maintenance of formally established parks was divided into 5 zones. Zone 3 was the largest zone with 24 employees in the summer, 18 during the winter. Volunteers also met at the Zone 3 location. Five satellite sites were located in different parks. Her employees worked from 6:30 a.m. to 3:00 p.m., but she was the only employee who stayed in the building, though only 75% of the time. Otherwise she was also out in the parks. The impact to the neighborhood was when the employees met and dispatched from the facility, and then they were out in the parks for the day. Trucks were parked at the facility after hours.
- The Fantasy Video site would not accommodate the Applicant's needs. For security reasons, all the City trucks were parked inside the building. If parked outside the building at the Fantasy Video location, the trucks would have to be unloaded each day, which would reduce work time by at least 1 hour each day.
- She confirmed some employees did go straight to the parks to work. Parks and Recreation worked 7 days a week, so 11 employees did come to the subject site each day of the week.

Commissioner Bresaw:

- Inquired about the Applicant's response to the correspondence received from Michael Scheiss that was included in the meeting packet.
 - **Mr. Bosh** replied that after seeing the comments, he had met with Mr. Scheiss at his home because the Applicant was concerned about their impact. Mr. Scheiss admitted that the experiences predated Parks and Recreation being in the building when employees of the prior tenant, Key Mechanical, would use the back door as a smoking area. The property line was tight to the back of the building and the concrete pad outside the fire door of the building was technically on Mr. Scheiss' land.
 - Parks and Recreation was also concerned about the concrete pad because it drained improperly, causing water to run back into the building. They verbally agreed that if approval was received to move forward, Parks and Recreation would meet with Mr. Scheiss to determine how best to resolve the issue.
 - Mr. Scheiss was also concerned about the parking lot lights when the building was improved, which was also a concern of the Applicant because the requirement for parking lot design might conflict with adjacent homeowners. The Applicant would work to mitigate the negative effect of having brightly lit parking, but he was not clear if that came from planning requirements or from their own security requirements.
 - Mr. Scheiss had said that he would not attend the meeting because he felt his issues had been addressed.
- Understood that the Applicant was building a greenhouse and storage space, so parking would not come right to Mr. Scheiss' property line.
 - **Mr. Bosh** clarified that Mr. Scheiss' concern was about raised security lighting, which would be higher than the greenhouse, although the greenhouse could be a buffer zone.
 - He also clarified that the door Mr. Scheiss was concerned about was an emergency fire door only. It would not be used other than in an emergency.

Chair Klein asked how long Ms. Redfearn had worked at the building.

- **Ms. Redfearn** replied 2 ½ years. The supervisor before her had been there 2 years prior, when Parks and Recreation took over 8545B, the smaller area of the facility. City Nature came into the other side of the facility about 1 year before she started working there. City Nature's occupancy coincided with the leasing of the entire facility.
- She did not know about the circumstances regarding Key Mechanical leaving the facility.

Commissioner Batey:

- Asked if the building owner had agreed to a potential right-of-way designation along McLoughlin Blvd.
 - **Mr. Bosh** replied the building owner did not know about the designation as a potential proposal. The Applicant understood that the right-of-way dedication would not necessarily be required by the State and was therefore not included in the proposal. However, the relocation of the sidewalk along McLoughlin Blvd was likely and therefore included in the proposal. If the designation was a requirement, then the Applicant had another issue to address.
- Agreed it was not clear from the staff report whether the right-of-way was a requirement or not and asked staff to address the issue later.

Chair Klein asked who was paying for the improvements for the TriMet bus stop.

- **Mr. Bosh** replied that the Parks and Recreation budget anticipated all the improvements under consideration. The Applicant had not identified or sought any partnership funding for the project. He deferred to Kevin Apperson about the bus stop because he was unaware that it was to be changed, although he knew the sidewalk was being relocated.

- **Ms. Mangle** added that staff could address the bus stop, which was addressed in a condition of approval, in their follow-up comments.

Commissioner Bresaw:

- Asked for a general overview of the landscaping plan and the fence.
 - **Kevin Apperson, WHPacific, Inc., 9755 SW Barnes Rd, Portland, OR 97225** explained the fence had not come up until after the Applicant had received the letter, so that issue had not been discussed. At this point, the actual development plan was conceptual. It was a rough design, but did incorporate comments initially received from the Engineering Department.
- Asked about the "proposed fence" notation on the conceptual plans, which moved the fence inward on the property, creating a nicer landscaping buffer.
 - **Mr. Apperson** replied that it was probably a shifting of the fence to accommodate the parking area to make sure there was an adequate number of spaces. A total of 13 ft was needed to move the sidewalk and allow the planter strip along McLoughlin Blvd. He did not know how far in the fence would be moved.

Commissioner Batey:

- Commented that Sheet 2.0 was in Attachment 3 of the original packet along with information regarding moving the trees closer together to allow a bus stop. She asked if a drawing was available.
 - **Ms. Mangle** explained that was a condition of approval and a change the Applicant would have to make for the building permit submittal.
- Asked if a bus stop would be near the corner of Clatsop St and McLoughlin Blvd.
 - **Ms. Alligood** clarified that the bus stop was in front of the main entrance to the building.

Commissioner Bresaw asked for the width of the planter strip and what kind of fence would be installed, because the blue fence as pictured was jarring to the eye.

