

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, September 22, 2009
6:30 PM**

COMMISSIONERS PRESENT

Jeff Klein, Chair
Lisa Batey
Scott Churchill
Teresa Bresaw
Chris Wilson

STAFF PRESENT

Katie Mangle, Planning Director
Kenny Asher, Community
Development Director
Brett Kolver, Associate Planner
Nicole West, Community
Development Intern
JoAnn Herrigel, Community Services
Director

COMMISSIONERS ABSENT

Dick Newman, Vice Chair
Paulette Qutub

1.0 Call to Order – Procedural Matters

Chair Klein called the meeting to order at 6:35 p.m. and read the conduct of meeting format into the record.

JS Joint Session with Riverfront Board

JS.1 Summary: Presentation of University of Oregon Architecture Studio
Projects by Nature in Neighborhoods staff

Riverfront Board members present: JoAnn Herrigel, Dave Green, Shane St. Clair, and Jason Loomis.

Katie Mangle, Planning Director, stated that to protect open space and habitat, the City was working on Code amendments aimed specifically at when land was being developed. The requirements were part of Metro's Title 13 and a certain part of the Nature in Neighborhoods (NIN) program. Tonight's presentation provided an opportunity to think big about integrating habitat into development and, coincidentally, on a prime Milwaukie site on the Willamette River.

Corey Harlan, Coordinator, Nature in Neighborhoods Program, briefly overviewed the NIN program via PowerPoint, reviewing the ecosystem monitoring and reporting required by Metro, grant funding, technical assistance, and conservation education, including the design competition that led to the Milwaukie Riverfront Studio. She responded to questions and comments as follows:

- It would be ideal to preserve 100% of the undeveloped floodplain, but preserving 90% was an attempt to be realistic while allowing for important partnerships, such as that with the Home Builders Association (HBA). Some development would occur, so achieving a happy balance was best. That percentage could be reconsidered in 2015.
- Feature Analyst, a Light Detection and Ranging (LIDAR) technology, was used to provide a floodplain and specific habitat baseline for 2008. Advancing technology

presented challenges, and determining finer points such as identifying existing plants was challenging on a regional scale.

- She was uncertain whether the FEMA or Clackamas County UTM was being used as the baseline for the floodplain. The NIN tracked 6 different things, and the new LIDAR technology was being used at this point. She offered to provide further information about how designations such as Habitat of Concern and Habitat Conservation Areas (HCAs) were determined.

Commissioner Churchill noted some items from Metro were canopy related rather than a balanced approach, so additional information would be helpful.

Ms. Harlan introduced the Milwaukie Riverfront Studio, a creative design problem for University of Oregon (UO) students. Milwaukie's riverfront was chosen because it had habitat and industrial reuse issues. The conceptual plans created by the UO students were displayed throughout the meeting room.

UO architecture students Janna Green, Jackie Kingen, and Ron Spencer, described the Milwaukie Riverfront Studio project and shared their learning experiences. The students explored several ideas on the site including water resources, ecostadiums with very dense development, and how time interacts with buildings, forestry and woodland habitat. The architecture studio pushed toward a greener, more park-like and communal setting, incorporating residential and commercial aspects. The students met with biologists, ecologists, environmental designers, planners, developers, and others who provided interesting questions to explore.

Ms. Harlan explained that conservation education was important from a Metro and NIN perspective because of the opportunity to work with and positively influence future design professionals. She responded to questions and comments as follows:

- Milwaukie Presbyterian Church on Lake Rd did a small-scale restoration project coupled with a design for contemplation of that restored area, including a garden and a sitting or reflection area, for a healthier visual of the landscape.
 - **JoAnn Herrigel, Community Services Director**, further described the project, which involved clearing blackberries close to the edge of Kellogg Lake, creating a nice open area, pathways, and a stairway to connect to the trails.
- Lovena Farms received a water quality focused grant that centered on a green infrastructure component, treating stormwater onsite from a pervious parking lot and bioswale.
- Some students had retained the sewer plant with significant reuse, but those visuals were not displayed because the studio's objective had not been met, which was to respond to an aggressive, dense development program paired with an ecological program.
- The tendency for Metro was to encourage pervious surfaces as often as possible; however, the guidelines were generally left open-ended because a design studio scenario allowed for creative opportunity.

