

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
SEPTEMBER 3, 2002**

Call to Order

The 1893rd meeting of the Milwaukie City Council was called to order by Mayor Bernard at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Mary King
Larry Lancaster

Jeff Marshall

Staff present:

Mike Swanson,
City Manager

Roosevelt Carter,
Project Development Coordinator

Alice Rouyer,
Director of Community
Development and Public Works

Jason Wachs,
Program Specialist

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Proclamations

Mayor Bernard and Councilor King read the following proclamations:

- National Drug Recovery Month
- Oregon Health Care Food Service Employee Week
- Always Remember 9-11 Day

Tribute to September 11th Blood Drive and Organ Donor Awareness Campaign

Wachs announced the September 25 blood drive at The Waldorf School in partnership with the Oregon Red Cross and the Organ Donor Program.

2002 Professional Achievement in Planning Award for Downtown Plan

Rouyer announced the Oregon Chapter of the American Planning Association has recognized Milwaukie as the recipient of the 2002 Professional Achievement in Planning Award for Small Communities for the City's Downtown Land Use Framework Plan.

North Main Street Project

Carter updated the City Council on the North Main Street Redevelopment Project. Four respondents to the City's request for qualifications were deemed eligible to participate in the proposal process. Staff is in the process of preparing the request for proposals (RFP) and plans the evaluation and selection process for November and December. Based on the draft schedule, construction will likely begin fall 2003.

CONSENT AGENDA

1. City Council Minutes of August 19 & 20, 2002;
2. Award Downtown Parking and Traffic Management Plan Contract; and
3. Intergovernmental Agreement with Clackamas County Department of Transportation and Development.

The members present unanimously approved the consent agenda.

AUDIENCE PARTICIPATION

Clint Heacock and **K.C. Jones**, Northridge Community Church, 2816 SE Harrison Street, Milwaukie, discussed a community service overlay application for the Milwaukie Underground, an after school program.

Swanson advised the City Council this application would be going before the Planning Commission for public hearing and, depending on the outcome, could be appealed to the City Council.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

Councilor Marshall asked staff to prepare applications to the Innovations Group for the Neighborhood District Association program and restructuring of city government.

Councilor King announced the Aurora Chorus would perform on September 11 at Pioneer Courthouse Square.

Mayor Bernard announced the Council would meet in executive session pursuant to ORS 192.660 to discuss real property.

ADJOURNMENT

It was moved by Councilor Lancaster and seconded by Councilor King to adjourn the meeting. Motion passed unanimously among the members present.

Mayor Bernard adjourned the meeting at 6:30 p.m.



Pat DuVal, Recorder

Date Sep 3rd, 02

I wish to address City Council on Agenda Item # _____

Name Clint Heacock

Organization Milwaukie Underground - Northridge Comm. Church

Address 2816 SE Harrison St

Phone 503.653.6590

Speaking in Support

Speaking in Opposition

Raising Questions

Providing Information

Comments _____



Program Description

The Milwaukie Underground will be an after-school program that seeks to meet the needs of youth in Milwaukie and surrounding areas. The Underground currently operates as a ministry of Northridge Community Church and as such, comes under the oversight of the church leadership. The following is a description of the current program goals:

- *Hours of operation:* 3-6 pm weekdays, with perhaps some weekend events later into the evening but not extending beyond 10 pm.
- *Expected Numbers:* We expect to average approximately 15-30 kids, with perhaps more during special events
- *Age Range:* Average ages 11-15, as those youth who obtain their licenses tend not to come to programs of this nature.
- *Projected Opening Date:* We plan to open in September, 2002, to coincide basically with the beginning of the 2002-3 school year
- *Aspects:* Currently we have 4 rooms, all of which will be in use at different times, days and hours. We will reserve the right to open or secure various areas depending on the event, numbers of kids, and focus of the program at that particular time. The 4 rooms are:
 1. **Game Room**—pool tables, foosball, air hockey, ping-pong, etc
 2. **Stage Area**—music, dramas, classroom space
 3. **Recording Studio**—with the capability of recording CD's and teaching music lessons to youth, learning the recording industry
 4. **Coffee House**—packaged snacks, sodas, computer games, quiet games.
- *Future Goals:* In the future, we hope to expand in the area of sports activities that could include basketball and/or street hockey. At this time we are not certain of this, however.
- *Parking:* We currently have the parking spaces for up to 87 cars in our existing parking lot on Harrison St.
- *Egress:* Currently there are 4 means of egress: 2 exterior doors and 2 interior stairways.
- *Changes to Building:* At this time we have no plans to make any structural changes to the building necessitating any permits from the City.

Staff

Our staff is currently made up of volunteers, but we expect there to be a paid staff in the future as we receive grant and private funding. Our policy for staff (currently in process, to be finished by August 2002) includes background checks and random drug testing. Though the Underground will have an "open-door" policy, there will be a membership process whereby kids can be held accountable to rules concerning alcohol, drugs, tobacco, gang activity, and violence. We hold a "zero tolerance" policy for such behavior and will ask kids involved in these activities not to come back. Further, while it is not realistic to expect to control what goes on at all times, nonetheless we wish to monitor activities *near* the building area to minimize impact on our neighbors.

Board

Currently we are in the process of putting together an advisory Milwaukie Underground Board. Prospective members include: Harry Harmon of GSL Corporation, Portland; Jason Wachs, City of Milwaukie; Rachel Tiede, North Clackamas Parks and Recreation; and Bill Schmidt, Pastor of Errol Heights Baptist Church, Portland. This board serves as a resource for the Underground staff and also as a means of accountability in the areas of finance, staff monitoring, and future goals.

Community Support

We have received nothing but enthusiastic support from all those to whom we have shared the goals of the Underground. At this time, the following people have pledged support:

- *Ed Zumwalt*, Head of Milwaukie Historic Neighborhood Association (the neighborhood in which the Underground will be located)
- *Larry Kanzler*, Chief of Police, City of Milwaukie
- *John Sena*, Juvenile Assistance Corporation
- *Dave Paul*, of the Clackamas County District Attorney's Office

All agree that an after-school youth program is a needed positive element in Milwaukie. For example, Chief Kanzler reports that kids from Milwaukie High School are responsible for approximately 90% of the crime in the downtown area. Dave Paul has been tasked with the development of the Overland Park area, which has many kids who have little or nothing to do after school except get in trouble or do drugs. John Sena works with kids at Milwaukie High School who are involved in gang-related activities. These basic examples serve to indicate the necessity of a program like the Underground, in which kids can come in after school and be a part of a positive, alcohol, drug and tobacco-free environment.

Contact Information

- Clint Heacock, Program Facilitator: 503.653.6590, clhoffice35@netscape.net
- KC Jones, Lead Elder: 503.653.6590, pastorkcjones@yahoo.com
- Site Location: 2816 SE Harrison St., Milwaukie OR 97222

MILWAUKIE UNDERGROUND COMMUNITY ADVISORY BOARD PROPOSAL

COMMON COMMUNITY PROBLEMS...

Nationally, according to the U.S. Department of Education, lunchtime and the hours between 3:00 - 6:00 p.m. are the high-risk times for teenagers to experiment with alcohol and other drugs. In separate national studies prepared for the Surgeon General's Office of the United States, the Department of Justice linked underage use of alcohol and controlled substances to increased incidents of youth crime including vandalism, burglary, rape, and sexual assault. Other studies abstracted by the Department of Health and Human Services showed that alcohol use is associated with lower academic achievement, truancy rates, and increased absences from school due to illness. Alcohol use was also linked to early onset of sexual activity and risky sexual behavior (one study of 9th graders showing the "best predictor" of risky sexual behavior is alcohol and/or drug use). The U.S. Inspector General of Health and Human Services has reported that among the "dangerous and often unrecognized deadly consequences of underage drinking" is "about half of all youthful deaths in drowning, fires, suicide, and homicide are alcohol-related." A separate study found that the most common characteristic (70%) of teenagers attempting suicide was frequent alcohol and/or drug use.

