

MINUTES

MILWAUKIE CITY COUNCIL WORK SESSION

JULY 7, 2009

Mayor Ferguson called the work session to order at 5:30 p.m. in the City Hall Conference Room.

Council Present: Mayor Jeremy Ferguson and Councilors Greg Chaimov, Joe Loomis, and Susan Stone

Planning Commissioners Present: Jeff Klein, Lisa Batey, Teresa Bresaw, and Scott Churchill

Staff Present: City Manager Mike Swanson, Planning Director Katie Mangle

Planning Commission Annual Joint Meeting

The Commissioners introduced themselves, and **Ms. Mangle** outlined the role of the Planning Commission.

Mr. Klein discussed his pride in being a part of the group and camaraderie.

Ms. Batey commented briefly on the code amendments in the work plan. She was hoping those things would help fix the code to make some of the more problematic issues not possible in the future.

Ms. Bresaw was interested in the pragmatic end result and the importance of an informed public.

Mr. Churchill said it would be interesting to know what Council wanted from the Planning Commission and to know how they could support the Council's vision.

Councilor Stone suggested a work session with the City Council and discussed the need to be proactive by setting some goals.

Councilor Chaimov thanked the members for their service. He asked what the Council could do to help the Planning Commissioners do their jobs more easily.

Mr. Churchill replied when looking at applications it would be nice to understand the Council's general thoughts or history on a particular site.

Mr. Klein said goal setting would be beneficial because that would give them reinforcement or direction and commented on the South Downtown Planning efforts.

Ms. Batey asked on the goal setting piece if that was what this work session was for. They were there to discuss the work plan and she thought that was what this meeting was about.

Councilor Chaimov understood the Council and Planning Commission talking about something like the Downtown Plan. He did not have any concerns when looking over the work plan. It looked like a good plan given the amount of available resources. He wanted to know what the available resources were.

Ms. Mangle understood matters like the aesthetics of the sign code were important but the resources were not available. There were resources to

address some issues, but not all of them. She discussed the upcoming code assessment funded by a Transportation and Growth Management (TGM) grant on such matters as residential design standards. She thought it would be good to get guidance from Council on what was of importance. There were grants available to fund those changes and that could be something addressed in a goal setting session.

Councilor Loomis appreciated the work the Planning Commission did and like the group's diversity, which often times forced compromise. It would be good after Council had a goal session to get together with Planning Commission.

Ms. Bresaw thought design standards were important.

Ms. Mangle added the scope of design standards was single- and multi-family residences.

Ms. Batey commented on areas ripe for redevelopment and said they should be considering design standards on commercial space in addition to residential.

Councilor Stone asked how involved the Design and Landmarks Committee (DLC) was with the design standards.

Ms. Mangle replied that the DLC was a subcommittee to the Planning Commission and there would be joint work session in the future.

Mr. Klein said the DLC was a good group that made good decisions and suggested bringing them in on other projects outside of the downtown.

Councilor Stone added to her initial comment on goal setting. The goal setting could be between the City Council and staff and as the liaison they could give the direction.

Ms. Mangle wanted feedback on appeal situations so the Planning Commission could prepare better in making decisions prior to City Council deliberations.

Councilor Chaimov said to extent of when there were disagreements between Commission members on an application or decision it would be helpful to get a summary of those points to get a sense of the discussion.

Mayor Ferguson added that he wanted communication before making decisions.

Councilor Chaimov said he would like a discussion of what we wanted the City to look like.

Mayor Ferguson said the work plan looked good, but he hoped to have some time for discussion to work through issues and questions.

Councilor Chaimov asked about the status of the South Downtown Project.

Mr. Klein provided an update and said how cool it was.

Mr. Churchill commented on his experience with the Christopher Alexander group, but still had some questions about the financing plan.

Ms. Batey was impressed with the process and the diversity of the working group. They were all engaged in the process.

Ms. Bresaw expressed some concern about the expense and the ability to see the plan through.

Mr. Klein said that was what this plan did. It was build as you go. It set a structure, design and a vision for what we ultimately wanted to achieve.

