

CITY OF MILWAUKIE  
PLANNING COMMISSION MINUTES  
TUESDAY, MARCH 13, 2007

**COMMISSIONERS PRESENT**

Jeff Klein, Chair  
Dick Newman, Vice Chair  
Teresa Bresaw  
Catherine Brinkman  
Scott Churchill  
Paulette Qutub

**COMMISSIONERS ABSENT**

Lisa Batey

**STAFF PRESENT**

Katie Mangle,  
Planning Director  
Brett Kelter,  
Assistant Planner  
Bill Monahan,  
Legal Council  
Rhonda Tran,  
Hearings Reporter

1.0 CALL TO ORDER

The meeting was called to order at 6:32 p.m.

2.0 PROCEDURAL MATTERS – None.

3.0 PLANNING COMMISSION MINUTES

Approved PC Minutes can be found on the City website at [www.cityofmilwaukie.org](http://www.cityofmilwaukie.org).

3.1 Planning Commission Minutes – January 23, 2007

**Chair Klein** asked if there were any corrections to the minutes. **Commissioner Qutub** stated that she noticed one mistake on Page 8, Line 336. Where it said Ms. Mangle seconded the motion, it should say Commissioner Qutub seconded the motion.

**Chair Klein** said that he had a change on Page 3, Line 120. He commented that Milwaukie was an evolving city with vision. However, he noted that sometimes the City gets lost in the details. It should have read, “that sometimes the vision of the City gets lost in the details.”

**Commissioner Bresaw made a motion to approve the minutes for January 23, 2007 with the two corrections noted. Commissioner Qutub seconded the motion. MOTION CARRIED UNANIMOUSLY.**

4.0 INFORMATION ITEMS – City Council Minutes

City Council minutes can be found on the City web site at [www.cityofmilwaukie.org](http://www.cityofmilwaukie.org)

5.0 PUBLIC COMMENT - None.

6.0 PUBLIC HEARING

- 6.1 Type of Hearing: Major Quasi-Judicial  
Applicant: City of Milwaukie  
Owner: City of Milwaukie  
Location: 11022 SE 37<sup>th</sup> Avenue  
Proposal: Delete the Bertman House from the local list of  
designated historic resources  
File Number: HR-07-01  
NDA: Historic Milwaukie  
Staff Person: Brett Kelter

**Chair Klein** stated that this is a public hearing on the Bertman House, which is currently one of the designated historic properties in Milwaukie. This hearing is to consider application number HR-07-01, to amend the zoning map of the Comprehensive Plan and to make a recommendation to the City Council to delete 11022 SE 37<sup>th</sup> Avenue, the Bertman House, from the city's list of designated historical resources. This action would remove the Historic Preservation overlay zone for the subject property. The applicant has the burden of proving that this application is consistent with the applicable provisions of the Milwaukie zoning ordinance, the Milwaukie subdivision ordinance and comprehensive plan, state wide land use laws and Metro code. **Chair Klein** then asked staff to reference the criteria to be addressed.

**Mr. Kelter** noted the criteria to be addressed:

- MMC Section 19.323 - Historic Preservation Overlay zone
- MMC Subsection 19.1011.4 – Major Quasi-Judicial Review

**Chair Klein** asked if there were any conflicts of interest or ex-parte contacts to declare. **Chair Klein** asked if any member of the Planning Commission visited the site; 6 hands were raised. No one who visited the site spoke to anyone at the site or noted anything different from what is indicated in the staff report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

## STAFF REPORT

**Mr. Kelter** stated that this is part one of a Major Quasi-Judicial process – a hearing in which you are being asked to make a recommendation to City Council on application number HR-07-01, a historic review application; a request to delete the Bertman House, located at 11022 SE 37<sup>th</sup>, adjacent to the Milwaukie Museum, from the list of historic resources.

**Mr. Kelter** stated that the reason that they were here tonight was because the city, which is the owner of this property, is in the process of negotiating with a non-profit arts group, to use the space in exchange for making some improvements, making sure the building is being taken care of. The Bertman House is designated as an unrankable resource. Some of the things that the group will be doing to the building will include some exterior alterations, and according to the standards of the code, no alterations on the exterior can be done without the property getting a more specific designation or being removed from the list.

**Mr. Kelter** explained the three different categories (significant, contributing and unrankable) and outlined the background with regards to the six total properties on the list of unrankable historic resources. He said that based upon a historic preservation consultant's review and findings, the Bertman House did not score high enough to even be considered a contributing resource; therefore, the recommendation to the City Council to have the property removed from the list. **Mr. Kelter** made the point that the city is asking the tenant to follow through on doing the improvements and some of the restorations that have been discussed. He summarized by saying that the request before the Planning Commission is to make a recommendation to the City Council that this particular property be removed from the list – the City Council would make the final decision about this.

## QUESTIONS FROM THE COMMISSIONERS

**Mr. Kelter** asked the Commissioners if they had any questions. **Commissioner Bresaw** asked if there would be a lease agreement with the tenant and what the details were with regards to the improvements that they plan on making. **Mr. Kelter** said that Mr. Asher, as the applicant, would be able to explain those details to the commissioners. **Commissioner Qutub** asked who would be paying for the improvements. **Mr. Kelter** told her that question should be directed to Mr. Asher.