Within Oregon, according to the Achieve Community Development Corporation, most teen-age suicides occur in the unsupervised hours of 3:00 - 6:00 p.m.

Locally, according to August 2, 2002 Portland Tribune, gangs are now recruiting younger and younger members into their ranks. Once concentrating on older teenagers, gangs are now increasingly "reaching out" to children as young as 10-11 years old for the purpose of involving them in criminal activity (Measure 11 minimum sentencing guidelines not applying to children under age 15). Milwaukie's Police Chief Larry Kanzler has informed us that 80-90% of the crime occurring in downtown Milwaukie comes from Milwaukie High School students either during or immediately after school hours.

Recognizing PARENTS as the primary protectors of children; the unsupervised hours when children are out of school and many parents are at work is increasingly becoming a community problem demanding creative community solutions.

...CALL FOR AN UNCOMMON COMMUNITY SOLUTION

"A Parent's Guide to Prevention" published by the Department of Education includes the following recommendations:

"Plan strategies to limit your teen's unsupervised hours at home, while you are at work. Researchers have found that lunchtime and 3:00 - 6:00 p.m. are periods teenagers are likely to experiment with alcohol and other drugs."

"Talk with your teenager about joining a sports club, drama club, arts and crafts center, or dance studio, or about volunteering to work for a church or community organization. The busier your teenager is, the less likely he or she is to be bored and to seek an outlet in alcohol or other drugs. Volunteer with your teenager if you have time."

The Portland Tribune (8/2/02) reported among the Portland Police parental recommendations:

"Find mentors for children in church groups, sports leagues, and after-school and summer programs offered by Multnomah County or Portland Police Bureau."

The Director of the Portland Public School Alternative Education Program has said that just to provide a safe place for kids to "hang" after school would be doing the community a tremendous service.

Local community leaders have expressed concern that the needs of Milwaukie and Overland Park youth for positive after-school alternatives far exceeds services currently available. In response to this clear need and as part of our on-going commitment to our local community, Northridge Community Church is pleased to introduce

THE MILWAUKIE UNDERGROUND.

THE MILWAUKIE UNDERGROUND

"Relationships that make a Difference"

MISSION STATEMENT

The Milwaukie UnderGround seeks to reach out to the youth of Milwaukie through a safe, familial environment, providing mentorship and fostering maturity.

PROGRAM DESCRIPTION

In partnership with community leaders, educators, corporate sponsors, and faith-based leadership who share our vision, Northridge Community Church is pleased to launch THE MILWAUKIE UNDERGROUND in September 2002.

The Milwaukie UnderGround will provide a FREE weekday "after-school" supervised safe haven for community youth primarily 11-15 years old in the hours between 3:00 - 6:00 p.m.

During these hours supervised activities will be provided by trained and responsible staff with the goals of:

- (1) creating positive relationships among young people and adults;
- (2) further developing life skills which will lead to more productive, successful lives;
- (3) reducing the influence and impact of tobacco, alcohol, and drugs on teenagers.

Among the start-up activities to be provided:

- Indoor recreation activities (pool tables, air hockey, fooseball, ping pong, video games etc.)
- Educational enrichment (academic tutoring; leadership development; life skills training for teens and parents including but not limited to character building, substance abuse prevention, team cooperation skills, anger management.)
- Music and drama enrichment (band practice space, recording studio, stage)

As additional funding is secured, both summertime outdoor sports activities (street hockey, 3-on-3 basketball, etc.) and a computer lab as part of our educational enrichment program are planned. With staffing increases, ESL classes for both youth and parents are also envisioned.

Beyond the after-school program of the Milwaukie UnderGround, we further wish to be supportive of the local community and if desired open facility usage to community meetings such as those of the Historic Milwaukie Neighborhood Association.

**CITY OF MILWAUKIE
CITY COUNCIL AGENDA
SEPTEMBER 3, 2002**

MILWAUKIE CITY HALL
10722 SE Main Street

1893RD MEETING

REGULAR SESSION - 6:00 p.m.

I. CALL TO ORDER
Pledge of Allegiance

II. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

- A. National Drug Recovery Month -- Proclamation**
- B. Oregon Health Care Food Service Employee Week -- Proclamation**
- C. Tribute to September 11th Blood Drive and Organ Donor Awareness Campaign (Wachs & Wheeler)**
- D. 2002 Professional Achievement in Planning Award for Downtown Plan (Rouyer)**
- E. North Main Street Project Update (Carter)**

III. CONSENT AGENDA *(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)*

- A. City Council Minutes of August 19 & 20, 2002**
- B. Award Downtown Parking and Traffic Management Plan Contract (Barnett)**
- C. Intergovernmental Agreement with Clackamas County Department of Transportation and Development (Rouyer)**

IV. AUDIENCE PARTICIPATION *(The Mayor will call for statements from citizens regarding issues relating to the City. It is the intention that this portion of the agenda shall be limited to items of City business which are properly the object of Council consideration. Persons wishing to speak shall be allowed to do so only after registering on the comment card provided. The Council may limit the time allowed for presentation.)*

V. PUBLIC HEARING *(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*

None scheduled

VI. OTHER BUSINESS *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*

None scheduled

VII. INFORMATION

- A. Center/Community Advisory Board Minutes, July 12, 2002**
- B. Ledding Library Board Minutes, July 22, 2002**
- C. Planning Commission Minutes, May 14 & July 9, 2002**

VIII. ADJOURNMENT

EXECUTIVE SESSION -- *At the end of the regular meeting, 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.



TO: Mayor and City Council
FROM: Mike Swanson, City Manager
DATE: August 23, 2002
RE: FYI Memo for the Weeks of August 26, 2002 - September 6, 2002

Due to the Labor Day holiday there is no work session on September 2, 2002

COUNCIL REGULAR SESSION
SEPTEMBER 3, 2002

Reminder: I will be on vacation during the week of September 26. Pat will be the Acting City Manager. I am also taking a vacation day on September 5 to spend a day with Rachel.

The regular session is scheduled at 6:00 P.m. in the Council Hearing Room.

(1) Professional Achievement in Planning Award from Oregon Chapter of American Planning Association: The City has been recognized as the recipient of the 2002 Professional Achievement in Planning Award for Small Communities from the Oregon Chapter of the American Planning Association. The award recognizes the City's Downtown Land Use Framework Plan adopted by the Council in September 2000 as an outstanding example of community planning. The award will be presented to the City at the Oregon Planning Institute conference in Eugene on October 3, 2002.

(2) North Main Street Project Update: This is a follow up to the issues discussed at the August 20, 2002 executive session.

(3) Award Downtown Parking and Traffic Management Plan Contract: This is a request to authorize the City Manager to sign a contract for professional services not to exceed \$46,000 for completion of the Downtown Parking and Traffic Management Plan. The original authorization was for \$40,000, which was approved at the July 18, 2002 Council meeting. Staff selected a local firm to perform the work and negotiated the scope of work to provide the minimum elements of the study. Due to the level of public involvement required and the technical nature of the work, the estimated contract price is \$46,000.

(4) Intergovernmental Agreement with Clackamas County Department of Transportation and Development: This is a request to authorize the Mayor to sign an agreement with Clackamas County to develop a commercial database in support of the joint City/County Transportation Utility Fee study.

OTHER ITEMS OF INTEREST

(1) Jim or I or both will be making presentations on our ballot measure at the following NDA meetings:

- September 9: Hector Campbell and Historic Milwaukie
- September 10: Ardenwald
- September 11: Lake Road
- September 12: Linwood
- September 19: Island Station

Anyone is welcome to join us.

(2) Mark your calendars for the Annual City Employee Picnic on Friday, September 13, from 4 p.m. to 7 p.m. at North Clackamas Park.

