

**CITY OF MILWAUKIE  
PLANNING COMMISSION  
MINUTES  
Milwaukie City Hall  
10722 SE Main Street  
TUESDAY, February 22, 2011  
7:00 PM**

**COMMISSIONERS PRESENT**

Nick Harris, Vice Chair  
Scott Churchill  
Lisa Batey  
Chris Wilson  
Mark Gamba

**STAFF PRESENT**

Katie Mangle, Planning Director  
Li Alligood, Assistant Planner  
Damien Hall, City Attorney

**COMMISSIONERS ABSENT**

Jeff Klein, Chair

**1.0 Call to Order – Procedural Matters**

Vice Chair Harris called the meeting to order at 7:02 p.m. and read the conduct of meeting format into the record.

**2.0 Planning Commission Minutes – None**

**3.0 Information Items – None**

**4.0 Audience Participation – This is an opportunity for the public to comment on any item not on the agenda. There was none.**

**5.0 Public Hearings – None**

**6.0 Worksession Items**

- 6.1 Summary: North Clackamas Park North Side Master Plan Discussion  
Staff Person: Li Alligood

**Li Alligood, Assistant Planner**, provided a brief staff report, noting that the worksession was to address questions raised by the Planning Commission at the public hearing on July 27, 2010.

She briefly reviewed the Commission's requests as follows:

1. Present the North Side Master Plan in the context of the entire park.
2. Explain the timing of the proposal and the time lapse between the final plan and the City's legislative application.
3. Discuss how parking functioned throughout the park.
4. Describe the alternatives considered when deciding where to locate different uses, specifically with regard to the southwest corner of the park.
5. Consider adding language to the plan to ensure that the creek was allowed to adapt over time.
6. Provide information about potential grants and the impact of a Master Plan adoption on eligibility for the grants.
7. Explain how what was finally adopted by City Council differed from what was adopted by the Commission regarding the ball fields application CSO-05-02.
  - She noted the staff report for the CSO-05-02 appeal outlined those differences and

was included in the meeting packet.

**Michelle Healey, Manager, North Clackamas Parks and Recreational District (Parks District)**, introduced Katie Dunham, a planner with the Parks District who had been working on the park master plan project all along.

**Katie Dunham, Planner II, Parks District**, reviewed the North Clackamas North Side Master Plan Map and its key features via PowerPoint, providing background about the Parks District and North Clackamas Park (park), and addressing the questions posed by the Commission in July 2010, all of which was included in the meeting packet. She noted that adoption of the Master Plan would formalize the community's vision for the North Side of the park and provide guidance for future improvements, which does not currently exist in the City's Comprehensive Plan.

**Ms. Dunham** and **Ms. Healey** responded to clarifying questions and comments from the Commission as follows:

- While the staff report noted a shared use of the ball fields for soccer, no soccer was taking place due to how busy the fields were currently; however, the fields were available for soccer or ball field use when scheduled events were not occurring.
  - Soccer could be played during available open time at the fields. Club teams or a group of people wanting to play soccer would be directed to certain times to use the field. The field could also be used spontaneously if no tournament or game was occurring at the time. The fields were youth size, so would not be used formally by an adult team, though pick-up games were possible.
  - There was no formalized use or scheduling for the fields. Field maintenance was an issue due to the current high usage. Soccer use was encouraged where more space existed, such as at Alder Creek, Hood View, or at the high schools.
- The equestrian arena facility has been at the park for a long time, but over the years the scheduled events of the past have died off. There was some infrequent use, but it was not being used to its maximum capacity. The Stewardship Committee for the park has been discussing how to promote the facility.
- The parking management plan, developed when the ball fields were completed, did include a shared parking agreement with Turning Point Church. The Parks District found that parking was not an issue on a regular basis; the existing parking was sufficient for all the uses within the park.
  - The additional area shown on the map indicated a reconfiguration of the existing gravel parking that currently accommodated about 25 vehicles. The number of parking spaces and details would be part of a future land use application.
  - One reason for changing the parking regards a crushed culvert on Mt. Scott Creek.
  - The uppermost parking shown was partially located where the picnic structures are currently located.
- The project timeline shown for the Mt. Scott Creek Restoration Project was pretty aggressive. The project had been presented to the community, but it was unlikely that the application would be presented in June. The Parks District just wanted to make the Commission aware of the project.
  - Each piece of the Master Plan would come before the Commission for review and further adjustments could be made.
  - The project had survived the first cut from Metro in the grant award process. If it was grant-funded, this project would likely come to the Commission first and addresses a lot

of the natural resource improvements proposed in the park. Currently, the Parks District does not have any funding budgeted to do any park improvements, so grant funding would be necessary.

