

MILWAUKIE CITY COUNCIL
WORK SESSION
JANUARY 7, 2002

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The work session came to order at 5:30 p.m. in the City Hall Conference Room.

City Council present: Mayor Bernard and Councilors Lancaster, Marshall, and Newman.

Staff present: City Manager Swanson, Interim Planning Director Gessner, Associate Planner Kent, IST Manager Gartner, Neighborhood Services Manager Gregory, and Program Specialist Herrigel.

Information Sharing

1. **Mayor Bernard** discussed the location and possible topics for the March Clackamas Cities meeting which Milwaukie is hosting. **Swanson** suggested a panel discussion on library funding.
2. Council discussed planning a fall trip to Milwaukie's Sister City, Iwaki, Japan.
3. The group discussed the growing popularity of small towns and the potential for marketing Milwaukie on cable access and the Internet.
4. **Swanson** provided a draft letter from Mayor Bernard to Metro South Corridor Policy Group Chair Rod Monroe transmitting the Milwaukie neighborhood leaderships' comments on the project. Swanson also sent a letter to Metro staff urging some positive results on the South Corridor project and citing the need to put City staff time in on other important projects such as decommissioning the Kellogg Wastewater Treatment Plant.
5. **Swanson** provided a list of projects compiled at that December TMAC retreat and asked for Council input. Milwaukie submitted a total of 5 projects for federal funding: Lake Road/Oatfield Road and Logus Road in the regional highway category and Railroad Avenue, Milwaukie Main Street, and Harmony Road in the TCSP category. The group agreed Lake Road and Railroad Avenue were the most important projects in their respective categories. **Councilor Marshall** suggested adding McLoughlin Boulevard to the bridge category.

Board and Commission Interviews

The City Council interviewed Julie Smith, Kathleen Rose, and Jim Newman for positions on the Centennial Committee and Scott Griffith and Roman Moreno for positions on the Cable Access Studio Ad Hoc Committee.

North Clackamas Parks District Report

North Clackamas Parks and Recreation District (NCPRD) Director **Mike Henley** provided an update on the District's master plan process. The needs assessment findings are being used to project the types of programs and facilities needed to serve the population between now and 2021. These may be developed by the District as well as other recreation service providers. Henley reviewed the various assessment methods which included community and staff workshops; organized sports providers and random household surveys; website and newsletter surveys; and comparisons with other communities.

Councilor Marshall believed small neighborhood parks should carry more weight than large, multi-use parks. As density increases, lots are becoming smaller, so there is a real need for accessible neighborhood parks for children to explore. Although regional parks seem desirable, large parcels are hard to find.

Henley discussed the proposed standards and goals and noted the importance of a realistic, deliverable plan. Survey respondents indicated some willingness to pay increased taxes depending on the proposed facilities and programs. The priorities from this survey seem to mirror what was included in the last money measure campaign. Although the funding strategy is not yet clear, there may be ballot measures for capital projects as well as paying off existing bonds to free up money for operations. Milwaukie is represented on the Parks District Citizen Advisory Committee by Mayor Bernard, Molly Hanthorn, Mart Hughes, and Mitch Wall.

Councilor Lancaster asked if the public workshops were well attended, and **Henley** responded they were not. The workshops were just one of several input gathering strategies.

Councilor Marshall asked if the Board of County Commissioners had made any movement toward allowing the District to be a self-governing body, and **Henley** replied there were no steps in that direction.

Councilor Marshall asked how the proposed standard of acres per 1000 population for neighborhood and community parks was established. **Henley** said it was based on mathematical projections and the consultant's professional experience of what makes sense for this community.

Councilor Marshall noted the current downward trend in attendance at the aquatic center and asked why the projection showed the need for more square feet of pool space. **Henley** explained this is a 20-year needs projection. While aquatic park general attendance is down, special programs are doing very well. He added, the District is not solely responsible for meeting the deficiencies.

Swanson commented the Board of County Commissioners decides whether or not a Parks District measure goes on the ballot. The Board is putting a fairly

substantial law enforcement measure on the May ballot which, he added, may be of questionable benefit to cities. Three very popular services, law enforcement, parks, and libraries, are in need of funding, and failure of the law enforcement levy could seriously reduce funding of the other two.

Henley said there will also be a major facilities measure to develop Red Soils. Board Chair Jordan has publicly stated he will not reduce law enforcement services. The Parks/Library Task force is close to making a decision on its funding recommendation, but having enough money to implement the Parks District Master Plan is a serious problem.

Swanson noted the Master Plan element relating to the need for community and regional riverfront access. He asked Henley to remind the Board of County Commissioners that Milwaukie has an answer to that problem but for one major stumbling block -- the Kellogg Wastewater Treatment Plant. Milwaukie is willing to be part of the answer to this recognized need.

Henley suggested quarterly City Council/Parks District meetings.

Public Access Studio Ad Hoc Committee

Herrigel provided a preliminary task list for the Public Access Studio Ad Hoc Committee which includes developing a program mission statement, a long-term financial plan, scheduling and use policies, and an equipment upgrade plan.

Councilor Marshall recommended the mission statement, financial plan, and scheduling system be addressed immediately.

Councilor Newman thought the Committee could be proactive in involving the access studio in community events such as the upcoming Milwaukie Centennial.

The group discussed the feasibility of airing Milwaukie public access shows in unincorporated areas which currently receive only Willamette Falls programming.

Computer Hardware Purchase Update

Swanson reviewed the computer hardware purchase staff recommendation scheduled for Council action at its regular session. During the 2001 - 2002 budget process, the Budget Committee approved funding for management information system (MIS) software, and staff is in the midst of that procurement process. The Budget Committee also approved funds for a multi-year hardware lease arrangement to meet existing system demands as well as those added by the MIS software. Staff estimates the current hardware is at 95% capacity.

