

**CITY OF MILWAUKIE
CITY COUNCIL WORK SESSION
MAY 13, 1998**

The work session came to order at 6:40 p.m. in the Public Safety Building Community Meeting Room.

Present were Mayor Tomei and Councilors Kappa, King, Lancaster, and Marshall.

Staff present: City Manager Bartlett and Assistant City Manager Richards.

Councilor Marshall discussed flaglot development in the City of Milwaukie.

Councilor Kappa said flaglots have been a contentious issue, and he realized this was the only way to develop some pieces of property. He wanted to see a better design element if the City was going to have infill. Rather than allowing a developer to purchase one parcel at a time, he recommended requiring them to buy two, five, seven, or ten acres at a time. There would be better connectivity, and he suggested considering alleys as a way to blend new development with the existing neighborhood. He was concerned with protecting trees, the environment, and the total infrastructure while providing housing.

Councilor Lancaster reviewed text changes recommended by the Planning Commission to include a provision for neighborhood conservation. He discussed a neighborhood design guide to identify consistent and desirable styles, materials, and landscape features. This could be used for new housing and rehabilitation projects and enforced as part of the design review function. He felt this was what the City Council was discussing, and if the City Council wanted to do this and do it well, he recommended a moratorium until the guidelines were in place. From this point forward, no more permits would be issued, and **Lancaster** recommended the process be done in four to six months. He wanted a neighborhood inventory to identify the maximum density based on such a guideline. Development could then proceed at its own pace based on these guidelines.

Councilor King asked, if the City cannot establish a moratorium, then what can it do to protect the beautiful lots in Ardenwald.

Councilor Marshall said he and former Community Development Director Collins had many discussions about flaglots, and she recommended the same basic concept discussed by Kappa. He felt there were many benefits to doing this. The small developer gets out of the picture and brings in the big developer with the money to put in infrastructure and actually create a neighborhood. He discussed a subdivision being planned in the Lewelling Neighborhood and how

piecemeal development breaks up neighborhood continuity. He suggested thinking about annexation as discussed at the previous night's meeting. If implemented, these suggestions would be a good tool for rehabilitation and redevelopment.

Councilor Kappa said the point is to help provide good connectivity. He wanted to be able to provide infrastructure without taxing the citizens.

Mayor Tomei asked how feasible this would be. If developers had a choice, would they come to Milwaukie in order to get these lots?

Councilor King said it might cost the developers more, but property values are, if not now then in the future, higher because of accessibility to Portland. She felt this could be a justification.

Councilor Lancaster said his neighbors are concerned about mobile homes.

Bartlett said it was not appropriate to discuss manufactured housing as something that is good or bad. The state legislature has established that as long as manufactured housing meets the performance permits, they are equivalent to stick-built in any zone. Regulation can only be done through conformance with community design.

Councilor Kappa was concerned with construction meeting established standards, better community design, and providing affordable housing. He discussed transitioning from commercial areas, to multi-family dwellings, and on to single-family dwellings. He noted "granny flats" were in the subdivision ordinance. The City could say flaglots are no longer acceptable under these certain conditions. Neighbors may wish for form a consortium to sell or develop their properties. Alleys may or may not be a viable solution.

Councilor King discussed Nolan Chard's concept of dedicating 70 feet of flaglot backyards to open, green space.

Councilor Marshall said this was suggested in order to preserve existing lots. He was not in favor of reducing lot sizes.

Councilor Kappa was open to suggestions. He wanted to get away from flaglots because he felt they were a very poor option and suggested some portion of land be dedicated to open space.

Councilor Marshall noted The Grove was this type of development.

Mayor Tomei did not see this happening in the City of Milwaukie.

Councilor Marshall said there were areas in town with very deep lots where that could happen and did not necessarily involve removing existing structures. Some of this uniqueness needs to be preserved and not cut up into flaglots.

Councilor Kappa and **Councilor King** commented on flaglots with homes or asphalt on all sides with no landscaping. This type of construction does not create an identity or sense of community. **Councilor King** felt the City needed to seriously look at design review.

