

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, September 28, 2010
6:30 PM**

COMMISSIONERS PRESENT

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

STAFF PRESENT

Katie Mangle, Planning Director
Brett Kelder, Associate Planner
Kenny Asher, Community Development
& Public Works Director

COMMISSIONERS ABSENT

Nick Harris, Vice Chair

1.0 Call to Order – Procedural Matters

Chair Klein called the meeting to order at 6:30 p.m. and read the conduct of meeting format into the record.

2.0 Planning Commission Minutes – None

3.0 Information Items

Katie Mangle, Planning Director, announced that this was Commissioner Bresaw's last meeting. She thanked her for serving the community as a Planning Commissioner for 8½ years.

Chair Klein said he had served with Commissioner Bresaw for 6 years, and would always remember Commissioner Bresaw stressing the importance of having green planting strips and sidewalks.

Commissioner Batey said she would recall Commissioner Bresaw's strong advocacy for green space and aesthetics.

Ms. Mangle sought input from the Commission about forming a subcommittee of the project for Residential Design Standards, similar to what was done with the Natural Resources Overlay project.

- The Residential Design Standards project, anticipated to begin in January, would review single-family and multi-family residential standards. Doing most of the work through a subcommittee could substantially reduce the number of Commission meetings needed.
- The subcommittee would consist of three or four Commissioners, one or two Design and Landmarks Committee (DLC) members, at least four Neighborhood District Association (NDA) representatives, and one or two property owners to ensure certain groups were represented. Others could also be invited to participate.
 - Those on the subcommittee and most involved with the project would be talking to property owners and people in the neighborhood, allowing for more well-rounded conversations as the standards were being developed. The project was more design-oriented and visual than other projects so subcommittee members could talk easily about it with neighbors and those who would be affected by the standards.

- The Residential Design Standards project mostly regarded aesthetics, but must be directed by the Comprehensive Plan policies. The project would not involve rezoning or changing uses. Milwaukie has the lowest standards in the region for single-family residential houses, various standards for accessory dwelling units, and no standards for multi-family houses.
 - The goal of the project was to tighten up important design issues. Rules regarding height, massing, percentage of windows on the front façade, standards for manufactured homes, etc., would all be addressed.
 - Milwaukie was experiencing some quality residential development because developers were exceeding the City's requirements.
- The subcommittee approach would only work if three or four Commissioners committed to do that work in addition to their regular Commission duties. The subcommittee would work through the details of the design standards, so the Commission could review them overall, and not have to restart the whole process.
 - If not enough Commissioners were interested in having a subcommittee, a community group could be another option.
 - Consultants and architects would be working with the subcommittee and generating renderings, 3-D models, etc.
- Grant funding for those consultants and architects is only available through the end of June. The standards did not have to be adopted by June; the City could keep working on them after that point. However, being efficient and making the most of the consultants' time was important as well as getting the standards to the right people in the community.

Comments from the Commission included:

- A minimum of four Commissioners should be on the subcommittee to ensure a majority vote, though all Commissioners and anyone else would be welcome to attend.
- Including members from all the NDA Land Use Committees (LUCs) would provide them with some good training.
- A separate group whose members were interested in design could work together more efficiently than the whole Commission, especially with the Commission's time constraints.
- A lot of Commission meeting time would be saved. The Commission would know about the process that was followed since many were involved, and could hopefully review and move the design standards forward to City Council quickly.
- A subcommittee sounded more efficient and inclusive than the formalized Commission meetings and would allow for more conversation and an exchange of ideas.
- Commissioners not able to serve on the subcommittee would be informed of the progress being made. The intent was to prevent having to redo major portions of the standards when they came before the Commission.
- The Commission could use this opportunity to reach out to and do some training with the NDA LUCs. The Commission rarely received information or comments from them.
 - The subcommittee might motivate the LUCs and provide some idea of what the Commission actual did. It might also be a way to get some new people on the LUCs.
 - Subcommittee work would train citizens so that the City could tap into a pool of trained people to step into open board or Commission positions when needed.
- The Commissioners agreed a subcommittee was a good idea.

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

The order of the agenda was changed. Item 6.2 Natural Resources Overlay briefing #7 was addressed at this time, prior to 6.1 South Downtown Concept Plan.

6.1 Summary: South Downtown Concept Plan Briefing Staff Person(s): Kenny Asher, Katie Mangle

Ms. Mangle stated that staff was really excited about how this project has progressed. It had been on a long, very interesting path and developed in very unconventional ways. The project was headed for really good things, partly because of the light rail station coming to South Downtown. The community members who had been involved in this project have had a lot to say about what should and should not change.