(3) Reminder: The Johnson Creek Watershed Policymakers' Johnson Creek Tour is scheduled for September 21, 2002 from 9:00 A.M. to 12:00 noon. If you would like to go, please notify Jack Perry.

(4) Planning received four new flag lot partition applications on the last day before the new regulations took effect. This number is down significantly from the 1998 flag lot code revisions, when 18 applications were received the week before those changes took place.

(5) The Department has filled the Associate Planner position by hiring Julie Sabin who has previously worked in Tualatin and Hood River County. Julie begins her position on August 27, 2002. Julie brings excellent skills and a community outlook to Milwaukie. Her arrival is greatly welcomed.

(6) The schedule for the Title 3 vegetated corridors has been adjusted. The Planning Commission will review draft code on August 27, 2002, which will then be forwarded to the City Council at the September 16, 2002 work session. Adoption hearings are scheduled for the Planning Commission on October 22, 2002 and City Council on November 19, 2002. Individual notice to affected property owners will be mailed next week. Staff does not expect the new regulations to significantly affect property owners since most of the lands around water resources are already substantially developed.

(7) Upcoming public hearings for land use approvals include the hospital emergency room addition, creation of a youth program at Northridge Community Church on Harrison Street, and site plan modifications at Waldorf School.

(8) Staff has been working with the owner of the moved house on 21st Avenue to facilitate resolution of neighborhood concerns. While the outcome is not yet known, it is hoped that a mutually agreeable solution is nearby.

II. A. 1

National Alcohol and Drug Addiction Recovery Month

WHEREAS, on behalf of the citizens of Milwaukie, I am pleased to join other jurisdictions and health care providers across the nation in celebrating September 2002 as National Alcohol and Drug Addiction Recovery Month in Milwaukie; and

WHEREAS, acknowledging September 2002 offers individuals in the substance abuse treatment community an opportunity to educate the public and policymakers about the effectiveness of treatment, both societal and financial; and

WHEREAS, substance use and abuse is a major public health problem that affects millions of Americans of all ages, races, and ethnic backgrounds and in all communities and which has a huge medical, societal, and economic cost; and

WHEREAS, substance abuse is a treatable disease and treatment of addiction is as successful as the treatment of other chronic diseases such as diabetes, hypertension, and asthma; and

WHEREAS, the City of Milwaukie is actively engaged in drug prevention and treatment by providing preemployment drug screening, by complying with ODOT regulations for random drug testing of commercially licensed drivers, by offering free EAP services to employees to address recovery issues, and by complying with the Federal Drug Free Workplace Act; and

WHEREAS, thousands of health care providers have dedicated their lives to the recovery process and to the education of the public about alcoholism, drug dependence, and treatment issues.

WHEREAS, the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Treatment; the Office of National Drug Control Policy; Providence Milwaukie Hospital invite all residents of Milwaukie to participate in National Alcohol and Drug Addiction Recovery Month.

NOW, THEREFORE, I, James Bernard, do hereby proclaim the month of September 2002 as:

National Alcohol and Drug Addiction Recovery Month in Milwaukie

and encourage all citizens to support this year's theme -- "Join the Voices of Recovery: A Call to Action." -- by supporting men, women, and youth who are in drug and alcohol addiction treatment and recovery and their families.

James Bernard, Mayor

PROCLAMATION

WHEREAS, hospitals and nursing homes in the State of Oregon employ hundreds of workers in their nutrition service departments to provide healthy and appetizing food; and

WHEREAS, these employees are caring people who provide a vital service in the care and treatment of hospitalized patients; and

WHEREAS, food service workers, chefs, dietary assistants, dietitians and administrators work in concert with other healthcare professionals to provide the best patient care; and

WHEREAS, the effects of a nutritious and appetizing meal may help lift the spirits and speed patient recovery;

NOW, THEREFORE, I, James Bernard, Mayor of the City of Milwaukie, do hereby proclaim the week of October 6 - 12, 2002 as

Healthcare Food Service Employee Week

And encourage all citizens to join in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of September 2002.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder



To: City Council

Through: Mike Swanson, City Manager

From: Alice Rouyer, Director of Community Development & Public Works *AR*

Subject: 2002 Professional Achievement in Planning Award for Downtown Plan

Date: August 23, 2002 for the September 3, 2002 meeting

Action Requested

No action required. Information only.

Background

Staff is pleased to announce that the City of Milwaukie has been recognized as the recipient of the 2002 Professional Achievement in Planning Award for Small Communities from the Oregon Chapter of the American Planning Association. The award recognizes the City's Downtown Land Use Framework Plan adopted by the Council in September 2000 as an outstanding example of community planning. The City competed with other small city nominees from across the state. The award will be presented to Milwaukie at the Oregon Planning Institute conference in Eugene on October 3, 2002.



To: Mayor and City Council
Through: Mike Swanson, City Manager
From: Roosevelt Carter, Program Development Coordinator
Subject: North Main Street Redevelopment Project Update
Date: September 3, 2002

Action Requested

This is a progress report only. No action is requested.

Background

The City advertised and received four responses to a "request of qualifications" from the development community to redevelop the North Main Street (old Safeway) site. Staff will provide an update on the project and next steps at the September 3, 2002 work session.

MILWAUKIE CITY COUNCIL
WORK SESSION
AUGUST 19, 2002

III. A. /

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

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

Staff present: Director of Community Development and Public Works Alice Rouyer, Planning Director John Gessner, and Program Administrator JoAnn Herrigel.

Information Sharing

1. **Mayor Bernard** discussed several issues related to improving the quality of future Festival Daze events: restricting vendor sales along parade route to community groups; the feasibility of the City's owning the names Festival Daze and Bing Cherry Festival; establishing a review committee to set event standards; and possible City operation of the event to provide continuity.
2. **Mayor Bernard** said there is concrete pipe dumped on the Milwaukie riverfront by an unknown source. He suggested the pipe be broken up to provide fish habitat and to improve pedestrian access to the waterfront.
3. **Mayor Bernard** reported the Sunday Farmer's Market is interested in obtaining surplus computers from the City IST department.
4. The group discussed sign ordinance enforcement. **Mayor Bernard** thought at a minimum phone numbers should be taken from the signs and people called to remove them. **Councilor King** suggested putting "illegal sign" stickers over the phone numbers.
5. **Councilor King** reported she is working with Carlotta Collette, Ardenwald Neighborhood Chair, on the Johnson Creek Boulevard Improvement Project design and related traffic calming issues. Considering the current condition of the street, speeding is probably not an issue at this time but is more likely after the project is completed.
6. **Councilor Marshall** noted Tri-Met buses are obscuring stop signs from drivers at 21st Avenue and Jackson Street. He recommends the City contact Tri-Met about this hazard.

Open Public Forum

Ed Zumwalt addressed rezoning options for downtown civic and school uses. He is concerned Waldorf will eventually sell to the highest bidder without thought to community needs or open spaces. He asked about the status of the North Main Street Project, and **Mayor Bernard** responded the City received 4 responses to its request for qualifications.

Councilor Marshall feels it is important to focus on getting the money to eventually purchase the middle school property for the community. Rezoning will not matter if there is no money to acquire the property.

Mayor Bernard said the nonprofit corporation formed to accept funds to purchase the middle school is in the process of changing its name to Celebrate Milwaukie, Inc. It will accept donations for various community projects.

Councilor Lancaster agrees the City needs a sustained fund raising campaign for its important projects.

Rezoning Options for Downtown Civic and School

Gessner said the advantages of rezoning the middle school property would be establishing a designation that would preserve it and deflecting market interest in the event Waldorf decides to sell.

Councilor Newman noted recent surplus property sales by the Portland Public School Board. He is in favor of moving proactively and establishing an overlay on all school grounds in Milwaukie.

Gessner reviewed the options for civic use zoning: create a downtown civic/institutional zone for selected sites; revise community service overlay regulations by eliminating the underlying zone; or create a new zoning classification for public and private schools.

Councilor King wants a solution that is long-term and air tight as possible.