- **Mr. Apperson** replied the planter strip was 5-ft wide, which was standard along McLoughlin Blvd and Clatsop St. The Applicant did not yet know what kind of fence would be constructed and would be discussing it through the process. The main concern regarding fencing was security.

Chair Klein asked who would maintain the street trees on McLoughlin Blvd.

- **Mr. Apperson** replied that he did not know if it would be the responsibility of Oregon Department of Transportation (ODOT) or Parks and Recreation.
- **Ms. Alligood** added that according to Brad Albert, City Civil Engineer, the property owner or tenant would maintain the street trees.

There were no further questions for the Applicant.

Chair Klein called for public testimony in favor of, opposed, and neutral to the application. There being none, he called for additional comments from staff.

Ms. Alligood provided the following additional comments:

- She noted staff's recommendation stemmed from the purpose of the CSU designation, which she quoted as follows: "To allow the development of certain uses which, because of their public convenience, necessity and unusual character, may be appropriately located in most zoning districts, but which may be permitted only if appropriate for the specific location for which they are proposed."

- The issue of a CSU arose when Portland Parks and Recreation submitted a building permit application to renovate the structure. At that point, the Applicant was under the impression that the use was an outright allowed use. Staff informed the Applicant that to expand into the whole building required a CSU. Planning Director Katie Mangle issued a Director's Interpretation regarding the use of the word "goods", concluding that goods must be exchanged or sold in order to qualify as identified in the Manufacturing (M) Zone Code.
- A proposed condition of approval, standard for CSUs, required that parking lot lights not be allowed to shine on adjacent properties or right-of-way. A light meter reading was required for verification.
- A 6-ft buffer was required between the rear property line and adjacent residential property.
- There was concern that the bus stop would no longer be universally accessible after the new sidewalk and planting strip were installed. Under a proposed condition of approval, TriMet requested that the bus stop be moved from the midblock location closer to the corner of Clatsop St and McLoughlin Blvd to allow for continued universal access to the bus stop, The Applicant must also install concrete strips to line up with the front and rear door of the bus.
 - Per Engineering, as it was preferable to locate bus stops on corners rather than midblock as a safety precaution.
 - The bus stop would also be slightly closer to the Springwater Corridor Trail.
 - If the application was approved, TriMet would indicate where the bus pad's specific location should be.

Chair Klein:

- Asked why TriMet was not making the improvements now.
 - **Ms. Mangle** responded TriMet was looking at leveraging developments to make improvements in the transportation system. The issue did not come up often, but staff coordinated with other agencies to allow them to make such requests. The trigger was development and the improvements that could be made in the course of development to achieve things the agency might not be able to afford otherwise.
 - The bus stop could be moved now and did not have to be linked with development, but the issue regarded the universal access of the stop, making sure it was ADA compliant.
- Noted that TriMet wanted the work completed in conjunction with the application. The landowner seemed agreeable to giving up frontage because Parks and Recreation was expected to be in the building for the long haul.
 - **Ms. Aligood** replied the 2-ft dedication was an ODOT requirement and completely unrelated to the improvements and TriMet's request for the bus stop pad. The pads would still be located in the planter strip, but the planter strip would now have plants and would not be as entirely accessible as the block was now.
 - **Brad Albert, Civil Engineer**, added that the 2-ft dedication was required to allow the 5-ft planter strip and 6-ft sidewalk. The conditions of approval required a dedication to sufficiently improve that site frontage. Whatever distance was needed to install the required frontage improvement was what would have to be dedicated along ODOT's property. The Applicant's plan showed the sidewalk overlapping the property line now, so some sort of dedication would be needed.
 - Whether the bus stop was moved to the corner or not, the dedication and sidewalk improvement were required. If the bus stop was moved to the corner, the installation of the pads in the landscape area would also be required.
- Asked if the property owner knew that he was dedicating 2 ft of their right-of-way.
 - **Mr. Albert** responded that according to the Applicant, it did not sound like that was made clear to the owner. The Engineering Department was dealing with the Applicant,

who indicated that a letter existed stating that Parks and Recreation represented the owner with regard to the application. A condition of approval required the owner to sign off on dedicating the property to complete the work.

Bill Monahan, City Attorney, clarified that if the Planning Commission approved the application with that condition of approval, the Applicant would have to negotiate with the property owner and conform to that condition in order to exercise their rights under that approval. If the owner did not agree to the dedication, then the Applicant could not exercise rights under the CSU.

Ms. Mangle added that many of the conditions of approval were linked to the building permit for the remodel, not necessarily the use permit.

Ms. Alligood said if the property owner opted to do a significant renovation, no matter the tenant, the dedication would still be required.

Chair Klein noted that without Parks and Recreation as a tenant, the property owner would meet the manufacturing requirements for the M Zone, along with the employment and other requirements. Tax revenue would also come in, assuming the building had a tenant.

Ms. Mangle confirmed that the application did include a letter from the property owner authorizing the City of Portland to apply for permits necessary to complete tenant improvements that met the City's requirements for the application, and that the property owner had knowledge of the project. She agreed with Mr. Monahan that staff could inform the parties of the rules, but it was up to the Applicant to negotiate with the property owner regarding how to meet the rules.