Kenny Asher, Community Development and Public Works Director, presented the South Downtown Concept Plan using several renderings shown on display boards. Key comments included:

- Two key work products to understand South Downtown were:
 - A book titled, "Pattern Language for the South Downtown of Milwaukie, Oregon," which included the best possible description of what the community wants to see for South Downtown. The book contained 13 patterns or guidelines for a development that would feel compatible with the rest of downtown and with Milwaukie; the development values the City wanted to see embodied in downtown. Much of what staff understood to be their mission for the South Downtown was contained in the Pattern Language book.
 - The other key deliverable was the Concept Plan poster. The book did not provide a picture of development or of place that really made much sense to the community and to City Council, so this last phase involved turning those ideas into something that could be built and that staff could discuss with the community.
- Key features of South Downtown included a Plaza: a great public space that captured and collected all the energy coming from light rail and the redevelopment around it; new connections to Riverfront Park; the restoration of the lake; and the revitalization of Main St.
 - People were excited about the notion that the Plaza could be connected to Riverfront Park.
- This phase of the project was really trying to decide where public spaces would be and how private development could be supported, although what exact development there would be was still unknown.
- The idea was to get ahead of development so the community could guide that development. There were many different ways to do that, including tools the Commission used, such as Codes, design guidelines and oversights, as well as his work in talking to developers and property owners and coordinating their efforts.

[Audio issues 14:30 – 16:07]

Commissioner Gamba commented that he was still a fan of the project, but was less enamored after the second process because the City lost the opportunity to develop something for the key purpose of being inhabited by people. Instead, the City was building according to the normal model of development for the sake of profit. He understood why the direction shifted, but was disappointed.

Commissioner Batey agreed that was a loss and that the first process would not work. However, most of the elements so important in the patterns were still present. They could not know what might be in the grey squares representing private development on the display board, and whether it would lose the feeling of patterns. That remained to be seen.

Feedback by and discussion amongst the Commission and staff continued as follows:

- A wider connection was needed along the south side of buildings in the northwest quadrant to create potential areas for restaurant seating outside, for example. The pathway needed to be a more obvious connection to Riverfront Park. The trees and narrow sidewalk made it too hidden. The wider walkway should also be less angular and have a more flowing nature in getting people out to the bridge and across McLoughlin Blvd.
- Certainly the next question was determining how development would look and work. The City's current codes and design guidelines were not enough to allow or encourage what was envisioned. Many details were really important, but how they would be accomplished was a big part of the entire project.
 - A key piece was amending the Code to allow the concept of live/work elements, as opposed to having people make the most profit from the development. These ideas had been proposed, but no one was advocating them during the process. With no one shepherding that concept, the unusual would not happen; it would be back to business as usual.
 - Those ideas were identified throughout the Pattern Language and based on a business model that was never described, which was why staff ended up going in another direction. No business model that could make that sort of vision possible was forthcoming.
 - Staff spent the last 6 months discussing how to keep the spirit of these ideas alive. How did the City, as a government entity, foster the good ideas in the Pattern Language, which really had to do with the development of private property?
 - The renderings reflected a more conventional approach, and not the armature of the Pattern Language, which prompted imagery of wonderful funky spaces that would come together beautifully. But most people did not understand that armature, and questioned how it would be accomplished and whether it even fit.
 - The current armature was a step forward, and now the City needed to see how creative it could get in establishing whatever mechanisms were needed to get as close to these concepts as possible. This was the hard part because now the City was dealing with issues like property rights that the process has not yet addressed.
- The display board listing the top 5 aspirations should be reversed to read:
 - Create a central gathering place for the city
 - Encourage individuality and development
 - Build incrementally
 - Match scale and character of downtown
 - Make the project affordable
- **Ms. Mangle** agreed the opposite order was a better way to express the project. The list had been made by Walker Macy Consultants from their reading of the Pattern Language, which included a lot about affordability. However, the project was not about bringing affordable housing to the area, but creating an affordable place for real people to build and open businesses in Milwaukie. The list reflected Walker Macy's shorthand for that concept, not one of cheap development or the bottom line.
- Perhaps having such a notable designer during the first half of the project pushed the project too far. But now the project had swung it too far back into "make the project affordable." The earlier plan had creative gesture, although it may have been too flamboyant, and lacked a business model to support it. There had to be balance between affordability and creativity.
- The pedestrian crossing bridge was a nice little jewel.

