

**AGENDA**  
**WORK SESSION**  
**MILWAUKIE CITY COUNCIL**  
**NOVEMBER 6, 2007**

**MILWAUKIE CITY HALL**

Second Floor Conference Room  
10722 SE Main Street

A light dinner will be served.

***WORK SESSION – 5:30 p.m.***

Discussion Items:

	<u>Time</u>	<u>Topic</u>	<u>Presenter</u>
1.	5:30 p.m.	South Downtown / Cash Spot Discussion	Kenny Asher
2.	6:00 p.m.	Briefing on Proposed Residential Facility	Katie Mangle
3.	6:15 p.m.	Discuss Rescheduling First Meeting Date for January 2008	Mayor Bernard
3.	6:30 p.m.	Discuss Riverfront Board Appointments	Mayor Bernard
4.	6:45 p.m.	Adjourn	

***EXECUTIVE SESSION***

Executive Session: The Milwaukie City Council may go into Executive Session pursuant to ORS 192.660(2). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

**Public Notice**

- The Council may vote in work session on non-legislative issues.
- The time listed for each discussion item is approximate. The actual time at which each item is considered may change due to the length of time devoted to the one previous to it.
- For assistance/service per the Americans with Disabilities Act (ADA) please dial TDD (503) 786-7555.
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.



**To: Mayor and City Council**

**Through: Mike Swanson, City Manager**

**From: Kenneth Asher, Community Development & Public Works Director**

**Subject: Cash Spot/South Downtown Redevelopment Discussion 2**

**Date: October 24, 2007 for the November 6 Meeting**

### **Action Requested**

None. This is the continuation of a staff-council discussion started in May 2007 regarding the city's long-term vision for city-owned property at the Cash Spot site and the surrounding south downtown area.

### **Background**

At a council work session in April 2007, Community Services staff presented the possibility of leasing the Cash Spot property to a commercial charter boat enterprise. These discussions are ongoing. At the April meeting, one councilor remarked on the need for a larger discussion about the long-term use of the site and vision for the larger south downtown area. Staff had already shared some ideas with Council at a late 2006 work session, which started to tie together a number of redevelopment and open space projects, including:

- Kellogg Lake Bridge Replacement and Dam Removal
- Kellogg Creek restoration
- Riverfront Park design and development
- Robert Kronberg park improvements
- Cash Spot site redevelopment

On May 1, 2007, staff and council held a work session discussion about the future of south downtown. It was noted that, in addition to the projects listed above, several other activities were beginning to inform the eventual configuration and utilization of the south downtown area. These activities include:

- South Corridor Phase 2 Light Rail and a possible Lake Road station location
- Redevelopment of the Town Center site and the pending relocation of the Farmer's Market
- Transportation System Plan (TSP) Update and community interest in public parking facilities
- Possible short term lease arrangement with the Sternwheeler Rose at the Cash Spot site
- Future redevelopment of the Kellogg Wastewater Treatment Plant
- Continued redevelopment and revitalization of downtown and, specifically, the retail spine on Main Street

Since May, several of these activities have progressed, bringing the south downtown opportunity into sharper focus:

- Light Rail planning is approaching a decision point about where to locate stations. A Lake Road station is one of several candidates.
- Discussions have started regarding the relocation of the Farmers Market to south downtown.
- Main Street redevelopment has advanced, with new restaurants opening in several locations, progress on redevelopment of the Town Center site, and renovation underway at the northwest corner of Monroe and Main.
- The TSP update is nearly complete, with new detail about the city's vision for the how the Cash Spot site can provide structured parking for downtown
- The City and TriMet have started discussions as to the potential shared use of a parking structure on the Cash Spot site
- The future of the treatment plant is still unresolved, however the County is moving to clarify the long-term wastewater solution for north Clackamas County, and the City is updating its Wastewater Master Plan, which will help sort out the issues (a Council Work Session on this topic is scheduled for November 20)
- Environmental and financing discussions are progressing between city staff and governmental partners on both the Kellogg Creek restoration project and the Riverfront Park plan.
- An arts committee is under discussion that could help bring a focus on creative vitality to the economic development opportunities in south downtown.
- Lease discussions with the Sternwheeler Rose are progressing, and the Cash Spot property is beginning to show the effects of its non-use.