Initially, funds were budgeted for a 3-year hardware lease based on the belief that adequate funds for a purchase were not available, and IST Manager Gartner

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prepared a request for proposals (RFP) to lease computer hardware. In the meantime, the annual audit came out showing a higher than anticipated administrative service fund balance. The City is now in a position to use those funds for an outright purchase.

The first recommendation before Council is to reject all proposals to lease computer hardware because the City will save money by purchasing outright from the state contract. The second recommendation is to purchase from the second lowest bid, Compaq, on the state contract. The City's existing system is Compaq and staff is trained in its support. Compaq also offers an extended warranty beyond 3 years on server hardware which is beneficial considering the tendency of servers to have a longer life span.

Gartner discussed the City's current computing environment and the inability to load new software on some of the older workstations. Milwaukie currently operates on a system of 6 existing Compaq servers, so there is already an investment in that service line. The existing servers, which are 4 years old, will remain in service at a reduced capacity, and the new MIS software will be loaded on the new servers. By balancing the application loads, the network will operate more efficiently. The IST staff currently utilizes Compaq's pre-failure management software to remotely monitor any potential network server problems, and, by purchasing the Compaq product, staff can continue this practice. Compaq is the industry standard for servers and has proven almost 100% reliable in the City.

Swanson noted Compaq meets or exceeds the RFP specifications and offers an extended warranty. The city attorney was present to answer any questions related to the public purchasing process. The auditor has approved of the use of administrative funds to purchase the computer equipment.

Firestone said rejecting the lease proposals is justified because the same equipment can be purchased for less, and, therefore, serves the public interest.

Councilor Lancaster asked if equipment would need to be replaced every 4 years and if this is a step toward system integration.

Gartner said workstations are replaceable about every 4 years and software will drive the need for additional server capacity. This equipment and the MIS software move toward system integration. Some old workstations will be used for training and others will replace public machines at the Ledding Library.

Urban Forestry Ad Hoc Committee Status Report

Swanson said Interim Community Development Director Rouyer presented the City Council with a specific charge for this Committee to be completed within a specific period of time. The allotted time ends this month, but, for various

reasons, including member disagreements on regulating trees on private property, the Committee has accomplished little. Staff is seeking direction on how the Committee should proceed.

Kent added that the Committee agreed on public property regulations but could not come to consensus on private property issues. It has also been difficult getting attendance at the meetings, and one person resigned.

Councilor Marshall and **Mayor Bernard** agreed the Committee should provide any information it has and then disband.

The Urban Forestry Ad Hoc Committee will have one final meeting to prepare a report to Council.

Proposed Flag Lot and Other Development Standards

Gessner sought Council direction on code amendment options for improving flag lot and other development standards. For background, he provided a City map highlighting those parcels with flag lot potential. He reviewed the history of flag lot development in Milwaukie and noted long term community concern. The first flag lot standards were adopted in 1979, and, since that time, required access widths and administrative variance percentages have fluctuated. He provided a graph illustrating growth periods and variance, subdivision, and partition applications.

Gessner summarized the options to improve flag lot design: widen access to open view, reduce physical and visual crowding, prohibit stacked flag lots, expand perimeter and buffer planting requirements, and require shared curb cuts.

Councilor Newman asked the required access widths for stacked flag lots.

Gessner said access for 1 flag lot is 20 feet and 30 feet for 2 flag lots.

The group discussed fencing and vegetative screening, and **Gessner** will work on refining that section but is concerned with blocking the street.

Councilor Lancaster suggested language which requires the method providing the best screening.

Councilor Newman pointed out it does take time for plantings to fill in and might prove difficult to enforce long term. The group discussed ongoing property owner obligations to planning regulations.

Councilor Marshall referred to the option of prohibiting stacked flag lots. At some point, developers need to be told to put in streets.

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Council agreed staff should pursue these options for improving flag lot design and development.

Gessner moved on to the next issue which was improving the architectural quality of new houses. He explained cities cannot discriminate between manufactured and stick-built houses but can require certain design elements such as eaves, recessed entries, attached garages, and dormers.

Councilor Marshall asked if the City could require a certain percentage of brick or stonework on the façade and if it is feasible to have a pool of required architectural features from which the developer must choose.

Firestone said that type of requirement is defensible as long as it applies to all housing types. However, it could also be argued that a feature like brick or stonework is rare in manufactured housing. Any list of features which excludes manufactured housing creates a problem.

Councilor Newman understands historical districts have more flexibility in requiring certain materials, but, in other circumstances, there could be legal problems. For general requirements, many communities have adopted a cafeteria approach to incorporating architectural features as well as having universal sizing, massing, and orientation requirements.

Councilor Marshall believes stonework is a good way to upgrade the community.

Gessner discussed the next issue which was eliminating covered parking. The Zoning Ordinance currently requires 2 parking spaces for each single family development 1 of which must be covered. To save money, it is a common practice for people to remodel their attached garages into a living space. This practice often results in a Zoning Ordinance violation and raises enforcement issues. Staff, as an alternative, recommends developing carport design standards.

Councilor Marshall was interested in the Planning Commission's comments and suggested a carport standard requiring enclosed storage.

Gessner's final item was restrictions to the size and location of very large accessory structures on residential lots.

City Council directed staff to pursue accessory structure issues and review setback, height, and material requirements.

Other

Councilor Marshall wishes to discuss the Council Presidency and Council retreat in the near future.

Adjournment

Mayor Bernard adjourned the work session at 8:35 p.m.

Pat DuVal
Pat DuVal, Recorder



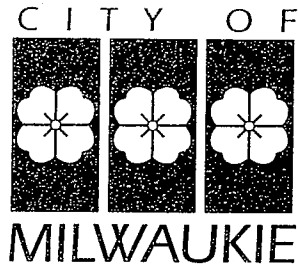
TO: Mayor and City Council
FROM: Mike Swanson, City Manager
DATE: January 3, 2002
RE: Amendment of December 28, 2001 Staff Memo for "Purchase of Computer Hardware off State Compaq Contract"

The first paragraph of the memo reads as follows:

"The Information Systems and Technology (IST) Department respectfully requests Council to authorize the City Manager to sign an agreement for the purchase of Compaq computer workstation and server hardware through an existing State contract in the amount of \$132,591.00."