- The new restrooms on the north part of the park would be on sewer service.
- Provisions for telecommunication facilities had not been considered in the Plan.
  - Such areas were ideal to install a telecommunications facility which would be incredibly income-generating.
- The Parks District was trying to comply with the County's Sustainability Plan and had looked at some sustainability improvements in some other parks. If the parking lot was permitted, they wanted to look at best practices for stormwater management and water quality treatment. Natural Resource Coordinator Tonia Burns has been working at the park specifically with the stream and creek.
  - Other communities might be good resources for specific practices or new ideas, like using alternative pest management, keeping the green waste on site, etc.
  - The Parks District does pay attention to available sustainability options.
- Was there a timeline for the equestrian arena facility where an alternative would be considered due to inactivity? Removing the "keep out" signs was suggested.
  - There had been talk over the years about the arena having to stay in the park because it was restricted in the deed. An attorney was currently reviewing the matter. No timeline for changes was proposed for the arena, but steps were being taken to get information as to what it might take if that discussion were to happen.
  - Part of the arena redevelopment was partially funded by a grant through the Oregon Parks and Recreation Department, which was something to consider if that part of the park were to be replanned or redeveloped.
- Over the years, the Parks District had talked to a variety of different park agencies and had visited many different dog parks during the planning process. Ultimately, having more facilities throughout the district was the goal. More space was needed because the park was popular. Ms. Healey would prefer buying additional land for a dog park rather than doing such improvements at the park. In talking to other agencies, they found dog parks were a challenge for everyone in some form or fashion.

**Commissioner Churchill:**

- Advised that the Parks District to talk with the Gabriel Park manager, as it was one of the better managed parks. One thing Portland Parks and Recreation did was give the summer dog park a rest by closing it and opening the winter dog park, which was primarily sand and acts as a bioswale of sorts.
- Suggested using the arena as a multi-use facility since not a lot of equestrian activity occurred in the winter. The arena could be reconditioned. Equestrians have complained that the arena turf was pretty horrible, and they would not bring their worst horse to the arena. Closing it for winter dog use and getting it back in better shape for equestrian use in the spring might make better use of the same space without having a deed restriction challenge. This would also allow the dog park used for summer to recover during the winter.
  - **Ms. Healey** agreed being able to alter the dog use areas was a great option. She noted the arena footing had been improved quite a bit and had much better drainage. The Parks District would need to do some public outreach before implementing the multi-use plan suggested. It was something to consider, and it would be great to reduce some of the demand in the existing dog park.
- Added if it was not in the arena, some other portion of the southwest corner of the park would be a good spot to consider. This would enable the dog park to recover since it was so

heavily used.

**Commissioner Batey** commented she was probably the most supportive of the Master Plan back in July. Her biggest concern was that she did not want any more pavement in the north side than necessary. She would be watching the wording in the findings of the staff report regarding the new parking lot on the north portion.

- Parking lots should not be built for the worst day. The parking stress was coming from the ball fields. Instead of the ball field overflow being channeled to the church, it was going into the Milwaukie Center lot. She wanted to see compliance with the ball field parking overflow going to the church so parking could be preserved for other uses in the area without laying a lot of new pavement.
- Otherwise, the Master Plan looked great.

**Commissioner Gamba:**

- Agreed with Commissioner Batey on the parking lot issue.
- Stated the subject area naturally would be a flood plain. To be the best habitat possible, the area needs to be able to flood where it wanted. He understood it had flooded quite a ways into the park even without having 100-year flood events.
  - **Ms. Healey** replied the park does experience flooding during high rain events.
- Asked if the flooding issue had been considered in this Plan and had they looked into extending the riparian area to allow braiding so that the creek flows naturally.
  - **Ms. Dunham** responded the initial plan is to expand the wetland buffer outside of the 50-ft line to 70 ft. This began when the south side of the park was developed.
  - **Tonia Burns, Natural Resource Coordinator**, agreed a natural flood plain would have a lot of braiding. The issue was balancing uses in the park and the City needed to decide what to use the land for. There was probably a braid that went from Mt. Scott to Camas Creek in the upper area and another one a bit lower that connected the two more often and possibly with wetlands in between which might still exist. Currently, a picnic area was located there which was popular in the summer when it was dry. If the area was to become more natural, decisions needed to be made, such as moving the picnic area or limiting access to certain areas. It was a matter of balancing what the community desired and what nature needed and desired.
  - **Ms. Healey** stated that the park was identified as an important resource in the watershed planning for the whole Mt. Scott area. The Parks District was working to do the best improvements possible while still making it available for citizens to use as a park. Oregon Department of Fish and Wildlife (ODFW) and other regulatory agencies had offered some best practices and best ideas. Within the grant application, they were trying to do things to improve the creek, such as taking out the crushed culvert to improve the creek's natural flow. There were constraints up and down the creek that had an impact on how flooding occurred in the park. It was a big watershed-wide effort. The Parks District would do their best to work with the regulatory people and Clackamas County Water Environment Services (WES) to be the best stewards they could for the park, while still allowing access to it.
- Suggested looking at the natural flow of the creek and then determining where to place the picnic area instead of the other way around.
  - **Ms. Healey** stated they tried to look at how the flooding occurred, which varied in the wintertime versus summer. They did not want to disturb more of the park than necessary and were trying to provide the best access possible, which involved making choices and balancing. The Parks District was always willing to consider doing things differently and

was open to suggestions.