The May discussion revealed that the Council remained strongly committed to the principal organizing ideas for south downtown in the Downtown Plan, which are to create an Arts/Entertainment/Office Area with a pedestrian focus, structured parking, "anchor" buildings for the Main Street armature, and adjacencies to a new Kellogg

Creek Park and Riverfront Park (i.e. strengthened connections between downtown and the open space network).<sup>1</sup>

Council noted that the Cash Spot site was opportune for structured parking, especially given the grade change between Main Street and McLoughlin.<sup>2</sup> Council noted that the Main Street side of the site could be used for retail, and the parking itself could be used on the weekends for overflow parking for parks users and Farmers Market patrons. The market itself was seen as an important feature of the area – a vision was discussed that placed the market in a public plaza with a water feature. It was mentioned that the plaza could be designed to complement a public building like a museum (potentially to display Dark Horse collectibles). Nearby housing and connectivity across McLoughlin to Riverfront Park were also mentioned as important, as was connectivity to Kellogg and Kronberg parks. One councilor noted that all the outdoor activities shouldn't be focused on one end of town.

Based on this input from council, as well as ideas presented in the Downtown Plan, Community Development staff has worked on a concept that could lay the foundation for future planning, fundraising and redevelopment in south downtown. The purpose of this work session is to review this concept and discuss its merits, challenges and, if desired, possible next steps.

Council's support for the concept will help facilitate staff conversations with other departments, governments, property owners, Milwaukie businesses and residents and other stakeholders about the city's intentions for the south end. Decisions ranging from light rail station location, to the current use of the Cash Spot property, to the ultimate location of the Milwaukie Farmers Market, to the design of Robert Kronberg park, will be informed if the City can arrive at a clear and collective view of south downtown's desired future.

Gerry Gast of Gast Hillmer Urban Design will be on hand to present the concept and answer questions.

### **Concurrence**

None, as there is no action with which to concur. However Community Development has engaged this work in consultation with the Community Services and Planning Departments. The Directors of Planning and Community Services concur with the notion that the current crop of projects in the south downtown area should be brought together into a unified vision. The Planning and Community Services Directors are looking forward to hearing and understanding the concept.

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<sup>1</sup> See Land Use Framework Plan sections 1.14 and 1.15 on pages 15 and 16

<sup>2</sup> One councilor disagreed, stating that the Cash Spot property was prime riverfront property and that a parking structure might be better sited elsewhere.

### **Fiscal Impact**

None

### **Work Load Impacts**

There is no action and therefore no workload impact. A show of support from Council would begin a discussion about next steps for south downtown planning. In that case, the Community Development would begin a series of discussions with the City Manager and other departments to consider how to move the concept forward. This effort would be absorbed into the Community Development workplan, and could become a focus area for the Community Development Department this year and in future years. A prolonged commitment to south downtown redevelopment would have workload impacts in other departments in future years. These can be planned accordingly.

### **Alternatives**

None, as there is no requested action.

### **Attachments**

None



**To: Mayor and City Council**

**Through: Mike Swanson, City Manager**  
**Kenny Asher, Community Development and Public Works Director**

**From: Katie Mangle, Planning Director**

**Subject: Residential Treatment Facility Proposed at 2808 SE Balfour St.**

**Date: October 25, 2007 for Council Work Session on November 6, 2007**

Action Requested

None. This is a briefing for information only on a situation that has arisen in the community.

Background

A non-profit organization has expressed its intention to locate a mid-sized residential treatment facility in the Ardenwald neighborhood. The City has determined that such a facility is allowed in low density residential zones and may be constructed through the standard building permit process. The purpose of this memo is to 1) outline staff's understanding of the proposal, 2) address some central concerns, and 3) explain how the realities of state law and the municipal code establish the process that will be applicable in this case. No development application has been received; this briefing is intended to prepare Council for questions likely to arise in the community.

On August 9, 2007, staff conducted a Pre-Application meeting with a representative of Oregon Regional Behavioral Services (ORBS) to discuss a proposal to establish a 15-bed residential treatment facility at 2808 SE Balfour Street. The facility would serve the mentally ill, providing an initial residence for patients newly released from the state mental hospital as they transition into more independent living situations. The project includes an 8,500 square-foot one-story building and a 24-space paved parking lot. It would be a secure facility, with limited access and staff on site 24 hours a day.