**Commissioner Churchill** asked Mr. Kelter who the city sent notice to (the radius). **Mr. Kelter** reported that notice was sent to neighbors within 400-feet of the subject property. **Commissioner Churchill** then asked if Madeline Bohl, who runs the museum, had been contacted and if she had any input. **Mr. Kelter** said that the museum did get the notice and the consultant we hired did talk to her during the course of the research.

**Commissioner Bresaw** asked if the improvements that had been done to the house (the ADA ramp and the aluminum windows) were done after the house was put on the Unrankable list. **Mr. Kelter** stated that the house was put on the list of historic resources in 1988 and it appears that some modifications were made to the house after that point in time. **Mr. Kelter** handed out a copy of a city building permit application from 1992 referring to the ADA ramp. **Chair Klein** asked why the parks department didn't remove the ADA ramp.

**Commissioner Churchill** asked if we know how the Bertman House got on the list originally. **Mr. Kelter** stated that there is some confusion as to why the process wasn't finished with several of these properties. He stated that of the other five unrankable properties, the consultant's recommendation is that one be removed from the list (the Portland Traction Line), another (the cemetery) be designated as either significant or contributing, and that the other three get contributing status. **Ms. Mangle** added that the city is not taking any action on any of the Unrankable houses at this time – just sharing the information.

#### CORRESPONDENCE

**Chair Klein** asked if staff had received any correspondence other than what was originally included. **Mr. Kelter** told the commission that he had not received any correspondence – only a phone call from Barb Cartmill from the Design and Landmarks Committee, stating that she did not have any comments. He said he also called Madeline Bohl at the museum but was unable to speak with her personally.

#### APPLICANT PRESENTATION

**Chair Klein** asked if there were any comments from the applicant. **Mr. Asher** said that he would like to fill in some of the unanswered questions. He began by stating that he thinks that this application is a testimony to the quality of planning staff that we have here at the city. He said that Ms. Mangle, the city's Planning Director took this opportunity to work on "cleaning up" this unfinished business, and in doing so, we might actually learn a few things about our historic inventory that could help take a step toward either preserving some buildings or making some buildings easier to update. **Mr. Asher** said that it was unclear why this process wasn't done when the Parks Department went into the building. There is a user for the building and the city will keep an active watch on the tenant's improvements, making sure that they preserve the architectural merit of the building. **Mr. Asher** stated that he is excited about the arrangement because the building is falling further each year into a state of disrepair.

**Mr. Asher** told the commissioners about the tenant, New Century Players, a fairly new non-profit local theatre group that has only been around for about three years. He said that a lot of people in Milwaukie were instrumental in getting the group

started. He said that the group contacted the city about six or eight months ago asking for help finding some space in Milwaukie. They were trying to move their operation out of the executive director's basement into an office space. **Mr. Asher** said that the only real catch is that they don't have much operating income. He shared his thoughts within the realm of community development, that being able to put this arrangement into place compliments everything else we are trying to put into town – imagining that this place becomes a center for the arts and also helps launch this group to a bigger and better future. He said that the tenant, over three years, will be working on repairs such as fixing the ADA ramp and the porch, replacing the roof, and ultimately replacing the windows. They will also make sure that the HVAC and electrical systems are up to code. **Mr. Asher** noted that an estimated \$20,000 worth of improvements will be made. He said that they have a contractor on their board and have some in-kind muscle they can put towards this; therefore the cash flow issue isn't so severe for them. He said that down the road, in three to five years, the city could either renew the lease with them, or if they grow into a more healthy and robust organization, maybe ask for some cash rent if they wish to stay there and the arrangement is working out. **Mr. Asher** said that either way, it feels like a win-win situation. We are not quite done yet, but in time and with the City Council's blessing on the lease, we can move forward.

**Commissioner Bresaw** asked if there was a timeline set up for the tenant to make the improvements. **Mr. Asher** said that the lease was structured with yearly benchmarks. He said that the lease also requires that as the property is fixed up, the tenant shall open the space for either the city or other arts organizations to use, whether for displays or for meetings – with the hope that it will blossom into something more than just New Century Players.

**Chair Klein** asked if whether the proposed lease arrangement would still be possible if this property were to be classified as a contributing resource. **Ms. Mangle** told him that they would still be able to do this. **Mr. Kever** clarified that the code for contributing resource, which is not the highest level, will allow exterior alterations without review. He said that it is significant resources that require review for exterior alterations. Both significant and contributing resources require review for demolition.

**Chair Klein** asked what the advantage would be to delete this property from the list. **Ms. Mangle** said that the consultant found that the Bertman House (which was a farm house) doesn't meet the criteria for being a historic property, along with the Portland Traction Line (which no longer exists). **Chair Klein** asked why the city has held on to the Bertman House as long as we have. **Mr. Asher** told him that we don't really know the history – it was just the right point in time to move forward to make something happen.

**Commissioner Qutub** asked if the city has other properties like the Bertman House. **Mr. Asher** said that there are no other properties with this unique circumstance. He said that the arrangement is, in exchange for the use of the property, the organization will contribute somewhere between \$20,000-\$30,000 in in-kind labor and materials to

restore the house and bring the building up to a standard where it could be occupied and where we can reverse the decline. **Mr. Asher** reiterated the arrangement that has been proposed and that will be presented to the City Council in a few weeks – there is no current city relationship with this organization, and in no way will anybody on the council or any other relations materially profit from this arrangement.