- They have worked to protect some areas, like the Camas Creek area behind the Milwaukie Center (Center), as well as create some reserved areas for wildlife and expand the buffers. The Parks District recognizes the need to protect natural resources, but also wants to let people access the facility.

**Elizabeth Young, 10232 SE 37<sup>th</sup> Ave, Milwaukie**, stated that she served on the Friends of Milwaukie Center Board of Directors. She was concerned about the traffic pattern in front of the Center where 12 ADA spaces exist. It was important for the Commission to understand what occurs when events take place at the Center, which was two, three, or more times per week. People parking in the ADA spaces had trouble moving around. One or more busses are often parked in front of the Center to load and unload visitors, which served not only senior citizens, but those who with Alzheimer's or are paralyzed. The buses could be parked there for an hour or so, making it difficult for those parking in the ADA spaces to access the building. Those in the ADA parking spaces have to cross through that same, very narrow space where active families and others pass through, hurrying to get to the dog park or other areas. This did not make sense and was not a safe situation. She believed that area should be just for patrons of the Center and indicated that those going to the dog park should use a different route.

- She clarified that the Board of Directors had sent the Commission the letter in the packet; she was speaking personally tonight.

**Commissioner Batey** noted the letter that came from the Board had photos attached and also showed the busses sitting there. She asked why the busses stayed there instead of offloading and moving so they were not a visual obstruction.

- **Ms. Young** replied she did not know and had wondered the same thing. She agreed moving after offloading would alleviate the congestion a bit, but it was not the complete answer.

**Dick Shook, 4815 SE Casa Del Rey Dr, Clackamas County**, stated he has been a neighbor of the park since 1976. He agreed the congestion in front of the Center was a problem. Many of the people arriving needed the hydraulic lifts on the bus and each individual took a while to load and unload.

- He noted there used to be some great events at the horse arena, such as equestrian shows, dressage, and even small jumping events. After the arena was rebuilt, the access had not been advertised, and it had been confusing to get back there. He had sat in on a lot of the Stewardship Committee meetings, which included an equestrian representative and the arena is being used and had been picking up a bit this winter.
- One thing proposed at a recent Stewardship Committee meeting was to install a handicap mounting facility to bring in some programs that used horses and horseback riding with handicapped individuals. He heard that Clackamas County had one of the largest equestrian populations in Oregon. Use could increase with marketing and promotion. The person representing the equestrian people on the Stewardship Committee was working with the 4-H program and hoped to develop a summer program for a horse show. When it rained during winter, the whole park was wet. It was a flood plain, so reduced use should be expected during the winter.

**Commissioner Wilson:**

- Asked if the low use of the equestrian area could be caused by the fact that it had been very popular, underwent renovation, and then was forgotten; but now it was starting to pick up again.

- **Mr. Shook** believed that was true. The arena was virtually closed for almost 2 years right after the ball parks opened. This was partly due to renovation, but also because the gate to the access road that came down the south side was locked and there was no signage to direct equestrians how to access the facility. With marketing and promotion, use at the arena would increase, but it was not like ball games where tournaments were more frequent and long lasting.
- He agreed that maybe a timeline was needed if the deed restrictions were lifted. He suggested keeping track of the usage over the next 5 to 10 years rather than arbitrarily removing the arena.

**Vice Chair Harris** stated that in light of the citizens' comments, when the Applicant returned with the Master Plan, it was important to look at the traffic flow past the Center. He suggested designing a holding zone for buses so they would not have to stay parked in front of the Center, possibly on the north side of the parking lot. Perhaps, it could be turned into 2-way traffic along the east side of the aisle.

- **Ms. Healey** stated the Parks District was concerned about the patrons of the Center as well as park users in general, and wanted the parking lot to be as safe as possible. Different configurations were considered when planning for the park, and they were open to conditions being required when the parking lot was discussed. She did not know the level of design work that was possible right now, but they could come up with different ideas for when the parking lot design took place.
- Asked how much maintenance was done on the footing for the arena currently.
- **Ms. Healey** replied that did not know the answer, but would find out.

**Katie Mangle, Planning Director**, reiterated that this was a worksession, noting the public hearing would be reopened and that all the material and minutes would be included in the record. She asked if the Commission received the answers they needed for the questions asked in July, and if they were comfortable reopening the public hearing to discuss the Master Plan. This was a legislative application, not minor quasi-judicial. The Commission had the chance to help craft the Master Plan and add suggested language into the document of specific things that would need to be included or considered for further development applications.

**Commissioner Gamba:**

- Asked whether staff wanted the information the Commission wanted to see in the Master Plan now, so it was already included when it returned for the public hearing.
  - **Ms. Mangle** replied specific things could be addressed now, but the Master Plan also was going to City Council, so did not need to be completely final at the Commission hearing.
- Stated the parking lot was problematic in several ways including: traffic issues in front of the Center, paving something that was currently permeable, adding parking that might not be needed, and paving something in a flood zone area that might be unnecessary. He would welcome the removal of the parking lot.
- Would like to see how the Master Plan could be adjusted to allow for braiding. The interconnection between Camas and Mt. Scott Creeks was pretty basic.
- Believed that addressing the arena was pointless due to legal restrictions.

