

**MILWAUKIE CITY COUNCIL
WORK SESSION
MARCH 4, 2002**

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

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

Staff present: City Manager Swanson, Community Development/Public Works Director Rouyer, Police Chief Kanzler, Interim Planning Director Gessner, and Associate Planner Kent.

Information Sharing

1. **Swanson** distributed the itinerary for the trip he and Mayor Bernard are making to Washington D.C. to discuss transportation funding with the congressional delegation.
2. **Councilor Lancaster** noted an upcoming Clackamas County Tourism event on March 18.
3. **Kanzler** showed a brief Milwaukie Cadet Program recruitment video.

Board and Commission Interviews

The City Council interviewed Al Dorsey, Sherri Campbell, and Ken Bladow for the Cable Access Studio Ad Hoc Committee; David Aschenbrenner and Lamar Buckelew for re-appointment to the Budget Committee; and David Ewton for the Traffic Safety Board.

School Resource Officer Program

Kanzler announced plans to leave 2 vacant police officer positions unfilled to reduce the departmental budget. To provide sufficient staffing level, the department will withdraw the 1 school resource officer from the middle and elementary schools. This action would help provide the necessary level of safety for officers on the streets, so they in turn can better serve the community at large. The school resource officers are fully-funded by the City, and the affected school principals understand the budget dilemma. **Kanzler** intends to keep the resource officer in Milwaukie High School.

Councilor Lancaster had concerns about getting enough benefit from having an officer in the schools instead of on the streets. He feels this is a time when the City can least afford to take actions that reduce the desired officer to population ratio.

Kanzler said the number of assaults and thefts at Milwaukie High School is rising, and he sees the benefit in having an officer who knows the students. Even without a dedicated officer, Milwaukie would be the first responder to calls from the middle or elementary schools. The officer to population ratio is only

slightly lower than 1.5, and the department anticipates it can maintain that standard if adjustments are made.

Swanson explained the December financial reports indicated a pending problem unless some mid-year actions are taken. Police staff has been uniformly excellent and responded like a team to make needed budget efficiencies.

Councilor King was concerned this solution would have negative long-term effects and suggested asking the School District to partially fund the resource officer positions.

Kanzler met with Police staff to weigh all possible options, and the group identified 2 key components -- protecting the public at large and providing 9-1-1 services. The department is currently at its lowest staffing level in 7 years. The option of delaying vehicle purchases to reduce the budget was discussed but is not considered an alternative since it directly impacts officer safety. Officer Neitch, the middle and elementary school resource officer, agrees this is the only solution that makes sense. The department is still committed to the schools and community, but officers must be assured they can carry out their duties in a safe environment. Maintaining the current course of action would likely incur officer overtime and operational expenses over budgeted amounts.

The group discussed having a cadet visit the schools each day, but **Kanzler** felt the liability might be too great.

Mayor Bernard suggested preparing a letter to the School District lobbying it to help pay for the resource officer positions.

Councilor Marshall has consistently fought for 1.75 officers per thousand population with 1.5 as an absolute minimum. There will be major policy decisions at budget time, and he will suggest cutting programs rather than providing mediocre, reduced services.

Kanzler said 2 positions will go unfilled but not eliminated. The department is obliged to provide a safe environment for the community as well as being judicious in its expenditure of public funds.

Swanson added 2 personnel actions are pending arbitration.

Councilor Lancaster said the Budget Committee will need to understand the real City priorities, and law enforcement cannot be compromised.

Councilor Newman commented this is classic case of limited resources and more services than can be provided. He supported the Chief's action to keep officers on the street.

Swanson will prepare a list of services the City is mandated to provide. He cautioned there are programs, such as neighborhood grants and code enforcement, which are very well received by the public but not mandated.

Urban Forestry Program Direction

Swanson briefly summarized the Urban Forestry Ad Hoc Committee charge and anticipated outcomes. The group agreed on regulations for public property; however, it could not reach consensus on private property issues because of philosophical divisions. He did not believe it would be beneficial for the Committee to continue work on issues for which there is no agreement.

The group agreed the Committee has done what it can, and the City Council will move on with the process.

Kent said there was a general concern in the Committee about adding another level of permitting. Other issues had to do with removing trees on lots being developed and tree canopy preservation.

The group discussed analyzing the tree canopy, but **Rouyer** cautioned them about the expense.

Councilor Newman asked if there was Council support for legally establishing a threshold on large development sites of 5 units or more, for example, when a project risks the tree canopy.

Councilor King would support protection of the tree canopy any way possible including developer incentives.

Councilor Marshall suggested the Planning Department look at the feasibility of creating some incentives. Options might include reducing SDCs, discounting permits, or eliminating a portion of the property tax.

Swanson recommended creating a list of development criteria supporting protection of the tree canopy.

Rouyer suggested tree preservation mitigation as part of the variance application. She summarized the conversation: the City Council supports the notion of adopting revised public right-of-way and public property standards, of reviewing conditional use and community service overlay applications to include language that encourages tree preservation, and continuing to identify incentives for preservation and tree planting in the neighborhoods. The City Council wishes to regulate trees on private property only by positive options.

Proposed Flag Lot and Other Development Standards

Gessner reviewed the proposed revisions to the City's development standards including flag lots, appearance of manufactured and other housing, accessory units, definitions for "story" and "half-story", and provisions for Planning Director code interpretations.

Councilor Marshall referred to staff report page 3 and the recommendation to limit accessory buildings to 15 feet in height with a maximum footprint of 480 square feet. To maintain neighborhood character, he suggested the accessory dwelling height not be allowed to exceed that of existing structure on the same lot. He also thought 480 square feet was too limited to park 2 full-sized vehicles.

Gessner will research the square footage issue.

The group agreed the staff work was very well done and looks forward to adopting these new standards.