In 1988, the Federal Fair Housing Act gave residential homes and residential treatment facilities the same status as single-family houses in residential zones. The Fair Housing Act made it illegal to require an extra review process for residential homes or residential

treatment facilities in residential zones. The law states that this review process should not be any different than that required for a single-family dwelling. Essentially, the Act established that there shall be no different standard applied to a dwelling that houses unrelated individuals with disabilities than would be applied to a dwelling that houses individuals without disabilities, whether they are related (as a family) or not (as housemates).

## **Concerns**

While understanding the principles of the Fair Housing Act and the importance of preventing discrimination in housing development in Milwaukie, staff was nonetheless concerned that the City have an adequate opportunity to evaluate such a project, assess its potential impacts, and establish conditions to mitigate negative impacts on the neighboring area. Unlike the average single-family home in Milwaukie, the proposed facility includes 15 bedrooms, a 24-hour staff, and a striped parking lot designed to accommodate up to 24 vehicles. Concerns that relate to the impacts of the proposed facility include:

- How much new traffic would the proposed facility generate? What measures could be required by the City to mitigate for any traffic impacts?
- Will there be any way to control visitation hours at the facility?
- How many staff will be employed, and what will be the patterns of shift changes?
- How will the parking area be landscaped and/or screened?
- How will the overall site be landscaped and/or screened?
- What is the lighting plan for the site, both for the exterior of the building and for the parking area?

With these concerns in mind, Planning staff worked closely with the City Attorney to determine a review process that would meet City, state and federal regulations.

## **The Review Process**

The following points outline Planning staff's understanding of the proposal in relation to the Oregon Revised Statutes (ORS) and the Milwaukie Municipal Code (MMC):

- Oregon state law includes definitions for "residential home" and "residential facility" (ORS 197.660), with the essential difference being the number of residents (see Attachment 1). A "residential home" provides care for five or fewer people; a "residential facility" serves from six to 15 people. With room for 15 residents, the proposed facility would qualify as a "residential facility" according to state law.
- In 1991, the State Attorney General's office produced an opinion that interpreted the standards for siting residential facilities (ORS 197.667) to mean that local jurisdictions must allow residential facilities wherever single-family detached dwellings are allowed.

- In late 1993 and early 1994, in response to the potential filing of a Federal Fair Housing Act complaint against it, the City amended its zoning code (File #ZA-94-02). The amendment revised the definitions of “family” and “residential home” to remove any limit to the number of people each would include. A pre-existing definition for “residential care facility” (established in 1989) was removed and replaced with the current definition of “congregate housing facility.”
- According to staff reports supporting the 1994 zoning amendment, the definition of “residential home” was amended to incorporate the pre-existing “residential care facility” definition. The “congregate housing facility” definition was established to cover those residential facilities that exceed “single housekeeping unit” status.
- Residential homes are outright permitted uses in zones that allow single-family detached houses (i.e., all residential zones). That is, any facility proposed for 15 residents or less and operated as a single housekeeping unit is to be treated as a residential home and allowed outright in any residential zone.

## **Conclusions**

As a residential home, the proposed ORBS facility cannot be subjected to any more rigorous a review process than would be involved with a building permit for a “regular” single family house; the City is not in a position to impose additional requirements. Development standards of the underlying R-7 zone (MMC Section 19.302) and design standards for new single-family construction do apply (MMC Section 19.425). Some key requirements that will apply include the following:

- Adequate on-site management of all stormwater.
- The building must incorporate at least three of the 12 residential design features listed in MMC Subsection 19.425.B.
- At least 12 percent of the area of the exterior building elevation that faces SE Balfour Street must be comprised of windows.
- The development will be subject to all the same public improvement requirements (sidewalks, streets, sewer, storm, etc.) as any other new single-family residence.
- An adequate turnaround maneuvering area will be established at the end of SE Balfour Street.
- Signage will be limited to that which is permitted in all residential zones.
- Perimeter fencing will be limited to a maximum height of six feet along side and rear yards, 42 inches in the required front yard, with no barbed wire.

In summary, Planning staff would prefer to subject the proposed facility to a higher level of review to ensure compatibility of the institution with the surrounding residential neighborhood. However, under the law, the City’s ability to mitigate potential impacts severely limited, and most mitigation measures left to the discretion of the developer.



Concurrence

Planning staff worked closely with Bill Monahan, the City Attorney, to establish review requirements for the proposed development.

Fiscal Impact

None

Work Load Impacts

None

Alternatives

None

Attachments

None