**Commissioner Churchill** stated that he would like that to be explored further. Because the dog park was in a flood plain, extra care of the site was needed. The impact on Gabriel Park from dog walkers and their dogs caused a lot of harm, and it needed a break. Especially since it was a flat site, he strongly suggested that a winter park designation be considered. This would help

drive maintenance costs down and could be combined with or adjacent to the arena. He would like to see this as part of the revised application and public hearing discussion.

**Vice Chair Harris** stated that one issue he had last year was a Master Plan for a site that really only encompassed half the site. However, the Parks District had done what staff asked them to do: develop a Master Plan for the north half of the site. It looked like that precluded considering a dog park in the southern portion of the park. He asked if the Master Plan could be expanded to include the south side.

**Commissioner Batey** asked if the fact that this was a Master Plan about the north side precluded the Commission from having findings that addressed the arena or other uses in the south side of the park.

- **Ms. Mangle** responded that all the work that went into the Master Plan over the last several years needed to be considered. Many community meetings and discussions were held, and she believed some did include looking at the southwest corner of the park with the parks group. She was not sure what parameters were put on the project or participants. It was important to not change the rules this late in the process if it changed some of the assumptions of those who worked to develop the Master Plan.

**Commissioner Churchill:**

- Was concerned that a section of the park was being ruled out. At the last hearing they discussed looking at the southwest corner. He appreciated the work done through the multiple public hearings, but not addressing the southwest corner of the park was a missed portion of the Master Plan and it deserved some attention. Not that all the public hearings needed to be revisited, but some of the Commission's concerns should be addressed since the Parks District was requesting the Commission's support. The issue would be raised, and they should be prepared to discuss it.
- **Ms. Dunham** noted that a lot of public involvement was done throughout the process for the north side of the park, which included looking at the south side of the park as well as the dog park and whether it would be best planned to be at the arena or in the southwest section of the park. A large group of community citizens spoke out to say that would not be a good location for the dog park at this time. If the south side of the park were brought in at the next Commission meeting, and moving the dog park or changing the use of the horse arena were discussed, the Parks District would have to go back through an entire public involvement process to make that type of change.
- Stated the fact that the southwest corner of the park was discussed in those public hearings, but now the Parks District was coming to the Commission with the request not to discuss that area was inconsistent. The Commission wanted to discuss that area.
- **Ms. Healey** stated that during the planning for the north side of the park, the Parks District discussed moving specific elements to the southwest corner. Through that public process, the majority opinion was that was not where they wanted to go as a community. The Parks District was bringing the outcome of the whole process to the Commission. Because it had been discussed, they would need to go back out into the community and reopen the issue to let them know they wanted to revisit it and make changes. The Parks District did not want to make changes after the public had clearly said no in the planning process. There was so much history in the park. The goal in bringing this concept to the Commission was to present an overall picture, because the park had been piecemealed to date. They agreed to bring some concept for the north half which people were really concerned about. If the Commission wanted to reopen and revisit the issue, they would probably need to talk collectively about whether to invest in redoing a public process or

not; however, that funding was currently not available. The work that had already been done had cost \$50,000. Not to discredit the Commissioner's comments, but public process was indeed an issue.

- Stated he was frustrated. At the last hearing, the Commission had asked the Parks District to look back at the southwest corner of the park, as it was an important part that was not being studied. A Master Plan should address all portions of the park. Now the Commission was being advised that this had been discussed at public hearings before, but it was not part of the Plan and sort of an untouchable zone.
  - **Ms. Healey** stated that it was basically left as unprogrammed area that was open for things such as kicking a soccer ball around or equestrian use. Through the public process, that was what was left. If that were to be changed, there would need to be a public discussion. What was there was pending some future decision by the Commission or the City to do something differently. There was no capital funding available to change the south side nor was there anything in the Master Plan or Comprehensive Plan to change the south side.
- Noted some Commissioners would like to reduce hardscape, which would be a way to transfer capital funds and address some of the questions raised about the southwest corner of the park. He understood there were hearings that expressed a desire not to discuss the southwest corner of the park, but this body did not want to rule out that area.

**Commissioner Batey** confirmed that a lawyer was looking at the deed restriction issue. If one existed, the City was stuck for a portion of this. If no deed restriction existed, the question became whether there should be some kind of measure of an existing amenity that could be put to better use. Could something be done in this Master Plan, even though it was nominally the north side, to put some timeline on the arena, etc., for example?

**Vice Chair Harris** stated that beyond the arena, it looked like there was a lot of room for an off-season dog park in the unprogrammed play area.