Swanson announced his intention to postpone the Downtown Traffic Management Study to allow time to speak with Budget Committee members.

Councilor Marshall requested a brief executive session pursuant to ORS 192.660.

Adjournment

Mayor Bernard adjourned the work session at 7:45 p.m.



Pat DuVal, Recorder



TO: Mayor and City Council
FROM: Mike Swanson
DATE: February 25, 2002
RE: City Council FYI Update

MARCH 4, 2002 COUNCIL WORK SESSION

There will be dinner and information sharing at 5:30 P.M. During this time Chief Kanzler will be showing a short cadet training tape.

- (1) **Board and Commission Interviews:** We appear to have sufficient numbers for the Centennial Committee, and we need to let that group move forward. They have already had two meetings, so additional candidates (there are none at this time) would be far behind the curve. At this session, Council will meet with several advisory board members who are interested in being re-appointed to their positions. Council expressed the wish to meet with those seeking consecutive terms and get input on the how the advisory groups are functioning.
- (2) **School Resource Officer Program Update:** Chief Kanzler will be presenting a plan to eliminate the *dedicated* school resource officer from the elementary and middle schools. The high school officer will remain. In order to tighten up on the budget, we are choosing not to fill two vacant positions. With two officers in training, we are down four positions. The reassignment of the school resource officer is being done in order to ensure a minimum level of patrol service throughout the community. Officers will respond to calls at the elementary and middle schools. The Chief will have discussed this plan with school officials prior to the work session.
- (3) **Urban Forestry Program Direction:** At the February 19, 2002 Council meeting, staff presented the final recommendations of the Urban Forestry Ad Hoc Committee. There was not a Committee consensus on private property regulations. At the February 19 City Council meeting, it was decided to continue this matter to the March 4, 2002 work session in order to include other Councilors. Not much appears to be gained from continuing the efforts to come to consensus on the private property issue.
- (4) **Revisions to Flag Lot Standards:** This is the regular Council update for this project.

MARCH 5, 2002 COUNCIL REGULAR SESSION

- (1) **Sewer Service Charges:** This is a housekeeping matter that will change the effective date of the consumption based sewer rate implementation. The effect will be to eliminate duplicate and potentially confusing notices.
- (2) **Abandoned Vehicle Ordinance Amendment:** The proposed ordinance adds a section which adopts Oregon State Statute relating to the manner in which the City deals with abandoned vehicles. Additionally, it repeals two current code sections which are more restrictive than statutorily required and have created unnecessary steps in our current process. **CAVEAT: THIS IS AN ORDINANCE AND WILL REQUIRE TWO MOTIONS AND VOTES TO READ BY TITLE ONLY BEFORE ADOPTION.**
- (3) **Downtown Traffic Management and Parking Plan:** This matter was held over from the February 19, 2002 regular session in order to afford members of the public the opportunity to comment. A number of neighborhood leaders expressed their desire to appear. However, there was a schedule conflict with a South Corridor meeting. Art Ball wishes to question the timing for the study given the fact that there will be major proposals (e.g. Waldorf and King Road) that will not be finalized. He also feels that it should be shelved because of our budget issues. Ed Zumwalt will argue that the plan is overdue and should be pursued in order to handle the problem. I believe that parking and traffic are major issues that should not await future budget considerations. We do have budget issues, but we cannot stop our attempts to tackle the difficult and priority items.

**CITY OF MILWAUKIE
CITY COUNCIL WORK SESSION AGENDA
MARCH 4, 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 ◆ Chief Kanzler will show a brief cadet recruitment video	Group
2.	6:00 p.m.	Board and Commission Interviews	
3.	6:45 p.m.	School Resource Officer Program	Kanzler
4.	7:00 p.m.	Urban Forestry Program Direction	Rouyer/Gessner/Kent
5.	7:30 p.m.	Proposed Flag Lot and Other Development Standards	Gessner
6.	8:00 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.*

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

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REVISED

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ADVISORY BOARD INTERVIEWS

Monday, March 4, 2002

<u>Time</u>	<u>Applicant</u>	<u>Area of Interest</u>
5:50 p.m.	Al Dorsey (new applicant)	Public Access Studio Ad Hoc Committee
6:00 p.m.	David Aschenbrenner	Budget Committee
6:10 p.m.	Lamar Buckelew	Budget Committee
6:20 p.m.	Ed Zumwalt	Library Board
6:30 p.m.	David Ewton (new applicant)	Traffic Safety Board

**CITY OF MILWAUKIE
APPOINTED ADVISORY BOARD APPLICATION**

Name: David M. Ewton
Address: 5463 SE Aldercrest Road, Milwaukie, OR 97222
Business Phone: 503.659.9725 ext.2

Date: 2/19/02
Home Phone: 503.653.9456

How long have you been a Milwaukie resident? I have been at my current residence and business space since April, 2000. Prior to moving to Milwaukie, I have worked and taught scuba diving classes at Steves Scuba Center located at 13711 SE McLoughlin Blvd. since June 1994.

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

How did you hear about the position? I read about the vacancies in the Milwaukie Pilot.

Occupation: Milwaukie Business Owner **Employer:** Emergency Monitoring Services Corporation
Employer's Address: 13817 SE McLoughlin Blvd, Suite 1, Milwaukie, OR 97222 **Phone:** 503.659.9725

Please list any prior civic or professional activities:

My daily professional & personal activities revolve around life safety & project management, i.e. engineering security/fire alarm/closed circuit television systems and teaching scuba diving or CPR/first aid classes. Please review my attached resume that outlines my professional skills that may pertain to the Traffic Safety Board.

Why have you applied for this position?