Commissioner Batey said that the renovation would benefit the property owner with value added to his property, so he was probably glad to have the work done.

Chair Klein:

- Added that the property owner was also saving \$12,000 in taxes.
 - **Ms. Alligood** said that portions of the building had been vacant as far back as she was able to find records. Part of the building had been used for industrial purposes, but not the entire building. For the past 4 to 5 years, the buildings had been almost half vacant even when Key Mechanical was a tenant.
- Asked if tax revenue was generated when the building was half vacant.
 - **Ms. Alligood** replied that the tax was \$8,000 the last year Key Mechanical was there and Parks and Recreation was leasing the same area of the building. Prior to Parks and Recreation, the tax was \$12,000.

Commissioner Bresaw asked about stormwater requirements on commercial properties.

- **Mr. Albert** responded that the Applicant had to treat all stormwater from the site onsite. The planter strip would be converted to a water quality facility or swale to treat all street runoff in the right-of-way.
- He clarified that stormwater charges were based on the square footage of impervious area.

Chair Klein asked if Milwaukie had any facilities located outside of the city limits.

- **Ms. Mangle** replied that the Johnson Creek Blvd Public Works facility was built when in unincorporated County and then later annexed into the City, except for a small portion that was still in the County.

Commissioner Batey asked what the average employment count per acre was in the North Industrial area.

- **Ms. Alligood** responded that the average employee number was 10 or 11 and pretty close to the minimum required per acre.

Chair Klein asked how things like employment count were monitored because when Parks and Recreation moved into the building, it should have raised some flags at that time. Requiring that 25% of a building be used for manufacturing did not help the City.

- **Ms. Mangle** responded it was not monitored. The Planning Department was not notified, but learned about changes in use through complaints or building permits and such checks.
- As mentioned by the Applicant, it had probably not occurred to their staff that the use was not allowed because they were storing things in the building and in the Portland Manufacturing Zone, materials storage was allowed.
- Due to this application, she had to work with Mr. Monahan to determine the City of Milwaukie's definitions for storage of goods on manufacturing sites. The key word "goods" meant it was for commerce, not just general storage. A Director's Interpretation was required to define those terms. In this case, it was an honest misunderstanding.

Commissioner Batey understood that if a legitimate outright-allowed use existed that did not need the CSU, another jurisdiction, nonprofit, or anyone could rent or buy a space in Milwaukie and get a City tax exemption with no say from the City.

- **Ms. Alligood** answered yes.
- **Ms. Mangle** noted that tax revenue was not a criterion. Gaining tax revenue was a goal and part of the goal of the M Zone was to support the City's economy. However, the criteria in the land use zone found other proxies for tax revenue, including the number of jobs and defining the types of activities allowed.

Chair Klein:

- Commented that one criterion for a CSU was public benefit. Waiving \$12,000 a year in County taxes that would bring \$1,000 to \$2,000 a year to the City did not provide public benefit.
 - **Ms. Mangle** agreed, but noted that not every CSU had to provide only public benefits or no impacts. The question was whether the benefits outweighed the impacts. Staff's finding was that there were multiple different types of public benefits, even as a City of Portland and not a City of Milwaukie facility, as well as public impacts. Staff's recommendation was that the benefits outweighed the impacts.
- Stated the \$52,000 in site improvements equaled a little more than 4 years of taxes being charged on the property before 2006.
 - **Ms. Alligood** added if the CSU was approved and the Applicant expanded to the entire site, then the entire site would be tax exempt. If the CSU was denied, the Applicant could still expand their current use to less than 100% of the site, and the tax exemption would still stand. It was not a question of whether the CSU would allow the exemption to remain or not. The Applicant was a tenant and the County allowed the tax exemption to be passed through to the property owner.

Commissioner Batey clarified that if the CSU was not approved, the Applicant could expand to 75% of the site.

- **Ms. Alligood** added it would then be possible that the City could not condition the improvements, so the benefit to the City would be much less.

Chair Klein:

- Believed it was a lose-lose situation for the City from a tax revenue standpoint. The building was not functioning as it was supposed to for the area. He spoke with Ms. Mangle earlier in the day about the North Industrial Area being hallowed ground for the City, but 30% of the area was tax-free due to ODOT and the Oregon Liquor Control Commission (OLCC). At what point did the City stop giving property away?
 - **Ms. Alligood** stated that with all due respect, that was not related to the application. The City did not have the ability to stop the purchase of property by the State or County.
- Said the only way to stop it was through a CSU, which was the opportunity available with the current application. However, once that property was given away, it would not come back.
 - **Ms. Alligood** displayed a break down of taxes from the County Assessor's website. Cities received 13% of the property taxes. Tax-exempt properties were exempt from County tax assessments, but not from special assessments. If a special assessment was passed, even tax-exempt properties were obligated to pay.
 - At the Applicant's particular site, no special assessments were in place.
 - The County was taking urban renewal funds from the taxes, but she was unable to address the issue further.

Commissioner Batey asked if recent levies for library and school construction were considered special assessments.

- **Ms. Alligood** stated she was not a tax assessor so she did not know the distinction between special assessments and levies. She was trying to point out that tax-exempt properties were not 100% exempt from all taxes.

