



MILWAUKIE

Dogwood City of the West

To: Design and Landmarks Committee
From: Li Alligood, Associate Planner and DLC Liaison
Date: August 29, 2012
Subject: Preparation for September 5, 2012, Meeting

Greetings! We will be in the City Hall Conference Room for next Wednesday's meeting at 6:30 p.m.
Note the special date. See Enclosure 1 for the meeting agenda.

2012/2013 DLC Work Program

Members of the DLC met with City Council on August 7 to discuss the Committee's work plan for the upcoming year. The group will discuss the goals and Council feedback and decide on a refined work plan for the year. See Enclosure 2 for the approved work program.

Election Law Training

The City Manager has suggested that all staff, committees, and commissions review election law going into the City Council election season. I will provide an overview of election law as it pertains to public officials (such as the DLC). See Enclosure 3 for a presentation on Elections Law.

Façade Improvement Program Debrief

In the period from June 2011 to May 2012, the DLC awarded 8 façade improvement grants to downtown business and building owners. I would like to hear your thoughts about what worked, what could have been improved, and what lessons, if any, you would like to share with Metro. See Enclosure 4 for an overview of the façade improvement program.

See you next Wednesday at 6:30 p.m.!

Enclosures

1. September 5, 2012, meeting agenda
2. 2012/1013 Work Program
3. Election Law Training Handout
4. Façade Improvement Program Overview



AGENDA

MILWAUKIE DESIGN AND LANDMARKS COMMITTEE Wednesday, September 5, 2012, 6:30 PM

**CITY HALL CONFERENCE ROOM
10722 SE MAIN ST**

1.0 Call to Order - Procedural Matters

2.0 Meeting Notes – None

3.0 Information Items

4.0 Audience Participation – This is an opportunity for the public to comment on any item not on the agenda

5.0 Public Meetings – Public meetings will follow the procedure listed on reverse

6.0 Worksession Items

6.1 Summary: Recap of goals discussion with City Council

Presenter: Li Alligood, Associate Planner

6.2 Summary: Elections Law Overview

Presenters: Li Alligood, Associate Planner

6.3 Summary: Façade Improvement Program debrief

Presenters: Li Alligood, Associate Planner

7.0 Other Business/Updates

7.1 Planning Department staffing

7.2 October meeting – joint worksession with Planning Commission

8.0 Design and Landmark Committee Discussion Items – This is an opportunity for comment or discussion for items not on the agenda.

9.0 Forecast for Future Meetings:

October 23, 2012 1. Worksession (joint with PC): Ethics training

2. Worksession (joint with PC): Downtown zoning and PAR updates

November 5, 2012 1. TBD

Milwaukie Design and Landmarks Committee Statement

The Design and Landmarks Committee is established to advise the Planning Commission on historic preservation activities, compliance with applicable design guidelines, and to review and recommend appropriate design guidelines and design review processes and procedures to the Planning Commission and City Council.

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@ci.milwaukie.or.us. Thank You.
2. **DESIGN AND LANDMARK COMMITTEE MEETING MINUTES.** Approved DLC Minutes can be found on the City website at www.cityofmilwaukie.org
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.cityofmilwaukie.org
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.

Public Meeting Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Committee members.

1. **STAFF REPORT.** Each design review meeting starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommendation with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Committee was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMITTEE MEMBERS.** The committee members will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the Committee will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC MEETING.** The Chairperson will close the public portion of the meeting. The Committee will then enter into deliberation. From this point in the meeting the Committee will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMITTEE DISCUSSION AND ACTION.** It is the Committee's intention to make a recommendation this evening on each issue on the agenda. Design and Landmark Committee recommendations are not appealable.
11. **MEETING CONTINUANCE.** Prior to the close of the first public meeting, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Design and Landmarks Committee will either continue the public meeting to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony.

The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.