- **Ms. Dunham** stated on 6.1 Page 4, under #7, part of the original application CSO-05-02 approved by the Commission for the south side of the park did include a soccer field in the southwest section of the park, north of the arena. During the 2005 appeal process, the decision was made and the final decision designated the soccer field as a youth soccer field, moving it to softball field #4 and leaving the area north of the arena as unprogrammed play area so it could be used however people needed or wanted. In 2005 and throughout the north side planning, the Parks District looked back upon that land use decision, and decided that the area would become unprogrammed play space. This was a piece of the history that is the south side that became part of the planning for the north side of the park.

**Commissioner Gamba** asked if the main concern was creating an off-season dog park in that corner of the park or that it appeared to be an unplanned portion of the park.

**Commissioner Churchill:**

- Responded it was both. He strongly encouraged discussions with the managers of Gabriel Park and to look at the damage on that property, which was not even in a flood zone but on a fairly hilly site with good drainage. In the interest of protecting County dollars and keeping maintenance as low as possible, the Parks District should give the dog park a chance to recover. The southwest corner provided a perfect opportunity. Even if it was just to the west of the arena, there was enough area to put in a winter dog park. The cost was miniscule and would help long-term maintenance costs and help the summer dog park recover so there



was no long-term reseeding or reparations. He wanted the overall use to be considered. This area was an eighth of the park that really had not been addressed. Given they were going to be looking at the legal implications of the deed restriction around the arena, he asked they also look at the southwest area.

- **Ms. Healey** suggested a condition of approval would be to do a public process to consider doing a seasonal dog run or something in the Master Plan for the north side, stating the Parks District needed to look at how the dog run was operated. Providing that direction would help the Parks District go back to the public without stopping the current process. Also, some considered unprogrammed space to be a programmed use. While a lot could be done in that space, the Parks District heard loud and clear during the south side process that a lot was being crammed in and some space that was open was desired. The unprogrammed space was used and considered an amenity; discussions would need to occur if they wanted to change and develop the unprogrammed use.
- Stated that in looking at the footprint of the large dog off leash area and the unprogrammed area, there would be minimal impact to the overall unprogrammed area in the southwest corner. Something even 3/4 the size of the large dog off leash area could fit easily within the unprogrammed areas and still leave a lot of unprogrammed area north of the arena. He encouraged the winter dog park option be considered. Not much maintenance was required, which would save money.
- **Ms. Healey** stated the Parks District would certainly consider the arena.
- **Ms. Burns** presented a diagram and stated the idea was to revegetate that whole area and have a trail that would connect to the loop trail for walkers. She also noted mitigation areas for swales.

**Vice Chair Harris** commented that the displayed diagram showed planning for the southwest corner that the Parks District did not want to put in the Master Plan for the park.

- **Ms. Burns** responded the diagram showed the plan WES was putting together. Currently two wetland mitigation areas were planned.
- **Ms. Healey** noted the Parks District clarified with the consultants that the trail was not in the plan for the south side. No plan existed to return with a paved, improved trail. The vegetation within the riparian area and wetland mitigation area was already part of the south side work being done.

**Commissioner Churchill** clarified he was not recommending putting a winter dog park in a riparian area; maybe it needed to go on the east side of the arena. He asked that the Parks District consider conceptual ideas. If they were not going to at least put it in the Master Plan on the north side, they should address the southwest corner of the park.

**Commissioner Batey** stated the fact that the Gabriel Park winter park was sand could make it possible to have a shared use for the arena, which seemed to be sand; in winter a dog park and in summer a horse arena.

- **Ms. Healey** stated the Parks District could talk to people about using the arena in the winter. They respected the public process and had learned from experience the importance of making sure they respected the public process.

**Commissioner Gamba:**

- Noted the material he read stated no additional parking was needed, so asked why additional parking was planned.
- **Ms. Healey** responded that part of that parking lot was an existing gravel lot used by Center patrons, people picnicking on weekends, etc. When the south side was finished,

there were concerns about more parking being needed and better, improved parking closer to the Center was requested. The Parks District was open to leaving the gravel lot as is or doing some improvements to it without expanding the parking. Parking had been able to be managed within the current uses. If the park was improved, more people could be coming which needed to be taken into consideration; however, the proposal was not for more intensive uses that would draw that many more people.

- Supported getting rid of damaged culvert and improving the water or fish passage and leaving the parking lot gravel for the time being.
  - **Ms. Dunham** explained that at this time, a larger parking lot was not being presented, but at some point, that parking lot could be improved to improve the creek and the surface of the parking lot. At this time, no funding was available to do this project, and that would be a future land use application. The Parks District did want to maintain the approximately 25 parking spaces that existed. Four spaces were saved for Center busses that parked there on a regular basis.

**Commissioner Churchill:**

- Commented it looked like a larger footprint was being shown on the plan.
  - **Ms. Dunham** responded that the plan was conceptual. Before it had been presented as 40 parking spaces; at this time they just wanted to continue having parking in that location for the Center and dog park.
- Noted that conceptually, they were doubling the square footage of the parked area.

**Commissioner Batey** stated the proof in the pudding would be what the findings and conditions said and how the Commission could condition it.