- Closing Adams St was good, but maybe something more creative could be done. It tended to flow from parking lot to parking lot with no real boundaries. Why not look at adjustability, or was the goal to just make the project affordable?
- The depiction of the large scale Plaza lacked creativity and enthusiasm for the space. It was not remarkable and could be Anywhere, USA. It was not that interesting.
- The pathway to the pedestrian bridge was pretty interesting and could respond to the topography and unique character of that end of downtown.
 - If the Plaza was the primary node, they could start to break the grid and pick up a secondary node plaza by the Cash Spot point to help anchor the project, just as Riverfront Park did on the west side of the pedestrian bridge. No urban façade was needed at that corner of Washington St. Maybe there was enough room to create a secondary node that tied one to the other.
- There were some decent bones to the proposed development, but it looked very developer driven.
- Rather than saying, "Make the project more affordable," say, "Make the project happen," because "affordable" sounded cheap. "Make it happen" would mean that people would have to have the money and there were different ways to do that.
- Having a clock on the light rail station was a really nice concept.
- Concern was expressed about the somewhat vacant area that was not in the actual triangle, but across the street on 21st Ave, behind the high school. It was very utilitarian and improving that area was important. The City had to consider what already existed.
- Having a Plaza was a good idea and the proposed location was very good, but it could be tweaked a bit.
- The small square building to the left of the plaza could be fine if it was done well.
- Concerns were expressed about nebulous space and the nebulous use of the proposed Water Resources Center across from the plaza. It seemed there would be spaces that did not really have much purpose.
 - **Mr. Asher** clarified the illustrations of the spaces might not be used at all for final design. Walker Macy designs outdoor space, which was really what staff wanted to accomplish here. The shapes of the Plaza and buildings, and even the buildings' uses were not significant at this time. At this point, it was important to establish whether the bone structure was right.
 - This plan helped nail down how Main St and the Plaza interacted, the Plaza's location and size, what was happening to Lake Rd, the relationship between the platforms, and especially circulation which was the framework from which other projects could stem. Such projects were years off and each would have its own design process.
 - He envisioned the little box building being done in conjunction with the restoration of the creek and becoming an interpretative center. People would be drawn down to that wonderful public space as they came down to the south end of downtown. The building would look out over everything, and would have a relationship both with the downtown and the natural area, which made this part of town so rich.
 - It was really early to be talking about uses, and probably a bit early to be discussing building forms themselves. Community uses and public buildings did not tend to pay the highest rents and were harder to get done. Many more and different forces would be weighing in on those processes.
- **Chair Klein** said that the City had hired CES, the Cadillac of designers, and spent a lot of money to bring them in to provide this design. CES had people interested in doing a land trust and creating that business model that the City needed to make this project happen.

That was the investment the City made. The City needed someone who could bring this project to fruition, instead of just developing a concept.

- When things fell out with CES, he supported bringing in Walker Macy because he worried that CES would not come through. He believed Walker Macy would pick up that ball and find people to make this into a land trust, so affordable working/living spaces would be available.
- He was disappointed that now the City had a bunch of drawings that could have been done by any one of the City's planners. University of Oregon students created a concept plan for the City's water treatment facility that had great ideas and did not cost anything. The City had spent hundreds of thousands of dollars and received a run-of-the-mill product.
- The City used money that could have otherwise been spent in the city on investments for livability. This was just a development for development's sake, and went right back into doing exactly what they said they would not do.
- Walker Macy said it would really be up to the person who ends up owning the property. The City did not own any property there except for the triangle where the light rail station was being built. The one thing that the City had any control over was the station, but they were talking about designing places that the City does not own.
- The City had spent an extra couple hundred thousand dollars for this updated version, but still had no means of implementing anything. Urban renewal, floating a bond, and different options were discussed, but there was not anything concrete behind any of those efforts. CES had promised a funding mechanism to get the project done that was outside the normal means, something different.
- Both the Downtown Land Use Framework Plan and South Downtown Concept Plan were, at this point, aspirations because the City did not own the property.
- **Commissioner Churchill** added that CES had offered a creative solution. He agreed with Chair Klein that property rights were driving the South Downtown project. It was not like they were doing a taking and modifying property rights.
 - He understood that this Plan was how the City envisioned this space could be. Plenty of opportunities exist for that vision to be challenged, modified, softened, or weakened because the pressure would always be on the mighty dollar in development. But the City had to strive for and attempt to create a great space. Creating a central gathering place and encouraging individuality in development should be the top priorities.
 - Perhaps this was how Walker Macy interpreted CES's Pattern Language manual.
 - He agreed the City did not get the outside-the-box creative development model that they could have from CES, but it was not too late. The money was not necessarily wasted. Maybe this was a wake-up call to realize that they needed to go back and find a compromise between property rights and some creative gesture in the design.
- About \$240,000 total had been spent over the last 4 years on the South Downtown Plan; \$160,000 with CES and \$80,000 for Walker Macy.
- **Chair Klein** asserted that the City needed to stop spending money on and stop planning this project. They should figure out how to acquire the land and then move forward. Find a developer that wanted to spend the \$49 million to build this concept.
 - **Ms. Mangle** explained that this was how planning happens. The City's planners had worked very hard through several iterations of the Plan. While it contained a lot of gems, much of the Pattern Language did not make any sense. As the Planning Director, she was trying to figure out how the Code would need to be amended to achieve the concepts of the South Downtown Plan. The priority was keeping and magnifying the gems in the Pattern Language, and bringing it to a place where they could talk to others in the community about the Concept, and identify key features, like how people would

walk from Main St to the light rail station. This was one step forward in a way that was important for the community to understand. Private property owners were asking questions and wanted to get involved and were thinking about what they would do. The community is fortunate to have some property owners who were community minded. There was a lot that would need to be done, but significantly short of buying up all the property.