Ms. Mangle asked the studio participants for their observations about balancing development and restoration on such a sensitive site. Responses included:

- The Island Station neighborhood was a small comfortable neighborhood and it was challenging to bring people from downtown to the water without disrupting Island Station residents.

- A piece seemed to be missing from a larger fragmented network. McLoughlin Blvd was a fast road with gaps in bike routes, natural habitats, etc. The riverfront site could ultimately provide an opportunity for reconnection between downtown and the Island Station neighborhood.
- The site was also a prime place to give back flood plain, considering the Willamette River, the creeks, and the fact that parts of the site flooded in 1996.
- The 1996 flood plain was challenging, causing the students to wonder if any build out should occur on the riverfront site at all.

Ms. Harlan concluded the presentation was more about showing the opportunities available with NIN to create healthy homes for people, fish, and wildlife. She encouraged everyone to contact her with questions or comments.

Ms. Mangle reiterated the City was beginning a Natural Resources Overlay Zone project to address water quality and habitat protection. A Natural Resources Advisory group was being formed and the first meeting was scheduled for next Tuesday, September 29th. The group would meet 4 to 5 times to advise the Planning Commission on crafting the Code and mapping procedures for development on sensitive lands.

Chair Klein stated that he attended a Mayors' Institute on City Design session. A presentation by architect Bill Wenk involved a decommissioned sewer treatment plant. The empty facility and surrounding areas were converted to green livable space. Several pictures were displayed of Mr. Wenk's completed project while he explained some of the project's features and the potential of such a project at the Kellogg treatment plant.

Ms. Mangle stated the Riverfront project would go before the Design and Landmarks Committee (DLC) on October 28th and the Planning Commission on November 24th.

The Riverfront Board members adjourned to their own meeting.

2.0 Planning Commission Minutes

2.1 August 11, 2009

Commissioner Batey corrected Line 96 on Page 3 to read: "...**OLCC was a nonprofit governmental use on a large site...**"

Commissioner Batey moved to approve the August 11, 2009, Planning Commission meeting minutes as corrected. Commissioner Bresaw seconded the motion, which passed 3 to 0 to 2 with Commissioners Churchill and Wilson abstaining.

3.0 Information Items—None

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 – None

7.0 Planning Department Other Business/Updates

Ms. Mangle stated in response to an earlier question from Commissioner Churchill regarding Title 13 maps, that Brett Kelter, Associate Planner, had presented information about Metro's Title 13 mapping assumptions to the Commission about a month ago. He was welcome to contact her or Mr. Kelter with further questions. Staff would walk through the mapping process with the Natural Resources Advisory Group as well.

Commissioner Churchill noted the aerial survey mapping and canopy-related methodology is flawed. An example of that is that the orchard planting at the Waldorf School showed up as a protected zone, though it was planted 5 years earlier.

Ms. Mangle explained that before the Milwaukie local maps were adopted, a qualitative analysis would be completed to ensure the areas passed the straight-face test. Some things were obvious mistakes because an area was actually pavement. Some areas, like the Waldorf School, would require other tools. There was no budget for access to LIDAR.