Owing to a transposition of numbers from the matrix, the purchase amount is incorrect. The paragraph should read as follows:

"The Information Systems and Technology (IST) Department respectfully requests Council to authorize the City Manager to sign an agreement for the purchase of Compaq computer workstation and server hardware through an existing State contract in the amount of \$160,175.52."



TO: Mayor, City Council and Citizen Budget Committee Members
FROM: Mike Swanson, City Manager
DATE: January 3, 2002
RE: Summary of Computer Hardware Purchase Action Scheduled for
January 8, 2002 Council Meeting

The purpose of this memo is to summarize the above transaction and to anticipate questions that might arise during either the work session or regular meeting. The summary is presented in the form of a series of questions.

(1) Why is it necessary to acquire new equipment? During the FY 2001-02 budget process we presented a comprehensive proposal for a change in the City's management information system. At present, the reports that we receive are, at best, difficult to read and understand. In many cases it is necessary to manually produce information. This made the last collective bargaining process more challenging to cost. The proposal includes two elements. The first is the development of software that will both produce reports that we need and that are understandable. We included \$200,000 for the development of this software. The project is proceeding on schedule. The second element of the project is lease/purchase of new hardware to run the new software. At present our system is estimated to be at ninety-five percent of capacity. A continuation of our present operations unchanged presents us with the real possibility of overextending the system. The addition of new software makes this a certainty. Thus, we budgeted \$70,000.00 during FY 2001-02 to commence a lease of the necessary equipment.

(2) Why should we reject the RFP for a lease/purchase of the hardware? How can we grow the budgeted amount from \$70,000.00 to the recommended purchase price of \$160,175.52? As stated above, the original plan was to effect a lease/purchase of the equipment. This plan would lessen the annual outlay required. An RFP was required because the State Contract does not include a lease option. The two low lease/purchase bids were from Dell (\$166,968.00 total cost/annual lease payments of \$41,742.00) and Compaq (\$197,490.80 total cost/annual lease payments of \$49,372.00).

Three other bids were considerably higher, and one did not bid a complete package.

Subsequent to the release of the RFP, the annual audit disclosed a higher than anticipated fund balance in the Administrative Services Fund. The Administrative Services Fund contains the budgets for those departments that provide admin services to other City departments (e.g. Finance, Human Resources, IST). Each department receiving services is assessed an annual charge to fund Administrative Services. The higher fund balance was due to past charges that were higher than necessary to fund the services. One option would be to reduce the charge during the next budget process. Another option is to utilize the available funds to accelerate the purchase. Because the computers will provide services for which the fees that generated the fund balance were paid, the expenditure of fee receipts for this purpose is permissible. The City's auditor has been consulted and concurs in the recommendation to utilize the Administrative Services fund balance.

When we consider the cost of an outright purchase, it effects significant savings over a lease. The two lowest bids for purchase pursuant to the State contract effect savings of \$20,176.00 and \$16,978.60. Thus, the recommendation to reject the RFP for the lease/purchase of the equipment is made because of the savings.

(3) How is acceptance of the second lowest bid justified? \$27,584.52 separates the two low bids under the State contract. The Dell purchase price is \$132,591.00; the Compaq purchase price is \$160,175.52. The next lowest price for a complete system is \$50,287.48 more than the price for the Compaq system, which is considered the highest quality system, and, therefore, the higher bids are not being considered.

A partial list of factors justifying acceptance of the second lowest bid follows (more technical explanations and factors can be addressed by Esther at the work session or public hearing):

- Compaq is the only respondent to meet or exceed all of the City's server and workstation specifications.
- The City has an investment in the Compaq ProLiant server line. Seven present servers will remain in service, and six will be added. The City's experience with reliability and maintenance has been positive. In addition, City staff is adequately trained and capable of servicing the Compaq server and desktop line, given past experience.
- The City currently utilizes a pre-failure management software that integrates with the proposed equipment and allows for remote monitoring of servers within the various City facilities.

- Compaq is the only vendor to offer an extended warranty on the servers beyond the traditional three-year warranty. Servers tend to have a longer life than workstations, and, therefore, an extended warranty period is of benefit to the City.
- Compaq is the only vendor to offer a faster (15,000 rpm as opposed to 10,000 rpm), thus ensuring faster retrieval of information. The quicker retrieval especially beneficial when interacting with the public (e.g. billing questions and payments, permit processing).



TO: Mayor and City Council
FROM: Mike Swanson, City Manager
DATE: December 31, 2001
RE: FYI memo

Due to the fact that the first Tuesday of the month falls on a holiday, the Council rescheduled the meeting for January 7 and January 8, 2002.

COUNCIL WORK SESSION **JANUARY 7, 2002**

The work session begins at 5:30 P.M. with dinner and information sharing. Councilor King is in Washington, D.C. and will be excused from both the January 7 and January 8 meetings. The agenda for the work session is as follows:

- (1) **Committee Interviews:** Vacancies exist on both the Centennial Advisory Committee and the soon to be created Public Access Studio Ad Hoc Committee.
- (2) **North Clackamas Parks District Report:** District Manager Mike Henley requested time on the Council agenda to discuss District issues. This matter was originally scheduled for a December work session, but the District cancelled. This is the rescheduled date.
- (3) **Proposed Rejection of Computer Hardware Bids and Purchase Through State Contract:** This item is a brief review of two matters before the Council at its January 8, 2002 regular session. Both deal with the purchase of new computer hardware. The FY 2001-02 budget included substantial resources for a new management information system and for the first of three years of a lease-purchase of new hardware. After initiating an RFP for the hardware, the audit disclosed a larger than anticipated fund balance in the Administrative Services Fund due to excess charges in prior years, enabling the City to purchase rather than lease and then purchase the equipment. Thus, it is recommended that the proposals for lease be rejected, and the purchase of the equipment will be made pursuant to the State contract.