- This project was also important because it was where the light rail station would be located. It was important to understand connections to the station in order to plan for the future. This was a bold departure from almost any station area planning she had ever seen, and left them with many more tools than just whole block redevelopment and the formulas used at many other stations.
- The 10% federal funding loss on light rail could potentially result in a huge loss in quality for the platform and station as light rail passed through Milwaukie. Could that loss be offset through other means, perhaps looking at the Downtown Plan differently or using a phased approach?
 - **Ms. Mangle** noted staff was aware that instead of 2 platforms, there would now be one center platform. It was a big change, but was very site specific. No other changes were expected along the line, except maybe a little less bike parking and art. The single, center platform did not change the conversation about all the different elements along the line. However, it was important that they connected that center platform to the triangle site. Staff had some ideas about that, assuming the City wanted to do development on the site and wanted to move forward with planning the whole area.
 - **Mr. Asher** believed the best thing the City could be doing was just what it was doing. More people had shown interest in checking out and investing in Milwaukie since these drawings were put out to the public than he had seen in years. It was not just because of this project; light rail made people interested in Milwaukie. They would ask where the station was and what the City was planning to do. This type of planning was galvanizing.
 - The key thing staff always talked about was getting people down there, not wiping out buildings. They would find ways to do so, by using the existing buildings, food carts, art shows, etc. The worst thing the City could do was give up because light rail would be down there. People were going to want to build or invest down there.
 - This was the community's plan, including what went into the Pattern Language, and the current material presented, which was a refinement of that plan. It was a very different and difficult process because it does change. Making progress in any planning process involved having to let go of things. At the start, everything was possible.
 - The current Zoning Code and Downtown Plan were entirely inappropriate for this area, given what everybody said in this process.
 - The City did have means. It was not about finding \$48 million to buy up all of those properties and form a land trust; it was an aged process. There were a lot of things that the City could and should be doing to get to where the community wanted to go.
 - City Council and the citizens demanded something they could understand, look at, and discuss. They would not get everything they wanted, but they had to continue trying to implement as much of this Plan as possible; it was a step forward for Milwaukie.
 - **Commissioner Batey** recalled that Mr. Asher and staff did a framework plan for a triangular-shaped plaza that was totally different from this Plan. When the City determined what would happen with the 2 grey areas on the east side of Main St, they would find out whether they could keep the spirit of the patterns. If 2 big buildings were built as big as the illustrated grey areas, they would have lost the vision; but she did not think they were there

yet; it was too early to throw in the towel; \$80,000 was not an outrageous amount of money for this work.

- This was inspiration and there was a next step. As a community they had to continue that inspiration, grow and nurture it, and seek out unique ways to approach the Pattern Language. It was going to be a compromise. They were going to lose things, but they would also get new, better things.
 - The Commission needed to get City Council fired up about South Downtown and the City needed to look for possibilities, see what they could do with that land trust concept. They needed to create interest to start drawing people down there so people wanted to be there and recognize that it was an important place.
- **Chair Klein** recalled a promise long ago that for every \$1 spent in downtown, \$2 would go back out into the community. He was waiting for the \$500,000 to be turned back to the NDAs. He was not saying this was a bad plan or that the City should not move forward with it. The Commission just needed to be critical of the Plan. This thing needed to be beaten up.
 - Milwaukie was a bedroom community. Nobody worked in Milwaukie and nobody came to Milwaukie. People generally did not come to hang out in downtown Milwaukie. If they made Milwaukie a place where people wanted come, the neighborhoods could be fixed.
 - Less than 10% of the population was within walking distance of this site; more than 90% of Milwaukie's population would not come down to this area. If they made the City livable, these things would come, but right now they were not making the city livable.
 - The City did not need to dump all its money where less than 10% of the population spends their time. There was nothing there, and people could not get down there. The livability issue was not there, so they were losing residents living out in the surrounding areas because they did not have access to the downtown. The City was ignoring the economic interests located north of Hwy 224, where 75% to 80% of the population lived. The City was not doing anything for them.
- There was a strong fixation with downtown and trying to fix it. Other parts of the city should also be nurtured more fairly and at an appropriate scale. Maybe focus on pedestrian access across Hwy 224 and the train tracks. The Union Pacific mainline was both a barrier physically for pedestrian traffic and an auditory barrier from downtown. The City needed to look at links that pulled everything together and reinvest in other neighborhoods. Today, \$240,000 could go a long way.

Chair Klein read several emails he sent to the City, with additional comments as follows:

- "February 1, 2010: Alex, hey is there any news on Logus Phase II?" No response.
- "March 30, 2010: Alex, is there any movement on having Phase II transition into shovel ready?" No response.
- "June 11, 2010: Alex, where are we on Phase II? I believe I know the answer, but I still need to ask. Where are we on the design phase of Phase II to make this thing shovel ready? What I understand is projects that are shovel ready are more likely to find funding (stimulus money)."
- June 21, 2010: "Hey" and forwarded February 1 email.
- Received from Alex: "I believe you do know the answer but I understand you still need to ask. I'm not sure what to tell you beyond that, Jeff. I think that you're right about the design being the key step in advancing a project. However, given the scarcity of our resources our practice has not been to do design until we actually have a grant funding secured. Is this wise? Well, I'm sure we're leaving money on the table, but on the other hand we're probably pushing our staff capacity with the number of projects we do have."
- If the City was designing something before grant money or a funding mechanism was in place, how come it was not good for another?

Mr. Asher countered that was a completely unfair characterization. There were 5 projects or programs right now that had only to do and everything to do with the kinds of issues that Chair Klein was talking about.