**Commissioner Newman** asked if the city had ever posted (or listed) the Bertman House as something available – with the possibility of making a bid on it. **Mr. Asher** stated that the city had not done any open solicitation for organizations that meet these standards. He said that in the recent past, during work sessions, City Council was asked whether or not they would support going down this road; they expressed strong support for this direction.

**Commissioner Churchill** expressed his concern that the city doesn't want to appear to give an unnecessary bias towards any particular non-profit organization – even though there were some members of City Council that helped to found this organization years ago. **Commissioner Churchill** asked whether once the Bertman House has been taken off of the historic resource list, if it could be demolished in the future. **Mr. Asher** reminded the commission that the city is not selling the property; therefore, we will not be exposing the house to the risk of demolition at this time. **Ms. Mangle** stated that the historic resource specialist has told the city that this property is not worthy of the strict regulation. She said that she is sure that there are other properties in the city that would be worthy of addition to the historic resource list.

**Commissioner Bresaw** asked who would approve the ADA ramp to be sure that they are meeting the code. **Mr. Asher** said that the ramp would be replaced and the railing repaired and that our building official, Tom Larsen, would be involved with approving the improvements according to our code.

TESTIMONY IN FAVOR -- None

QUESTIONS OR COMMENTS -- None

OPPOSITION TO APPLICATION -- None

ADDITIONAL COMMENTS FROM STAFF

**Ms. Mangle** told the commission that she was basically asking for a decision on one of these six properties that are currently in limbo. She said that the information presented tonight about the Bertman House is a proposal to allow the city to improve the property. **Commissioner Qutub** asked if any of the other properties that were

evaluated were vacant. **Ms. Mangle** told her that one is the Pioneer Cemetery, one is the Portland Traction Line, and the other three are private residences (two on Monroe Street and one on Wake Street).

**Mr. Kelter** clarified by quoting from the code that as a significant resource, some level of exterior alteration could be reviewed and approved by the Planning Director, while other levels of exterior change would require a hearing before the Planning Commission. The Bertman House scored 34 out of 88 points, not enough to qualify it as even a contributing resource.

**Commissioner Churchill** asked what the definition was for a contributing resource. **Mr. Kelter** said that the definition of contributing resource must receive a score level of 50% to 60% or score a high of 10 in at least one of the categories on the evaluation worksheet. He said to be significant, must receive a score of 60% or greater and be at least 50 years old or score a high of 10 in at least two of the categories.

**Chair Klein** asked if any member of Planning Commission had any questions regarding testimony to this point. He then asked if the applicant had any rebuttal or additional comments in response to the public testimony. **Chair Klein** closed the public testimony portion of the hearing.

#### QUESTIONS FROM THE COMMISSIONERS

**Catherine Brinkman** made comment that she feels that what it really comes down to is do we trust the expert who is qualified to make this determination. She said that we try really hard to be thorough and complete but it all comes down to trusting the experts.

**Chair Klein** said that he feels that the house has had several buildings added to the site that certainly don't add to the characteristics of the designated resource. He does not feel that the house falls into the category of a historic resource, at least at this time. **Commissioner Churchill** stated that he said it would be a stretch to pick up enough points to qualify.

**Chair Klein** asked if the other five unranked properties are publicly owned. He said that because the Bertman House is owned by the city, we would be in control of what would happen with the property in the future. It was noted that if someone would be willing to put enough resources in to restore the house, then it could bring the points up enough to make it a contributing resource in the future.

**Commissioner Bresaw** moved to make a motion to adopt the recommended findings for application HR-07-01, to recommend to City Council to delete 11022 SE 37<sup>th</sup> Avenue from the City's list of designated historic resources. **Commissioner Newman** seconded the motion.



**Ayes: Newman, Bresaw, Brinkman, Qutub, Klein**

**Nays: Churchill**

**The motion carried 5-1.**

7.0 WORKSESSION ITEMS – None.

8.0 DISCUSSION ITEMS

**Ms. Mangle** said that she has a follow up on that. She said that last time we were talking about the work plan, she mentioned something called periodic review; which over the next few years we will have to review our master plans and comp plans – mostly to be in compliance with state law. She said that one of the things that she has learned in this whole historic review adventure is that:

- 1) the city's historic resources inventory was completed in 1988 and hasn't been updated since
- 2) we have six properties that are unranked (in limbo) and nobody knows why

**Ms. Mangle** started looking around and realizing that the Milwaukie Community Center at 42<sup>nd</sup>, just south of Harrison – is not on the list – which is a property that has a history that tells a story and is in good shape. She is starting to think that one of the projects that we should undertake as part of the periodic review is taking a serious look at the City's historic property inventory.

**Chair Klein** asked if there is a burden for the landowner of a particular residence that is not listed as a historic site but then later on would be. **Ms. Mangle** said that if it is categorized as a significant resource, there are limitations to exterior modifications. **Ms. Mangle** said that one thing that is nice about the contributing historic properties list is that at least there is a list acknowledging that these properties are a valuable part of the community.

**Chair Klein** asked if there is any benefit to being on the list or any kind of a tax break for these historic properties. **Ms. Mangle** responded by saying that she did not think there was locally, but some properties that are listed are eligible to apply for grants and significant properties are eligible for some state or federal tax credits.