- (4) **Public Access Studio Ad Hoc Committee:** Consistent with the Council's expressed desire to utilize committees whose tasks and time frame are well defined, staff and Richard Beck are proposing an ad hoc committee with specific tasks to operate for one year in order to help with the transition from the AT&T facility and funding to the Lake Road studio and City funding.
- (5) **Urban Forestry Ad Hoc Committee Status Report:** The Committee was convened with its current charge on September 5, 2001. Its tasks were specifically defined, and it was charged to complete its assignment within four months. This report is scheduled to coincide with that four month time frame. This is an update on the work of the Committee. The staff report notes that the Committee has had difficulty meeting in full, and one member has resigned. In part because of the difficulty in scheduling, and in part because of the strong views on the issue of regulation of trees on private property, the Committee has not developed a consensus position.
- (6) **Proposed Flag Lot and Other Development Standards:** Staff will present design options for new standards to improve the quality of flag lot design, including new design standards for house construction, as part of the continuing work on neighborhood livability. The matter has been presented to both the Planning Commission and Neighborhood District Association leadership. Staff is also seeking Council direction on possible increased restrictions on large accessory structures in residential zones and whether or not the residential covered parking requirement should be eliminated.

Council Regular Session **January 8, 2002**

The regular session commences at 6:00 P.M. The agenda for the regular session is as follows:

- (1) **Good Governance Award Recognition:** At the November 2001 League of Oregon Cities annual meeting the City was presented with the Good Governance Award for its Neighborhood Services Program. We have purchased an additional plaque for presentation to the Neighborhood Services Department. Michelle and Jason will be in attendance to accept the plaque. Much of the success of the program is due to their staff work. Also in attendance will be many of the neighborhood chairs, without whom the program would not be the success that it is.
- (2) **2001 Quality Team Presentation:** Each year a team of North Clackamas School District high school students are presented with a City issue, which they are charged with studying and resolving. This year's issue is: Identifying Approaches for Financing Implementation of the Riverfront Plan.
- (3) **Designate Papers of Record:** This is an annual task required of the City by State statutes and the City Charter.
- (4) **Establish Meeting Dates for 2002:** This is an annual task required of the City by State statutes and the City Charter.

- (5) **Medical Gas Permit Fee:** Staff is proposing that the Council adopt a resolution revising the plumbing permit fees for the installation of medical gas facilities. These are defined as "any gas and vacuum system used for medical or dental procedures." The proposed fees are based on recent amendments to the Oregon Administrative Rules. The new fee schedule will make Milwaukie's fee schedule consistent with State plumbing code administrative rules governing these types of facilities and installations.
- (6) **Authorize Purchase of 10-Yard Dump Truck:** Staff is requesting that Council give the City Manager authorization to sign purchase orders not to exceed \$90,000 for the purchase of a 10-yard dump truck and required accessories for the handling of waste materials. This purchase is a replacement of existing equipment and was approved in the FY 2001-02 budget process and 2001-06 CIP.
- (7) **Center/Community Advisory Board Appointment Recommendation:** The Center/Community Advisory Board (C/CAB) was expanded to 18 members after the North Clackamas Parks and Recreation District (NCPRD) was formed. Nine members must be Milwaukie residents, and the remaining nine must be residents from other areas within the NCPRD. Because of the expanded service area, the C/CAB recruits and interviews Board applicants and makes recommendations to the Council for City appointed positions. The C/CAB has gone through this process and recommends that the Mayor appoint Sharon Phillips to a vacant Board position.
- (8) **Reject All Proposals for Computer Hardware and Authorize City Manager to Sign Purchase Order for Computer Hardware:** Both deal with the purchase of new computer hardware. The FY 2001-02 budget included substantial resources for a new management information system and for the first of three years of a lease-purchase of new hardware. After initiating an RFP for the hardware, the audit disclosed a larger than anticipated fund balance in the Administrative Services Fund due to excess charges in prior years, enabling the City to purchase rather than lease and then purchase the equipment. Thus, it is recommended that the proposals for lease be rejected, and the purchase of the equipment will be made pursuant to the State contract. The City Attorney has reviewed the proposed actions and has approved them. It is important that each be handled separately, with the rejection being first in order. Esther Gartner, IST Manager, will be present to answer questions.
- (9) **Reimbursement District Code Amendments:** The City Attorney had advised staff to make a minor amendment to the Municipal Code's Reimbursement District provisions. The change is to clarify the definition of reimbursement payments in the event that a property owner has questions about the fee's classification under State and local law. The City Attorney believes that it is important to clarify that reimbursement districts are separate and distinct from local improvement districts. Also, the City Attorney has asked that the Code clarify that reimbursement payments are not to be classified as SDCs and are therefore not subject to SDC limitations. **PLEASE NOTE THAT THIS IS AN ORDINANCE AND WILL REQUIRE TWO**

MOTIONS TO READ BY TITLE ONLY IN ADDITION TO A FINAL MOTION TO ADOPT.

- (10) Centennial Planning:** Michelle will be reporting on the status of planning for the 2003 Centennial.