Commissioner Churchill was especially pleased with the Monroe St bike boulevard, which was starting to achieve some of the connections and things Chair Klein wanted to achieve. There seemed to be a lot of gravity around downtown. Going back and fixing nodes in the neighborhoods would be a better-balanced approach.

- He also appreciated the efforts on the Quiet Zone Project. Hopefully, the UP mainline would be both a safe and a quiet crossing point.
 - **Mr. Asher** confirmed that both the light rail and Tillamook train lines were involved in the Quiet Zone Project.
 - He appreciated everyone's work and wished more resources were available. They were doing great things, and it was important to be open, honest, and forthright about everything and to hang in there and keep going.

Mr. Asher reviewed the next steps for the South Downtown Concept Plan as follows:

- The South Downtown Plan was presented to City Council last week. Council wanted a plan that the community could agree on; however, they would not be ready to adopt it until the new City Manager and new Councilors were in place. The Plan needed to be discussed in the context of all the City's priorities because of the expenses required to continue planning and then investing in the public realm and in the property the City owns. It would probably be into 2011 before a more formal step was made.
- Meanwhile, he and Ms. Mangle continued to talk to TriMet about what was intended for the area and what the City would give their design team when final design for light rail started in January 2011.
- Some developer interests were showing up. Staff was talking to property owners about whether they wanted to do something with the grey areas illustrated on the renderings and how the City could help guide that.
- Staff was looking at the City planning work programs to see if any regulatory items should be adjusted.
- The food carts, art projects, adding a second farmers' market, and other guerrilla marketing ideas had been discussed already as staff was trying to be creative and see how they could keep the Plan moving along. The energy was going to increase and if they had a clear vision of what they wanted, he believed they could get there.

Commissioner Churchill:

- Hoped staff and Councilor Loomis would take forward the Commission's concern about this latest plan. He would hate to have the Plan shelved, and no progress made over the next year. He hoped that this and the previous plan could be blended together. The graphic representation might not represent the golden nuggets buried in the CES Pattern Language. He worried that people would look back a year and half from now and miss the real creativity that was in the base plan, because people look to graphics as a final word.
 - **Mr. Asher** replied that staff was counting on the Group of Nine who understood what was in the Pattern Language to help them develop, articulate, and hold true to its principles.
- Said that would have a lot to do with how the station and the platform worked out.
 - **Mr. Asher** explained that the central platform was one of the cuts, but it could come back. While the light rail budget funding sources were fixed, the uses could change

because many costs were unknown. He reviewed the configuration of the proposed light rail tracks and platform, adding the City could consider designing a light rail waiting area to accommodate the change.

The Commission continued to Item 7.0 Planning Department Other Business/Updates.

6.2 Summary: Natural Resources Overlay Briefing #7
Staff Person: Brett Kelter

This agenda item was addressed after 3.0 Information Items.

Ms. Mangle introduced that Mr. Kelter would present three items to the Commission for discussion. She asked the Commission to keep in mind the broader perspective of this project: expanding the City's protection in the Natural Resource Overlay areas but in the spirit of Metro's Title 13 policy. This meant the Commission needed to figure out how to incentivize people to stay out of those areas instead of just requiring them to stay out. Staff would present and discuss some incentives for the Commission's consideration.

Brett Kelter, Associate Planner, presented the staff report, highlighting staff's recommendations for the three key discussion items and addressing clarifying questions from the Commission as follows:

- Adjustments and Allowances – 6.2 Page 5 Attachment 1 in the packet was an excerpt from the Draft Code Section 19.322.16, which he briefly reviewed. In the spirit of Metro's model Code, staff wanted to build in some flexibility to allow people to use a few adjustments without having to bump their application to a higher level of review.
 - He clarified that setbacks, not height, were the only base zone standard staff was currently asking that applicants be allowed to adjust outright.
 - Averaging would be considered part of the base zone in cases where averaging could be used for a front yard setback.
 - Staff would start by applying the existing rules and then the proposed 10% adjustment. This adjustment would not apply to Conditional Uses or Community Service Uses, which have special setbacks, and because the average would be similar to a base zoning standard.
 - 19.322.16(B) Adjustments to Lot Design Standards would only apply when a lot was being created, such as a partition or replat, allowing an adjustment of up to 10% for lot area, lot width, or lot depth, as well as reducing the required public street frontage up to 10%.
 - Striking 19.322.16(B)(3) regarding compound lot lines was recommended. If the City was going to require people to put a resource in a separate tract, those lines would often be jagged if they followed the wetland area or the edge of a creek. The current Land Division Code stated that tracts or parcels created especially for natural resources were not subject to compound lot line standards, since they would follow a natural boundary. The City would still want parcels to be fairly rectilinear where the parcels touch each other.
- Clustered Development – Onsite density transfer, 19.322.16(B)(4), would generally apply to specific situations in the city. The density allowed onsite would be maintained, but clustering would provide options and flexibility for the Commission and applicant, and prevent such small changes from requiring a variance application.
 - This adjustment only related to Water Quality Resource (WQR) properties or properties that have a designated WQR or Habitat Conservation Area (HCA).