**Ms. Mangle** said that it was a last minute decision to evaluate all six of the unranked properties. She talked to Dolly Macken-Hambright about the cemetery – which Dolly welcomed the idea -- and said that we would share the information gathered with the Cemetery Association and let them initiate any action. She said that the Portland Traction Line will be part of the Riverfront Park application.

**Chair Klein** reminded everyone about the Town Center Site Open House, which is going on tonight over at the PSB building.



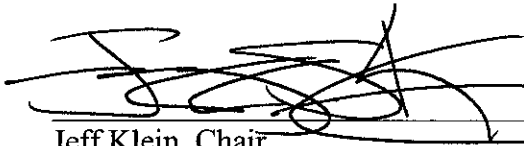
9.0 OLD BUSINESS – None.

10.0 OTHER BUSINESS/UPDATES – None.

11.0 NEXT MEETING – The March 27, 2007 meeting is put off until the following session April 10<sup>th</sup>, 2007.

**Commissioner Bresaw moved to adjourn the meeting of March 13, 2007. Commissioner Brinkman seconded the motion. MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:41 p.m.



Jeff Klein, Chair



Karin Gardner, Transcriber

# MILWAUKIE PLANNING COMMISSION

MILWAUKIE CITY HALL  
10722 SE MAIN STREET

## AGENDA TUESDAY, March 13, 2007 6:30 PM

		ACTION REQUIRED
1.0	<b>Call to Order</b>	
2.0	<b>Procedural Matters</b> 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. Thank You.	
3.0 3.1	<b>Planning Commission Minutes</b> January 23, 2007  Approved PC Minutes can be found on the City web site at: <a href="http://www.cityofmilwaukie.org">www.cityofmilwaukie.org</a>	Motion Needed
4.0	<b>Information Items – City Council Minutes</b> City Council Minutes can be found on the City web site at: <a href="http://www.cityofmilwaukie.org">www.cityofmilwaukie.org</a>	Information Only
5.0	<b>Public Comment</b> This is an opportunity for the public to comment on any item not on the agenda	
6.0 6.1	<b>Public Hearings</b> Type of Hearing: Major Quasi-Judicial Applicant: City of Milwaukie Owner: City of Milwaukie Location: 11022 SE 37 <sup>th</sup> Avenue Proposal: Delete the Bertman House from the local list of designated historic resources File Numbers: HR-07-01 NDA: Historic Milwaukie  Staff Person: Brett Kelter	Discussion and Motion Needed For These Items
7.0	<b>Worksession Items</b>	
8.0	<b>Discussion Items</b> This is an opportunity for comment or discussion by the Planning Commission for items not on the agenda.	Review and Decision
9.0	<b>Old Business</b>	
10.0	<b>Other Business/Updates</b>	Information Only Review and Comment
11.0	<b>Next Meeting:</b> March 27, 2007  The above items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.	

ist for Future Meetings:

April 10, 2007

## Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this city, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

### Public Hearing Procedure

1. **STAFF REPORT.** Each hearing 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 recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** The staff report is followed by any verbal or written correspondence that has been received since the Commission was presented with its packets.
3. **APPLICANT'S PRESENTATION.** We will then have the applicant make a presentation, followed by:
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **COMMENTS OR QUESTIONS.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** We will then take testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** When you testify, we will ask you to come to the front podium and give your name and address for the recorded minutes. Please remain at the podium until the Chairperson has asked if there are any questions for you from the Commissioners.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all testimony, we will take rebuttal testimony from the applicant.
- CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. We will then enter into deliberation among the Planning Commissioners. From this point in the hearing we will not receive any additional testimony from the audience, but we may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION/ACTION.** It is our intention to make a decision this evening on each issue before us. Decisions of the Planning Commission may be appealed to the City Council. If you desire to appeal a decision, please contact the Planning Department during normal office hours for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** The Planning Commission may, if requested by any party, allow a continuance or leave the record open for the presentation of additional evidence, testimony or argument. Any such continuance or extension requested by the applicant shall result in an extension of the 120-day time period for making a decision.
12. **TIME LIMIT POLICY.** All meetings will end at 10:00pm. The Planning Commission will pause hearings/agenda items at 9:45pm to discuss options of either continuing the agenda item to a future date or finishing the agenda item.

**The Planning Commission's decision on these matters may be subject to further review or may be appealed to the City Council. For further information, contact the Milwaukie Planning Department office at 786-7600.**

#### Milwaukie Planning Commission:

Jeff Klein, Chair  
Dick Newman, Vice Chair  
Lisa Batey  
Teresa Bresaw  
Catherine Brinkman  
Scott Churchill  
te Qutub

#### Planning Department Staff:

Katie Mangle, Planning Director  
Susan Shanks, Associate Planner  
Brett Kelter, Assistant Planner  
Ryan Marquardt, Assistant Planner  
Jeanne Garst, Office Supervisor  
Karin Gardner, Administrative Assistant  
Marcia Hamley, Administrative Assistant  
Kate Badenoch, Hearings Reporter



**To:** Planning Commission  
**Through:** Katie Mangle, Planning Director  
**From:** Brett Kelter, Assistant Planner   
**Date:** March 13, 2007  
**Subject:** File: HR-07-01  
Applicant: City of Milwaukie  
Address: 11022 SE 37<sup>th</sup> Avenue  
Tax Lot: 1S1E36AD02500  
NDAs: Hector Campbell, Ardenwald/Johnson Creek

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### **Action Requested**

Adopt the recommended findings for application HR-07-01 and make a recommendation to the City Council to delete 11022 SE 37<sup>th</sup> Avenue (the Bertman House) from the City's list of designated historic resources. This action would remove the Historic Preservation overlay zone from the subject property.