I want to improve Milwaukie's residential and business traffic patterns, driver and pedestrian safety. My business skills and educational background should positively impact the success of traffic safety projects and programs for Milwaukie. I am concerned about the traffic impact to our neighborhoods and downtown business district with the future street improvement projects.

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

My undergraduate degree in Political Science and course work in Portland State University's Master of Public Administration program gives me an understanding of municipality processes that pertain to local advisory boards.

Since moving to Aldercrest Road, I have assisted with @ least six car accidents in front of my house. My personal traffic safety interests, professional life safety and project management skills are directly relevant to the Traffic Safety Board's issues.

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

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 503.653.2444. If you need additional information, please call 503.786.7502.

Received by City _____
Interviewed _____
Commission _____

Information Sent _____
Appointed _____
Term Expires _____

David M. Ewton
5463 SE Aldercrest Road
Milwaukie, OR 97222
Hm: 503.653.9456
Cell: 503.341.6150
E-mail: ewton@involved.com

SKILLS OVERVIEW

Accomplished executive with successful track record in managing operations, direct sales, marketing, business, e-commerce and staff development.

CAPABILITIES

- Strong leader and mentor adept at generating bottom-line profits and developing a competitive advantage.
- Team player with successful track record of cross functional management.
- Trainer for technical hardware and software applications.
- Supervisor of customer service and contract negotiations.
- Manager of large sales teams with varying skillsets.
- Project manager of web site creation from concept development through deployment.

ACHIEVEMENTS

- Recognized for exceeding board expectations for managing start-up business and outside sales network.
- Responsible for meeting \$7 million in sales revenue for start-up organization
- Assisted with venture capital budget planning and program development.
- Developed comprehensive technical training and certification program for national distribution network.
- Developed and implemented national marketing campaigns
- Identified and negotiated multiple large-scale sales opportunities.

WORK HISTORY

National Operations Manager
Certicom Security, Portland, OR

Mar 2000-Mar 2001

- In charge of corporate operations
- Manage national distribution, installation and outside sales teams
- Developed and managed national training programs
- Developed and implemented product roadmap
- Managed development and implementation of internet website

President
Emergency Monitoring Services, Portland, OR

Oct 1998-Present

- Developed business from ground-up
- Identified business partnerships, vendors and accounting systems
- Engineered and installed large security/fire alarm systems

Outside Sales/Systems Consultant

Apr 1997-May 1998

SecurityLink from Ameritech, Portland, OR

- Designed and managed security and fire alarm system integration
- Identified and secured major sales channels
- Recognized as top regional sales consultant

WS. 2 5

Business & Sales Consultant

Jun 1995-Apr 1997

Steve's Scuba Center, Milwaukie, OR

- Negotiated vendor relations and coordinated sales efforts
- Managed all business development
- Principal customer liason for sales and equipment service
- Developed company website

Portland Repertory Theatre

Apr 1993-May 1994

Sales & Marketing Director, Portland, OR

- Managed all sales and marketing efforts
- Created leading edge advertising campaigns
- Developed and implemented public relation programs
- Recognized for increasing operational budget by 150%

Telemarketing Manager

Oct 1990-Apr 1993

Artsmarketing Services Inc., Portland, OR

- Managed large sales call center
- Secured major accounts through outside sales and contract negotiations
- Hired, trained and motivated sales staff
- Revenue generating outbound telemarketing team

EDUCATION

Portland State University, OR, Graduate work toward Masters in Public Administration.
DePauw University, Greencastle, IN, B.A. Music Performance/Political Science.
Rose-Hulman Institute of Technology, Terre-Haute, IN, Electrical Engineering course work.
Clackamas Community College, OR, Pursuing Industrial Technology Degree.

INTERESTS

Amateur wine sommelier/maker, scuba instructor, first aid/CPR instructor, limited energy specialist, skiing, tennis, golf, racquetball, table tennis (nationally ranked).



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: Alice Rouyer, Interim Community Development Director *ACR*
John Gessner, Interim Planning Director *JG*
Kenneth Kent, Associate Planner *KK*

Subject: Urban Forestry Ad Hoc Committee Report

Date: March 4, 2002

Action Requested

Review and Comment. This is the final report from the Urban Forestry Ad Hoc Committee.

Background

This item was discussed at the February 19, 2002 City Council meeting. The matter was continued to the March 4, 2002 meeting for further discussion. Attached is correspondence from Ad Hoc Urban Forestry Committee member Gary Nebergall, who was unable to attend the February 19th meeting.

At the January 7, 2002 City Council worksession, staff reported on the work of the Urban Forestry Ad Hoc Committee. It was noted that the Committee had difficulty with meeting attendance by the full committee over the four-month period allotted by the Council for this task. The City Council expressed interest in moving forward on this issue and requested that the Committee hold one final meeting, summarize its conclusions and report back to the City Council

On January 30, 2002, the Urban Forestry Committee held its final meeting. Three of the four members were present. The fourth member provided written comments for the Committee's consideration. The following summarizes the Committee's comments on the draft March 2000 Urban Forestry Ordinance.

Public Property - Regulation of tree cutting, pruning and maintenance.

1. Appropriate to regulate on public property.
2. No permit fee.
3. "Customer Friendly" permit process.
4. Staff authority to determine need for removal without a permit process when it is clear that the tree needs to be removed.

5. A nuisance provision should be included to address those trees that present a potential hazard.

Private Property - Protection of tree resources, pruning and maintenance.

Regarding the issue of regulation of tree cutting on private property, the committee was not unanimous. Two of the committee members present, as well as one member who submitted their comments to the Committee in writing did not feel it was appropriate to regulate tree cutting and pruning on private property. These committee members generally did not believe that any problems associated with tree removals in Milwaukie are significant enough to warrant private property regulation.

One member indicated that the regulation of trees on private property would be acceptable. However, native trees should be the only tree removals regulated. In addition, the intent of the tree ordinance should be to assure that trees are not removed prior to development.