FYI ISSUES

- (1) January 26, 2002 will be another Rotary/MDDA Riverfront clean-up event. It will probably be at 9:00 A.M. In addition, the Johnson Creek Watershed Association, in cooperation with City staff and landowner Gary Klein, will have a planting event at the mouth of Johnson Creek on February 2, 2002. The time will be announced.
- (2) Please mark your calendars for January 31, 2002 at 7:00 P.M. for a meeting at which the wastewater treatment study will be presented. The meeting will be at the County's Sunnybrook office building. This is the report that contains the decommission of Kellogg as one option. Invitees are the three decision making bodies—Milwaukie City Council, Oak Lodge Sanitary District Board, and Board of County Commissioners—and the city councils of the other users of the three wastewater treatment plants along the river—Happy Valley, Johnson City, Gladstone, Oregon City, and West Linn. We are preparing an analysis of the regional economic benefits of a healthy Milwaukie riverfront and downtown.
- (3) AT&T will increase rates with their January billing statements. Included in the increase that will be on the bills will be the franchise fees that they are passing along to customers. JoAnn has been working with them and MACC staff to tone down the language that explains the franchise fees. (Hey, at least they're paying theirs.)
- (4) JoAnn is working with AT&T and County staff to explore the possibilities for expanding our government coverage to include the County's government access programs.
- (5) Brion Barnett will be meeting with the Riverfront Board, at JoAnn's invitation, to try to resolve their differences with the McLoughlin project.
- (6) Planning consultant Rick Givens is expected to submit applications shortly for a 19 home subdivision on the Milt Palm property on Lake Road.
- (7) The Metro Council has approved the City's request for an extension of time within which to adopt Title 3 regulations. The project has two phases. Erosion control and flood management regulations are scheduled for adoption in April. Water quality regulations, which include vegetated buffers to protect water resources from development impacts is scheduled for adoption in September.
- (8) The audit report is in and will be scheduled for presentation in the near future. The auditors noted the improvement in City financial processes and records and singled out Steve Smith for his role in catching us up.
- (9) Floyd Marl has resigned as the MPEA (police union) President. He is succeeded by Larry Giddings.



TO: Mayor and City Council
FROM: Mike Swanson, City Manager
DATE: December 20, 2001
RE: Incentives for Property Maintenance

At your request I have discussed with the City Attorney the feasibility of awarding some type of "reward" for property within the City that has been nicely maintained. There appear to be three scenarios:

- First, would it be possible for the City to offer financial incentives for exemplary maintenance? The incentives would be either in the form of direct cash awards or "discounts" on fees such as building permits for adhering to some defined standard. The assumption under this scenario is that all properties would be eligible as the qualified. The answer is that this would probably be difficult to administer and might well raise questions in its application. The difficulty is in defining the result that is to be rewarded. Standards would have to be written that staff would then apply as each case is reviewed.
- Second, would it be possible to offer financial incentives for exemplary maintenance under any other means? It is permissible to use City funds for this purpose. If the program were limited in its application to a few properties, and if the awards were made by a competitive process, then it is less fraught with peril.
- Third, would it be possible to recognize exemplary examples by other than cash benefits? Public recognition of some form, while not financially rewarding, does appeal to many people. Perhaps a certificate and/or recognition in *The Pilot* could be used to encourage people. A program such as this could be combined with the second suggestion above, with qualifiers going on to the "final round."

**CITY OF MILWAUKIE
CITY COUNCIL WORK SESSION AGENDA
JANUARY 7, 2002**

MILWAUKIE CITY HALL

Second Floor Conference Room
10722 SE Main Street

WORK SESSION – 5:30 p.m.

Discussion Items:

	<u>Time</u>	<u>Topic</u>	<u>Presenter</u>
1.	5:30 p.m.	Dinner and Information Sharing	Group
2.	6:00 p.m.	Committee Interviews	Group
3.	6:30 p.m.	North Clackamas Parks District Report	Mike Henley
4.	7:00 p.m.	Public Access Studio Ad Hoc Committee	Herrigel
5.	7:15 p.m.	Computer Hardware Purchase Update	Gartner
6.	7:45 p.m.	Urban Forestry Ad Hoc Committee Status Report	Kent
7.	8:00 p.m.	Proposed Flag Lot and Other Development Standards	Gessner
9.	8:30 p.m.	Adjourn	

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 preceding items.

At the end of the work session, the Council may hold an Executive Session under the authority of Oregon Revised Statutes 192.660 as needed.

*For assistance/service per the Americans with Disabilities Act (ADA)
dial TDD 786-7555.*

<i>The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.</i>

ADVISORY BOARD INTERVIEWS

Monday, January 7, 2002

<u>Time</u>	<u>Applicant</u>	<u>Area of Interest</u>
6:00 p.m.	Kathleen Rose	Centennial Committee
6:15 p.m.	Jim Newman	Centennial Committee

CITY OF MILWAUKIE
APPOINTED ADVISORY BOARD APPLICATION

WS. 2 3

Name: JAMES H. NEWMAN Date: 12/20/01
Street address: 13557 KUEHN RD. MILWAUKIE, OR 97222
Business Phone: _____ Home Phone: 654-4502

How long have you been a Milwaukie resident? 71 YRS.

Are any members of your household currently serving on a City of Milwaukie Advisory Board or Commission? If so, which one. NO

Are you a registered voter in Milwaukie? NO / COUNTY

How did you hear about the position?

FROM SHARON

Occupation: RET. Employer: _____

Employer's Address: _____ Phone: _____

Please list any prior civic or professional activities. _____

BOARD MEMBER, OREGON MILITARY MUSEUM

Why have you applied for this position? TO HELP

I WORKED ON THE ORIGINAL TWA.

What special training, skills, or experience have you had that would be pertinent to this application? JAYCEES

DESIGN & BUILD PARADE FLOATS

Board(s) or Commission(s) in which you are interested. _____

Please complete this form fully so City Council can evaluate your application. Thank you for the extra time and effort. Please return to City Recorder's Office, 10722 SE Main Street, Milwaukie, OR 97222, or fax to 653-2444. If you need additional information, please call 786-7502.

Received by City _____

Interviewed _____

Commission _____

Information Sent _____

Appointed _____

Term Expires _____



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: JoAnn Herrigel, Program Services Coordinator *JH*

Subject: Public Access Studio – Ad Hoc Board

Date: December 26, 2001

Action Requested

Review and approve the proposed term and tasks for an Ad Hoc Public Access Studio Board.