Ms. Mangle said Randy from CES would be coming in August to talk about the plan.

Mr. Klein discussed the Pattern Language Approach. There are ideas, and they should not get lost. He hoped Council would be open-minded about the project. He asked Council how it thought the Planning Commission was doing since it did not have a great track record with appeals.

Councilor Stone said sometimes she had the notion that maybe the Planning Commission expected Council to endorse every decision that came along. She did not want the Commission to take it personally if the Council did not agree. She appreciated all of the hard work and time the Planning Commission puts in.

Mayor Ferguson announced the City Council would meet in executive session pursuant to ORS 192.660(2)(h) consultation with legal counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.

Mayor Ferguson adjourned the work session at 6:11 p.m.



Pat DuVal, City Recorder

WORK SESSION

AGENDA

WORK SESSION MILWAUKIE CITY COUNCIL JULY 7, 2009

MILWAUKIE CITY HALL

Second Floor Conference Room
10722 SE Main Street

A light dinner will be served.

WORK SESSION – 5:30 p.m.

Discussion Items:

	<u>Time</u>	<u>Topic</u>	<u>Presenter</u>	<u>Page #</u>
1.	5:30 p.m.	Planning Commission Annual Joint Meeting	Commission Members & Katie Mangle	1
2.	6:30 p.m.	Adjourn		
3.	6:30 p.m.	Executive Session The Milwaukie City Council will go into Executive Session pursuant to ORS 192.660(2)(h) for consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.		

Information

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

Public Notice

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



To: Mayor and City Council

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

From: Katie Mangle, Planning Director

Subject: Joint Work Session with the Planning Commission

Date: June 26, 2009 for July 7, 2009 Work Session

Action Requested

None.

Background

The Milwaukie Municipal Code requires that the City Council meet annually with the Planning Commission to discuss its work program.

The Planning Commission serves the City by reviewing and advising on matters of planning and zoning, according to the provisions of the Comprehensive Plan and Zoning, Sign, and Land Division ordinances. It does this by deciding land use and development applications, developing long-range plans, and proposing updates and amendments to the Milwaukie Municipal Code and Comprehensive Plan. Planning Staff works closely with the Commission to make progress in all of these areas.

Accomplishments in 2008-9

During the 2008-9 fiscal year, the Planning Commission had many accomplishments, including:

- Preparing three code amendment packages Council adoption – 19.1400 Transportation Code, 19.400 Manufacturing Zone (to comply with Metro Title 4), and a housekeeping amendments package.
- Holding 14 public hearings on land division and land use applications;

- Holding trainings on wetlands protection and the land use process;
- Advising staff on upcoming policy changes, select administrative review decisions, and long range planning projects.

During a Planning Commission work session in May, the Commission discussed its annual work program. As was evidenced by previous work programs, there is a long list of potential projects for the commission and staff. The proposed work program for the coming fiscal year is a plan for fulfilling the Commission's responsibilities for long-term and current planning, recognizing available staff and budget resources.

Priorities for 2009-10

The following is a summary of the Planning Commission and Planning staff priorities for 2009-10. The Commission will be prepared to discuss this list and Council priorities at the work session:

1. **Conduct public hearings** and make decisions on matters that may include, but are not limited to, community service uses, variances, zone changes, conditional uses, subdivisions, and partitions.
2. **Prepare and recommend code revisions** (see Attachment 1 for more detail):
 - Chapter 14 - Sign Code
 - 19. 500 – Parking standards
 - Metro Title 13 Compliance project - revising Section 19.322 Water Quality Resources and related overlay zone to incorporate riparian habitat protection
 - Definitions related to residential homes and facilities

3. Update the Planning Commission Bylaws

The Commission's bylaws were adopted in 1998. The Commission reviewed the bylaws with the City Attorney in April 2009 and identified a number of ways in which the bylaws should be updated to reflect current needs and practices.

4. Organize Trainings for Commissioners

Commissioners suggested trainings and work sessions to develop the commission's understanding of site design and plan reading, the new light rail line, and innovative street design.