Chair Klein:

- Asked for the source for the \$12,000 and \$0 figures shown in the displayed chart.
 - **Ms. Alligood** responded the figures were from the Assessor's office. She displayed a pie chart from Clackamas County Assessment and Taxation.
 - **Mr. Monahan** commented that the chart showed total breakouts of the taxes that would be assessed to the property with 13% going to the City. The CSU was not the determinant as to whether or not the property got a tax break because the tax break was allowed when a nonprofit or governmental entity used the building. The Applicant's property received a tax break because the property owner leased the entire property to the City of Portland.
 - **Ms. Alligood** added the property owner did have to submit a formal application for exemption approval to the assessor.
 - **Mr. Monahan** confirmed that no notification was required to the jurisdiction in which the property was located.
- Agreed that was bad public policy, particularly when another municipality purchased property within another jurisdiction. The City of Portland could buy property in Milwaukie for storage facilities rather than in Portland since land was less expensive.
 - **Ms. Mangle** pointed out that the City of Portland did not own the property.
- Said that a building owner in Milwaukie hoped a governmental agency or nonprofit would rent because he could charge full rent and save \$18,000 a year in taxes.
 - **Ms. Alligood** responded that it cut both ways. Milwaukie could establish a facility in

Portland and also be tax exempt. The accumulated taxes for the North Industrial area were more than \$1 million, so the \$12,000 was not insignificant, but it was certainly not substantial.

- Stated the issue was about tax revenue being removed from a manufacturing site that generated revenue, not whether keeping Parks and Recreation in the building was a good idea. Employees of a manufacturer drove to work, parked their car, worked all day, and drove home. Parks and Recreation employees arrived in their car, and left in a Portland vehicle, meaning an extra trip for each employee. However, he was willing to look past everything but tax revenue.
 - **Ms. Alligood** added that Mr. Albert had analyzed the trip generation.
- Continued that when looking at the overall picture, the tax issue might not be that big of a deal, but the reason for the M Zone was because it was profitable for the City.
 - **Ms. Alligood** replied that one way the City ensured that the M Zone maintained its status as the City's employment intensive area was to require the minimum employment number per acre, which was a criteria reviewed during the CSU approval process.
 - The Parks and Recreation facility exceeded the minimum employment requirement and met the intent of the North Industrial area.
 - She also noted that based on the Applicant's statement, the building was barely functional and there was no waiting list of prospective tenants. Parks and Recreation filled a long-term vacancy in the building.

Commissioner Batey said that as an example, the Thomason site was horrendous but was now redeveloped and looked great. Maybe at some point it was worth letting it fall into disrepair.

- **Ms. Alligood** agreed that the building was in disrepair and the City now had an opportunity to realize improvements to the site.

Chair Klein:

- Stated that the purpose of the City sticking by their guns and being willing to let the Thomason building look bad for years was that it eventually brought revenue back to the City. Even though the Thomason building sat empty, it still generated property tax revenue.
 - **Mr. Monahan** pointed out that a property owner had no obligation to rent to a for profit business to generate property taxes, or keep a structure in a condition to generate the highest and best use.
 - The application appeared to have the earmarks of 5-year leases, so the property owner was hedging, waiting for the economy to improve when the property could generate a more profitable use or be sold. If it was a City-owned facility, it would have made no difference in terms of applying the criteria for the land use application.
- Believed what city-owned the property made a difference. If Milwaukie owned it, then they were utilizing it and giving up the tax revenue. However, if the City of Portland utilized or owned it, then it was their tax revenue.
 - **Mr. Monahan** clarified the Code did not make that distinction. The Code did not state that a CSU could only be applied for by a governmental entity if it was the City of Milwaukie.

Commissioner Batey agreed, but it was still part of the public benefit.

- **Ms. Mangle** stated that the "public benefit" was not limited to the citizens of Milwaukie.
- **Ms. Alligood** noted that the City of Milwaukie would receive just 13% of the \$12,000, resulting in a \$1,500 tax benefit on the subject property with a different tenant.

Commissioner Bresaw:

- Asked for the percentage of landscaping on the site.
 - **Ms. Alligood** replied that the landscaping requirement in the M Zone was 15%. As proposed, the site would have 10.5% landscaping. Though below the minimum standard, staff determined landscaping should be balanced with parking and both would be brought closer into conformance with the M Zone standards.
- Stated it would be nice if the Applicant did more landscaping.
 - **Ms. Alligood** said the only way to fit more landscaping would be to eliminate some parking spaces. Because of the seasonal fluctuation of the employees at the site, staff proposed a minimum of 23 parking spaces, which was a mid-range as far as what might be required. During the summer, there could be up to 37 employees, and during winter, 17 to 20 employees.

Commissioner Batey stated she had asked via email about a safe walkway for employees to get to the building. The parking lot was only for employee vehicles since the Parks and Recreation vehicles were parked inside the building. No questions had been asked about how employees got to work, whether by bike, car, bus, carpool, etc.

- **Ms. Alligood** responded staff considered and decided against a pedestrian walkway through the parking area. No onstreet parking existed in the area, and if any future development occurred on the adjacent sites, there would be even less. The street was a dead-end and future parking requirements on the site had to be considered.

Commissioner Bresaw asked if the 10% landscaping included the street trees along McLoughlin Blvd.