In summary, the Committee members felt that the issue of regulating removal of trees on larger lots prior to development warrants more discussion. Although a majority of the Committee is not in favor of regulating tree removal on private property, there was a recognition that the cutting of trees should not occur prior to an application for development.

Significant Trees

The Committee agreed that the provision of the March 2000 draft providing for a designation of significant trees or groves of trees would be acceptable, provided it remained voluntary.

Urban Forestry Education.

The Committee noted that there are good tree lists used by other jurisdiction, as well as PGE that can be used in developing a list of acceptable trees for the City. The Committee indicated that education and awareness of trees and their value to the community would be one way to encourage tree preservation.

The members of the Urban Forestry Ad Hoc Committee will be in attendance to address the Council and discuss review of the March 2000 Draft Urban Forestry Ordinance.

Exhibit

- A. Urban Forestry Committee Charge Statement
- B. Correspondence

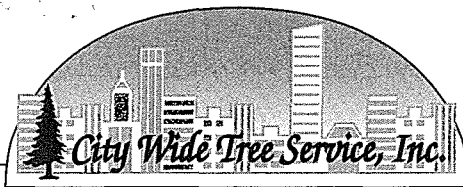
EXHIBIT A**Charge Statement/Work Program for the Urban Forestry Ad-Hoc Committee
Approved by City Council on June 19, 2001**

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.

EXHIBIT BGary Nebergall, *In the Industry Since 1978*

11254 SE 21st • Milwaukie, OR 97222 • (503) 653-6873

February 19, 2002

City Council Members
City of Milwaukie

Re: Ad Hoc Committee

In my absence from the February 19th council meeting because of a conflict in my schedule I would like to present my views for you.

Throughout the meetings of the Ad Hoc Committee the question continually was raised by the majority of the members as well as from Paul Munn who dropped out, who is behind this effort? What is broken needing to be fixed and why? Members of this group see this as an agenda of whom?

I have always been against any private property tree ordinance because of the friction created neighbor to neighbor and constituent and the City. I have witnessed this for 23 years of private tree work.

I am even more opposed to City involvement due to recent "E" and "T" zones being created by planners in the city of Portland. People are being cheated out of their property and property rights by the hundreds. These people are often times not even allowed to clean up their trees if they fall over in a formal landscape. Trust me, and if you think I am exaggerating please call me and I'll introduce you to individuals on a first hand basis. All of this started with simple tree ordinances

I am in favor of Tree Permits for pruning or removing of City owned trees. It is only fair to require a second option on trees owned by the people of this City and what a better way to monitor this than a permit from the City. These trees do not belong to the individual but rather by the whole City.

I am very comfortable in having the City make the decision on tree removal and pruning when they have to do so for such reasons as traffic visibility, height restrictions, hazard trees, street improvement etc. I trust the city will not go around cutting trees just because they want to.

The same way that I respect the good judgement of staff to make decisions pertaining to the City I also expect that homeowners are good caretakers of their trees. People in general like trees that are the right specie in the right place. However if for instance, a homeowner wants more light in their house I think it is wrong to involve the City or neighbors in their outcome.

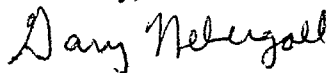
As mentioned in Kenneth Kents letter I think it is necessary for the City to have a hazard tree process for public safety. This process could apply to private property where safety is a problem.

I think we were all in favor of educational materials and pro-active ideas such as Arbor Day planting etc.

Last but not least there was room for more discussion on large lots and cutting prior to development. This is a complicated issue and needs a bigger block of time to be discussed further. I think the committee can come up with some ideas in this area. Again I have been on the consumer side of this area as well but think there is some room to work on large lots.

Please feel free to contact me anytime. I look forward to talking with you. This is a Very Complicated Issue and would suggest as many meetings as necessary to make it come out right for the majority and not for the special interest group.

Sincerely,



Gary Nebergall



To: Mayor and City Council

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

From: John Gessner, Interim Planning Director *JG*

Date: March 4, 2001

Subject: Proposed Flag Lot and Other Development Standards

I. ACTION REQUESTED

Review the proposed revisions listed below and provide direction to staff.

- A. Flag lot standards to improve neighborhood livability and compatibility of flag lots with existing residential development.
- B. New design standards to help improve the quality and appearance of new manufactured and other housing.
- C. Revised standards for detached garages and sheds to improve compatibility with residential scale development.
- D. Adopt definitions for "story" and "half-story".
- E. Adopt new administrative provisions for Planning Director code interpretations.

II. BACKGROUND

The attached code proposals were presented to the Planning Commission at its January 22, 2002 work session for final comment before proceeding to adoption hearings. Staff is now seeking Council direction and feedback. The following changes have been made in response to Commission concerns and citizen testimony at the Commission's January 22, 2002 work session.

- The proposal to eliminate the residential covered parking requirement was referred back to staff for additional study and neighborhood comment.

- The introductory language of the proposed new provisions for “Director Interpretations” was clarified.
- The definitions of “story” and “half-story” was simplified.

A summary of the code changes follows. See the draft code attached in Exhibit 1

Policy Rationale & Explanation

A. Flag Lots & Architectural Quality of Housing

Improving flag lot development has been a long-standing interest of the City. The City Council and Planning Commission has directed staff to develop code revisions to bring flag lot development closer to community values about residential development. Neighborhood concerns about the quality of manufactured housing were raised at the December quarterly Neighborhood District Association leadership meeting.

Policy issues were presented to the Planning Commission and City Council on December 11, 2001 and January 7, 2002 respectively. Discussion of policy issues and analysis of flag lot development is documented in staff reports presented at those meetings. This staff report contains recommendations for code changes that are consistent with direction provided by the Planning Commission and City Council.