### **Key Issue**

This application centers on an evaluation of the historical significance of the subject property, known as the Bertman House. Currently, the Bertman House is designated as an "unrankable" resource. Should it be ranked or taken off the local list of historic resources?

### **Proposal**

The City owns the Bertman House at 11022 SE 37<sup>th</sup> Avenue (see Attachment 1 – Site Plan) and is negotiating with a nonprofit group to lease the building as an office and storage space. The Bertman House is not currently being used and has fallen into some disrepair. In exchange for the use of the building, the nonprofit group would make improvements to bring the facilities up to date. Most ordinary maintenance and interior improvements do not require special approval; but before any exterior alteration can be initiated, the property must undergo an historic evaluation and either receive a specific ranking<sup>1</sup> or be removed from the local list of historic properties. Based on a memorandum prepared by the City's historic preservation consultant, this application is a request to delete the

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<sup>1</sup> There are two possible rankings: "significant" and "contributing." The subject property was not ranked in 1988 when the local list of historic resources was established, perhaps because there was not sufficient information available at the time.

property from the local list of historic resources (see Attachment 2 – Consultant Memo).

### **Background**

The Bertman House (11022 SE 37<sup>th</sup> Avenue) is one of 46 designated historic properties in Milwaukie. John and Emilie Bertman built the house in 1926 as part of their dairy farm. Its unique design blends elements of the Colonial Revival, Prairie, and Craftsman styles. The house was eventually sold to the City of Milwaukie and in 1971 received conditional use approval to be used by the Milwaukie Fire Department for administrative offices (File # C-71-07). The North Clackamas Parks and Recreation District later established its administrative offices in the building. At present, the building is vacant. While the building has been modified over time, some of those changes were made before the property was put on the historic resources list. After 1988, additional modifications were made without going through the historic designation process, for reasons unknown.

The Bertman House is designated as an “unrankable”<sup>2</sup> historic resource, one of six local historic properties that have not been ranked as either “significant” or “contributing” according to the criteria outlined in Milwaukie Municipal Code (MMC) Section 19.323. MMC Subsection 19.323.5 requires that prior to undertaking any exterior alteration or demolition of an unrankable resource, the property/structure must go through a process to either rank it or delete it from the list of historic properties.

“Alteration” is defined as “a change, addition, or modification of a landmark which affects the exterior of the landmark, excluding routine maintenance.”<sup>3</sup> Routine maintenance and repair refers to 1) work that does not change the design, material, or appearance of any exterior architectural feature; as well as 2) any change required by the Building Official for public safety.<sup>4</sup> For the Bertman House, the proposed use of the building as a nonprofit office will require some exterior modifications that will trigger a need to address its ranking as an historic property.

### **Code Authority and Decision Making Process**

The proposal is subject to the following provisions of the Milwaukie Zoning Ordinance:

- MMC Section 19.323                      Historic Preservation Overlay zone
- MMC Subsection 19.1011.4    Major Quasi-Judicial Review

This application is subject to major quasi-judicial review, which requires both the Planning Commission and City Council to consider whether the applicant has demonstrated compliance with the code sections shown above. In major quasi-judicial reviews, the Planning Commission assesses the application against

<sup>2</sup> MMC 19.323.3 - “Unrankable” means historic resources that lack sufficient information to be ranked.

<sup>3</sup> MMC 19.323.3

<sup>4</sup> MMC 19.323.6

review criteria and development standards and evaluates testimony and evidence received at a public hearing in order to make a recommendation to the City Council. The City Council considers the Commission's recommendation and evaluates additional testimony and evidence received at a second public hearing in order to approve, approve with conditions, or deny the application.

The final City Council decision on this application must be made by June 16, 2007, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

### **Comments**

The application was referred to the following individuals and entities for review and comment:

- Design and Landmarks Committee
- Neighborhood District Association (NDA) chairs of both the Hector Campbell and Ardenwald/Johnson Creek neighborhoods
- Land Use Committees (LUCs) of both NDAs
- Staff liaisons for both NDAs
- Alex Campbell, the City's economic development specialist

The only comment received was from David Aschenbrenner, NDA chair and LUC chair of the Hector Campbell NDA. Mr. Aschenbrenner wondered the City is pursuing a change in status and whether or not the historical status could be reinstated in the future. The Planning Director responded to these questions in a separate document (see Attachment 3 – Response to David Aschenbrenner).

### **Recommended Findings in Support of Deletion of Historic Resource ranking**

1. Milwaukie Municipal Code (MMC) Subsection 19.323.5 requires that any historic resource designated as "unrankable" must go through a process to either give it a more specific designation (i.e., "significant" or "contributing") or remove it from the list of historic properties. The designation process is a Major Quasi-Judicial one subject to the provisions of MMC Subsection 19.1011.4. A pre-application conference is required and the application must have hearings before both the Planning Commission and the City Council.