Milwaukie Design and Landmarks Committee:

Greg Hemer, Chair
Jim Perrault, Vice Chair
Scott Barbur
Chantelle Gamba
Becky Ives

Planning Department Staff:

Scot Siegel, Interim Planning Director
VACANT, Senior Planner
Li Alligood, Associate Planner
Brett Kelter, Associate Planner
Ryan Marquardt, Associate Planner
Marcia Hamley, Administrative Specialist II
Alicia Martin, Administrative Specialist II



To: Mayor and City Council

Through: Bill Monahan, City Manager
Kenneth Asher, Community Development and Public Works Director
Scot Siegel, Interim Planning Director

From: Li Alligood, Associate Planner

Subject: Joint worksession with the Design and Landmarks Committee (DLC)

Date: July 31, 2012, for August 7, 2012, Worksession

ACTION REQUESTED

Review and discuss the 2012-13 Design and Landmarks Committee (DLC) Work Program.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

- **July 2011:** Council met with the DLC to review the Committee's 2010-2011 Work Program.
- **August 2009:** Council met with the DLC to review the Committee's 2009-2010 Work Program.
- **May 2007:** Council met with the DLC to review the Committee's 2007-2008 Work Program.
- **June 2002:** Council met with the DLC to review the Committee's 2002-2003 Work Program.

BACKGROUND

The proposed work program is a plan for fulfilling the DLC's responsibilities for advising the Planning Commission as established in Title 2 of the Milwaukie Municipal Code, as well as for pursuing other projects of interest to the DLC within limited staff and budget resources.

The DLC serves the City by advising the Planning Commission and City Council on urban design, architecture, and historic preservation activities. It does this by reviewing

development proposals in downtown and completing projects regarding historic landmarks and education and outreach. The Committee is currently filled by the following members:

- Greg Hemer (Chair)
- Jim Perrault (Vice Chair)
- Chantelle Gamba
- Becky Ives
- Scott Barbur

The DLC meets monthly. The most recent joint meeting with the Planning Commission occurred on June 1, 2011. Due to the number of design review meetings and public hearings in late 2011 and early 2012, joint meetings with the Planning Commission have not occurred this year. A joint meeting is tentatively scheduled for October 23.

Accomplishments of 2011-2012

During the 2011-2012 fiscal year, the DLC retained a full membership and met almost every month. Patty Wisner completed her term with the group in April 2012, and Scott Barbur joined the Committee at that time.

As the decision-making body for the downtown Façade Improvement Program, the Committee reviewed 16 applications and granted \$49,000 of the available \$50,000 in matching grant funds to nine downtown business and building owners.

Beginning in June 2011, the monthly DLC meetings became the forum for light rail-related design updates. In addition, the DLC held four work sessions with TriMet on the light rail station and systems building designs in late 2011 and early 2012.

The Committee held three light rail-related public meetings on Design Review applications in downtown; continues to provide direction on multiple light rail design issues; conducted an after-action review of Klein Point in Riverfront Park; and has provided City staff with recommendations on the implementation of the South Downtown Concept Plan.

Work Program for 2012-13

The following is a summary of the projected DLC activities for 2012-13:

1. Downtown Design Review. For development proposals in Downtown zones, conduct public design review meetings to advise the Planning Commission on implementation of the Downtown Design Guidelines. Anticipated proposals for the coming year include:
 - Light rail station building
 - Potential new building(s)

2. Post-Decision Limited Design Review. Conduct design review meetings on development proposals when the Planning Commission has made design review a condition of approval or to assist with other City projects. Anticipated proposals to be reviewed in the coming year include:

- Riverfront Park (restroom and fountain)

3. Historic Resources. Review of Historic Landmarks alteration or demolition, and advise the Planning Commission on applications when City approval is required by Code.

The Committee has expressed interest in updating the City's historic resource inventory and determination of eligibility and establishing Milwaukie as a Certified Local Government (CLG). Staff is supportive of this project; it is a key component of an inactive project to update the City's outdated historic preservation ordinance. However, activating this project would have significant impacts on staff workload. (See the Work Load Impact section below.)