- **Ms. Healey** stated they heard those concerns at the last hearing and had actually pulled back on the size, because they did have 40 spaces and a larger area. The Parks District also wanted to change the language in the document to recognize that they should take a closer look at really how much parking was needed. Although they had not changed the drawing, they had changed the text.

**Commissioner Wilson** stated Mr. Shook had a great point about why the equestrian area use had waned. Mr. Shook's suggestion about waiting 5 or 10 years raised the concern that something would be created that would really inhibit the use such as a shared use. It seemed to be a great thing in the past and it could be a good thing in the future given the right amount of publicity and maybe some signage. Leaving the dog park fallow in one area and using it in another area such as the east side was a very good idea. The equestrian area should continue to be supported and more so with signage and publicity.

**Ms. Mangle** stated staff would work with the Parks District to see what kinds of changes could be made to the actual Master Plan. The continued public hearing would be scheduled and renoticed, because it had not been continued to a date certain. A sign would be posted on the site and notice mailed to everyone within 300 ft and those on the interested persons list. Everything from this meeting would be in the record and available to anyone who wanted it at the hearing. They would bring back the best shot for the Commission to decide what to do at that point.

## **7.0 Planning Department Other Business/Updates**

### **7.1 Summary: Planning Commission Notebooks and Code Binders**

The Commission proceeded to Items 7.2 and 7.3, which were added to the agenda.

## 7.2 Summary: Electronic Sign Code Amendments

**Ms. Mangle** explained this update was intended as a follow-up to discussion at the last meeting; not of the Code amendments themselves, but just the project management side. Because this specific project was driven by the Commission and staff's workload currently encompassed several large projects, she wanted to be clear about the Commission's direction and schedule regarding these Sign Code amendments.

- Milwaukie Code amendment procedures were distributed to the Commission, including an 11x17 sheet illustrating the detailed adoption schedule for updating the Sign Code in downtown only, and also regarding electronic billboards citywide.
- Staff sought feedback from the Commission about whether to focus only on the downtown-only aspect of the Sign Code, which would address the '76 Station, or also deal with the larger citywide problem of electronic signs.
- She wanted to acknowledge that even if moving either project along at a pretty good pace, neither would be effective probably until August because of the work that would need to be done; the larger citywide project would certainly not be effective until September at the earliest.
- A third option would be having the applicant submit an application on their own timeline and take on more responsibility themselves. They would still have to go through all the steps noted in red in the procedures, but it would probably put a little bit more of the burden on them to craft the findings and conditions and take responsibility for some of the public involvement.

**Commissioner Wilson** stated his frustration during the first hearing was if the Commission made a choice to go ahead with the application, it would create a way for other applicants to come in and do the exact same thing all the way down Hwy 99E.

- **Ms. Mangle** clarified that was an appeal of the Planning Director's interpretation of the existing Code. Upholding that interpretation kept the door closed on reader boards in downtown. During the decision, it was agreed the Planning Director was interpreting the Code correctly, but some Commissioners also wanted to change the Code so there would be some reasonable allowance for these kinds of signs. The applicant did a really good job of crafting what that could look like, but it did not take them all the way there.

**Commissioner Batey** stated if they were going to do it, why not just amend the whole Sign Code.

**Commissioner Churchill** stated if it would only take an additional month, they should go citywide.

**Commissioner Wilson** understood that Option 3, the private initiation of a legislative application, would not create the same problem, because that was specifically the Director's interpretation, etc.

- **Ms. Mangle** responded yes, this would be their application to amend the Code which was different than an interpretation of the Code; this would be new Code.
- She confirmed that Option 3 targeted their specific issue and so would be downtown. With the legislative application, the Commission would get to tinker with it and craft it, but it would not be opened to address other issues.

**Commissioner Batey:**

- Asked what the City had heard from citizens on the readerboard sign. Commissioner Gamba had received four calls, and she talked to one Neighborhood District Association (NDA)

leader who was just appalled by it.

- **Ms. Mangle** stated staff had not heard that much from citizens, but it had not been turned on very much. The sign permit had not been issued yet, but when it was staff would probably get more calls.
- Stated her concern was not just the readerboard aspect of that sign, but the sign was completely too big. Even if it were a sign for the business that it was sitting on, the sign was way too big for that building; it was completely disproportionate. If the Sign Code allowed for signs that big on the buildings, the Sign Code was really broken. She believed the Commission needed to prioritize.

**James Crawford, 12620 SW Foothill Dr, Portland**, stated the reason they were considering Option 3 was to move things along. They had an appointment with a judge in May. A fourth option would be for the Commission to direct the Planning Department to give this a higher priority, move it to the top of their workload, and get this resolved by April which would allow for the required 45-day notice to the State. If the City was looking at this as an issue, and the Commission saw it as a favorable recommendation to go forward to Council, they did not want to get fined by the judge in May only to have this all legal 2 or 3 months later. Option 3 was being considered in order to expedite this for an approval prior to seeing the judge.