Mayor Bernard pointed out certain municipalities have had problems securing loans when rezoning decreased property values.

The group discussed the merits of rezoning public and private properties with a community service overlay. **Gessner** talked about the feasibility of exempting places of worship.

Councilor Lancaster suggested establishing a general comprehensive, protective overlay zone and dealing with properties on a case-by-case basis. It might be feasible to replace open space at another location in the City.

Councilor Newman wants to ensure certain recreational areas are not lost to the community because the property is sold for another use.

Councilor Marshall cautioned against going down a path similar to that of the tree ordinance.

Joint Session with Park and Recreation Board

Park and Recreation Board (PARB) members Kathy Buss, Sherri Dow, Mart Hughes, Edie Kerbaugh, and Joe Loomis and Joan Young, Milwaukie Center Director, joined the Council. **Herrigel** gave a brief overview of the past year's activities.

PARB Chair Hughes commented on the opportunities for valuable input to the Parks District on processes impacting the community welfare including future City park property acquisition, trail system connections, and the District Master Plan.

Buss said, as a Centennial Committee member, she would coordinate activities with PARB when appropriate.

Mayor Bernard commented that the District designated funds for Milwaukie parks development to balance the City's limited system development charge collections.

Kerbaugh congratulated the District on its campaign to promote Aquatic Park usage.

Councilor King appreciated the Board's help with the Ardenwald Mothers' Day Walk.

The group discussed property acquisition funding.

Young said the District will put a \$.23/\$1,000 operating levy for facility maintenance on the 2002 General Election ballot.

Hughes said a District survey indicates 60% support for the proposed operating levy. The numbers, however, are soft, so passage will take a lot of work.

Councilor Newman feels it is important for PARB to provide input on the school property rezone question.

Councilor King asked if any PARB member was interested in taking her position on the Johnson Creek Watershed Council.

Other

The group discussed the appropriateness of fundraising by the boards.

The work session adjourned at 6:45 p.m.

Pat DuVal, Recorder

III. A. 4

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
AUGUST 20, 2002**

Call to Order

The 1892nd meeting of the Milwaukie City Council was called to order by Mayor Bernard at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Mary King
Larry Lancaster

Jeff Marshall
Brian Newman

Staff present:

Mike Swanson,
City Manager
Gary Firestone,
City Attorney
Alice Rouyer,
Director of Community
Development and Public
Works

John Gessner,
Planning Director
Esther Gartner,
IST Manager

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

It was moved by Councilor Newman and seconded by Councilor Marshall to consider agenda item VI.B – Agreement with AT&T for Managed Institutional Network – in the consent agenda. Motion passed unanimously.

It was moved by Councilor Newman and seconded by Councilor Marshall to approve the consent agenda that included:

- A. City Council Minutes of August 5 & 6, 2002
- B. OLCC Application, Shari's of Milwaukie
- C. OLCC Application, Sunny Corner Market
- D. Oregon Department of Transportation Bike/Ped Grant Application
- E. Agreement with AT&T for Managed Institutional Network

The motion to adopt the consent agenda passed unanimously.

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING**Code Amendments for Flag Lots, Subdivision Ordinance, House Design, Permitted Accessory Structures, and Administrative Provisions, File ZA-02-02 – Ordinance**

Councilor King called the public hearing on application ZA-02-02 filed by the City of Milwaukie to order at 6:10 p.m.

The request was considered by the Planning Commission at its July 23, 2002, public hearing, and the Commission recommended Council's approval. The Council hearing was de novo, and all persons wishing to speak on the proposal were recognized.

The purpose of this hearing was to consider the Milwaukie Planning Commission's recommendation to approve the Zoning and Subdivision ordinance amendments. The applicable standards to be considered include Zoning Ordinance 19.902 (amendments) and 19.905 (approval criteria), and 19.1011.5 (legislative actions).

Councilor King reviewed the order of business. The applicant has the burden of proving that the proposal conforms to all applicable criteria of Milwaukie's Comprehensive Plan and Zoning Ordinance. All testimony and evidence was to be directed toward the applicable substantive criteria. Failure to address a criterion or raise any issue with sufficient detail would preclude an appeal based on that criterion or issue. Failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow a response would preclude an action for damages in circuit court. Any party with standing may appeal the decision of the City Council to the State Land Use Board of Appeals according to the rules adopted by that Board. Persons with standing are those who submitted written comments, testified or signed the Council hearing sign-up sheet. Councilor King reviewed the conduct of the hearing.

Jurisdiction and impartiality: There were no ex parte contacts or conflicts of interest declared. There were no challenges to any Council member's impartiality or ability to participate in the decision. There were no objections to the Council's jurisdiction to consider the matter.

Staff report: **Gessner** provided the staff report in which the City Council was requested to adopt an ordinance amending municipal code titles 15 (public facilities improvements) and 19 (zoning ordinance), repealing title 17 (subdivision ordinance), adopting title 17 (land division ordinance), and declaring an emergency.

He summarized the public involvement process that included neighborhood association meetings, a direct mailing to 800 potentially affected property owners, and Planning Commission and City Council work sessions and hearings. He gave an overview of the proposed amendments.

III. A. 6

The catalyst for this project was a desire to amend the flag lot ordinance. The key changes being proposed are increased accessway width from 20 feet to 25 feet, increased setbacks, the number of flag lots allowed in any partition, landscaping requirements, exclusion of accessway square footage from minimum lot area, and prohibition of flag lots in subdivisions. Additionally, staff addressed concerns with accessory structure size and architectural features. A list of 12 specific design standards for all new single-family residences, conventional and manufactured, was created from which a developer must include 3. Another amendment authorizes the Planning Director to specify application submission requirements and establish a fee for that service. Design regulations would be reduced for common landscape features such as pergolas, arbors, and trellises. Minor changes are proposed to clarify how transportation regulations apply to single-family development and sets threshold values. Lastly, final zoning inspections are required prior to occupancy to help ensure the development is consistent with the approved plans.

Councilor Lancaster commended Gessner on doing an exception job on this project.

Correspondence: The Mayor and City Council received correspondence from Dean N. Alterman, Attorney for Richard Cayo.

Supporting testimony: None.

Opposing testimony: **Keith Borchers**, 4186 SE Jackson Street, Milwaukie. He owns property in Milwaukie that could be partitioned for a flag lot, but he did not receive notice. He asked if any data had been collected on how much tax revenue would be lost resulting from this action. Has anyone thought about compensation for devalued property? Would people who already developed flag lots be required to meet screening and landscaping requirements?

Mayor Bernard responded this action does not disallow flag lots or impact those already developed.

Borchers asked how the allowable size for outbuildings was determined. People purchased and developed flag lots around his property, and now they are raising objections about how he develops his. He believes this is self-serving. He does not understand the accessory building siding requirements since there is no architectural continuity in his neighborhood. He questioned the need for another layer of inspections.

Allan Alford, 4005 SE Harrison Street, Milwaukie. He is part owner of a flag lot in the Ardenwald area. Why should a flag lot have different setbacks and be more restricted than the front lot? It will be impossible for some people to develop their property, but they will still be taxed for buildable property. He is aggravated by rules the City imposes and its attempts to be a big city. He does not feel it is fair that a 5-member Council dictates to the entire population because a few people complain to the Planning Department. Restricting the size of a garage is not a free society. Council sits back on its haunches and smiles, but there is no recourse for property owners. He does not

understand why the people no longer decide how the City runs. The Planning Commission voted on all these amendments in one vote, and he hopes the City Council will look at each element and consider the impacts on property owners. When he built his garage on his green space, his neighbors had a fit, and it cost him \$1,200 for a variance. The garage was still not as big as he wanted it.

Paul Nemerguth, 10190 SE 27th Avenue, Milwaukie. He asked if the development standards applied to new or existing flag lots. He is concerned the square footage in the pole portion is not included in the minimum lot requirements. He is opposed to the development standards because they are very restrictive and devalue property.