- Trigger Distance – The distance from a designated resource that would trigger City action to protect that resource. Staff proposed changing the 50-ft trigger distance in the staff report back to 100 ft.
 - Current Code applied only to properties that actually touch the resource, but adjacent properties could negatively impact natural resources as well. The Commission needed to think about how resources could be impacted regardless of whether the resource was on the property.
 - Secondly, trigger distances would indicate when applicants would need to show staff a plan for managing their construction in such a way that erosion control, tree protection, and other measures are addressed appropriately when a project is close enough to a designated resource.
 - Staff decided that slope was hard to administer and difficult to get into the Code in a workable manner.

Discussion by the Commission and staff regarding the 3 issues continued as follows:

Trigger Distance:

- How trigger distance would be measured in sloped areas needed to be clarified because slope could be measured along the ground or the true horizontal. How distance is measured with regard to slope was dependent on the definition of terms.
 - Presently, staff would measure the trigger distance along the ground 50 ft or 100 ft back from the edge of the resource. However, if there was a 25% slope, perhaps other measurements should be considered.
 - The issue was whether or not slope would impact a natural resource, not just how far away a project is from the resource.
- Currently, the proposed Code only addressed development activities.
 - Some exemptions already exist related to everyday landscaping as well as prohibitions on storing uncontained hazardous materials, such as herbicides and pesticides, within WQR areas. Adding a list of pesticides that should not be used within the resource areas had been proposed, referencing or linking the language to existing regulations, but not redundant.
 - The use of hazardous materials is where slope becomes an issue.
- Currently, the City requires erosion control permits for certain projects with a main threshold of 500 sq ft of disturbance. Staff wanted the Commission's input about extending that distance, which would require erosion control for projects on the exempt list, thereby increasing resource protection.
- The trigger distance would be measured from the actual activity or project to the resource, not from the property line. The determining factor was the location of the project itself within that resource area or the 100-ft trigger distance, not the property as a whole.
- Staff also sought direction about an allowing an exception for projects separated from a resource by a paved roadway. This exception would provide staff some discretionary power to make reasonable allowances about erosion concerns if a paved road would reduce those factors.
 - The exception applied to properties across the street from a resource, not properties that contained a resource. A driveway separating a project from a resource that was on the same property would not be included in this exception.
 - Bigger projects would have erosion control measures in place.
- Different levels of concern existed regarding erosion control issues. WQR areas have the highest level of protection and protecting water quality would most often be impacted by water-based erosion, not by wind blowing soil into water resources, for example.

- The Building Department requires an erosion control plan for most construction projects, so erosion control measures like fences and bales would be appropriately placed.
- Would a demolition project, perhaps involving lead-based paint, be covered by this Code? Would staff be empowered to ask further questions to see whether it qualified for further review?
- This specific part of the Code regarded a construction management plan. The trigger distance would not trigger the whole Code, but would require doing a construction management plan once the map was verified to be accurate, or corrected if needed.
 - The Code was set up to apply rules for doing things inside the resource area. The trigger distance involved determining how close an activity could be without impacting a resource, even if that activity was outside the actual resource boundary.
 - The trigger distance would help the City identify and be clear about the boundary's location, and the applicant's construction management plan to address how not to disturb the natural resource.
 - The process should be fairly easy because most of the boundary verification work would come from staff evaluating maps and information. The construction management plan was mostly an erosion control plan with a few added factors, such as tree protection.
 - The proposed Code followed best construction practices. Most contactors were familiar with erosion control measures, so this was not an unreasonable request of applicants whose projects might impact WQR areas.
 - The Code provisions were aimed not just at professionals, but at do-it-yourselfers. Hopefully, the City would be educating the average population about these practices.
- Enforcement of these regulations would be similar to other parts of the Zoning Code wherein the City might not know about violations until after the fact or as a result of complaints. The City needed to establish rules so the standard was very clear.
- Staff believed using a 100-ft instead of 50-ft trigger would be sufficient, so a slope calculation would not be used. When submitting a construction management plan, an applicant would show slope and how they would prevent damage to the resource.
 - Some errors on the maps needed to be corrected, including 2 wetland areas that did not show any water resource.
- **Commissioner Gamba** believed it was a mistake not to account for slope when setting trigger distances. When trying to control material flowing with gravity, slope could not be ignored. Everything would go into the creek if there was a big enough rainstorm.
 - **Mr. Kelper** stated that he grouped slope with other issues like ground permeability, which were too complex to administer. This revision targeted activities that were too small to require an erosion control permit. He would agree with Commissioner Gamba if a big project was involved, but in that circumstance, an erosion control permit would be required.
 - The question was whether the proposed trigger distance would capture projects under that 500 sq ft disturbance threshold and allow staff to determine, based on the distance, if a project would impact the resource
 - The Commission could identify a slope percentage or grade that would be a concern. For example, if an applicant was 100 ft away with a slope less than "x" they would not have to go through the process.
 - The trigger distance could be 100 ft unless slope was involved, and then the maximum distance could be 120 ft, whichever distance was greater. The Code should address slope, perhaps pushing the project back another 10 or 15 ft, according to the grade percentage.