Background

The Public Access studio has been operating under the direction of Videbeck since January 2001. The transition from the International Way site to the Lake Road location went very well, and the studio is functioning adequately. Now that the transition is complete, staff, studio users and the operator feel that there is a need for some technical, financial and policy guidance to enhance the operation of the studio. In order to meet this need, staff is proposing to convene an ad hoc Board of five members for a one-year term to provide the City and its studio operator with guidance. The issues staff has proposed that the Board address are very specific and many can be completed in a short period of time. For these reasons, staff feels an informal group, appointed for a short term will suffice.

Following is a preliminary list of tasks for the Board to tackle:

- Develop a mission statement for Milwaukie's public access program.
- Develop a long term financial plan for the studio.
- Review and comment on an equitable scheduling system for studio users.
- Review and comment on a studio User Training Manual and Schedule.

- Review and comment on a tracking system for production and broadcast. (What is taped and how often it is shown on a weekly basis.)
- Develop fund raising options for the studio (tape sales, rates for additional hours, adding studio partners, etc.)
- Review and comment on studio equipment upgrade plan(s).
- Oversee a studio inventory report.
- Develop and implement studio operating and use policies (develop guide book.)
- Develop a proposal for City Council consideration to transition studio operation to a non-profit status or at least have it function independently with control of its own budget.

Two individuals had submitted applications for the Ad Hoc Studio Board membership by the date this staff report was submitted. At least three more applicants are expected within the next month.

Concurrence

The studio operator, staff and studio users agree to the need for a Board.

Fiscal Impact

None.

Work Load Impacts

The Board's work will result in documents and policies that should make the studio run more efficiently. Staff will review products the Board produces and attend meetings once a month.

Alternatives

Deny establishment of the Ad Hoc Board.



To: Mayor and City Council

Through: Mike Swanson, City Manager
Alice Rouyer, Interim Community Development Director *AR*
John Gessner, Interim Planning Director *JG*

From: Kenneth Kent, Associate Planner *KK*

Subject: Urban Forestry Ad Hoc Committee

Date: January 7, 2002

Action Requested

This is a status report on the work of the Urban Forestry Ad Hoc Committee. Staff is seeking direction from Council on how to proceed with the work of the committee.

Background

On February 5, 2001, the City Council adopted the charge statement for the Urban Forestry Ad Hoc Committee. The Committee conducted its first meeting on April 4, 2001. Following this initial meeting, the Council placed the matter on hold to revisit establishment of the Committee. At the June 19, 2001 meeting, the Council determined that the Committee should proceed and adopted a revised charge statement, which is attached as Exhibit A.

The Committee resumed meeting on September 5, 2001. However, at this initial meeting and several subsequent meetings, the full Committee has not been in attendance due to various conflicts. In addition, one member – Paul Munn – has resigned from the Committee. The Committee has also had difficulty reaching consensus on the issue of preservation of tree resources, pruning and maintenance on private property. Issues relating to tree regulations on private property can be difficult because they require balancing private property right interests, natural resource protection, and neighborhood livability concerns. Consequently, the Committee has not been able to make significant progress. The Council's charge statement gives the Committee four months to complete their work. The four month period expires January 5, 2002. Staff is seeking direction from Council on how the Committee should proceed with its work.

Exhibit

A. Urban Forestry Committee Charge Statement

EXHIBIT A

**Charge Statement/Work Program for the Urban Forestry Ad-Hoc Committee
Approved by City Council on May 14, 2001**

1. Review the March 2000 draft Urban Forestry ordinance. Identify deficiencies and highlights in the draft and recommend approaches to City Council that relate to:
 - Regulation of tree cutting, pruning and maintenance on public property;
 - Protection of tree resources, pruning and maintenance on private property including possible incentive-based programs; and
 - Protecting significant, historical trees
2. Recommend urban forestry education programming including but not limited to:
 - A recommended tree list for property owners (e.g. street trees, trees in natural resource areas);
 - A tree safety brochure, including safe locations, tree spacing and how to prevent root damage; and
 - Promotion of tree planting in the city through Neighborhood District Associations or other methods.
3. Methods to track tree planting activities in the City, including but not limited to an annual count of NDA tree plantings; tree canopy analysis; etc.
4. After no more than 4 months from the date of the first meeting, the Committee should report findings and conclusions to Council at a work session.



To: Mayor and City Council

Through: Mike Swanson, City Manager
Alice Rouyer, Interim Community Development Director *AR*

From: John Gessner, Interim Planning Director *JG*

Date: January 7, 2002

Subject: Proposed Flag Lot and Other Development Standards

I. Action Requested

Review options for improving flag lot and other development standards and direct staff on desired code changes.

II. Background

1. Key Issues

- a. Improving flag lot development is a neighborhood livability work program item.
- b. The Planning Commission reviewed the matter on December 11, 2001, and has recommended several options for improvement.
- c. The project also includes recommendations for new design standards for housing to address concerns about the architectural quality of manufactured houses.
- d. Staff recommends the project be expanded to include new limitations on the size and location of oversized accessory buildings and possible elimination of the residential covered parking requirement.

2. History

The community has long been concerned about flag lot development. At various times city codes have been revised to address these concerns. This project aims to complete code revisions that were adopted under emergency ordinance in 1998.

In the last several years, the number of subdivision applications have dropped off due to the diminishing number of larger tracts. During the same time period, partitions that include flag lots have accounted for most of the new lots created in the City.

Community concerns about flag lot development involve lot design and the quality of housing built on flag lots. In addition, it appears that city policy towards variances has been a key element of the flag lot issue. Many existing flag lot partitions have been approved with variances. (*See additional information and an analysis of flag lot variances in Exhibit 1.*)

3. Summary of Options to Improve Flag Lot Development¹

Are the following options to improve flag lot design and development appropriate?