Neutral testimony: **Richard Cayo**, 4203 SE Johnson Creek Boulevard, Milwaukie. He thanked Swanson and Gessner for responding to his questions. He discussed the Portland Healthy Streams Initiative and his concern with any public entity actions. He agrees development standards are needed but feels they should be more lenient and user friendly. The \$1,400 variance fee seems high. He urged the City Council to be more lenient with property owners.

John Siefer, 11003 SE Stanley Avenue, Milwaukie. He is personally not in favor of flag lots, but his main concern has to do with communication. He understands in talking to the Planning Commission that, if a party has property that will fit under the current or future flag lot rules, administrative approval can be made without notifying adjoining property owners. He recommends, at a minimum, that the adjoining property owners receive notice and be given an opportunity to comment on the development proposal.

Firestone said if some action is absolutely, outright permitted, depending on the type of activity, it could simply be done without a land use approval. There is a notification process for partitions and subdivisions.

Mark Green-Hite, 7731 SE Tolman Street, Portland. He spoke in opposition to the proposed amendments. Although he is not a Milwaukie resident, he owns property on 30th Avenue. He understands why people have issues with flag lots, yet there are some properties that cannot be partitioned, subdivided or developed without creating a flag lot. For example, his property abuts public school property, so he has no other development options. The proposed 25-foot accessway requirement seems to address a livability issue rather than a fire, life safety concern. The change in the stem width requirement and not including it in the lot size makes it very difficult to partition property. He is concerned people with long lots are being penalized when density is the real issue. If this were the case, it would have been fairer if the notice to property owners had said the City Council was considering an ordinance to ban partitions. There are ways to deal with livability and privacy issues through setbacks and screening. Green-Hite believes there should be more opportunities for variances. A situation like his creates much less of an impact than properties in a fully developed area, and this should be taken into consideration. He supports additional flag lot restrictions to address privacy issues through better site design and screening. Making development criteria more difficult is not the way to deal with livability concerns related to flag lots.

III. A. 8

Staff comments: **Gessner** responded to the public testimony questions and comments. Notice was sent to owners of properties at least 1.2 times the minimum lot size which is the amount of land necessary to allow a flag lot under today's regulations. Existing flag lots are subject to the rules in effect when the lot was created and protected as a legal nonconforming use.

There was a question about how the maximum allowable accessory structure size was determined. The zoning ordinance precedent was used which allows a 480 square foot accessory structure with lesser setbacks. In talking with the Planning Commission, Council, and neighborhoods, staff developed a maximum size it understood would meet the general needs of most property owners. **Gessner** addressed the questions about architectural materials. Accessory structures of 120 square feet or less may be constructed out of steel because there are so many convenient units of this size on the market. It would be inappropriate to over-regulate materials for structures this small. Staff heard from City Council that exterior building materials for structures larger than that should be like those ordinarily found in the neighborhood. One person commented there was no consistent architectural material in his neighborhood which could be to the applicant's benefit because the choice is wider.

Gessner discussed the inspection prior to occupancy, which supports the existing inspection programs by ensuring all departmental requirements are met. The amendment will also make certain there is a final inspection for zoning purposes and ensure development criteria are followed.

One of the speakers raised the question about flag lots' having different setbacks than other types of lots. The Council and Planning Commission discussed how to create an open space around homes constructed on a flag lot for the benefit of the adjoining property owners. Setbacks have been increased to provide the desirable separation between existing properties and the new flag lot which may impact as many as 4 neighboring lots.

Another speaker discussed staff's ability to make an administrative approval on flag lots without noticing neighbors. Staff does have the authority to approve partitions, which may include flag lots; however, under the City Council's direction the City adopted an increased notice area requirement up to 300 feet of the partition. This applies to all type 2 administrative decisions.

Siefer, who made that statement, challenged **Gessner's** response. When he called the Planning Department on a parcel he thought would be going through this type of administrative process, he was told notice is not required.

Gessner apologized for the incomplete information **Siefer** was given. All administrative decisions on partitions are noticed to adjoining property owners.

Gessner addressed Green-Hite's comments about these regulations being drafted with the intent of prohibiting flag lots. Based on City Council and Planning Commission work, it is clear the intent is to improve the livability of flag lots within existing neighborhoods rather than banning them. The regulations themselves will not necessarily prohibit creation of flag lots in situations where the lot is not now large enough under the proposed dimensional standards. As property values rise, neighbors may find it beneficial to negotiate land swaps for flag lot development. Gessner's sense of the process is that the City Council is trying to balance livability issues with development interests of owners of oversized lots. There are opportunities to request a variance.

Councilor Marshall said those making public testimony seem to believe this action is being proposed to ban development in the City. Accessory dwelling units are encouraged on sufficiently large lots and may be a form of development preferable to flag lots.

Clyde Ruby, 11004 SE Stanley Avenue, Milwaukie. He asked for clarification of the regulations relating to gazebos, arbors, and other such outbuildings he has already constructed on his property.

Gessner responded a person might need a building permit for these types of structures depending on the size. The proposed regulations allow pergolas, arbors, and trellises to be located within the required yard setback. From Ruby's description, those structures on his property would be legal today.

Close public hearing: **Councilor King** closed the public testimony portion of the hearing at 7:05 p.m.

Council discussion: **Councilor Newman** supports the proposed regulations. During his term on Council, neighborhoods have been concerned about flag lot development, and he believes there is overwhelming public support for these regulations. Flag lots are generally perceived as degrading the quality of life in a particular neighborhood, lowering property values, and violating others' senses of privacy. These regulations do not prohibit flag lots but make them more neighborhood friendly by restricting setbacks to protect privacy and providing a balance that has generally been perceived as non-existent. The proposed regulations ensure certain conditions exist to protect privacy and neighborhood livability and address neighborhood association concerns.

Councilor King understands how Ardenwald residents feel about their privacy being chipped away by houses in what they thought was a lovely backyard. She is strongly in favor of the proposed ordinance. She noted the large Ardenwald lots were platted after World War II as victory gardens.

Councilor Lancaster added it has taken a year to prepare regulations to balance conflicting interests while preserving individual private property rights.

III. A. 10

Councilor Marshall says, for him, this is culmination of about 8-9 years work and is the reason he got involved with his neighborhood association and city government. He understands banning flag lots would not be healthy for the community, and he fully supports the proposed ordinance.

Mayor Bernard supports the regulations based on a recent flag lot developments in the community.

Discussion and decision by City Council: It was moved by Councilor Marshall and seconded by Councilor Lancaster to read the ordinance amending municipal code titles 15 and 19, repealing title 17, adopting title 17 (land division), and declaring an emergency for the first time by title only. Motion passed unanimously. The ordinance was read for the first time by title only.

It was moved by Councilor King and seconded by Councilor Lancaster to read the ordinance amending municipal code titles 15 and 19, repealing title 17, adopting title 17 (land division), and declaring an emergency for the second time by title only. Motion passed unanimously. The ordinance was read for the second time by title only.

It was moved by Councilor Lancaster and seconded by Councilor Marshall to adopt the ordinance amending municipal code titles 15 and 19, repealing title 17, adopting title 17 (land division), and declaring an emergency. Motion passed unanimously.

ORDINANCE NO. 1907:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, AMENDING THE MILWAUKIE MUNICIPAL CODE TITLE 15, TITLE 19-ZONING ORDINANCE, REPEALING TITLE 17-SUBDIVISION ORDINANCE, AND ADOPTING TITLE 17-SUBDIVISION ORDINANCE, AND ADOPTING TITLE 17-LAND DIVISION ORDINANCE, AND TO ADOPT AN EMERGENCY CLAUSE TO ENACT THESE AMENDMENTS.

Mayor Bernard said any party with standing might appeal the City Council decision to the State Land Use Board of Appeals according to the rules adopted by that Board. The written decision will contain an explanation of the appeal rights.