- She announced that several light rail station planning workshops were scheduled soon and she encouraged Planning Commissioners and DLC members to attend and provide feedback. It was important that the City pay close attention to how the project was designed, so now was the time to contribute to the plan because budgets and decisions were being set and made.
 - The first public workshop on the Downtown Station was scheduled for October 5th from 6:00 to 8:00 p.m. at the Bridge City Community Church. Though the area was small compared to other stations, it had tricky pedestrian access.
 - The Tacoma Station meeting would be held October 12th at Ardenwald School.
 - The Park Avenue Station meeting was scheduled for the following week.
- Because Commissioners would likely be attending the workshops, it was important to understand that parts of the project would come before the Planning Commission for land use approvals.
 - The process would be different because a State Land Use Final Order gave the project land use approval to exist as a project in the corridor. The City could not actually approve or deny the land use applications as required at the local level, but the Commission could still review and shape the project.
 - There would be applications for Water Quality Resource, Willamette Greenway for the bridge over Kellogg Creek, Design Review for the station, et cetera. Staff had spent time pondering different elements of the project, which was probably about one year away, to identify what would require a building permit, a right-of-way permit, et cetera.
- When the Planning Commission hearings began, the Commissioners would have to disclose their level of participation in the project, which would come before the Commission as a minor quasi-judicial hearing.
- Shaping of the project through land use hearings could consist of whether it was in the right place, the right height, and whether it complied as much as possible with the City's Design Guidelines. The Willamette Greenway would go through other State and federal review processes regarding impacts to waterways.
 - Although the land use applications could not be denied, the City could add additional conditions of approval to the project.
 - She would explain what the Commission could do under the State Land Use Final Order prior to the public hearings. For example, the project could not be denied or overly burdened with requirements that made the project unfeasible.
 - Bill Monahan, City Attorney, would provide guidance regarding the

- Commissioners' disclosure of participation and making unbiased decisions.
- A series of 5 or 6 applications was expected. It was very important for the community to shape the project. Staff would manage the process in a manner that followed the law and was best for the citizens, but they did not want the process to keep the Commissioners from participating in other aspects of the projects.
- She responded to questions as follows:
 - The timeline of the overall State and federal funding cycle was not yet available, but she could provide that in the future.
 - TriMet was the applicant and would pay application fees and hire consultants to do the application.
 - The decisions made by the Planning Commission would not go to City Council.
 - Design Review would involve the DLC.

Chair Klein commented that many hypotheticals existed, so until facts were actually known, it was good for Commissioners to monitor their comments and the meetings they attend regarding the project. It was important to stay active with the project, but know that it would come before the Commission.

Commissioner Batey agreed the Commissioners needed to keep track of what they were doing so they could disclose it.

Ms. Mangle concluded that she would provide specific details about the upcoming planning workshops via email.

8.0 Planning Commission Discussion Items

Commissioner Batey:

- Asked about Portland Parks and Recreation because nothing was being done at the site, although they had been anxious to receive approval.
 - **Ms. Mangle** replied that she would get back to the Commission with the information. She had heard they might be looking at a different site in Portland.
- Noted that a wine bar was coming to Main St.
 - **Ms. Mangle** replied Milwaukie was going gangbusters; staff was receiving many calls about new businesses. Ohana Hawaiian Café and a Thai restaurant were opening, and a call was received from someone wanting to open a yarn shop on Main St.
 - The renovation of the Chopsticks Express building exterior was still uncertain. The project had been inactive for a long time. Staff had not approved a right-of-way permit because the work might require Design Review. The owner had been very nonresponsive.
- Noted that the permit in the window of the wine bar building indicated Mr. Dietrich was the applicant. Ms. Mangle confirmed that Mr. Dietrich owned the building and was constructing the wine bar. The wine bar was fully permitted and so was unaffected by the exterior remodel, which may involve prohibited materials. She hoped the issues could be resolved, so the owner could finish the work.

9.0 Forecast for Future Meetings:

October 13, 2009 1. Parking Code – Draft for public review

October 27, 2009 1. TBD

Ms. Mangle noted the October 13th meeting would include the full Parking Code draft and that commercial parking ideas would be presented for feedback. The entire draft Parking Code would be posted on the City's website and public comments would start being gathered.

- No public hearings were scheduled until November.

Meeting adjourned at 7:52 p.m.

Respectfully submitted,

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



Jeff Klein, Chair