The Commission and staff have identified many needs and potential projects. Attachment 2 includes the rest of the Planning staff's work program as well as several additional projects that the Commission will address if resources are available.

Concurrence

The Planning Commission 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 proposed budget for fiscal year 2009-10 provides budget resources to support the work program.

Work Load Impacts

The Planning staff will support the Planning Commission's work to accomplish the priorities listed above. Staff work on applications and planning projects will be balanced with on-going efforts to provide timely and clear information to the public, support the Community Development work program, and serve the City's neighborhood involvement processes.

Alternatives

None.

Attachments

1. Code Revision Projects
2. Draft work program for the Planning Department

**Current Work Plan for Planning Department Code Improvement Projects
April 2009**

Project Title	Project description	Code sections Affected	Primary Objectives	Due Date for Staff	Effective Date (Estimate)
Code Improvement Projects In the Adoption Process					
Community Service Use - Major Utilities	Makes major utility facilities a nonconforming use.	19.321 - Community Service Uses	Allows the City to control the location and impacts of a major utility facility.	Jul-09	pending approval (TBD)
Code Improvement Projects Getting Ready for Adoption / Implementation					
Parking standards	Developing a new parking chapter to replace the existing outdated one.	19.500 - Off-Street Parking, 19.321 - Downtown Zones	Revise parking requirements for downtown development, refine standards for residential areas, and revise parking ratios and design standards. Restrict parking in front yards of residential lots.	Jun-09	Aug-09
Residential Facilities	Revise definitions for residential homes and facilities.	19.100, 19.300	Update how the City regulates residential homes and facilities to ensure compliance with Federal Fair Housing Act but provide appropriate regulation.	May-09	Aug-09
Code re-publishing	Working with QCP, the company that publishes the Milwaukie Municipal Ordinance, to republish the entire code.	All	Covert text to one-column format, apply updated style guide. Will dramatically improve legibility, usability for the public, consistent grammar and formatting, and one column format. No content changes, therefore adoption by Council is not necessary.	Jun-09	Nov-09
Code Improvement Projects In Development					
Zoning Code Assessment (TGM grant project)	Assessment of targeted sections of the code to evaluate for best practices, opportunities to streamline review, and develop standards that more effectively help the community manage change.	19.400 - Supplementary Regulations, 19.425 - Design standards for single-family housing, 19.301 - 308 - Residential zones	<ul style="list-style-type: none"> Evaluate the existing Residential Design Standards and recommend code options that would address multi-family standards, supplement the current single family standards, and encourage a greater variety of housing types in residential and mixed use zones. Develop tools to ensure infill development is built at a scale that fits with existing neighborhoods. 	Oct-09	N/A - assessment only
		19.700 - Variances, 19.800 - Nonconforming Uses, 19.900 - Amendments, 19.1000 - Administrative Provisions,	<ul style="list-style-type: none"> Evaluate the Zoning and Land Division ordinances (Chapters 19 and 17 of the Milwaukie Municipal Code) and develop recommendations to refine City's standards, approval criteria and review procedures. Provide recommendations for improving the organization of the Zoning Code and improving the efficiency and effectiveness of the City's approval processes. 		
		19.314 - Manufacturing zone	<ul style="list-style-type: none"> Evaluate City's Manufacturing (M) zone, which regulates uses in the North Industrial Area and provide recommendations to clarify approval standards and improve implementation of existing City Policy Objectives 		
		19.312 - Downtown zones	<ul style="list-style-type: none"> Review the Downtown Standards in chapter 19.312 to assess how the policies may affect implementation of the Downtown and Riverfront Plan. The review will include identifying opportunities for added flexibility in the standards to address the evolving development/real estate market. 		
Habitat Conservation Areas (Title 13 compliance)	Adopt maps and standards to restrict development in regionally-identified high value habitat areas.	19.322 - Water Quality Resources	Required to comply with Title 13 of the Metro Regional Functional Plan. Part of the City's goal to protect habitat and encourage sustainable approaches to development.	Dec-09	Apr-10
Strengthen Sign Code	Propose new sign design standards for Commercial areas.	Title 14	Address sign lighting and size limitations.		
Future Code Improvement Projects					
Illegal Lots	Develop process for dealing with illegally created lots.	TBD	Develop policy to allow staff to resolve situations in which lots were created illegally. In response to 2007 ORS revision.		
Strengthen CSU Code	Address how City permits modifications to uses not originally permitted as CSUs.	19.321			