Re-Adoption of Public Contracting Administrative Rules and Adoption of Findings in Support of Exemptions – Resolution

Mayor Bernard called the public hearing to order at 7:10 p.m. The purpose of the hearing was to give members of the public an opportunity to comment on the findings developed in support of exemptions from the competitive bidding requirements.

Staff report: **Gary Firestone**, 1727 NW Hoyt St., Portland. Some entities' public contracting rules have been challenged because interested parties were not given a chance to review findings developed in support of adopted exemptions. The purpose of this hearing is to provide such an opportunity. The rules adopted in resolution 8-2002 have not been amended.

Correspondence: None.

Testimony: None.

Mayor Bernard closed the public testimony portion of the hearing at 7:15 p.m.

It was moved by Councilor King and seconded by Councilor Newman to adopt the resolution re-adopting the public contracting administrative rules. Motion passed unanimously.

**RESOLUTION NO. 21-2002:
A RESOLUTION OF THE CITY COUNCIL OF MILWAUKIE, OREGON,
ACTING AS THE LOCAL CONTRACT REVIEW BOARD, READOPTING
PUBLIC CONTRACTING ADMINISTRATIVE RULES.**

OTHER BUSINESS

General Election Ballot Measure – Resolution

Swanson provided the staff report in which the City Council was requested to adopt one of two proposed ballot measures. **David Aschenbrenner**, Budget Committee Chair, joined him. The purpose of adopting one of these resolutions is to place a measure on the November 2002 ballot to deal with \$1.2 million shortfall in the general fund while maintaining cash reserves. The general fund is one of only 2 City funds that benefit from property taxes; the other is the Public Safety Building debt service.

The City's 2002 – 2003 annual budget is in excess of \$37 million; however, most funds, such as sewer, water, storm, and streets, is fee supported. These funds are dedicated to those services and cannot be used for general fund purposes. The departments in the general fund are basic core services: municipal court, the fire service contract with Clackamas County Fire District #1 (CCFD1), police services, public access studio, recycling, City parks efforts outside the Parks District, neighborhood services, code enforcement, planning services, and 49% of library services.

Although he feels the proposal to annex to CCFD1 is the best long-term decision, community input has persuaded him the idea is too complex to adequately explain to voters before the November election. Secondly, the economy is not favorable for a tax increases.

III. A. 12

Swanson recommended a local option tax on the November 5, 2002 ballot that would maintain current service levels. For example, the police department is currently staffed at 1.5 officers per thousand. The neighborhood services program involves residents through the associations and keeps them informed through the newsletter. Milwaukie has an active code enforcement function that helps residents with neighborhood problems. The library is surpassing all previous circulation records, and, at the insistence of a Budget Committee member, increased the hours open to the public by 7 each week.

When he formally began the City Manager position one year ago, **Swanson** did not desire to come forward to say the City needs more money. He must, however, propose a local option tax of \$1.10/\$1,000 assessed value. According to the county tax assessor, the average assessed value of a single-family Milwaukie home is \$114,000. If this levy passes, the average homeowner would pay \$125.40 annually to maintain current City services.

Aschenbrenner said the Budget Review Board was charged with looking at the projected shortfall and proposing a course of action. In speaking with City residents, he and other Board members discerned the annexation proposal was difficult to grasp. The Board recommends the City Council put a local option tax levy on the ballot to maintain current services in the general fund. He reminded the public that this is where the daily service happens – getting a police officer at your door when you need one, checking out a book or doing research at the library, attending a Neighborhood Association meeting, and having nuisance concerns addressed through code enforcement. It is important to Milwaukie's livability to maintain these services, and that is what the local option levy will do.

Mayor Bernard commented, when driving King Road and Monroe Street, he supports the annexation proposal so some road repair can be done in the City. He asked how long it will be before Milwaukie begin needed repairs.

Swanson said Milwaukie's state gas tax share has been declining for several reasons. In addition to consumer conservation, Milwaukie is not growing. Gas tax is calculated on road miles and population. As cities grow, their share of available funds increases either through increased square miles or added population. In relative terms, Milwaukie's share keeps getting smaller. Street lighting bills are paid from the street fund, and Milwaukie that is about \$300,000 annually. Once the general fund problem is solved, Milwaukie will look at a transportation utility fee as part of a countywide process. He announced he and Mayor Bernard would be making presentations at neighborhood meetings and hold "open houses" at city hall for people to stop by and ask questions.

Aschenbrenner added the Budget Review Board meetings have all been open to the public and copies of the 2002 – 2003 adopted budget are available.

Councilor Newman thanked the Budget Review Board members, Mayor Bernard, and Swanson for their community outreach efforts. He understand the difficulty in asking citizens to tax themselves. He is proud of Milwaukie's services, which touch residents' lives on a daily basis. This is not a case of empire building, and there will be no additional parks purchased or roads repaired. The proposed levy will simply pay for current services.

Councilor Lancaster was originally opposed to levy because he believes annexation is the best long-term decision. However, he realizes annexation is a complex issue, so he supports the levy proposal. Milwaukie has already worked hard to make city government lean and accountable, and there is nothing left to cut other than basic services. It is the voters' choice if they wish to pay more to maintain current service levels. It is appropriate to put the levy proposal on the November ballot.

Councilor Marshall is disappointed the City is not looking to fund more park land, but he does concur the annexation proposal is complicated. He believes the levy is the way out of the current situation. He reminded people it was not that long ago that there were only 1.2 police officers per thousand population, code enforcement was only a half-time position, there were no neighborhood associations, and \$10,000 was not going back to each neighborhood annually for projects.

It was moved by Mayor Bernard and seconded by Councilor King to adopt the resolution submitting to the voters a ballot measure proposing a 4-year local option tax for general operations.

**RESOLUTION NO. 22-2002:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MILWAUKIE, OREGON, CALLING AN ELECTION TO SUBMIT TO THE
VOTERS A FOUR-YEAR LOCAL OPTION TAX FOR GENERAL
OPERATIONS BEGINNING JULY 1, 2003.**

Amend Municipal Code Chapter 2.10 – Boards and Commissions Generally – Ordinance

DuVal presented the staff report in which the City Council was requested to adopt an ordinance recognizing recent advisory board name changes.

It was moved by Councilor Newman and seconded by Councilor King to read the ordinance amending municipal code Chapter 2.10 – Boards and Commissions Generally for the first time by title only. Motion passed unanimously. The ordinance was read for the first time by title only.

It was moved by Councilor King and seconded by Councilor Lancaster to read the ordinance amending municipal code Chapter 2.10 – Boards and Commissions Generally for the second time by title only. Motion passed unanimously. The ordinance was read for the second time by title only.

III. A. 14

It was moved by Councilor Lancaster and seconded by Councilor Marshall to adopt the ordinance amending municipal code Chapter 2.10 – Boards and Commissions Generally. Motion passed unanimously.

**ORDINANCE NO. 1908:
AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING
MUNICIPAL CODE CHAPTER 2.10 – BAORDS AND COMMISSIONS
GENERALLY, AND AMENDING ORDINANCE 1793.**

Riverfront Board Appointments

Mayor Bernard re-appointed Riverfront Board members: Gary Klein, 1 year; Dave Green, 2 years; Mike Stacey, 3 years; Steve Loaiza, 3 years; Mitch Wall, 2 years; Michael Martin, 3 years; and Paul Verbout, 1 year.

Executive Session

Mayor Bernard announced the City Council would meet in executive session immediately following adjournment to discuss potential litigation and real property transaction pursuant to ORS 192.660.

ADJOURNMENT

It was moved by Councilor King and seconded by Councilor Lancaster to adjourn the meeting. Motion passed unanimously.

Mayor Bernard adjourned the meeting at 7:50 p.m.