4. Code Revision and Refresh Projects. Participate in and advise Planning staff and Planning Commission on code revisions relating to community design. Anticipated projects in the Planning Department work program for the coming year include:

- Modifications to downtown public area requirements
- Revisions to downtown ground floor uses
- South Downtown implementation

5. Committee Training. Continue to develop the group's understanding of the particular design elements that make Milwaukie unique; deepen the group's knowledge of the land use review process; and stay up to date on State statutes regarding land use law and ethics for public officials.

6. Public Education. Create resources that help the general public and potential developers understand the city's history and key design elements. Current ideas include:

- Establish a relationship with the Historic Milwaukie NDA and other groups working in downtown Milwaukie
- Downtown walking tour

CONCURRENCE

The DLC and Director of Community Development and Public Works have reviewed and concur with the draft work program.

FISCAL IMPACT

The work program will require a commitment of fiscal and staff resources. The adopted biennial budget for FY 2012/2013 and 2013/2014 provides budget resources to support the work program. The Planning staff will continue to support monthly meetings of the DLC and its role in the City's design review and legislative processes. Staff will support training and other projects as resources allow.

WORK LOAD IMPACTS

Staff will not be able to support special DLC projects with the existing budget and staffing level. The proposed work program will not further increase the amount of staff time currently dedicated to supporting the DLC.

If Council directs the DLC and staff to pursue the update of the City's historic preservation ordinance and CLG certification, it would need to be done in-house without the assistance of consultants. Staff will need to discontinue a number of other projects (such as baseball, downtown code updates, and TSP amendments) in order to accommodate the revised work program. However, if the Council adopts this as a goal in future years, the department's work plan could be adjusted to accommodate this project.

ALTERNATIVES

None.

ATTACHMENTS

None.

A public employee, on their **own, off duty time**, may send letters to the editor that advocate a political position and may participate in any other lawful political activity.

It is advised that a salaried public employee keep records when appropriate in order to verify any such political activity that occurs while off duty.

Prohibited and Allowable Activities for Elected Officials*

**includes a person appointed to fill a vacancy in an elective public office*

Elected officials **may**:

- advocate a political position at any time. Elected officials are not considered a “public employee” for purposes of ORS 260.432. ORS 260.432(4)(a).
- vote with the other elected officials of a governing body (such as a school board, city council or county commission) to support or oppose a measure, and publicly discuss such a vote—but must not use the public employee staff time to assist in this, except for ministerial functions
- perform campaign activity at any time, however must take caution not to involve any public employee’s work time to do so

Elected officials **may not**:

- in the role of a supervisor, request a public employee—whether the public employee is on or off duty—to perform any political activity

A request made by a person in a position of supervisor or superior is viewed as a command for purposes of this election law.

- have an opinion piece or letter advocating a political position published in a jurisdiction’s newsletter or other publication produced or distributed by public employees

ORS 260.432 Quick Reference— Restrictions on Political Campaigning for Public Employees

Generally, ORS 260.432 states that a public employee* may not, while on the job during working hours, promote or oppose election petitions, candidates, political committee or ballot measures. Additionally, no person (including elected officials) may require a public employee (at any time) to do so.

**A “public employee” includes public officials who are not elected, whether they are paid or unpaid (including appointed boards and commissions).*

As used in this Quick Reference

We use the phrase “advocate(s) a political position” to mean—promote or oppose an initiative, referendum or recall petition, candidate, political committee or ballot measure.

The term “impartial” means equitable, fair, unbiased and dispassionate.

See the Secretary of State’s detailed memo on ORS 260.432 for specific factors to assist in ensuring impartiality in communications about ballot measures. It is posted on the website under Publications.



For more detailed information about ORS 260.432 and information about other election laws, contact:

Elections Division

Secretary of State
255 Capitol St NE, Suite 501
Salem OR 97310

phone 503 986 1518
fax 503 373 7414
tty 503 986 1521
web www.oregonvotes.org

Prohibited Activities

A public employee, while on the job during work hours **may not**:

- prepare or distribute written material, post website information, transmit emails or make a presentation that advocates a political position
- collect funds, prepare filing forms or correspondence on behalf of candidates or political committees
- produce or distribute a news release or letter announcing an elected official's candidacy for re-election (except for an elections official doing so as an official duty) or presenting an elected official's political position
- make outgoing calls to schedule or organize campaign events or other political activity on behalf of an elected official or political committee (however, a scheduler may, as part of official duties, take incoming calls about the official's availability and add an event to the schedule)
- grant unequal access to public facilities to candidates or political committees
- direct other public employees to participate in political activities, when in the role of a supervisor
- draft, type, format or edit a governing body's resolution that advocates a political position (except to conform the resolution to a standard format)
- prepare or give recommendations to the governing body urging which way to vote on such a resolution
- sign such a resolution, except if the signature is only ministerial and clearly included to attest the board took the vote
- announce the governing body's position on such a resolution to the media
- include the governing body's position or vote on such a resolution in a jurisdiction's newsletter or other publication

A public employee who provides voter registration assistance under the federal National Voter Registration Act (NVRA) must not, when performing voter registration services, influence a client's political choices. This means no display of political preferences, including a restriction that no political buttons may be worn. ORS 247.208(3)

Allowable Activities

A public employee, while on the job during working hours **may**:

- prepare and distribute **impartial** written material or make an **impartial** presentation that discusses election subjects (using the guidelines provided in the Secretary of State's detailed memo on ORS 260.432 and obtaining review from the jurisdiction's legal counsel, as available.)
- The Secretary of State's Elections Division is also available for an advisory review of draft material about ballot measures produced by government agencies.
- perform standard job duties, such as taking minutes at a public meeting, maintaining public records, opening mail, inserting a proposed resolution into a board agenda packet
- impartially advise employees about possible effects of a measure, but not threaten them with financial loss to vote a particular way
- address election-related issues while on the job, in a factual and impartial manner, if such activity is legitimately within scope of employee's normal duties
- as staff of an elected official, handle incoming calls about the official's availability for political events
- prepare neutral, factual information for a governing body to use in determining what position to take on an issue (planning stage of a governing body's proposed issue before certified as a measure to a ballot is not subject to ORS 260.432)
- in a clerical manner, incorporate amendments into a finalized version of a governing body's resolution on an issue
- respond to public records request for information, even if the material advocates a political position
- wear political buttons subject to applicable employer policies*
- express personal political views subject to applicable employer policies*

**and unless the public employee is providing voter registration services under NVRA, where additional restrictions apply - see note on previous page about ORS 247.208(3).*



Election Law Issues for Public Employees - 2012



JORDAN
RAMIS_{PC}
ATTORNEYS AT LAW

Peter Watts
Jordan Ramis PC

ORS 260.432(2)

- No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views.

Who Is Subject to ORS 260.432?

■ Subject:

- Staff (from City Manager to interns)
- Members of boards and commissions

■ Not Subject:

- Mayor and Council Members; for the purpose of this law elected officials are not considered as public employees
- Neighborhood association members and officers

Public Employees may:

- Carry out their official duties (e.g. take minutes of meetings at which Council takes a position)
- Provide factual, neutral and balanced information
 - All materials published by the City relating to a ballot measure should be reviewed by the City Attorney
- Express personal political views subject to city policy

[Public Employees may (cont.)]

- Advocate as individuals on their own nonworking time
- Wear political buttons/ribbons, if City dress code permits
 - However, employees performing voter registration services may not wear political buttons or express political views

Public Employees must refrain from:

- Take a position on a measure or candidate while on the job - employees may not use any work time
- Use City resources to advocate for or against a measure or candidate
 - Examples include:
 - making outgoing calls to schedule or organize campaign events
 - grant unequal access to public facilities to candidates or political committees

Elected Officials

- Elected officials may advocate for or against measures or candidates
- May ask for off-duty “volunteer help” but cannot compel that help
- With limited exceptions, may not use City resources to support or oppose a measure
 - Council may adopt a resolution or pass a motion taking a position on an election issue, but Council cannot use City staff to prepare a motion or resolution or use City resources to publicize the motion or resolution

State Literature

- The Elections Division of the Secretary of State's Office has prepared two documents to assist public employees in complying with elections law.
- All City employees dealing with elections issues should have access to a copy of each and should consult these documents before taking action. If any uncertainty remains, contact the City Attorney's office

[State Literature (cont.)]