The application is being processed according to the standards of MMC Subsection 19.1011.4. A pre-application conference was held among City Department heads. Public notice was provided according to the standards of MMC Subsection 19.1011.4 (Major Quasi-Judicial Review). A public hearing with the Planning Commission was held on March 13, 2007. A public hearing with the City Council is scheduled for April 3, 2007.

2. The 40 historic properties on the City's list that have a ranking of "significant" or "contributing" were evaluated using a Cultural Resource Evaluation Form that was part of the 1988 Milwaukie Historic and Cultural Resources



Inventory. The evaluation form has three categories of criteria: Historical Association, Architecture, and Environment.

The City hired Martha Richards, an historic preservation consultant, to evaluate the Bertman House. She was asked to use the Cultural Resources Inventory Form and the Cultural Resources Evaluation Form along with her best professional judgment to recommend a course of action for the City among three options: 1) designate the Bertman House as Significant, 2) designate it as Contributing, or 3) remove it from the inventory list.

3. The consultant completed the Cultural Resource Survey Form, which provides basic facts and data about the house (see Attachment 4 – Cultural Resource Survey Form for 11022 SE 37<sup>th</sup> Avenue). The consultant also produced a Statement of Significance for the property, which provides a narrative description of the history and architectural features of the house (see Attachment 5 – Statement of Significance for 11022 SE 37<sup>th</sup> Avenue).

The consultant completed the Cultural Resource Evaluation Form, which provides scoring criteria for three areas of concern: Historical Association, Architecture, and Environment (see Attachment 6 – Cultural Resource Evaluation Form for 11022 SE 37<sup>th</sup> Avenue). The Bertman House scored 34 out of 88 possible points and did not score a “10” in any of the possible categories. As such, it does not meet the standards for either “significant” or “contributing” resources as outlined in MMC Subsection 19.323.3.

The consultant produced a memorandum to elaborate on her findings and recommended that the property be removed from the list of historic resources (see Attachment 2 – Consultant Memo). Therefore, the Planning Commission recommends that the City Council remove 11022 SE 37<sup>th</sup> Avenue from the local list of historic resources.

### **Attachments**

1. Site Plan
2. Consultant Memo
3. Response to David Aschenbrenner
4. Cultural Resource Survey Form for 11022 SE 37<sup>th</sup> Avenue
5. Statement of Significance for 11022 SE 37<sup>th</sup> Avenue
6. Cultural Resource Evaluation Form for 11022 SE 37<sup>th</sup> Avenue





1 inch equals 63.573036 feet

# Site Map

## 11022 SE 37th Ave. (Bertman House)

*Memorandum*

To: Katie Mangle, Planning Director, Milwaukie  
From: Martha Richards  
Date: February 12, 2007  
Subject: John Bertman House (#44, 11022 SE 37<sup>th</sup> Ave.)

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This memo is to recommend that Milwaukie Planning Commission remove the John Bertman House, located at 11022 SE 37<sup>th</sup> Avenue, from the local list of historic resources. As the attached Cultural Resource Survey Form notes, the house and grounds have suffered from numerous alterations that have compromised its historical integrity. Numerous windows have been replaced with modern aluminum sash windows; a large wooden ADA ramp was built on the north side of the house and caused the removal of a portion of the original front porch balustrade; the second story porch balustrade was replaced with a decidedly un-decorative railing; and the north side of the house is pierced with an impressive array of air conditioning units. The house's historical context – a single-family home on a residential lot in a developing neighborhood – has likewise been compromised by the addition of a large asphalt parking lot and prominent maintenance shed in the front yard. In its current state, the house is only a fair representation of the architecture of its period.

The Bertman House is one of Milwaukie's many early twentieth-century houses and its history is readily documentable; indeed, many descendants of the Bertmans still live in the Milwaukie area. Many of the alterations are potentially reversible, some more easily than others. If future renovations were made to rehabilitate the house in a way that is historically appropriate, the house could become an asset to the neighborhood and a visual reminder of the area's history. As it now stands, however, the house is not worthy of being designated either a "Significant Historic Resource" or a "Contributing Historic Resource."



**Kelver, Brett**

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**From:** Mangle, Katie  
**Sent:** Tuesday, February 27, 2007 10:58 AM  
**To:** 'dlasch@comcast.net'  
**Cc:** Kelver, Brett; Asher, Kenny  
**Subject:** RE: Bertman House

Hi David,

You asked some fair questions, as usual. Here is some background on our recommendation to take the Bertman House off of the historic properties list.

As you know, this is part of a larger project Kenny has been working on to allow the New Century Players to rent and fix up the Bertman House. The plan is that they would repair and improve the house in exchange for using the office space inside.

The house is currently listed as an Unrankable Historic Resource. The City conducted a historic resources inventory in 1988 that identified Contributing, Significant, and Unrankable historic properties. The 6 properties that are listed on the Unranked Historic Properties list have a zoning overlay on them that requires that they go through a ranking process before the owner can do any exterior modifications that require City approval. Basically, all 6 properties are at the bottom of the list, in a state of zoning limbo.

For the Bertman House, the proposed use of the building as a nonprofit office will require exterior modifications, such as an ADA ramp and seismic upgrades, that will require City approval and thus triggers the need to address the historic property ranking. Obviously, the building has been modified over time without going through this designation process, and I don't know why it wasn't done.