**Current Work Plan for Planning Department Code Improvement Projects
April 2009**

Strengthen Historic Resources Code	Criteria, standards, and review process are outdated and confusing. The City's whole historic inventory is 20 years out of date.		Re-write or create a new zone for the Historic Resources overlay.		
Ongoing Code fix list	Staff maintains a list of code problems, now numbered at 300 items.		Correct inconsistent code language, track problems as they are identified.	ongoing	

Responsibilities and Projects	Current Level of Service	Estimated Workload	Key Projects 2008-9	Key Projects 2009-10	Desired Improvements and Projects to Maintain Level of Service 2009-10	Wish List
CURRENT PLANNING / PERMITTING						
Public Information, Counter, & Phones	<p>Provide timely, accurate, and reliable information and service to internal and external customers.</p> <p>Return incoming phone calls within 24 hours.</p> <p>Provide a time-certain to customers for requests that cannot be handled by the next day of the request.</p>	<p>5 calls and 5 counter visits per day</p> <p>Planner on Duty available 32 hours each week.</p>			<ul style="list-style-type: none"> Continually increase staff knowledge of Code. Improve handouts, application checklists, and public information. 	
Sign & Building Permit Review & Inspections	<p>Thoroughly review plans for compliance with code and/or land use decision.</p> <p>Approve 80% of complete building permits within 10 workdays.</p> <p>Approve 100% of complete permits within 15 workdays.</p> <p>Same-day inspection for small projects. Ongoing monitoring of large projects under construction.</p>	<p>Review 5 small permit applications/ week, 1 large application / month.</p> <p>Small project = 1-4 hrs.</p> <p>Large project = 20+ hrs.</p>				
Tree Removal Permits	<p>Process permits for removal or major pruning of trees in the right of way.</p> <p>Issue approval or denial of a permit application within 14 days (MMC 16.32.020.B.7)</p>	<p>Average one permit requested per month.</p> <p>Each takes 4 hours.</p>				Change code to allow City to require replanting when a tree is removed.
Code Compliance	<p>Respond to complaints about code compliance. Work with Code Compliance Officer to resolve issue through voluntary compliance.</p> <p>Monitor land divisions processed with the County Surveyor to ensure that all were properly processed with the City.</p> <p>Resolve zoning complaints within 2 weeks of receipt of the complaint. For the purpose of this objective, "resolve" means to confirm the complaint and take the first action.</p>	<p>Average one complaint per month. Resolution takes 1-12 hrs.</p>				
Pre-application Assistance	<p>Assist customers during pre-application conference. Explain process and regulations, advise on project decisions.</p> <p>Pre-application conference is held on Thursday, 2 weeks from date of request.</p> <p>Staff notes due 2 weeks after meeting.</p>	<p>Average one pre-application conference per month. 10 hrs of staff time each.</p>			<ul style="list-style-type: none"> Reduce staff time spent preparing meeting notes for applicant by improving pre-application notes database. Develop 1-page pre-application FAQ handout to better prepare applicants. 	