Pat DuVal, Recorder



To: Mayor and City Council

Through: Mike Swanson, City Manager
Alice Rouyer, Community Development/Public Works Director

From: Dennis Lively, Director of Engineering
Brion Barnett, Associate Engineer *BB*

Subject: Award of Downtown Parking and Traffic Management Plan

Date: August 23, 2002 for the September 3 City Council meeting

Action Requested

Authorize the City Manager to sign a contract for professional services, not to exceed \$46,000, for completion of the Downtown Parking and Traffic Management Plan.

Background

During the April 16, 2002 Council meeting, staff was directed to proceed with a Request For Proposals (RFP) to hire a consultant to complete the project. At the July 18, 2002 Council meeting, the City Manager was authorized to sign a contract for professional services not to exceed \$40,000. Subsequently, staff publicly advertised the RFP and selected Kittelson and Associates (KA) to perform the project work.

With a \$40,000 budget in mind, staff negotiated the scope of work with KA to provide the minimum elements necessary to provide the city with a useful management tool. However, due to the level of public involvement and technical nature of the work, the estimated contract value is \$46,000. It should be noted that the city has already contributed approximately \$5,000 in staff time performing parking data collection tasks that would have otherwise been incorporated into the contract. The final project contract is expected to be signed by early September.

Concurrence

Community Development, Planning, Engineering, and Neighborhood Services Departments all support proceeding with the project at the \$46,000 funding level.

Fiscal Impact

The total cost of the consultant contract will be \$46,000 broken down as follows:

\$30,000 from City Engineering Fund

\$16,000 from a City Fund per City Manager's direction.

Funding for this project was approved in the 2002 budget and allocated to the Engineering Departments.

Work Load Impacts

The Engineering Department will manage the project consultant with support from Neighborhood Services during the public involvement process. The project is part of the work program for both departments.

Alternatives

Staff recommends proceeding with the project and authorizing additional monies to fund the project at a contract value of \$46,000. The Mayor and City Council have the option of leaving project funding at the \$40,000 level. However, staff does not recommend proceeding with the project at this funding level because the project would lack the minimum technical and public involvement elements necessary to yield a useful end product.



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: Alice Rouyer, Community Development Director

Subject: Intergovernmental Agreement with Clackamas County Department of Transportation and Development

Date: September 3, 2002

Action Requested

Authorize the Mayor to sign the attached intergovernmental agreement (IGA) with Clackamas County to develop a commercial properties database in support of the joint City/County Transportation Utility Fee study.

Background

At the May 21, 2002 meeting, the Council authorized the Mayor to sign an IGA with Clackamas County to participate in a countywide study to evaluate the possibility of implementing a transportation utility fee. The fee is a tool used by many local governments to address the increasing costs of road maintenance. Currently the state gasoline tax revenue is unable to cover the roadway maintenance and streetlight needs in Milwaukie.

Under the proposed IGA, Clackamas County will hire and oversee the work of student interns to develop an enhanced countywide database to include existing land use identification, building square footage for non single-family residential parcels and unit number for multi-family dwellings. This data supports the evaluation of different rate options. The County will deliver the compiled data to the City for its use in developing a fee.

Because the County is compiling countywide data for this database, the City's share of the work by the intern team is \$1,300. This is a considerable savings over what the City would pay for similar work contracted independently.

Concurrence

Staff has consulted with staff from the Engineering and Streets Department.

III.
C.
2

Fiscal Impact

The City agrees to pay the County an amount not to exceed \$1,300.00 in compensation for the employment of student interns to complete the City's portion of the database. The cost of this study was anticipated and budgeted last spring in the Community Development Administration Fund.

Work Load Impacts

Participation in the countywide study effort relieves the City of either contracting for or assigning critical staff resources to this task.

**INTERGOVERNMENTAL AGREEMENT
BETWEEN**

**CLACKAMAS COUNTY DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
AND
THE CITY OF MILWAUKIE**

For database development to enhance the County's Assessors and Geographic Information System (GIS) database for mutually beneficial planning work

This agreement is between the City of Milwaukie, hereafter referred to as the CITY, and Clackamas County Department of Transportation and Development, hereafter called the COUNTY.

WHEREAS, the CITY and the COUNTY agree that it is mutually beneficial to develop an electronic database from Assessor's paper records to enhance the planning capabilities of the County's GIS (Geographic Information System) database; and

WHEREAS, the CITY and the COUNTY agree that in order to accomplish this task in a timely and efficient manner it is necessary to employ student interns to enter this information into this electronic database; and

WHEREAS, the CITY and the COUNTY agree that payment for this work performed by student interns to build this database should be shared based on the relative amount of data entry to be performed within the City and the County;

I. Purpose

- A. This Agreement is entered into this _____ day of _____, 2002 between the Clackamas County Department of Transportation and Development (COUNTY) and the City of Milwaukie (CITY) for the cooperation of units of local government under the authority of ORS 190.010.
- B. This Agreement provides the basis for defining the cooperative working relationship between the COUNTY and the CITY and the financial obligation of both to fund the development of this enhanced countywide database.

II. Scope of Cooperation

- A. Under this agreement the responsibilities of the COUNTY will be as follows:
 - 1. The COUNTY will hire and oversee the work of the student interns to develop this enhanced countywide database to include existing land use identification, building square footage for non single family residential parcels and unit number for multi-family dwellings.

III. C. 4

2. The information will be accessed from the Assessors paper files and entered into an Access computer database. This database will then be merged into the countywide GIS database.
3. The COUNTY will assume the responsibility for overall database development project management and supervise the student interns.
4. The COUNTY will distribute the data compiled in this project as part of the normal GIS data distribution process to the CITY. A separate Memorandum of Understanding with the County's Information Services Department, GIS Division is required which details the responsibilities of each party regarding the use of each other's GIS data.
5. The County's contribution to the database development project will be based on the percent of business records to be researched by the student interns in the unincorporated areas as well as the cities that will not participate financially in the work.
6. The COUNTY agrees to bill the CITY for its share of the cost to employ student interns based on the percent of business records to be researched by the student interns in the CITY, at the end of the database development project in the fall of 2002.

B. Under this agreement the responsibilities of the CITY shall be as follows:

1. The CITY agrees to compensate the COUNTY for costs incurred to perform the described work within the CITY based on relative number of Business Records, not to exceed the amount of \$1,300 in compensation to fund the employment of student interns to complete the enhanced countywide database work.
2. The CITY shall make payment for the database development project to the Clackamas County Department of Transportation at the completion of the project, anticipated to be in the fall of 2002. The CITY agrees to remit payment to the County within 30 days of receipt of the County's billing.
 - a. This payment shall be the sole monetary obligation of the CITY.
 - b. Payment of all operating costs, federal, state, county or city taxes, assessments and any other charges imposed by law upon employers shall be the sole responsibility of the COUNTY.

III. Liaison Responsibility

Pam Hayden will act as liaison from the COUNTY. The TAC representative will act as liaison from the CITY for the database development project.

IV. Ownership

Clackamas County and the CITY are the co-owners of the enhanced database specified in this agreement and this enhanced database is the joint property of these agencies.

V. Term of Agreement

- A. This Agreement becomes effective when both Parties sign it.
- B. The term of this Agreement is a period beginning when it becomes effective and ending when the database development project is complete, anticipated to be fall/winter 2002.

VI. Signatures

The City of MILWAUKIE has acted in this matter pursuant to Resolution _____ adopted by the City Council on the ____ of _____, 2002.

The County has acted in this matter pursuant to Agenda No. 7B-5 adopted by the Clackamas County Board of Commissioners on the 18th day of July, 2002

CITY OF MILWAUKIE

**CLACKAMAS COUNTY
BOARD OF COUNTY COMMISSIONERS**

Mayor

Larry Sowa
Larry Sowa, Chair

ATTEST:

ATTEST:

By: _____
City Recorder

By: Millicent Morrison
Millicent Morrison, Recording Secretary

Date: _____

Date: 7/18/02

Approved as to form by

City Counsel

David W. Anderson
County Counsel

North Clackamas Parks and Recreation District
Milwaukie Center
Center/Community Advisory Board
Minutes of Friday, July 12, 2002

Members Present: Joan Newman, Janet Witter, Jim McCready, Alice Neely, Joan Staley, Molly Hanthorn

Members Excused: Sharon Phillips, Carol Storment, Eleanor Johnson, Ben Tabler

Members Absent: Kim Buchholz, Marc Burnham

Staff Present: Joan Young, Cheryl Nally

Guests: None

Call to Order: The meeting was called to order at 10:05 am by Vice Chair Joan Staley. The minutes were approved as printed.