The proposed code changes include the following:

1. Wider access requirements.
2. Front yards shall be oriented to street.
3. Increase flag lot yard setbacks.
4. Prohibition against variances for lot area, lot width, and lot depth.
5. Improved driveway and perimeter planting requirements.
6. Prohibition against more than 2 abutting flag lots.
7. New requirement for shared curb cuts.

B. Detached Garages, Barns, and Outbuildings.

Staff recommends the City consider stronger limitations on the location and size of garages, barns and similar outbuildings. The existing regulations allow very large outbuildings, which can be out of character with nearby houses. The City Council reviewed this matter on January 7, 2002 and expressed support for improved standards. The proposed code

changes are consistent with other communities' standards for accessory structures.¹

Staff recommends the following:

1. Individual detached accessory buildings should be limited to a maximum footprint of 480 square feet and 15 feet in height.
2. Allow multiple accessory structures but limit the total area of building footprints to a maximum of 600 square feet.
3. Prohibit accessory structures from being closer to the street than the house.
5. Require a minimum 5-foot setback from side and rear property lines.

Existing regulations allow accessory structures to be the same height as houses, which is 2 ½ stories or 35 feet when located at yard setbacks for houses. The code also allows accessory structures to be located within 3 feet of side and rear lot lines when it is more than 60 feet from the street and one story.

C. Irregular Lot Shape

Staff recommends that the City adopt improved design standards for lot shape to ensure future development is consistent with historical neighborhood development and to preserve the effectiveness of zoning requirements for minimum lot area. The Planning Commission has visited this issue during past reviews of partition applications. The proposed code changes include the following:

1. Require lots to be rectilinear except when located on a curved street;
2. Limit the distance side and rear lot lines can vary from a straight line drawn between lot corners; and
3. Allow exceptions when lots are not intended to be developed and where warranted due to topography and other natural features.

D. New Zoning Definitions for "Story" and "Half-story"

Staff recommends the City adopt new zoning definitions for "story" and "half-story". The Zoning Ordinance presently does not include a definition of "story" though it does include a definition of "half-story"². Building height is regulated by "number of stories" as well as by the measured height.

¹ The proposed code is modeled after Clackamas County and Tigard zoning regulations.

² Zoning Ordinance Section 100: Half story means a story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

The recommended code changes, which are adapted from the Tigard Zoning Ordinance, specify how the number of stories is determined. It does not change the allowed number of stories.

E. Recommended Administrative Provisions

The City Attorney has recommended procedures for code interpretations and determinations of non-conforming situations be adopted. A brief description follows:

1. Director Interpretations are formal determinations that resolve ambiguities in the code and improve the consistency of how regulations are applied over time. An appeal process is included to help resolve disagreements over the Director's interpretation.
2. Changes to Non-conforming uses and structures are already regulated by the Zoning Ordinance. The City however, does not have a process that describes how non-conforming situations are identified. The proposed code benefits property owners and the City by clearly describing the process for confirming the legal status of non-conformities.

Public Process and Schedule

Code changes will be refined in accordance with direction from the Council's March 4, 2002 work session. Public hearings for adoption are scheduled for April 23, 2002 (Planning Commission) and May 21, 2002 (City Council).

Revisions to flag lot and lot design standards require notice to affected property owners in accordance with state law. Notifications will be made in early March.

III. ANALYSIS

Concurrence

The City Attorney has approved the proposals for legal purposes, though minor edits will likely be recommended as refinements are considered.

Alternatives

The City Council may accept, modify, or reject any of the staff recommendations.

Fiscal Impacts

Fiscal impacts are measured by comparing potential revenues against the costs of providing services. A detailed analysis has not been conducted. The following

section contains some general assumptions about the effect of the new regulations.³

- a. Flag Lots. Staff believes that the proposed flag lot standards will reduce the number of flag lots created. This may reduce the growth potential in the residential tax base in the short term. The cost of providing service for new households is not available at this time.
- b. Design Standards for Housing. Assessed valuation of new housing is based on market value. According to the County Assessor, market value is influenced by factors including neighborhood, size, design type and quality, and general trends in the housing market. Better house design can increase market value based assessments, which will increase tax revenue.
- c. Size Limits on Outbuildings. While outbuildings are assessed for tax purposes they generally tend to have low values compared to the value of land and houses. Reducing the potential size of outbuildings is not expected to have an adverse impact on the tax revenues.
- d. New definitions of “story” and “half-story”. The proposed changes do not affect revenues or expenditures, therefore there will be no fiscal impacts if adopted.
- e. New “Director’s Interpretation”. Same as “d” above.

Work Load Impacts

- a. Flag Lots. Staff expects to see a decrease in the number of flag lot applications for the near-term. There may not be a corresponding reduction in pre-application conferences, which are held between the city Development Review Team and property owners and development interests.
- b. Design Standards for Housing. Minor increases in staff review time are likely due to additional standards that would need to be checked prior to issuing construction permits.
- c. Size Limits on Outbuildings. Same as “b” above.
- d. New definitions of “story” and “half-story”. No work load impacts are expected.
- e. New “Director’s Interpretation”. Minor increases in staff time are expected, but will be subject to the number of requests received.

³ Staff conferred with the County Assessor’s office regarding assessment methods for housing and outbuildings.

March 4, 2002

Page 6 of 16

EXHIBITS

1. Proposed Code Changes
2. Illustrations

Subdivision, Partitions, and Flag Lots

Underlined words to be inserted

~~Words in strikeout~~ to be deleted

Amend Subdivision and Zoning Ordinance as Follows

(Code sections to be amended will be identified when the following approaches are approved)

Flag Lot Design and Development Standards

1. Lot Area Calculation

The area contained within the flag lot access way ("pole") shall not be counted towards meeting minimum lot area requirements. (Existing code).