Responsibilities and Projects	Current Level of Service	Estimated Workload	Key Projects 2008-9	Key Projects 2009-10	Desired Improvements and Projects to Maintain Level of Service 2009-10	Wish List
Land Use Application Review	Work with applicant to comply with code, complete application. Prepare staff report and decision documents that are complete and defensible. Provide notice to neighbors and NDAs. Type I Application: Decision within 10 days. Type II Application: Decision within 14 days. MQJ Application: <ul style="list-style-type: none"> Decision 60 days from completeness. Council appeals decided within 120-day clock. 	Estimated # of applications processed in 2008, and staff time required Type I: 10; 4 hrs Type II: 6; 10 hrs MQJ: 17; 10-40 hrs				
Records Management	Maintain records on applications. Maintain historic records to facilitate records searches.					
LAND USE/ DEVELOPMENT POLICY						
Code Housekeeping	Maintain an ongoing "Paramedic Code Fix List" for the Planning Commission Correct inconsistent and confusing code language.	6 month process	<ul style="list-style-type: none"> Housekeeping code revisions Standardization of Tables 	<ul style="list-style-type: none"> Re-publish code into 1-column format Code audit to identify inefficiencies and inconsistencies. 		
Policy Modifications	6 month process		<ul style="list-style-type: none"> Complete update of Section 1400 – Transportation Planning Design Guidelines and Procedures Residential Facilities definitions Section 500 – Update parking standards 	<ul style="list-style-type: none"> Identify code amendments need to comply with Title 13 - Nature in Neighborhoods. Residential Design Standards 		<ul style="list-style-type: none"> Complete amendments to R-O-C/MU zones – amend to simplify, improve development readiness Strengthen annexation policy/code regarding extensions of public utilities. Sign Code – Design Standards for Commercial Areas, and address sign design Complete amendments to R-O-C/MU zones – amend to simplify, improve development Create design review or standards for commercial projects.

Responsibilities and Projects	Current Level of Service	Estimated Workload	Key Projects 2008-9	Key Projects 2009-10	Desired Improvements and Projects to Maintain Level of Service 2009-10	Wish List
						· Fix the non-conforming uses code.
COMMITTEES						
Planning Commission	Provide staff support to empower commissioners to make defensible decisions that implement the community vision. Organize trainings. Provide sound, understandable information. Meet twice a month. Recommend code and Comp Plan changes to protect and improve the community.	Prepare packet, attend meetings, prepare minutes. 12 hrs/month			Develop standards and templates for staff reports.	
Design and Landmarks Committee	Support DLC's mission to advise the Planning Commission and City Council on urban design, architectural, and historic preservation activities. Organize bi-monthly meetings.	Prepare packet, attend meetings, prepare minutes.	Historic property photo project.	· Review downtown and historic project applications as required. · Advise planning commission on creation of design review criteria for commercial projects.		
Design Review Team	Facilitate inter-departmental review team to coordinate on pre-application meetings, permit review.	1 hr per week for all staff.				
Metro Technical Advisory Committee	Attend 60% of MTAC meetings to maintain understanding of regional programs and requirements.	8 hrs/ month				
LONG-RANGE PLANNING PROJECTS						
Land Use and Transportation Planning	Special projects as funding is available.		Bicycle Wayfinding Signage Plan			· Hwy. 224 Triangle Rezone/Redevelopment Support
Community Development	Ongoing support to CD/PW Director on regional projects.	Provide technical and management support as requested.		<ul style="list-style-type: none"> • Support Downtown Urban Renewal study. • Assist with effort to remove Kellogg • Support Downtown Main Street Initiative. 		
Metro Planning Projects	Attend 1 3hr meeting per month.			<ul style="list-style-type: none"> · Local Aspirations · Urban and Rural Reserves TAC committee 		

Responsibilities and Projects	Current Level of Service	Estimated Workload	Key Projects 2008-9	Key Projects 2009-10	Desired Improvements and Projects to Maintain Level of Service	Wish List
CAPITAL PROJECT IMPLEMENTATION PLANNING	Attend project team meetings, inter-agency meetings. 10 hrs/ week of work			<ul style="list-style-type: none"> Support Light Rail permitting and design. 	2009-10	
	Attend project team meetings, plus 4 hrs/ week of work.			<ul style="list-style-type: none"> Support NE Milwaukie sewer extension project. Includes planning for annexation of 250 properties. 		
	Attend project team meetings.			<ul style="list-style-type: none"> Support Jackson Street bus stops project. 		