Using the evaluation methods the City used to establish the list, our historic preservation specialist determined that the house doesn't rise to the same standards as other properties on the list. The evaluation process considers: Historical Association (the Bertman House did not have a strong historical connection), Architectural Quality (the Bertman House was an interesting but not architecturally significant house, and now it's in poor condition), and Environment (the house isn't a visual landmark, and isn't part of a historic district). So, her recommendation is to remove it from the list.

This doesn't in any way prevent the City from restoring the house. In fact, Kenny and I believe the modifications the New Century Players are proposing to make to the Bertman House will improve the property. One of the opportunities Kenny sees in the New Century Players' proposal is that they will be able to take care of the house in a way the City couldn't on its own.

De-listing the property will have the following effects on the house:

- 1) the only regulatory protections it will lose will be protection from demolition (this is the only regulation we apply to Contributing Historic Resources)
- 2) the City will still pursue the goal of restoring the house
- 3) the City can always add the property to the list again in the future when the site and condition of the building is restored.

In fact, this little project has raised our awareness of the potential to do a better job identifying and promoting restoration of the City's historic resources. For instance, that great building on 42nd - I think it's called the Milwaukie Community Center - is a building with a meaningful local history and an intact architectural composition. It's not on the historic inventory list at all! As part of an upcoming comprehensive plan review (next year), it may be time to update our historic resources inventory.

Thanks for asking the question, and I apologize for not including this background information in the referral packet. Feel free to share this email with others who may be interested, and please let me or Kenny know if you

3/2/2007

have further questions.

- Katie

Katie Mangle, Planning Director

City of Milwaukie  
6101 SE Johnson Creek Boulevard  
Milwaukie, OR 97206  
p: 503.786.7652  
f: 503.774.8236

-----Original Message-----

**From:** David Aschenbrenner [mailto:dlasch@comcast.net]

**Sent:** Thursday, February 22, 2007 7:10 PM

**To:** Asher, Kenny; Mangle, Katie

**Cc:** Kelter, Brett

**Subject:** Bertman House

Hi guys,

I understand how and the rationale of the Consultant's report, but Why? What is the reason for the change? If the house has been fixed up before without the change in historical designation why now? Can not changes be made and should the goal be to return it to a historical status?

David Aschenbrenner  
11505 SE Home Ave.  
Milwaukie, OR 97222  
503-804-3837

# Cultural Resource Survey Form

Clackamas County

I.D.

Number M-36-328

Study

Area: Milwaukie

Legal:

T: 1 R: 1E Sec.: 36AD

Tax

(lots): 2500

Zone:

R-5 Lot Size: 17,258 sf

## IDENTIFICATION

Common/Historical Name: John Bertman HouseAddress: 11022 SE 37th AvenueArea: MilwaukieCurrent Owner: City of MilwaukieUse: Government OfficesOriginal Owner: John & Emilie BertmanOriginal Use: Residence

Area of Significance: Town: \_\_\_\_\_ County: \_\_\_\_\_ City: \_\_\_\_\_ Nation: \_\_\_\_\_

## HISTORIC INTEREST

Theme: Architecture -- 20th CenturyDate: 1930

Description: Built in 1930 by John and Emilie Bertman, this house replaced an earlier structure at the same location. The Bertmans immigrated from Latvia and had a farm that supplied food to area residents. The City of Milwaukie now owns the house and has used it to house a variety of offices and services.

## ARCHITECTURAL INTEREST

Style: Eclectic, with Prairie Style influencesStories: 2Date Constructed: 1930Condition: fair

Architect: \_\_\_\_\_

Siding: Painted StuccoRoof: Clipped front gable with gable end returns. Wide overhanging eaves.Doors: Panel and single pane door

Windows: Some 1/1 double-hung wood sash; some aluminum sash horizontal sliding windows. Multi-light Queen Anne fixed sash with colored glass in gable peak.

Main Entrance: Two-story front porch supported by thick plain posts on concrete bases. Decorative balustrade on first floor and replacement balustrade on 2nd.

ADA ramp wraps around north side of house and enters porch from north.

Notes: Numerous alterations have compromised the house's historical integrity.

Modern shed and asphalt parking lot compromise the context.



View of west facade

Date: Martha Richards  
Recorder: February 2007

CITY OF MILWAUKIE  
CULTURAL RESOURCE INVENTORY  
Statement of Significance

ADDRESS: 11022 SE 37th Avenue, Milwaukie

This house was constructed by John Bertman, a carpenter who had immigrated from Latvia around 1908. His wife Emilie immigrated in 1912; they moved to Milwaukie in 1926. It appears that this house, constructed by the Bertmans in 1930, replaced an earlier structure at the same location. According to the 1988 Cultural Resource Inventory, that earlier structure was built by the Bertmans in 1926. The reason for its replacement is unknown.

The Bertmans farmed the land around the house and provided fresh dairy products, eggs and bread to much of the surrounding community for many years. John Bertman died in 1953 and Emilie in 1979. The house was eventually acquired by the City of Milwaukie. It has been used to house a variety of public services, including Fire Department Offices, and, most recently the Parks Department.