2. More than 2 abutting flag lots prohibited.

In any partition, no more than 2 flag lots may abut each other. (The intent of this new provision is to encourage street construction. Repeal 17.32.040(J))

3. Certain Variances Prohibited

Variances of lot area, lot width, and lot depth requirements for flag lots are prohibited. (New provision. Insert cross reference in Section 800-Variances)

4. Street Frontage and Access

Flag lots shall abut a public street. Each flag lots shall have frontage and access on a public street. The width ("pole") requirement is 25 feet per flag lot. (The existing accessway width requirement is 20 feet)

5. Driveway Design and Emergency Vehicle Access

a. Driveways serving single flag lots shall have a minimum paved width of 12 feet and shall be constructed in accordance with standards adopted by the Public Works Department. (Existing provision. Staff is working with the Fire Marshal to resolve minimum clearances for emergency access).

b. Driveways serving two flag lots shall be consolidated and have a minimum shared driveway width of 16 feet and shall meet construction and clearance provisions of Section XXX.3(a) above. (New provision)

c. When creating new flag lots, the flag lot driveway shall be consolidated with the driveway on the parent lot to the greatest extent practicable. Driveway location and design is subject to clear vision and driveway spacing provisions of Section 19.1400-Transportation Planning, Design Standards, and Procedures. (Improves existing provision)

d. Design standards for shared driveways serving more than three lots shall be specified by the Director of Engineering after consultation with the Fire Marshall. (New provision)

(Retain existing code requirements for access easements and turn around requirements.)

6. Front Yard.

The front yard of the flag lot shall be measured from the front lot line. The front lot line is the line that is most parallel and closest to the street, excluding the pole ~~portion~~ access way of the flag lot. ~~If this standard is not practicable due to the placement of structures on the subject or adjacent lots, topography, lot configurations, or similar reasons, then the front lot line will be the other property line that abuts the access portion of the flag or easement.~~

7. Flag Lot Shape

Flag lot shape, excluding the accessway, shall be consistent with Section XXXX design Standards, Lot Shape. Access way design is subject to Section XXXX.

(Refer to the proposed new lot shape regulation below.)

8. Yard Setbacks for Flag Lots

a. Front and Rear Yard

The minimum front and rear yard requirement for flag lots is 30 feet.

(Increases existing standard by 10 feet)

b. Side Yard

The minimum side yard requirements for principal and accessory structures for flag lots is 10 feet.

(Increases R-7 and R-5 standard by 5 feet.)

9. Planting and Screening Requirements.

practicable, shall run at right angles to the street upon which the lots face, or on curved streets, shall be radial to the curve. The rear lot line, as far as practicable, shall run perpendicular to the street, or on curved streets, shall be radial to the curve.

3. Changes in direction along side and rear lot lines shall be avoided. Cumulative lateral changes in direction of a side or rear lot line exceeding 10% of the distance between opposing lot corners along a given lot line is prohibited. Changes in direction shall be measured from a straight line drawn between opposing lot corners.

(Limits compound side and rear lines)

4. Lot shape standards may be adjusted by the Planning Director subject to a Type II review when warranted due unusual physical circumstances including but not limited to topography, water resources and other natural conditions. Variances of lot shape standards that do not meet the provisions of this subsection, are subject to Section 19.700- Variances, Exceptions and Home Improvement Exceptions.

(Include existing property boundaries)

Delete 17.28.060(C)- Lot Sidelines

C. Lot Sidelines.

~~The sidelines of lots, as far as practicable, shall run at right angles to the street upon which the lots face, or on curved streets, shall be radial to the curve.~~

Repeal Section 100 Definition “Half-story”

~~Story, Half. "Half story" means a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.~~

New Section 100 Definitions: “Story” & “Half-Story”

“Story” – Means portion of a building between any floor and the next floor above. If the floor level directly above a basement or unused under-floor space is more than six feet above grade for more than 50 percent of the total perimeter or is more than 10 feet above grade at any point, such basement or unused under-floor space shall be considered as a story.

March 4, 2002
Page 12 of 16

“Story, half” – Means a story under a gable, gambrel, or hip roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story. If the floor level directly above a basement or unused under-floor space is less than six feet above grade, for more than 50 percent of the total perimeter or is not more than 10 feet above grade at any point, such basement or unused under-floor space shall be considered as a half-story.

ACCESSORY STRUCTURES

Underlined words to be inserted

Words in ~~strikeout~~ to be deleted

Delete 19.401.1(D)-Accessory Structures

~~D. Regardless of the yard requirements of the zone, a side or rear yard may be reduced to three feet for an accessory structure erected more than sixty feet from a street other than an alley, provided the structure is detached from other buildings by six feet or more and does not exceed a height of one story nor an area of four hundred eighty square feet~~

Adopt New Standards for Accessory Structures

A. Permitted uses. Accessory structures excluding swimming pools and uncovered patios and decks are permitted by right in all residential zones subject to the following. Swimming pools and uncovered patios and decks are permitted by right subject to the limitations of Section 400-Supplementary Regulations.

1. Number and Maximum Footprint of Accessory structures

a. Multiple accessory structures are permitted subject to building separation, building coverage, and vegetation requirements of the zoning district in which the lot is located. The total footprint of all accessory structures excluding pools, decks and patios may not exceed 600 square feet.

2. Dimensional requirements

- a. The footprint of an accessory structure may not exceed 480 square feet;
- b. An accessory structure may not exceed 15 feet in height as measured from the average finished grade within a 10-foot

Flag lots must be screened at the time of development to minimize potential adverse impacts to nearby surrounding properties. This section applies to new development for which building permits have been submitted following {effective date of the ordinance.} Requirements for screening follow.