- a. Improve relationship to the street by widening access way to open view to the flag lot.
- b. Reduce visual and physical crowding.
 - 1. Require front yards to be oriented to street.
 - 2. Increase all setbacks in proportion to building height.
 - 3. Increase flag lot side yard setbacks.
 - 4. Prohibit variances for flag lot design standards.
 - 5. Prohibit irregular lot shapes.
 - 6. Improve buffer requirements.
 - 7. Reconsider fencing requirements in favor of stronger vegetative screening requirements.
 - 8. Impose a maximum building size.
- c. Preserve street building opportunities by prohibiting stacked flag lots.
- d. Reduce impacts to privacy by expanding perimeter and buffer planting requirements.
- e. Require shared curb cuts.

¹ The Planning Commission reviewed and approved the approaches shown below at its December 11, 2001 meeting.

4. Improving the Architectural Quality of New Houses

Are the recommended options to improve the architectural quality of new house construction appropriate?

Criticisms against some manufactured house designs include:

- sparing use of windows
- understated entrances that may not face the street
- “boxy” appearance created by few architectural details.

State law requires that manufactured housing be treated the same as traditional frame built houses. Many communities regulate design of new housing through their zoning ordinances.² A common approach is to require that all new construction have a certain number of specified architectural features. For example Clackamas County requires houses to have at least three out of 13 listed architectural features that include the following:

eaves	dormers
recessed entry	bay or bow windows
raised deck or patio	entrance oriented to the street
attached garage	horizontal lap siding
pillars or posts	

The system described above can be readily applied in Milwaukie.

5. Elimination of Covered Parking

Is the elimination of the residential covered parking requirement appropriate?

For single family development, the Zoning Ordinance requires two parking spaces, one of which must be covered. Staff suggests that this requirement be eliminated for the following reasons:³

² Staff recently solicited information from communities through a statewide planning network. Respondents include Clackamas County, Keizer, Wilsonville, Tualatin, Newberg, West Linn and Bandon.

³ A limited survey of other communities' residential parking requirements was conducted. Keizer, Clackamas County, Tualatin, and Beaverton do not require covered parking. Hillsboro requires covered parking for manufactured houses only.

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- a. In many cases, remodeling a home's attached garage presents a lower cost alternative for increasing living area. Many developed lots do not have the yard area to allow construction of replacement covered parking if the garage is converted to living space.
- b. Converting a garage for increased living area is a common practice. Often times, covered parking is not replaced, which results in a zoning violation.
- c. With the exception of manufactured housing, market forces generally result in new homes being outfitted with garages.

Should the Council wish to retain the covered parking requirement, it is recommended that design standards for carports be considered.

6. Improved Standards for Accessory Structures

Should the size and location of very large accessory structures on residential lots be restricted?

Staff has received neighborhood complaints about pole barns that have been constructed recently. The complaints have focused on the size and visibility of the structures, which can dwarf nearby homes and be out of character with the existing home on the lot. Under present code, the size of an accessory structure is subject to the same standards as houses. In most of the residential zones, this means height can be up to 2 ½ stories. Staff recommends the Council consider adopting new design standards including the following:

1. Increase required setbacks in proportion to building height and floor area.
2. Establish a minimum setback from the street.
3. Limit the height of the accessory structure.
4. Limit very large structures to very large lots.

III. Concurrence

Involved departments include City Attorney and Neighborhood Services.

IV. Fiscal Impact

Fiscal impact analysis requires identification of revenue and costs. All new lots contribute to the tax base. Information on costs of providing services to new lots is not presently available. Staff will investigate fiscal impacts of the proposed code changes on direction from the Council.

The proposed options for improving flag lot design and development will reduce the creation of new flag lots in the short-term. Staff believes that flag lot creation will be sensitive to demand for new housing. It is expected that flag lot partition applications will follow increases in property values and housing demand.

V. Work Load Impacts

On direction from the City Council and Planning Commission, these code amendments have been listed in the Planning Department work program for the last 18 months. No new work load impacts are anticipated to result from the proposed code changes.

VI. Alternatives

The Council may accept, modify, or reject the proposals outlined in this report.

VII. Next Steps

1. Public information and public outreach is ongoing.
2. Identify any issues related to Metro Functional Plan Title 1 housing targets.
3. Commission and Council work sessions in late January and March.
4. Public Hearings for adoption in April and May.

EXHIBITS

1. Flag Lot Design and Development Analysis

Analysis of Flag Lot Design and Development Issues

1. Flag Lot Development

Neighborhood concerns about flag lots include the following:

1. Reduced privacy for abutting properties and incompatibility with neighboring homes.
2. Visual and physical overcrowding.
3. Increased curb cuts.
4. Reduced potential to build streets and preserve connectivity.

2. Zoning Standards

Residential development has two phases: (1) creation of the lot, and (2) site development. Both phases involve review of compliance with applicable zoning and partitioning standards.

Lot design, which is reviewed at the time of partitioning and subdivision, is governed by the following zoning standards. See the chart on page 9 for lot design standards for the R-5, R-7, and R-10 zones.

Lot area. The area in the access portion of flag lots is excluded from meeting lot area requirements.

Lot width is measured at the front of the building. This standard can be awkward to apply since building location at the time of lot creation is not known.

Lot depth is the average distance between front and rear property lines.

Access requires that lots abut a public street.

Minimum dimensions and lot area of the parent lot required for a two-lot partition by flag lot without variances are shown below.

Zone	Minimum Lot Area (square feet)	Total Area Required (square feet)	Total Lot Width Req'd (feet)	Total Lot Depth (feet)
R-10	10,000	22,857	90	254
R-7	7,000	16,330	80	204
R-5	5,000	12,000	70	171

Other flag lot design standards reviewed at the time of partitioning include:

<i>Tree mitigation</i>	<i>Front yard orientation⁴</i>
<i>Driveway Design</i>	<i>Screening & buffering</i>

Site development standards reviewed at the time of building permit and includes the following:

<u>All lots</u>	<u>Flag Lots</u>
<i>Yard setbacks</i>	<i>Tree replacement</i>
<i>Lot width</i>	<i>Driveway screening</i>
<i>Area covered by buildings</i>	<i>Driveway design</i>
<i>Area left in landscaping</i>	

3. Subdivision and Flag Lot Regulations

The City adopted its first subdivision ordinance in 1969. It was not until 1979 that flag lot standards were adopted. The 1979 regulations demonstrate concern that flag lot development might reduce the potential for creating streets that would better serve new housing and that driveway and turnaround areas must be adequate for emergency response vehicles.