- **Ms. Mangle** clarified the landscape percentage only included onsite landscaping.

Chair Klein called for the Applicant's rebuttal.

Mr. Bosh said that he had no rebuttal. He appreciated the complexity of the issue and empathized with the discussion about lost tax revenues.

- He clarified that Parks and Recreation unwittingly got into the circumstance. When the property was originally secured, the Applicant needed the space and had not seen any profitability from the location. Until recently, they believed it was a permitted use and consistent with the intent of the M Zone. The subtlety revealed by the Commission's discussion was interesting and he hoped the matter would be resolved. In looking at the Code, the issue was not clearly defined and could be addressed in subsequent rewording or updating of the Code.
- Collectively, both the City's and Parks and Recreation's staff had done an outstanding job absorbing the City's long-range goals with the application process. He was fascinated by how the application had grown and believed achieving the project would be a milestone.
- He noted that the original permit application was for a tenant improvement, but additional consultant staff would be brought in to prepare drawings lacking in the current application.

Chair Klein closed the public testimony portion for CSU-09-02, TPR-09-02 at 8:04 p.m.

Planning Commission Discussion

Commissioner Bresaw believed the application met the public benefits test. The location was a convenient place for the facility. She preferred more landscaping and hoped the fence would have a nicer appearance than it did now. While it would be nice to always receive taxes for every piece of property, the citizens were the ultimate taxpayers. She supported the application

in general.

Chair Klein reiterated that the tax revenue generation was a sticking point for him. He thought Parks and Recreation was doing admirable things, but questioned whether it met Milwaukie's CSU, even though he utilized the Springwater Corridor on a regular basis and appreciated the maintenance work from Parks and Recreation.

- Although the building was not in Portland, it was still within the County. The CSU was the only opportunity for the Planning Commission to manage and utilize the area. Thirty percent of the area was not producing revenue for the City and if the M Zone was such an important revenue source for the City, he wondered why it was given away. He did not support the application.

Commissioner Batey stated that she was concerned about the tax issue. It was horrible that cities were not notified when someone bought property that was then removed from the tax roll, especially by another jurisdiction and when nonconforming. She did not see the tax implication as the ultimate issue in the public benefits test because the application had many public benefits. The site served facilities used by Milwaukie residents, including the Springwater Corridor and Elk Rock Island. The appearance of the building, sidewalks, and landscaping would improve and would fit in with the slowly improving properties in the North Industrial area.

- Employment levels in the area were her main concern. There was not enough data about the site's history of employment, employment levels on comparable sites, and vacancy rate in the area. She was undecided about the application.

Commissioner Wilson believed that the public benefits test had been met. The tenants were planning to lease for the long haul and when they leave, the property would be better than they found it and an industrial business could move into the building. As he understood it, two departments occupied the building, with most of the employees from one department out in the field during the day. He hoped the Parks and Recreation employees would shop in Milwaukie.

Commissioner Bresaw commented that because the tenant was into parks and natural habitat, she assumed they would maintain the landscaping and trees even though it was the property owner's responsibility. She thought that they cared enough about their jobs that they would want the facility to look nice as well. The Applicant would definitely improve the site.

Chair Klein confirmed that the conditions of approval included the bus stop.

Commissioner Bresaw moved to approve CSU-09-02 and TPR-09-02, and adopt the recommended findings and conditions of approval in the two attachments, establishing a CSU on the site. Commissioner Wilson seconded the motion.

Commissioner Batey stated that she was on the fence, but ultimately the Applicant had not met their burden on the public benefits test in terms of the employment. She would vote to deny the application.

Chair Klein asked what would happen if the vote was a tie.

- **Mr. Monahan** replied that a 2 to 2 vote would not be an approval, and so in essence was a denial. He added if the first motion failed, another motion could be made.
- **Ms. Mangle** asked if it was a denial or not a decision.
- **Mr. Monahan** clarified that it was not a decision. If another motion was made, there was the opportunity for a decision. Until there was a majority vote, there was no decision.

Commissioner Bresaw asked what would cause Commissioner Batey and Chair Klein to vote for approval.

Commissioner Batey believed she could approve the application if concrete employment data from the North Industrial area and from the history of the site indicated that the Applicant's employment levels met the employment averages for the North Industrial area.

Commissioner Bresaw commented that current economic market conditions were not good, and the Applicant proposed a good use for the property. Even if it stayed as a CSU for years, it was a good use.

Ms. Mangle stated that a recent Metro report about the expansion of the Urban Growth Boundary had general data about average employees per acre for various industrial uses. She asked for a 5 minute recess for staff to obtain more information.

Chair Klein called for a brief recess. The meeting reconvened at 8:29 p.m.

Ms. Mangle stated she was unable to find the Metro report, but could provide it at a future meeting.

Ms. Alligood stated she checked an email received from Alex Campbell, Resource and Economic Development Specialist, stating that employment was slightly above the 10 to 1 ratio; however, no specific number was given. Mr. Campbell was on vacation and could not provide additional information tonight.