- **ORS 260.432 Quick Reference—Restrictions on Political Campaigning for Public Employees** (2010 version online):
http://www.oregonvotes.org/doc/publications/260.432_quickreference.pdf
 - This document is currently effective, but scheduled for changes to SOS office contact information in 2012
- **Restrictions on Political Campaigning by Public Employees, ORS 260.432 - 2008**
<http://www.oregonvotes.org/doc/publications/restrictions.pdf>
 - SOS has noticed this manual for administrative rule updates, and has received comments. SOS anticipates publishing revised manual in time for fall 2012 election season. SOS advises that compliance with 2008 document will achieve compliance with forthcoming rule changes



MILWAUKIE

Dogwood City of the West

To: Design and Landmarks Committee

From: Li Alligood, Associate Planner

Date: August 29, 2012, for September 5, 2012, Worksession

Subject: Façade Improvement Program Recap

ACTION REQUESTED

None. This is a briefing for discussion only. Staff is seeking Committee feedback on the design and implementation of the City's pilot façade improvement program.

BACKGROUND INFORMATION

The Façade Improvement Program (FIP) was established in March 2011, and began accepting applications in May 2011. All properties located in the downtown zones¹ east of McLoughlin Blvd were eligible.

The purpose of the FIP was to improve the pedestrian environment by encouraging business and property owners to make external improvements to their buildings. These improvements were intended to enhance the character and aesthetics of downtown Milwaukie and create a more attractive and vibrant commercial district.

The matching grant program was funded jointly by Metro and the City. The maximum grant amount was \$10,000, which was to be matched by the applicant and reimbursed upon completion of the approved project.

The program was funded at \$50,000. At the direction of Council, the DLC was granted decision-making authority for the grant program. The DLC established a set of criteria against which to review each application:

- Will the proposal result in a noticeable improvement in the storefront or building?
- Will the proposal enhance downtown character and aesthetics?
- Will the proposal enhance the pedestrian experience?
- Is the cost of project low relative to impact ("bang for the buck")?

¹ Downtown Commercial Zone DC; Downtown Storefront Zone DS; Downtown Office Zone DO; and Downtown Residential Zone DR.

During the program term, the DLC reviewed 16 grant applications and approved grants in the amount of \$42,508 for work on 8 properties. An overview of the grant recipients by location and project are provided as Attachments 1 and 2.

DISCUSSION

Staff would like to discuss the following components of the program with the Committee:

- Did the design of the program have the desired outcome? Did the projects contribute to the vitality of downtown Milwaukie?
- Are there suggestions or recommendations that you would make to other communities considering a façade improvement program?
- Was the Committee given the tools it needed to make good decisions?