**Ms. Mangle** confirmed it was not possible to have an effective date in April or even mid May with Option 3.

**Commissioner Gamba** believed the better option was to do whatever the Commission decided, whether downtown or citywide.

**Vice Chair Harris took a straw poll about whether the Commission should focus the Sign Code amendments citywide or only downtown with Commissioners Churchill, Batey, Gamba, and Harris voting to go citywide, and Commissioner Wilson voting for Option 3 to allow the applicant to move forward.**

**Commissioner Gamba** asked if the City could write a letter to the judge to say the amendments were moving favorably, would probably be resolved but probably not until September/October if the Commission decided to go citywide.

- **Ms. Mangle** advised that would be more appropriate coming from the Commission and not staff.

**Commissioner Wilson** noted staff had a huge load on their plate over the next months, and this was yet another huge project they were being given.

**Ms. Mangle** stated the conversation had not gone outside the Commission; staff had not yet talked to Council, Historic Milwaukie, etc. She noted that what might seem like a good idea in the room, might not have support to adoption. The legislative process had not been started yet. If the interested Commissioners and Applicant helped with those conversations, the process would go faster; if it was only she and Mr. Marquardt, the timeline would go beyond September.

**Commissioner Batey** confirmed that if it was citywide, the City would need to do outreach to all the NDAs in addition to the other groups mentioned no matter which scenario was chosen, except for Option 3.

**Commissioner Gamba** asked if staff expected pushback if the Commission was attempting to

make the '76 Station sign legal, and prevent signs like that on North Industrial from happening anymore in the city.

- **Ms. Mangle** answered yes, from property owners and sign companies. Four people showed up to the Code Tune-Up project hearing, and one was from Clear Channel. Every building owner had the right to have Clear Channel rent that capacity from them. In some ways, writing the Code could be the easy part on some of these projects. With the citywide project, she did not believe they would address sign size, but would focus on technology, and on some things the Code was silent on; or mimic some of ODOT's existing regulations, so they could say they were not actually changing anyone's rights because it was already not allowed by ODOT. Being strategic would minimize a lot of discussions.

**Vice Chair Harris** asked when the Sign Code would fit in the Planning Department's schedule if they went with Option 3. He did not want to delay working on the Sign Code too long.

- **Ms. Mangle** stated it would be one of the next projects on the list. Staff was planning to discuss this at the joint meeting with Council on March 1. In terms of staff availability, they were finishing up two big projects currently, the Natural Resource Amendments and the Code Tune-up Project, which was going to Council for adoption on March 1. The Natural Resource Project was scheduled to go to Council at the end of April. The bigger Sign Code project would be a 1-1 ½ years starting this summer.

**Commissioner Wilson** reiterated Option 3 was still a choice.

**Commissioner Batey** stated the Applicant could always do Option 3, so if staff was doing it, she preferred going citywide.

**Commissioner Wilson** noted the Commission was now directing staff to take this on and it was huge.

**Commissioner Churchill:**

- Understood it was an infill of the current Sign Code in respect to electronic media.
  - **Ms. Mangle** added the citywide option was not the citywide whole Sign Code. The citywide option would include the downtown reader board issue and addressing large illuminated outdoor advertising signs around the highways citywide, but in a very targeted, minimal way. It was doable although it would not be perfect. The timeline would not solve the Applicant's problem with the judge. Option 3 could result in a resolution closer to the timeline.

**Commissioner Churchill** commented that sending a follow up letter to the judge saying the Commission was still working on it would leave the applicant an option to say they were going to go with Option 3.

**Mr. Crawford** noted that part of the reason the judge did not look at the last letter was because it arrived the day of the hearing. Having the letter arrive next week would help them to know what the judge's thought was well before so they could start Option 3.

**Commissioner Batey** confirmed there would not be a problem sending a letter to the judge sooner rather than later. She agreed to write the first draft of the letter.

**Ms. Mangle** stated if the Commission wanted to proceed, she would need the Commission's

help talking to Historic Milwaukie as they were pretty skeptical about the original application. She asked what aspects of the project the Commissioners were willing to help on, such as the letter to the judge, talking to the Downtown Business Association, etc. She noted this was something the Commission should discuss with Council on March 1 as well. She agreed the letter to the judge should wait until after March 1.

Commissioners Churchill and Gamba offered to help out with Historic Milwaukie.

The Commission consented to proceed with Option 2, citywide, and send a letter to the judge as soon as reasonably feasible.

### 7.3 Summary: Kellogg Bridge design

**Ms. Mangle** stated staff wanted to set up a special meeting between the Design and Landmarks Committee (DLC) and Commission to discuss the design of the light rail bridge over Kellogg Lake. The City would be looked to for recommendations on the design of that bridge within the next month; some very important decisions needed to be made. This was a big project that would be going through Design Review and through Willamette Greenway Review. The Commission needed to discuss how they should be thinking about their role in the permitting process.