- She provided past employment numbers starting with 2003-2004 when 2 industrial uses, Key Mechanical and Atlantic Steamers, were at the site, with a total of 21 employees. Atlantic Steamers closed in March 2003, so for most of that time period, 16 Key Mechanical employees were onsite as well as in 2004-2005.
 - Key Mechanical closed in early 2006 and Parks and Recreation moved in during that time. Exact employee numbers were not indicated on the business licenses because Parks and Recreation was a nonprofit. However, in 2008 Parks and Recreation had 10 permanent employees and up to 17 temporary employees. In the new facility, there would be 28 full-time, year-round employees.
 - She reminded that most of the employees would be offsite most of the day, though the City Nature employees coming after the renovation would remain onsite during the day. City Nature's offices would be constructed as part of the renovation and were included on the site plan.

Ms. Mangle concluded that all the information available had been provided. Mr. Campbell would return next week. If the Commission chose to continue the hearing, additional research could be completed. The Applicant had already signed the release form extending the 120-day land use clock.

Chair Klein asked if Commissioner Batey had enough information about employment numbers.

Commissioner Batey responded that the information provided some comfort, but she wanted to know the average in the North Industrial area.

Chair Klein clarified that a vote could be taken now or suspended for 2 weeks since they were

not up against the land use clock; however, some Commissioners might not be available.

Mr. Monahan provided the following additional information regarding a tie vote. Article 5B of the Planning Commission Bylaws stated, "The concurrence of a majority of Commission members present shall be required to decide any matter." He explained that if a tie vote occurred, another motion could be made or the application could be held over for another vote at a later date. Someone would need to change his or her position for a decision, unless an additional Commissioner voted.

Commissioner Batey confirmed that a tie vote resulted in no decision; it was not a denial. She suggested the Planning Commission move for a continuance.

Chair Klein:

- Agreed, but noted that a Commissioner present tonight might not be available for the next meeting or a Commissioner not present might want to weigh in on the application.
 - **Mr. Monahan** confirmed it was acceptable for absent Commissioners to study the application and decide if they wanted to participate in the vote.
- Asked what the other Commissioners could discuss at the next meeting, since public testimony had been closed.
 - **Mr. Monahan** responded that new information brought forward at that time would be open for discussion. If additional information regarding the employment history of the North Industrial area was provided, Commissioners could discuss that and the Applicant would have the opportunity for rebuttal.
- Confirmed that no Commissioner had changed their vote and suggested a continuance.
 - **Mr. Monahan** clarified that the motion should be withdrawn and direction provided to staff regarding the additional information requested for the next meeting.

Commissioner Bresaw withdrew her motion and Commissioner Wilson withdrew his second.

Commissioner Bresaw moved to continue CSU-09-02 and TPR-09-02 to a date certain of the August 11, 2009, Planning Commission meeting. Commissioner Batey seconded the motion, which passed 4 to 0.

Staff requested specific clarification regarding the information requested by the Commission.

Commissioner Batey requested a sampling of the average employment per acre in the North Industrial area. If those statistics were not available, then a sampling of 10 surrounding facilities would provide the necessary data.

Chair Klein specified that the sample should include the average number of employees per acre in occupied spaces or facilities.

6.0 Worksession Items

- 6.1 Summary: Title 13 Habitat Conservation Areas project discussion– ***continued from July 14, 2009***
Staff Persons: Katie Mangle and Brett Kelder

Ms. Mangle stated that the Title 13 Habitat Conversation Areas project was now called the Natural Resources Conservation Overlay project. The Commission's last briefing was in October 2008 when the Commissioners asked questions about the source of the maps and

requested more in-depth background. In the prior 6 to 9 months, staff had learned much about the mapping, requirements, and methodology. For a time, she had shared some of the Commission's frustration regarding Metro's requirements, but it was right to move forward with what was best for Milwaukie's natural resources and make sure that development was sensitive about protecting the natural resources. She provided some background of the project via PowerPoint that included the following comments:

- To comply with Title 3, the Water Quality Resources (WQR) Zone was an overlay zone that included creeks, waterways, wetlands, and the buffer areas around them. Before Title 3 was adopted in 2002, Milwaukie had a Natural Resource (NR) overlay Zone, but the current project was a new, more coordinated approach for addressing natural resources and in line with State goals and Metro practices.
 - Though Milwaukie's Tree Ordinance focused on protecting trees in the right-of-way, and the Willamette Greenway (WG) overlay protected trees within the Willamette Greenway, the WQR areas did not include habitat or tree protection, but actually only addressed water quality. The new Natural Resources Conservation overlay would add habitat protection into the equation and was required by Metro.
- A diagram was displayed of the 2040 Concept Map, which illustrated the ideas behind the Regional Functional Plan. It identified purple areas as targets for urbanization and green areas as targets for either preservation or to ensure neighborhoods had access to parks while protecting the natural environment.
- Title 13 was the chapter of the Regional Functional Plan that discussed Nature in Neighborhoods and was the code that discussed how to have development that preserves habitat. The regional and local projects were now working to define where those Habitat Conservation Areas (HCA) are located.
- She displayed a 2005 map that indicated where conservation areas were in Milwaukie, and then overlaid the map on Milwaukie's tax lots.
- Following the October worksession, the Commission had questions about where Metro's maps came from; the overlap between the Title 13 HCA map [then, now use new name Natural Resources Conservation Overlay?] and the City's WQR areas and how that overlap would be resolved; would 2 different codes be applied to property owners; and what the Commission should know before adopting such policies locally.