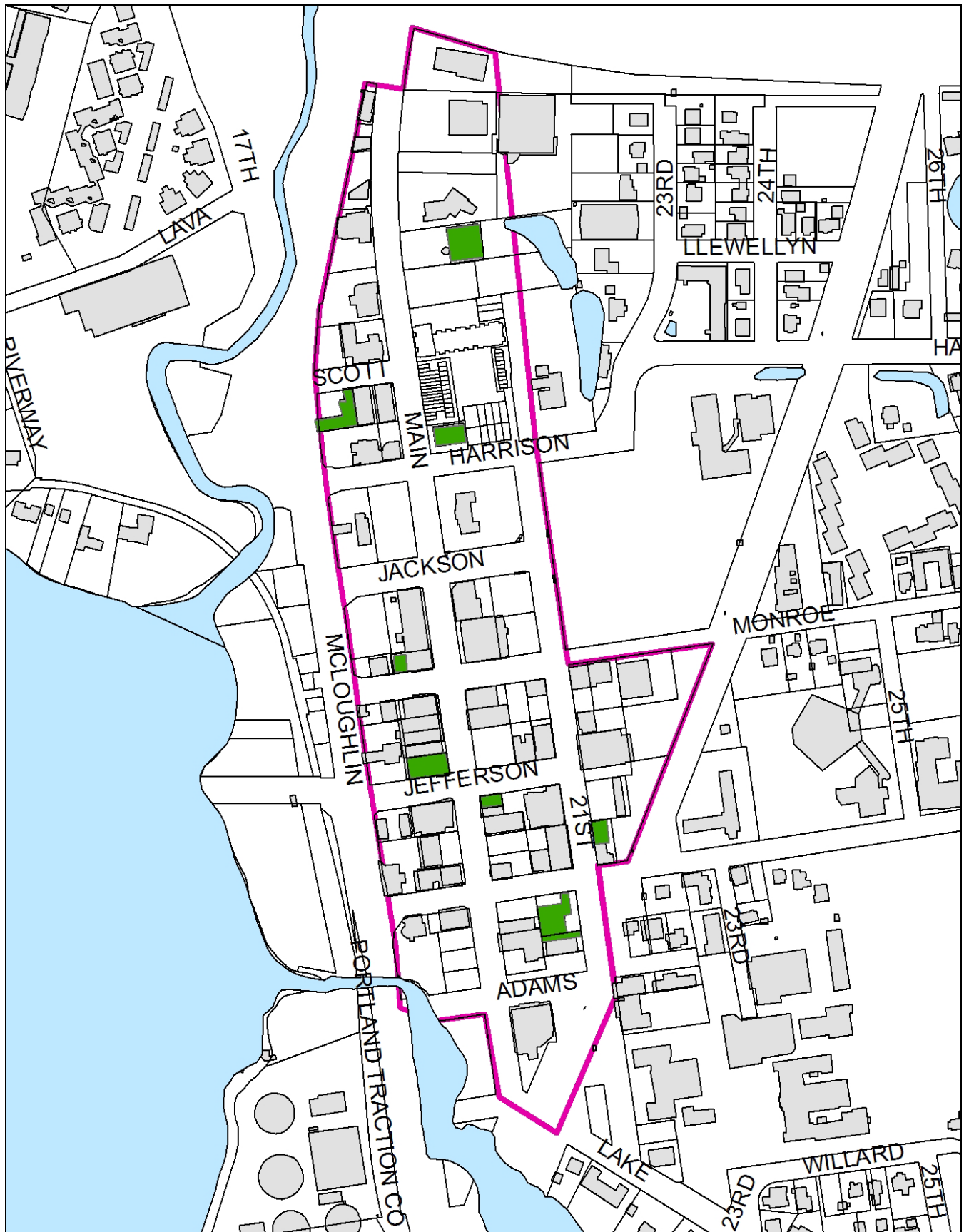
Please consider these questions for discussion. Staff will include the Committee's comments in the program report to Metro.

ATTACHMENTS

Attachments are provided only to the Planning Commission unless noted as being attached. All material is available for viewing upon request.

1. Map of FIP grant recipients
2. Overview of FIP grant recipients

**Downtown Milwaukie Façade Improvement Grant
Pilot Program Participants
June 2011-June 2012**



City of Milwaukie Downtown Façade Improvement Program**Grant Recipients**

Applicant	Business	DLC Review Date	Amount Requested	Amount Granted	Land Use App #	Notes
Carmen Meyer	Cha Cha Cha	7/27/2011	10,000	10,000	DR-12-01	In progress
Troy Reichlin	Kana LLC	6/22/2011	2,800	2,800	DR-11-03	Complete
Ed Aaron	Main/Monroe Investors LLC	7/27/2011	10,000	10,000	DR-12-03	Complete
Eric Huth	Milwaukie Masonic Lodge	7/27/2011	6,256	6,256	NA	Complete
Siri Bernard	Bernard's Garage	7/27/2011	7,371	4,867	DR-11-02	Complete
Johnny Ashy	Nelson's Nautilus	9/28/2011	2,100	2,100	NA	Complete
Kevin Cavanaugh	Dark Horse	9/28/2011	3,625	3,625	NA	Complete
Heather Harris	Wellspring Massage	2/15/2012	2,860	2,860	DR-12-06	In progress
TOTAL			73,913	42,508		