The house is an eclectic design combining a variety of styles. It is two stories tall with a clipped front gable. The windows were originally one over one double-hung wood sash, but many have been replaced with horizontal aluminum frame sliders. The house is rectangular in plan with a shed roofed back porch. The front facade faces west and has a two-story porch with wide cement steps leading to the single front door. The door is flanked by two large double-hung windows. The wooden porch railing on the first floor has an ornamental starburst design flanked by closely spaced vertical slats. The railing on the north side of the porch has been sawn off to accommodate a wooden ramp leading from the parking lot to the porch. The railing on the second floor porch was the same design when the house was inventoried in 1983, but it has since been replaced by regularly-spaced 2x2 posts. A wide assortment of window air conditioners adorns the windows and walls of the north facade of the house.

The house currently sits on a small city lot at the corner of 37th and Railroad Avenues across the street from the railroad tracks. The northern portion of the lot is paved with an asphalt parking lot, and a modern gable-roofed shed with T-111 siding is located in the northeastern corner of the lot.

This house has been modified to serve municipal, rather than residential, uses during the City's ownership. Although many of the alterations are reversible, in its current state the house has lost much of its architectural integrity, not to mention its historical context as a residence.

**BIBLIOGRAPHY:**

1983 Clackamas Cultural Resource Survey Form  
Sanborn Fire Insurance Maps (1928 and 1936)

Date: February 2007  
Recorder: Martha Richards



CITY OF MILWAUKIE  
CULTURAL RESOURCE EVALUATION FORM  
Criteria for Establishing Significance

Name: Bertman House  
Address: 11027 SE 37th Ave  
Date of Construction: 1930  
Style:  
Type:

Rank:  
Legal:  
Zone:  
Land Size:  
Use:

### HISTORICAL ASSOCIATION

A PERSON/GROUP/ORGANIZATION: Associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the community, state, or nation.

Particularly Strong		10
Strong	Milwaukie's early history was strongly agricultural, and the	7
Some	Bertmans were farmers. Their products were important to the	5
None	community. However, the Bertmans were important but not significant	0

B EVENT: <sup>people.</sup> Associated with an event that has made a significant contribution to the community, state, or nation.

Particularly Strong		10
Strong		7
Some		5
None		0

C PATTERN: Associated with, and illustrative of, broad patterns of cultural, social, political, economic, or industrial history in the community, state, or nation.

Particularly Strong		10
Strong	Milwaukie's early history was strongly agricultural. Bertmans	7
Some	were farmers.	5
None		0

SUBTOTAL:

12



## ARCHITECTURE.

- A. **STYLE/BUILDING TYPE/CONVENTION:** Significance as an example of a particular architectural style, building type, or convention.
- |                    |   |    |
|--------------------|---|----|
| Excellent          | Bertman was a carpenter, and it looks like he might have      | 10 |
| Very Good          | designed and built the house himself (not altogether uncommon | 5  |
| Good               | to do that in the area and at the time). Good house, but      | 3  |
| Of little interest | not necessarily architecturally spectacular.                  | 0  |
- B. **DESIGN/ARTISTIC QUALITY:** Significance due to quality of composition, detailing, and craftsmanship.
- |                    |  |   |
|--------------------|--|---|
| Excellent          | Original railing pattern, gable-end window, and (originally) | 4 |
| Very Good          | fully trimmed. Somewhere between "Good" and "Very Good"      | 3 |
| Good               | because it's a well-built place that has nice proportions.   | 2 |
| Of little interest |  | 0 |
- C. **MATERIALS/CONSTRUCTION:** Significance as an example of a particular material or method of construction.
- |                    |   |   |
|--------------------|---|---|
| Excellent          | Continuing on that theme...a fine (but not spectacular) example | 4 |
| Very Good          | of what it is -- a carpenter's farmhouse from the early part    | 3 |
| Good               | of last century.  | 2 |
| Of little interest |   | 0 |
- D. **INTEGRITY:** Significance because it retains its original design features, materials, and character.
- In spite of historically inappropriate
- |   |   |   |
|---|---|---|
| No apparent alterations                           | (but reversible) alterations, the house has | 7 |
| Minor alterations                                 | maintained its overall character.           | 5 |
| Major alterations but overall character preserved |   | 3 |
| Severely altered little character preserved       |   | 0 |
- E. **RARITY:** Significance as the only remaining, or one of the few remaining, properties of a particular style, building type, design, material, or method of construction.
- |                |   |    |
|----------------|---|----|
| One of a kind  | It's unique in that there is no other exact copy of the | 10 |
| One of a few   | house, but its overall style, massing, and materials    | 7  |
| One of several | are consistent with other houses of that period.        | 3  |
| One of many    |   | 0  |

SUBTOTAL:

14

## ENVIRONMENT

## A LANDMARK: Significance as a visual landmark.

It's a large, two-story house on a major street

Symbol for the City	across from an open lot.	10
Conspicuous/well-known in community		7
Conspicuous/well-known in neighborhood		5
Not conspicuous/well-known		0

## B SETTING: Significance because current land-use surrounding the property contributes to the integrity of the pertinent historic period.

Doesn't convey the sense of a farmhouse. The asphalt parking lot and maintenance shed make it look particularly non-residential.

Excellent		4
Very Good	The historical museum's streetcar on display next door	3
Good		2
Fair/Poor	contributes to the non-residential character of the vicinity.	0

## C CONTINUITY: Significance because the property contributes to the continuity or character of the street, neighborhood, or community.

House on a residential street.

Establishes character		7
Important in maintaining character		5
Compatible		3
Incompatible		0

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SUBTOTAL:

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TOTAL:

28 pts. possible

34