Councilor Kappa suggested the Council direct the Planning Commission to look at the Subdivision Ordinance and find ways to recreate the community. The objective would be to phase out flaglots and encourage community through livability designs. He added the City could look at what the County and other communities have done to require developers to buy larger pieces of property. The group discussed sizes of Ardenwald's Victory Gardens. **Councilor Kappa** suggested five-acre increments. Flaglot development will continue until the Planning Commission can get a recommendation to the City Council.

Bartlett suggested reviewing driveway widths and setbacks in order to put more restrictions on flaglot development. The City Council can direct the Planning Commission to consider an outright repeal of elements that promote or support flaglots.

Councilor Kappa said the Subdivision Ordinance was the key.

Bartlett added the Planning Commission could work on a consolidated development code that includes design review and zoning.

Councilor Lancaster said a number of these things have to be done in the Functional Plan, so the City may as well make a pre-emptive strike and ensure neighborhood integrity is preserved.

Councilor Kappa believed a good case could be made from an infrastructure standpoint. Instead of the City going out for a bond measure for infrastructure improvements, make it part of the development criteria and perhaps give some tax incentive to the developer or property owner.

Councilor Marshall brought up the issue of annexing under-developed areas to the east of the City limits. How will the City bring these up to a desirable level?

Bartlett said lots are from .5 to 1.5 acres in that area. **Councilor Marshall** added some of the houses are blighted, and there are no streets.

Councilor Kappa suggested Bartlett report on the feasibility of tax incentives.

Bartlett summarized: most immediate activity within the next three to four months would be to reconsider those ordinances promoting flaglots and, in the longer term, adopt a development code. He recommended looking at smart development projects with more appropriate neighborhood housing. That type of undertaking would take longer, but it is also clearly doable. Additionally, it would probably meet some of the Functional Plan criteria. He discussed design standards that would require manufactured homes to look substantially like the rest of the neighborhood.

Councilor Lancaster asked how substantial compliance is determined. **Bartlett** said the City would have to write clear and objective standards with the attorney's help.

The group discussed how attractive some of the well constructed and landscaped manufactured homes were while some of the stick-built were not.

Councilor Kappa wanted to see a development transition that builds community and moves away from the subdivision mentality.

Bartlett reviewed the proposed schedule for the Functional Plan Compliance Report.

Light Rail Survey

The group discussed the telephone survey questions.

Councilor King wanted a question that asked what alignment people would want if no-build were not an option and what they could live with.

Mayor Tomei recommended changing the questions' sequence and including a "neutral" or "no opinion" option in question #10. The group decided question #12 would be a good lead question.

Councilor Marshall asked the group if it felt there was any value in asking the household income range. It might relate to the other survey responses, and **Mayor Tomei** felt that question should be optional. The group discussed the value of asking the respondent's education level.

Councilor King thought it would be good to know in which neighborhood the respondent lived.

Councilor Lancaster suggested age, income, and education ranges.

Councilor Kappa recommended question #15 be deleted or re-worded so that it did not refer to the boat ramp. **Mayor Tomei** suggested a question about the importance of an improved marina and dock.

The group agreed to delete question #15.

Councilor King recommended the word “development” be changed to “improvement.” She felt the term marine park needed to be clarified.

Councilor Lancaster suggested adding a storm water/drainage element to question #14.

The group discussed asking the level of importance based on a scale of one to five in order to prioritize.

Councilor Marshall discussed question #14.C and recommended deleting “developer” and “master plan” and changing to “bring in industry and jobs. “Developer” will probably elicit a negative response. He recommended rather than widen roads to add reference to curbs and sidewalks.

Mayor Tomei wanted to add “G” that would ask about the importance of eliminating the sewage treatment plan. **Bartlett** suggested it be included in the riverfront question under #17.

Councilor Lancaster asked if question #12.H should refer to “single-family homes” rather than using the word “dwellings.”

Mayor Tomei and **Councilor King** agreed “light traffic” should be changed to “traffic safety.”

Councilor Marshall suggested ranking #12 as very important, somewhat important, or not important.