**Kenny Asher, Community Development and Public Works Director**, offered some context for the light rail project, the bridge, and what would be asked of the Commission. The bridge was the largest element and the biggest visual change that would happen in Milwaukie because of the project, which would change views, remove trees, add new gates, etc. The light rail project was on a fast track to get from 30% to 100% design within the next 9 months so a full funding grant agreement could be in hand for TriMet next summer. The design process was linked to the grant application process. Staff has encouraged TriMet to take their design process public; open houses would be held March 7, early April, and early May. At the March joint meeting, there would be a couple of options available, but by early April, they would be down to one preferred option. Now was the time for the DLC and Commission to see the work and get clear about the overall design and their role in and permitting the work. Tomorrow night, staff would have the same conversation with the DLC.

**Commissioner Gamba** said he attended the meeting a month or two ago with the two artists assigned to make the bridge pretty, better, or interesting. Someone from TriMet told him at that time that the actual design of the bridge was set in stone and all that could be done was add frick frack.

- **Ms. Mangle** replied they had not discussed that with staff yet. They were still working within a box in terms of type, size, and location, so it would not be a magnificent visual structure; however, the City was pushing for higher design quality with materials, lines, railings, etc. A lot of progress had been made since Commissioner Gamba had spoken to the artists, and there was still a long way to go.
- **Mr. Asher** described the baseline design of the bridge. Staff was focusing on whether the bridge should be concrete and steel and if the superstructure had to use trapezoidal tubs. The columns and underside of the bridge were important, as well as how it looked in the landscape and went over the lake. The Commission and the community were invited to start thinking through all those elements along with the design team and staff. A public design charrette would not be held for the bridge. As a functional bridge, it needed a certain number of columns in certain locations of a certain size that fit within a

certain budget and provided a certain functionality for light rail. Staff wanted to ensure that each element was properly thought through and if the whole thing worked as a composition. This was the type of input the community and the Commission should be providing.

**Commissioner Churchill** added the engineering of the structure or superstructure was already set. The profile and form work was pretty much engineered with the exception of a couple of options. He understood there was not much flexibility.

- **Ms. Mangle** stated that a presentation would be made at the PC/DLC joint session by the TriMet design team: the bridge designers, architects, and hopefully the artists. The designers would show what had been explored, what they currently had, what was in the budget, etc. They would be looking for early design feedback from the Commission's perspective as permittees, not only concerning Design Review, but also the Willamette Greenway, aesthetics, and views. This was a crucial time to provide early feedback. The application would probably not return until late summer and at that time the City would be looking to hold TriMet to what they had said, however, with less of an opportunity to influence the choices. She reminded that Milwaukie would be strongest when speaking more as one voice. The more they could avoid surprises at the hearing the better, and the more staff could more effectively advocate on behalf of the Commission.
- **Mr. Asher** added part of what was happening was that the Commission was getting a nice preview, but the really important subtext to remember was that TriMet needed to get this permitted on schedule and would be reading very carefully the Commission and DLC to see whether or not this would be easy, hard, unpredictable, or tough-minded and fair. The City wanted to be in the last category: tough-minded and fair, to ensure Milwaukie was getting the best possible bridge while still being a good partner on the project. They did not want to see the project run into long-term permitting risk, because it would cost the project more which would reduce funding available for other improvements in Milwaukie somewhere along the line.

**Commissioner Gamba** asked if the Commission could see what staff had seen so far.

- **Ms. Mangle** replied that staff did not have copies, but was seeing it on the screen in meetings. It was evolving every day. Probably the first point would be the March 7 meeting; friends, family, and others should be encouraged to come. Those not able to attend the joint session with the DLC should at least try to make it to the open house to convey their comments.
- She clarified that a few different packages would be coming before the Commission. The bridge would be its own package and probably the first because of the in-water work window and involved the Natural Resource review as well.

**Commissioner Gamba** stated they should definitely try to have the artists there.

## **8.0 Planning Commission Discussion Items**

**Commissioner Wilson** said he posed the question to his NDA with regard to how best to communicate to the public. There was a ton of responses, but no one great answer. Many people did stress *The Pilot*. Three individuals who were not online did notice *The Pilot* had not come out one month and was electronic only; however, they were able to achieve access to the information from their neighbors.

## **9.0 Forecast for Future Meetings:**

- |                |                                                                             |
|----------------|-----------------------------------------------------------------------------|
| March 8, 2011  | 1. Public Hearing: Water Quality & Natural Resource Overlay Code Amendments |
| March 22, 2011 | 1. Public Hearing: Johnson Creek Confluence Project                         |

**Ms. Mangle** stated that the March 1 joint meeting with City Council did not make it on the list. The worksession would be held at 5:30 p.m. and would take about 30 to 40 minutes. She would also share the staff report she had submitted to help frame that conversation. March 8 could be cancelled if the Commission wanted as she had nothing for that agenda. On March 22, two public hearings were scheduled: the Johnson Creek Confluence Project and the first hearing on the Natural Resources Code.

The Commission consented to cancel the March 8 Planning Commission meeting.

Meeting adjourned at 9:24 p.m.

Respectfully submitted,

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

  
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Lisa Batey, Chair