Brett Kelder, Associate Planner, explained how Metro had derived the HCA maps and the challenges of converging Metro's natural areas with the City's WQR areas and extending the required protections to areas not currently covered. Additional comments and clarifications included:

- In the mid-1990s, Metro began a 5-year process of identifying habitat areas through an inventory that resulted in the adoption of Title 13 Nature in Neighborhoods Code Section. The public was very involved in the process through advisory committees, citizens' input, and working with different public agencies in various jurisdictions, etc.
 - To create the inventory, Metro collected GIS and mapping data of existing features including wetland areas and streams. Data was also collected about different types of vegetation, such as tree canopies, shrubs, and grassy areas, especially those near streams. Metro then grouped the data into 2 different categories, riparian and upland wildlife habitats, and studied the functions the resources served, how much they helped with soil conservation, habitat, and so forth. Riparian areas were then further divided into Class 1, 2, or 3 resources and upland habitats divided into Class A, B, or C.
- He clarified that in order of importance, Class 1 was above Class 2, and Class A was above Class C, etc. The different resources could be classified as being more closely tied to riparian areas or being upland of the riparian areas. Within the 2 groups, Metro assigned a

- class number according to how well a riparian or upland resource was evaluated.
- He displayed a map showing the Milwaukie section of the Natural Resources Conservation Overlay, noting that many of Milwaukie's natural resources tended to be near Johnson Creek or Kellogg Lake and Kellogg Creek.
 - He described Metro's use of the ESEE (Economic Social Environmental Energy) analysis, which studied the impacts of protecting versus not protecting these natural resources. Essentially, Metro cross-referenced the habitat value versus the urban development value of the resource.
 - He discussed examples from the displayed ESEE Analysis Chart and the methods Metro used. While the chart was confusing, it was an important step in understanding how Metro determined the natural resource designations.
 - He displayed a map from Milwaukie's Transportation Systems Plan (TSP) showing both habitat and high development areas defined by Goal 5 criteria and mapped by Metro.
 - If a natural resource appeared in a high development value area, it would tend to be downgraded in terms of conservation value because it clashed with the development value.
 - The map was directly related to Milwaukie's zoning and was used in the TSP as an information source for projects. While generally reflective of City policy, the map had not been adopted by the City.

Ms. Mangle continued by reviewing via PowerPoint the definitions, issues, objectives, and steps involved in becoming compliant with the Regional Functional Plan. Additional comments included:

- A map on 6.2 Page 5 of the packet showed the HCAs not included within the WQR Zones and not already regulated. Staff considered how a Code project could affect the lot-by-lot building potential of those HCAs and determined that much of the area not currently protected could be significantly developed. Development could include parks, the subdivision of larger residential properties, and expansion of buildings.
- Staff concluded that the City was not in substantial compliance with Title 13; a lot more land needed to be protected for the sake of the habitat, water, and salmon in Milwaukie for Milwaukie.
- Rather than rigid regulations restricting development within all natural resource areas and HCAs, staff sought to allow property owners flexibility, such as with onsite standards, for instance, to create better plans that protect habitat.
- Three key areas of the project regarded Code amendments, public involvement, and mapping, which she discussed earlier.
 - Code amendments would be based on the WQR areas, but renamed Natural Resource Conservation Overlays and include both habitat and water quality. As suggested by the Commission, the updated/revised Code would incorporate the policies that needed to apply to the HCAs to avoid having 2 conflicting zones.
 - The City should also address how to encourage and allow low-impact development throughout the city, not just with regard to Title 13 areas.
 - Public involvement would be crucial and would include direct property owner contact. Brochures would be distributed about property owner rights and responsibilities as well as information about groups being formed to specifically look after particular resource areas.
 - An advisory group would be formed to enable people in the community like Mark Hughes to participate and help advise staff and others.

- Cathy Corliss of Angelo Planning Group, Inc. would be the City's consultant for the project and had written Title 13 code for several other cities. Until the City adopted its own Code, Metro's Title 13 Model Code would have to be implemented directly in land use decisions.

Key discussion points regarding Title 13 from the Commission and staff were as follows:

- Metro's Model Code was confusing. Staff's approach to all Code projects, including Title 13, is to make the Code smart, local, and flexible in the best sense of the word so the City's hands were not tied inordinately. The Model Code was very tough reading, even for planners used to reading a lot of code, so staff hoped for significant improvements.
 - Some complexities would still exist in the code, in part because Metro adopted the Code to have both clear and objective standards, and a discretionary process through the Planning Commission. Staff hoped to reduce the complications and make the wording clearer.
 - Clear communication was important for both applicants and staff, even if the Code had to be complex.
- The WQR overlay already covered Minthorn Creek.
- Title 13 would affect the plans for north side of North Clackamas Park. In discussions with Tonia Burns and Michelle Healey, Ms. Mangle learned the planning process done 2 years ago had not considered Title 13, which covered the entire park.
 - It appeared that most of the North Clackamas Park plan would be exempt or could be modified to fit within the requirements of Title 13. The park plan was not on hold indefinitely, but was moving forward.
 - Having the concept plan adopted first as a master plan by the City was being discussed.
- The Kellogg for Coho Initiative was not as affected by Title 13 because it was not a land development project and would be planned with Title 13 in mind. Title 13 was about protecting historic salmon breeding grounds by tailoring development to be as low-impact as possible.
- The Title 13 standard was to obtain substantial compliance. Milwaukie's WQR Code was more stringent in some ways than Metro required.
 - If the community wanted stronger requirements, that could be discussed, but everyone should be careful that the requirements did not become overly complex. Mapping and regulations were powerful, but public education was another available tool. Much of the property was already developed so education of the property owners about how to improve the habitat in their backyard could be more powerful than expanding restrictions. The advisory group would be a good place to provide further input as well.
- The advisory board could also be very vocal about extending new protections if areas like Kellogg Creek were restored and the habitat improved, thus prompting expanded protection areas in the future.
- It was best if property owners along waterways wanted to protect the areas on their property because it would be difficult to force them to protect it.