- Making the process too complicated would prohibit people from pursuing projects; people needed a solid number to work with. The City was trying to simplify the process so people would not be fearful of taking on projects.
- The City was not denying projects or creating further requirements. This was an opportunity for the City to watch more closely and pay attention to land use. Applicants would have to show how they were mitigating potential issues.
- Changing the trigger from 50 ft to 100 ft would compensate for a lot of slope, and the regulation would be combined with education about erosion control best practices from the Building and Planning Departments. If signs of erosion existed, simple, inexpensive erosion control measures could be put in place.
- If the water table was going to be impacted, it would happen whether projects were 50 ft back or 150 ft back from the resource. This was about the risk of erosion on the surface.
- Staff had done a good job in capturing the highest risks; if the water table was being impacted then further investigation could be done.
- As far as the roadway exemption, complications existed given the various types of roads in the city.
 - A road did not act as a buffer or help prevent erosion. Roads are not permeable, so contaminants could easily run into the creek faster.
 - Some restrictions already exist regarding runoff and pollutants in the right-of-way; it must be dealt with on one's own property. If there was a problem, staff would want to see the construction management plan.
- A trigger enabled the City to err on the side of caution and consider erosion control measures.
 - This part of the Code triggers the applicant to take additional steps like boundary verification with staff, and a construction management plan if any part of a project fell within the trigger area.

The Commission consented to retain the 100-ft trigger distance. Providing a sample construction management plan was also suggested for applicants to see they were not that complicated.

Clustering Development:

- **Commissioner Gamba** felt clustering should absolutely be allowed, not only for WQR functions, but as a general zoning concept across the city.
- Concern was expressed about the policy implying that simple projects would be approvable, and then after applicants invested in planning and design, the project might not actually be approved.
- **Commissioner Churchill** agreed in principle and liked the idea of flexibility, but questioned how sophisticated the clustering plan would need to be; he liked that it would come before the Commission.
- Staff wanted to be clear that the Commission consented to the clustering concept before developing language about the required criteria and documentation.
 - The standards for clustering development would be considered as part of the Residential Design Standards project.
- Staff sought input now because this concept supported the goal of offering incentives as well as regulations. As the City applied new regulations to lands with natural resources, this was one way to say they were not just taking away development rights. Applicants willing to exceed Code requirements could be given a little more flexibility, which was an important part of this Code project.

Staff would work on some items and return to the Commission about clustering development.

Adjustments and Allowances

- Staff suggested deleting base zone items (b) and (c) under 19.322.16(A)(1) so that the only allowed adjustment would be reduced yard setback standards of up to 10%. Any yard setback adjustment greater than 10% would come before the Planning Director or Commission as a Type II application.
- Concerns were expressed about adding the averaging concept on top of this allowed reduction. The averaging concept was just bad and needed to be addressed
 - For now, staff could specify that this change did not apply to the averaging, just as conditional uses and community service uses were excluded from this allowance.
- Having a jagged boundary line based on a resource that might shift over time rather than on a surveyable permanent property line was a concern. If a property changed hands, the new owner would not know where the jagged line was located.
 - Some jurisdictions require fencing to be placed along the boundary, which was a concern for wildlife.
 - The City does not know about projects or modifications on private property unless a complaint is issued or an application is submitted.
- The boundary line is based on the WQR, so it could always be measured. If the water table rose by 5 ft in the next 25 years, the measurement would be taken from the bank at that time out to that distance.
 - When a lot was partitioned, that tract was created based on the resource boundary line. If an applicant wanted to do a future addition, and if the resource had shifted, the applicant would need to establish another tract on top of that one.
 - **Mr. Kelper** agreed good questions that they should look at included some Code language so that when the tract was being created, there would be able to find some way to delineate it.

The Commission agreed with the proposed reductions and deletions.

Ms. Mangle distributed her notes responding to a prior request for information about what the City was doing to eliminate pollutants in the City water.

The Commission took a brief recess and reconvened at 8:03 p.m. after which the 6.1 South Downtown Concept Plan was addressed.

7.0 Planning Department Other Business/Updates

The Commission addressed this Agenda Item following 6.1 South Downtown Concept Plan.

7.1 New City Website preview/introduction

Ms. Mangle highlighted key features of the City's new website, which should go live in a week, noting that the Planning Department page would have a many items for the Commissioners.

- The new "Submitted Applications" link would show all the applications staff were currently reviewing; all Type II and Type III applications. Even items that were not ready to come to the Commission would be posted there.
 - Some supporting documents would be available to access as well. Such documents would be limited at first, because staff seldom receives submittal information electronically, but basic information would be posted and whatever staff could quickly scan in.
- The site included a map, although the City did not have a very good online mapping system yet. Right now, the maps would all be PDFs, which staff believed they could keep updated.
 - RSS feeds and Twitter would also be available so people could keep updated about what was going on in the City. No capability existed for Facebook at this time.

- Each department would maintain its own part of the website. Alicia Stoutenburg would be the Planning Department webmaster. Information Coordinator Grady Wheeler would be the webmaster for the entire site and would maintain the home page.
- An NDA resources page could be found under “Development Review” for the LUC chairs and would hopefully provide some training.
 - She confirmed that the entire application is sent to NDA LUC members. The applicant was asked to provide 20 copies of their application, sometimes of everything. Once things got online it would be better because more people would have access to information.