- a. Planting and screening must be provided at the time of development. Installation of required screening and planting is required prior to final inspections and occupancy of the site unless a bond or other surety acceptable to the City Attorney is provided. Screening and landscaping shall be installed within 6 months thereafter or else the bond will be foreclosed. Required screening and planting shall be maintained in good and healthy condition. (Develop provisions for irrevocable permit to enter)
- b. A landscaping plan that demonstrates compliance with this section shall be submitted to the Planning Director prior to issuance of a building permit for new construction. The plan shall be drawn to scale and shall accompany development permit applications for all development. The plan shall show the following information: (Coordinate with existing Tree mitigation requirements.)
 1. A list of existing vegetation by type, including number, size, and species of trees;
 2. A proposal to protect existing trees;
 3. A list of existing natural features;
 4. The location and space of existing and proposed plant materials;
 5. A list of plant material types by botanical and common names;
 6. Notation of trees to be removed;
 7. Size and quantity of plant materials;
 8. Location of structures on adjoining lots, and location of windows, doors and outdoor use areas on the lots that adjoin the flag lot driveway.
- c. Continuous screening shall be provided along the perimeter of the “flag” portion of the lot using options below:
 1. Durable sight obscuring fencing constructed of wood or masonry not to exceed 6 feet in height. (The 6-foot fence exceeds the existing 42-inch fence height limitations for front yards. Need cross reference.)
 2. Dense hedge of plant material that is suitable for the light and soil conditions of the site and that will provide continuous sight obstruction for the benefit of adjoining properties within 2 years of

- planting. (This may not be feasible. Is a longer period of time acceptable?)
3. A combination of fencing and screening that meets the intent of this section. (Placeholder- for exemption from screening requirements when acceptable to abutting property owners per GF.)
- d. Impacts to neighboring lots due to use of the flag lot driveway shall be mitigated to the greatest extent practicable through screening and planting. Continuous screening along the flag lot driveway abutting the neighboring lot that is not part of the parent lot from which the flag lot was created is required as follows.
1. Any combination of dense plantings of trees and shrubs and fencing is allowed.
 2. Fencing may not be located nearer to the street than the front building line of the houses located on lots that abut the flag lot accessway.
- e. All required screening and plant shall be maintained and preserved to ensure continuous protection against potential adverse impacts to adjoining property owners.
- (Need code for process to implement the above requirement)*

Amend 17.28.060- Design Standards, Lots

A. Size and Shape.

1. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. Minimum lot standards shall conform to the city zoning ordinance. ~~In areas that are not served by a public sewer, minimum lot sizes shall be not less than the requirements for the proper installation of a sewage disposal system before a building permit will be issued.~~ This section applies to all lot line adjustments, partitions, subdivisions, and replats created after {effective date of the adopting ordinance}. This section does not apply to units of land that are created for uses including public parks, natural area or other reservations, right-of-way dedications and the like which are not intended for development.
2. Lot shape shall be rectilinear, except where not practicable due to location along a street radius, or existing lot shape. The sidelines of lots, as far as

horizontal distance from the base of the building to the highest point of the roof;

- c. The placement of fill to raise grade elevations that has the effect of exceeding building height limitations is prohibited;
- d. An accessory structure may not be located closer to the street than the front building line of the principal building on the lot;
- e. Accessory structures may not be located within the required front yard;
- e. An accessory structure must maintain a minimum side and rear yard setback of five feet;

3. Non-dimensional requirements:

- a. No accessory structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way including but not limited to streets, alleys and public and private easements;
- b. An accessory structure shall comply with all of the requirements of the Uniform Building Code. All accessory structures except those less than 120 square feet in size require a building permit;
- c. An accessory structure that is non-conforming is subject to the provisions of Section 19.800 Non-Conforming Uses and Structures, when an alternation, expansion or reconstruction is requested;

New Design Standards for Housing

- 1. All dwellings for which a building permit is submitted after {effective date of the adopting ordinance} shall meet the following design standards. (apply only to new construction.)
 - a. The front door of the dwelling shall face the street upon which the lot fronts.
 - b. The area of windows on all exterior wall elevation(s) facing the street shall be at least 12% of the area of those elevations. Roofs, including gable ends, shall not be included in wall area.
- 2. All dwellings, except temporary dwellings approved pursuant to Subsection XXXX, shall include at least three of the following features on any building elevation that faces, or is visible to the street (if on a corner lot, visible to the

street where the dwelling takes access). Manufactured homes are subject to additional requirements of section 19.400-Supplementary Regulations.

- a. A covered porch at least 3 2 feet deep.
- b. An entry area recessed at least 2 feet from the exterior wall to the door.
- c. A bay or bow window (not flush with the siding).
- d. An offset on the building face of at least sixteen (16) inches from one exterior wall surface to the other.
- e. A dormer.
- f. Roof eaves with a minimum projection of twelve (12) inches from the intersection of the roof and the exterior walls.
- g. Roof line offsets of at least sixteen (16) inches from the top surface of one roof to the top surface of the other.
- h. An attached garage.
- i. Cupola
- j. Tile or shake roofs.
- k. Horizontal lap siding
- l. Brick covering at least 40% of the building elevation that is visible from the street.

Recommended Administrative Provisions

Chapter 19.XXX

PLANNING DIRECTOR'S INTERPRETATIONS

A. Purpose. The Director Planning Director's (Director's) Interpretation process is established to resolve unclear or ambiguous terms, phrases, and provisions within the Zoning, Subdivision, and Sign Ordinances. This process may be used independent of or concurrent with applications for a particular permit or land use application. All Director's Interpretations are subject to appeal in accordance with this Section.

(Note: Appeals are first made to Planning Commission, then Council if that decision is challenged)

19.XXXXX Procedure

A. Requests. A request for an interpretation shall be made in writing to the Director. The Director may develop guidelines to and in the application process.