Councilor King suggesting asking “how important are these things to you in your neighborhood?”

Light Rail Town Hall Forum

The event was scheduled for May 27, 1998, at 6:30 p.m. in the Milwaukie High School Commons. Jeanne Lawson was selected as the facilitator, and staff and Council were still working on the expert panel. Those who were contacted were: Mike Burton, Metro; Bob Stacey, Tri-Met; Meeky Blizzard, STOP; and John Charles, Cascade Policy Institute. Laura Jackson, Milwaukie; Jennifer Ryan, Tri-Met; and Ted Leybold, Metro, will act as technical support.

The event will not be Metro-like in that the style will be open with technical people on had to answer questions.

Councilor Kappa discussed the importance of people knowing the infrastructure benefits to the City of Milwaukie if the Railroad Avenue alignment were selected.

Bartlett said the purpose of the event was to provide information to the policy making body. *The Oregonian* published Clackamas County's recommendation, and the Project Management Group (PMG) will have made its recommendation to the Steering Committee. The Downtown Oversight Committee will make its recommendation for the downtown component on the 26th. A recommended alignment will be a part of the public record and forwarded to the June 5 Steering Committee meeting. Some alignments will appear to have been eliminated from the project. The telephone survey will be after that and targeted for completion in time for the City Council light rail public hearing on June 30.

Mayor Tomei and **Councilor Lancaster** agreed the results of the phone survey were a key piece in the Council's decision.

Bartlett returned to his discussion of panel members and said Ethan Seltzer of the Portland State Institute of Metropolitan Studies had been contacted.

Councilor Kappa suggested Jay Waldron to discuss regional issues if Seltzer was not available.

Councilor Lancaster felt the Council was looking for people from recognized, credible organization. **Bartlett** said Waldron's area of expertise was regional cooperation.

Bartlett said other potential participants were Gresham Police Chief Guisto or a Lieutenant from the department to discuss security. Hillsboro Mayor Gordon Faber, who worked to ensure light rail did not negatively impact existing neighborhoods, will also be contacted. Randall O'Toole is not available that day. Mayor Tomei will open the session by letting attendees know the Forum is a local process and that the Council wants to hear a cross section of ideas and points of view. Jeanne Lawson will moderate and make sure the panel members limit their statements to about four minutes with some dialogue time. There will also be a process for citizen comments.

Mayor Tomei thought there should be time following each presentation for questions. **Councilor King** said the moderator must limit speaking time, ensure there is one question at a time, and enforce "no cheering."

Bartlett said staff would like to know if the City Council wanted to include no-build as an option and/or the Milwaukie terminus options. Metro compiled two volumes of comments, and these were available for review in the Council office.

Mayor Tomei said the purpose of the Forum was to give information and answer any questions related to light rail.

Councilor King added that it needed to be clear that opinions count, but there were other sources of input including the phone survey and public hearing testimony.

Councilor Marshall asked Bartlett what his input would be to the PMG.

Bartlett summarized his input for the May 26 meeting: full-length project from Vancouver to the Clackamas Town Center; first interim operable segment from the Rose Quarter to Linwood/Harmony park-and-ride; full transit mall in downtown Portland; and a 500 space park-and-ride in Vancouver for busses that is rail-ready. The second phase would be from Linwood/Harmony to the Clackamas Town Center running past the Oregon Institute of Technology (OIT) to the north side of Monterey. Essentially, he recommended Hwy. 224 with no station at Oak Street; 900 space park-and-ride at OIT; 800 space park-and-ride at Linwood/Harmony; 900 space park-and-ride in Portland at Tacoma; no maintenance facility or park-and-ride ride in the Milwaukie industrial area. He would ask that if a maintenance facility were necessary that it be at the ODOT site.

Councilor Marshall asked Bartlett if this was a decision he makes on his own. **Bartlett** responded that it was his decision and is a technical recommendation separate from the City Council.