Chair Klein said he recently read an article about cities that were changing to iPads so that their Councils did not receive paper packets. The City was spending hundreds of thousands of dollars a year on copying services. A number of Commissioners have laptops and with WiFi network cables at City Hall, the Commission could go paperless.

- **Ms Mangle** commented that the Design and Landmarks Committee (DLC) had gone paperless. She noted applications came directly from applicants and would not be scanned in; perhaps the City would require electronic submittal in the future.
- The fact that some of the submitted plans were full-sized plans was also an issue.
- The website would help the NDAs in accessing application information. Staff sends LUC members what is sent to the Commission. Not everything could be sent, but more could be made available online, allowing more access to information for more people.

7.2 Pond House Deck modifications

Ms. Mangle read an email from Paul Shirey, City Operations Director and Applicant for the Pond House project approved by the Commission, as follows:

“Shortly after PC approval, facility staff began work on the deck and soon discovered that the dimensions of stairway posts and railing were such that a minimum width for the stairs themselves, 36 in, could not be met. There would only be 28 in available for the stair treads. As a result, we decided that it made sense not to build the stairs and to leave the south end open for emergency egress from the deck. This location is not immediately adjacent to the edge of the resource, as it would have been on the north end. Also, because of the grading, no stairs are needed for the egress to the south. It allows an at-grade exit from the deck to the landscaped yard area and then to the front edge sidewalk very quickly.”

- She noted that construction had paused, so the south end was just open. On the south end the pond curves away from the deck, so the area where people would walk in an emergency was not next to the creek.
- The Applicant had asked if the project still met approval since this was a change from what was approved. Because the result of the change was somewhat less in terms of impacts and activities than what was approved by the Commission, she believed the project still met approval. However, she just wanted to run it by the Commissioners for their input.

The Commission agreed with Ms. Mangle’s decision.

8.0 Planning Commission Discussion Items

Commissioner Churchill asked for more information about the 50% and 60% federal funding associated with light rail and when the funds would come in. It would be great for the Commission to be updated on items like the platform change. There seemed to be more going on behind the scenes that would be helpful for the Commission to understand. He wanted to understand what items were on the menu so the City’s portion did not get lost.

- **Ms. Mangle** said staff was planning a Downtown Light Rail workshop in November. Currently, she was pulling together all the visual materials about what was being planned, and the choices the City would be able to make. The City would not have control over some features. She would update the Commission when a final workshop schedule was set.
- There was no relationship between the federal funding change and what Milwaukie expected from the project. The City still cared about all the things that had been discussed with TriMet about the quality of design and would still hold their feet to the fire on those issues. Whole pieces of the project, like the pedestrian bridge, were not being cut, but parking garages were smaller, for example.
- The funding assumptions changed only about 6 weeks ago. She agreed to follow up with the facts and would send information to the Commissioners via email to discuss at the next meeting.

Commissioner Batey:

- Inquired whether somebody else was planning to annex on Harmony Rd behind the apartments. Some construction was occurring behind there and she hoped it was not in violation of the agreements the City had with the County.
 - **Ms. Mangle** clarified that half the apartments were in Milwaukie and half were on County land. She would check into the matter.
- Asked if staff was planning to cancel the second meeting in November, which was the Tuesday before Thanksgiving. She would not be able to attend.
 - **Ms. Mangle** replied she did not know yet, and asked the Commissioners to let her know if they would be unable to attend that meeting.

Commissioner Churchill stated that he would likely be gone as well.

Chair Klein stated that a neighbor in his Llewellyn neighborhood contacted him about the fiberglass business located on Johnson Creek Blvd on the south side by the bike path. They claimed that the fumes coming from that business were excessive. The NDA co-chair also noticed that the fumes were very excessive. The business was going through some sort of permitting process and the neighbors planned to go and raise awareness about this because the fumes were so bad.

- **Ms. Mangle** said that she biked by that business every day and had noticed a lot of different strange smells in that corridor. She asked that Chair Klein follow up with her.

Chair Klein thanked Councilor Loomis for attending.

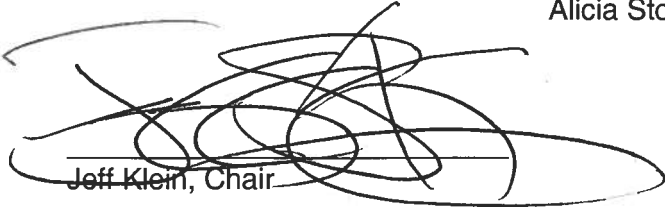
9.0 Forecast for Future Meetings:

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|------------------|---|
| October 12, 2010 | 1. Public Hearing: AP-10-01 Appeal of Director's Determination re: LED signs in Downtown |
| | 2. Worksession: Land Use and Development Review Process Tune-Up briefing #5: Review Conditional Uses, Amendments, and Development Review draft chapters |
| | 3. Worksession: Comp Plan – Thinking About, and Planning For, the Future |
| October 26, 2010 | 1. TBD |

Meeting adjourned at 8:53 p.m.

Respectfully submitted,

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



Jeff Klein, Chair