In 1994 the City adopted regulations that reduced access width requirements from 20 feet to 15 feet. One of the stated purposes of that change was to promote infill development. In response to growing neighborhood dissatisfaction, in 1998 the City restored the 20-foot access requirement and excluded lot area within the access from meeting lot area requirements. Other code changes included requirements for tree preservation and screening along the access way.

4. Variance Regulations

After reviewing many flag lot applications, staff believes that practices regarding variance applications may contribute to the community's historical concerns about flag lots. In the past many flag lot partitions were approved with variances. This may have increased neighborhood perceptions of overcrowding and other dissatisfactions with flag lots. (*See the attachment for a sample of variance cases.*)

In 1979 the City adopted code changes that authorized staff to approve minor variances. At that time a minor variance was less than 10% of the required zoning standard. In 1987 the minor variance was increased to 25%. In 1998 the minor variance was restored to 10% with adoption of the strengthened flag lot regulations.

⁴ The existing code provisions for determining yards has potential conflicts with lot depth requirements.

5. Land Supply & Lot Creation

Land available for subdivision has decreased due to development. Over 180 lots were created in 19 subdivisions during the 1990s. During this same period, approximately 70 new lots were created under more than 50 partition applications. With very few larger parcels remaining, opportunity for subdivision is now rare. Based on constraints due to historical platting and development patterns, options for future partitions by means other than flag lots are limited.

6. Comprehensive Plan Housing Policies

The Comprehensive Plan acknowledges the need to balance neighborhood character with new housing that meets the needs of future home seekers. Infill housing is supported in moderate and medium density areas as long as it is of “local scale”. Objective 5, Housing Choice, Policy 1 identifies construction of small housing units, duplexes, and reduced lot size requirements as alternative infill methods.⁵ While reduced lot area for small units or duplexes may be appropriate, staff believes it conflicts with community concerns about flag lots.

7. Housing Alternatives to Flag Lots

The City presently allows construction of duplexes and accessory dwelling units in single family zones. It appears that these options are rarely sought in comparison to flag lot development.

Duplexes require twice the lot area of the underlying zone in the R-5, R-7, and R-10 zones. Duplexes require Planning Commission approval in the R-10 and R-7 zones. They are allowed by-right in the R-5 zone.

Accessory dwelling units do not require additional lot area and may be approved by staff or the Commission depending on the size of the unit. Although accessory dwelling units have been allowed since 1984, there is only one known application. In 1998 the City adopted new regulations that relaxed the approval process for smaller accessory units.

Accessory dwelling units allow greater economic use of property but as a housing-type may not meet needs of those seeking home ownership.

⁵ See Residential Land Use and Housing Element, Objective 5-Housing Choice. Moderate and medium density includes R-2 through R-5 zones. The Plan does not distinguish between flag lots and other forms of infill development.

Zoning Standards

ZONE	LOT AREA	LOT WIDTH ⁶	LOT DEPTH ⁷	ACCESS ⁸	YARDS FRONT/SIDE/REAR	MAX. COVERAGE/ MIN. VEGETATION ⁹ (%)
R-10	10,000 s.f.	70 ft.	100 ft.	35 ft.	20/10/20 corner lot 20 ft street side yard	30/35
R-7	7,000 s.f.	60 ft.	80 ft.	35 ft.	20/5&10/20 corner lot 20 ft. street side yard	30/30
R-5	5,000 s.f.	50ft.	80 ft.	35 ft.	Front- 20 ft. Side – 5 ft. plus 1ft. 'per 3 ft of height greater than 25' or 2 stories whichever is less. Corner lot 15 ft. street side yard	35/25

⁶ Lot width is measured at the front of the building.

⁷ Lot depth is the average depth between front and rear property lines.

⁸ Access means "frontage" on a public street.

⁹ Maximum coverage means the percentage of the lot that is covered by buildings. Minimum vegetation required means the percentage of the site that must be left landscaped.

Sample of Partition Applications Involving Variances

MLP File	VR File	Address	Variance
90-05	90-04	11140 SE Stanley	2-foot reduction of side yard for existing house due to flag lot access requirements.
91-02	91-02	1505 Oxford	No access to public street
92-02	92-01	43rd & Lake	780 square foot reduction of minimum lot area. Regulations were interpreted to require deduction of accessway and turn around area from min lot area.
93-04	93-02	2742 Malcolm	1 foot reduction in flag lot width
93-07	93-07	Mason Hill Drive	Three-deep flag lots
94-01	94-01	3039 Olsen	Reduced width of access (20/15), reduced lot width for fronting lot (60/57)
94-04	94-02	9925 Stanley	Lot area reduction for fronting and flag lot
94-08	94-06	9916 SE 43 rd	Reduce access width for stacked flag lots.
94-09	94-07	9307 55th	Reduced lot area and width of access strip
94-12	94-09	3504 Rockwood	Three-deep flag lots
94-14	94-11	3506 Wake	Lot area (minor variance)
95-03	95-01	2755 SE Olsen	1 foot reduction in frontage to allow flag lot. (60 to 59 feet)
96-05	96-10	11342 SE 27 th	2 foot reduction to flag lot width (2 lots)
96-11	96-11	11651 SE Stanley	15 foot variance to lot depth for new flag lot

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MLP File	VR File	Name & Address	Variance
96-12	96-13	3008 Olsen	3-foot reduction in yard width for flag lot
97-03	97-03	2824 Malcolm	3-foot reduction of access width
98-01		Adams	5-foot reduction of flag lot access width
98-05	98-07	3338 Wake	2-foot reduction in lot depth for flag lot
98-10	98-12	Malcolm	4-foot reduction of lot width for front lot