Bartlett reviewed the decision-making process. The Steering Committee makes its recommendation, and each affected jurisdiction has its own hearings. Metro is the Metropolitan Planning Organization (MPO), so it has the final determination. At this time, Metro is scheduled to make its decision on July 23 on the Locally Preferred Strategy (LPS) and the Land Use Final Order (LUFO). The LUFO can be appealed to the Land Use Board of Appeals (LUBA). This begins the engineering part of the process, and construction drawings will be done once there is a full-funding agreement. The other sections such as the Milwaukie transit center will go into FEIS at which time the City begins negotiating for Scott Park mitigation, a plaza, or a platform on the north side of the Safeway site.

Councilor Kappa asked if there would be impacts to the riverfront. **Bartlett** said the riverfront is one of the five choices in park mitigation, and the City has to decide which one is most important. The family that deeded the Scott Park property to the City has equal input.

Councilor Lancaster asked how much leverage the City might have to propose additional mitigation, such as an overpass at Linwood/Harmony.

Bartlett said mitigation comes under federal guidelines, and the rules are designed so that a jurisdiction cannot unduly enrich itself on the project. The project will respond that it believes its impact will cost a certain amount of money. He discussed the County's role and its potentially contributing to the project to relieve problems on Sunnyside Road. The point is to recommend desired mitigation.

Councilor Marshall wanted to return to the Town Hall Forum discussion. The Council needs to be clear about what it wants to get. What will happen during the Forum when someone asks Councilors why they are not saying "no" to Metro.

Mayor Tomei said she would respond by saying it is important to come up with a response to Metro stating what alignment the City wants if light rail does go through Milwaukie.

Councilor Kappa said his intent was to be there and listen and use the comments as part of his decision on the light rail alignment. It needs to be clear the City Council has not made its decision. **Councilor Lancaster** added it was the moderator's role to bring the focus back to the panel and the Council's role to gather information.

Councilor King commented that Metro has listened to a lot of comments, and some changes have already been made from the initial plans.

Councilor Lancaster was concerned that the City gets what it wants and not be shorted since it is at the end of the segment. He felt it was important to negotiate aggressively.

Councilor Marshall said it was important for the City to get the LUFO mediation agreement before going into the process.

Councilor King wanted the citizens assured that City Council and staff were negotiating to get the very best for its citizens.

Bartlett discussed the Beaverton and Hillsboro treatment experiences. Milwaukie's biggest situation will be the downtown transit center and including public development with a streetscape and amenities.

Councilor Kappa asked what will happen to the funding if the alignment does not go to Vancouver. **Bartlett** said that will probably be unknown until all the decisions are made and the suits are over. That will probably be after July 1. Local funds are secure, but federal funds are not.

Mayor Tomei and Bartlett meet with Vanderzanden and Lindquist of Clackamas County the day before and Brandman of Metro and Stacy of Tri-Met today. They are hoping to push the process as far east as possible in the first segment. She had hoped the segment would terminate in downtown Milwaukie.

Councilor Kappa said the maintenance facility was a big issue. He did not feel it was necessary in the City of Milwaukie, but he wanted to keep an open mind.

Kellogg Treatment Plant

Councilor King wanted to discuss the Kellogg Treatment Plant at the next meeting. She did not understand how the downtown area could develop without getting rid of the odor.

Bartlett said Milwaukie has the Clackamas County Service District's attention. The new director has been much more responsive recently. He discussed the options that included a five-year interim agreement with Oak Lodge Sanitary and one that was a long-term agreement to ensure the City gets suitable odor control over the life of the Plant.

Charter Review

Councilor Lancaster discussed changes to the election process. He felt Councilor elections should be held with the highest vote getters taking the office. He added the Mayor position should be separate. Running for a certain position changes the dynamics.

Bartlett said if the City Council were interested in this type of Charter Review, it would have to be held at the Primary or General Election of 2000.

The group discussed the merits of doing this and agreed to look at the suggestion over the next two years.

Councilor Kappa questioned opening up the Charter. He felt the City Council should be cautious and weigh the action against possible negatives.

The meeting ended at 8:45 p.m.

Pat DuVal, City Recorder