B. Independent Interpretations: The Director may issue interpretations independent of a request by another party.

C. Decision to issue. The Director shall have the authority to consider the request for an interpretation. The Director shall respond within 14 days after the request is made, as to whether or not the Director will issue the requested interpretation.

D. Director may decline. The Director is authorized to issue or decline to issue a requested interpretation. The Director's decision to issue or decline to issue an interpretation is final when such decision is mailed to the party requesting the interpretation and such decision is not subject to any further local appeal.

D. Written interpretation mailed. If the Director decides to issue an interpretation as requested, it shall be issued in writing and shall be mailed to the person requesting the interpretation and any other person that has specifically requested a copy of such interpretation.

E. Appeal to Planning Commission. The applicant and any party who received such notice or who participated in the proceedings through the submission of written or verbal evidence of an interpretation may appeal the Director's Interpretation to the Planning Commission within 14 days after the interpretation was mailed to the applicant. The appeal may be initiated by filing a notice of appeal with the Director pursuant to Section XXXXXXXXX.

F. Appeal procedure. The Planning Commission shall hear all appeals of a Director's interpretation as a minor-quasi judicial review pursuant to Section XXXXXXXX, except that notice of the hearing shall be provided to the applicant, any other party who has filed a notice of appeal, and any other person who has requested notice.

(Note: Notice of appeal is not subject to same notification requirements as typical minor-quasi-judicial proceedings)

G. Final decision/effective date. The decision of the Planning Commission on an appeal of a Director's Interpretation is effective when notice of the decision is mailed to the applicant, provided however, that if the applicant is the Director or the Planning Commission, the decision is final and effective when made.

H. City Council Appeal. The Planning Commission's decision on an appeal of a Director's interpretation may be appealed to the City Council. An appeal to the City Council shall follow the same procedures followed for appeal of a Director's Interpretation described above.

(Note: Appeals to the City Council are separate applications, require additional fees, and application materials.)

XX.XXXXX Determination of Nonconforming Situations

A. Director's determination. The Director shall make a determination regarding the legal status of a nonconforming use, structure, standard, and other applicable zoning requirements by means of a Type I procedure, governed by Section XXXXXX. Any nonconformity shall be known as a nonconforming situation for the purpose of this section. Determinations of nonconforming situations shall be made using the following criteria:

1. Proof that the situation was permitted under applicable regulations at the time it was established, by any of the following:
 - a. Copies of building and/or land use permits issued at the time the use, building, or other condition was established;
 - b. Copies of zoning code provisions and/or maps;
 - c. Demonstration that the situation was established before the applicable development code for the community was adopted.

2. Proof that the situation has been legally maintained over time. This includes copies of the one or more of the following evidence, or other substantive evidence, from the time the situation was established until the current year. Standard evidence that the use has been maintained over time includes:
 - a. Utility bills;
 - b. Income tax records;
 - c. Business licenses;
 - d. Listings in telephone, business and Polk directories;
 - e. Advertisements in dated publications, e.g., trade magazines, and/or;
 - f. Building, land use or development permits.

B. Director's responsibilities. The Director shall maintain a file of determinations of nonconforming situations.

Display Account Information 4:08:46pm S W R B C

Customer No: 012140 000 Reference No: 2313600
 Customer Name: RUSSELL DILLON
 Service Address: 4602 SE HARRISON

Balance History Account Customer Owner Lot Meter Bill To...

History by Account							
Transaction Date	Tran Type	Description	Amount	Water	Sewer	Storm	Mi
03/01/2002	Adjustment	Past Due Charge, Days	5.00	0.00	0.00	0.00	0
03/01/2002	Letter	PAST DUE NOTICE, P.	0.00	0.00	0.00	0.00	0
01/31/2002	Balance		68.20	18.10	38.10	12.00	0
01/31/2002	Billing		68.20	18.10	38.10	12.00	0
12/31/2001	Payment		(67.70)	19.45	36.25	12.00	0
11/30/2001	Balance		67.70	19.45	36.25	12.00	0
11/30/2001	Billing		67.70	19.45	36.25	12.00	0
10/31/2001	Payment		(74.45)	26.20	36.25	12.00	0

View Calculated Balances

Description Comments Service Maint Print Close Help

FYI, I just talked to Russell Dillion at 4602 SE Harrison, and he is upset about the past due charge of 5.00. He receives his check on the last Wednesday of the month (pension) and frequently is paying on the last day of the month or the 1st day of the following month. I explained the new procedures and encouraged him to apply for Low Income since he qualified. Also, I stated that although we billed bi-monthly he could pay early to avoid the del fee - - he said that wasn't an option.

He still felt that he needed to voice is opinion to the mayor. He said he would probably be at the City Council meeting on Tuesday. He may or may not be there.

Carla

Customer No: 012140 000 Reference No: 2313600
 Customer Name: RUSSELL DILLON
 Service Address: 4602 SE HARRISON

Balance | History | Account | Customer | Owner | Lot | Meter | Bill To..

Detailed Service Information					
Service	Consumption	Tax	Balance Fwd	Current Billing	Ending Balance
Water	0		18.10	0.00	18.10
Sewer	0		38.10	0.00	38.10
Storm	0		12.00	0.00	12.00
Misc.	0		0.00	0.00	0.00
Penalty	0		5.00	0.00	5.00

Rate Codes		
Service	Rate Code	Multiplier
Water	02	1.00
Sewer	01	1.00
Storm	1	1.00
Misc.	MMM	0.00

Bal Forward: 73.20 Current Billing: 0.00 Ending Bal: 73.20 Lot Bal Fwd: 73.20

Description | Comments | Service | Maint. | Print | Close | Help