Commissioner Batey noted that 2 new staff members at the Soil and Water Conservation District handled urban conservation and promoted naturescaping, particularly along streams. They were a great resource and would also help property owners find grant money if they were serious about removing invasive plants. She could provide contact information to Ms. Mangle.

- **Ms. Mangle** replied that she had made a list of people to get involved in the project and would follow up on the new contacts.

The Commissioners would be notified when the advisory group was forming and were invited to join. Worksessions would be scheduled when actual proposals were available.

7.0 Planning Department Other Business/Updates

Ms. Mangle invited questions about the Jackson Street Improvement Project of which plans were distributed earlier in the meeting. The street was being rebuilt and significant streetscape improvements would be made. The major feature was the new bus shelters. The project was being funded by TriMet and the American Recovery and Reinvestment Act (ARRA). She responded to questions as follows:

- There would still be 1 or 2 bus layovers in the shady part of 21st Ave close to Jackson St. The rest of the bus stops on 21st Ave would be removed and converted to on-street parking.
- The project design was at 60% and had to be ready for construction next year. The real timeline emphasis was hitting the timelines for the federal stimulus funding. Some minor environmental permits needed to be obtained, including a categorical exclusion for the National Environmental Policy Act (NEPA) because federal transit money was involved.
- Parking spaces would be lost on Jackson St, but spaces would be gained on 21st Ave and in front of City Hall. A curb extension would be added around the corners of both Jackson St and Main St to allow for all angled parking in front of City Hall instead of parallel parking.
- The goal was still to avoid bus layovers in the downtown area and possibly move them to the Southgate Park & Ride, but funding was currently unavailable and there was no land use approval to move it to Southgate.
 - The Southgate approval was for a park & ride with a certain number of cars, but not for buses going into the site. TriMet would need a new CSU approval to allow buses onto the site and to add an operator's break room facility. City Hall was used by the operators at present. Traffic studies would have to be done as well.
 - Capital and operational funding constraints were also a factor because deadheading buses would also cost TriMet.
 - Construction was starting on the Southgate Park & Ride.
- Commissioners were invited to the Jackson Street Improvement Project public meeting being held on Thursday, July 30, where pictures of the bus shelters would be available. The project would be a big, exciting change, so it was important that the public know about it.

8.0 Planning Commission Discussion Items

Chair Klein said that he attended the Metro Mayor's Institute on Urban Design, which was amazing. Five designers presented, including Bill Wenk from Wenk Associates, Inc. of Denver, CO, who turned a sewer treatment facility into soccer fields and a play area called Northside Park. He was working to get more information about the project.

- Tysons Corner in Washington, DC was also discussed where huge, unused office buildings were being turned into other uses, like mixed use with residential and retail. Developers were required to designate the property's exterior as public open space. He thought of the Immovable Foundation Church and that the use of open space could not be dictated. He found the meeting very interesting.

Commissioner Batey confirmed a second worksession would be held with the consultants on the City's Smart Development Code Assessment project. Though residential design was the most important, she suggested the Commission also look at commercial design standards for outside of downtown, particularly in areas like Johnson Creek Blvd where businesses would redevelop with the new light rail and park & ride.

- **Ms. Mangle** agreed, adding she had talked with the consultant about adding commercial use into the City's action plan so that it included single-family, multi-family, and commercial.
- Funding would run out at the end of August for the consultant Mary Dorman of the Angelo Planning Group, Inc. to develop the Smart Development Code Assessment project. A draft

would be presented at the next meeting so some priorities could be set for the next phase.

Chair Klein asked if there was a way to talk with Safeway about leasing to businesses that would encourage pedestrian traffic, such as coffee and sandwich shops. Safeway had non-competition restrictions on their leasing, which he believed was hurting their business. He had heard of businesses that wanted to move to the Safeway building, but were unable to because of Safeway's requirements. The 42nd Ave/King Rd intersection was a vital economic area that the City had not tapped into.

Ms. Mangle responded if Safeway heard the request from citizens, it would possibly be more effective than hearing about it from the City.

9.0 Forecast for Future Meetings:

August 11, 2009 1. Worksession: Smart Development Code Assessment project briefing part II

August 25, 2009 1. Public Hearing: A-09-01 5885 SE Harmony Rd Office Annexation

Ms. Mangle reminded that the City of Portland Parks and Recreation CSU application would be on the August 11, 2009 Planning Commission meeting agenda.

Meeting adjourned at 9:35 p.m.

Respectfully submitted,

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



Jeff Klein, Chair