Correspondence: None.

Board/Committee Reports:

NCPRD – Joan reported that Krista Markwardt gave a summary of public input to the Master Plan. The Board had a discussion of the Master Plan and suggested several corrections and additions. The corrected plan will be discussed at the August 15 Board meeting. The Master Plan for the North Clackamas Park is being reviewed. Since it was developed in 1995, some regulations have changed so a revision must be done. The District will work with the City of Milwaukie to get approval. The park design for The Village Green was presented. A new IGA with Metro was approved.

Budget – Jim McCready had no report.

Program/Services – Molly Hanthorn – no report.

Nutrition/Transportation – Joan reported the Nutrition program is examining current fund-raising activities and looking at new ideas.

Building Review Committee – Alice Neely reported that Chuck has placed a new sign holder on the back door, he has been checking the attic fans and discovered some were not working and has managed some repairs. Two new furnaces and A/Cs are being replaced. We are getting a new State flag as a donation. Two action items were presented. In the absence of a quorum, the board members present unanimously instructed Alice to proceed with the chair purchase and acquisition of a plaque for the organ.

History Committee – Janet Witter commented on the Oregonian story about the Rose Garden. Nothing new on the History project at this time.

Other Reports:

Joan reported on the Friends of the Milwaukie Center events coming up on July 14th with Bingo in the Garden and Quilt Raffle and August 25th Dedication of the Gazebo.

Molly reported for Sharon about the Milwaukie Centennial Committee planning. Joan will ask the staff for some input on how the Center may get involved.

VII. A. 2

Director's Report:

Joan briefly discussed budget matters as they are changing with the ongoing discussions in Salem.

Agenda for next meeting:

None. Molly will attempt to schedule a presentation about Head Start for the October meeting. Joan suggested that staff bring department updates for the August, September and November meetings.

Adjourn:

The meeting was adjourned at 10:45 am.

North Clackamas Parks and Recreation District
Milwaukie Center Division
Monthly Report for July, 2002

Programs and Services:

After a year without the service, the Social Services Department now offers a Grocery Shopping and Delivery Program for homebound older adults in our community. The new program is operated through an agreement with Store to Door of Oregon and the Milwaukie Center. This is Store to Door's initial involvement in Clackamas County. Their services include grocery shopping at Fred Meyer, purchase of postage stamps and pickup of prescriptions at the Fred Meyer pharmacy. They deliver to the Milwaukie Center where our volunteers then deliver to the individual participants. Store to Door charges participants from \$5-\$12 per order depending on the amount of the order, as well as \$1 for prescription pickup. They bill participants monthly. Cheryl Nally is coordinating the program at the Center.

The Milwaukie Center Transportation Program has received a grant through Clackamas County Transportation Consortium and Ride Connection that pays for maintenance on the buses, starting July, '02. It will pay up to \$2,200 for each bus at 89.73% of the maintenance costs.

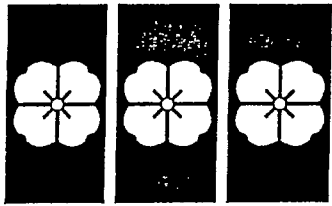
Life Line Screening organization provided vascular disease screenings at Milwaukie Center on July 23. There was a huge request from area residents, who received carotid artery/stroke screening, abdominal aortic Aneurysm screening, peripheral arterial disease screening and osteoporosis screening.

Fund-raising:

The Friends held a "Bingo in the Garden" event on July 14th in the Sara Hite Memorial Rose Garden. This event was preceded by a groundbreaking ceremony for the Rose Garden's new 800 square foot gazebo. Construction on the gazebo has finally begun! Meeting the August 25th Dedication Ceremony deadline will be tight, but the Willamette Falls Symphony will perform as scheduled, on the grass or brick patio if necessary! Engraved bricks purchased throughout this last year will be installed in time for the August 25th event. The Friends also kicked off sale of raffle tickets for the "American Beauty Bouquet" handmade quilt courtesy of the Friend's Quilting Committee. Proceeds will support the development of the Sara Hite Memorial Rose Garden. Raffle tickets are available in the Gift Nook or the Friends Office.

The Transportation Program received a \$900 Grant from the City of Milwaukie to help defray the cost of transportation for City residents. This money is specifically earmarked for bus fares for City residents that are not able to pay to use the Milwaukie Center Transportation Program.

CITY OF



MILWAUKIE

Ledding Library Board July minutes

6:30 PM; Monday, July 22, 2002
Ledding Library

Meeting called by:

Pat Healy

Attendees:

Attendees: Pat Healy, Tom Hogan, Anna O'Guinn, Sue Trotter, and Ed Zumwalt.

Absent: Mark Docken

Staff: Cynthia Sturgis

Agenda topics

Approval of minutes

Approved as written

Librarian's report

Cynthia reported that the annual report from the library network will be presented to the Board of Commissioners at 1:30 p.m., Thursday, August 1 at the network office. The presentation will include combined statistics for circulation, programming, volunteer hours, library card holders, etc.

A statistics sheet showing Ledding Library's statistics for 2001-2002 was given to board members.

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Facility planning updates

Pat Healy reported that he and Cynthia met with June Mikkelsen to discuss cost estimates for building projects. She also recommended an architect who did cost estimates for Multnomah County.

Ed Zumwalt reported that the finance committee will ask Neighborhood Associations and the MDDA for seed money which may be needed for the cost estimate project and to hire a fund raiser.

Board work plan

Pat Healy reviewed the work plan meeting with the City Council. He, Ed, and Cynthia discussed the major points of the plan with Council, and the Library Board and staff have been directed to proceed with facility expansion plans on the present site.

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, JULY 9, 2002

COMMISSIONERS PRESENT

Donald Hammang, Chair
Judith Borden
Teresa Bresaw
Barbara Cartmill
Rosemary Crites
Mike Miller
Howard Steward

STAFF PRESENT

John Gessner,
Planning Dir.
Kenneth Kent,
Associate Planner
Shirley Richardson
Hearings Reporter

COMMISSIONERS ABSENT

None

1.0 CALL TO ORDER

The meeting was called to order at 6:35 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 CONSENT AGENDA -- None.

4.0 INFORMATION ITEMS

4.1 City Council Work Session Minutes

4.2 City Council Minutes

5.0 PUBLIC COMMENT

Speaking: Ray Bryan, 11416 SE 27th, Milwaukie
Lori Lafors, 11480 SE 27th, Milwaukie

Mr. Bryan stated that he is here tonight to voice his concerns about a flag lot development that is being built next to them. Four of their concerns address issues that were included on the approval for partitioning this property in January 2001:

- MLP-00-01 was approved in January 2001. At that time the application stated that no development was planned. Testimony at that hearing questioned whether there was enough distance for a side yard and

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driveway. The partitioning was approved and a permit issued without a survey showing the exact location of the existing house. It turns out there is not enough distance and to date the development continues. Ken Kent and the surveyor took measurements when he was not there.

- **Mike Miller** asked the applicant if they could plant two trees for every tree that was removed? The applicant agreed. An accurate tree inventory of size, location and species has never been done. This is in violation of the conditions of approval. There was a tree inventory submitted, however, it was inaccurate and incomplete. That inventory listed three 48-inch diameter Alder trees on the lot. These trees do not exist and no one checked their existence.
- The applicant submitted to the Planning Commission a plan for the flagpole driveway that include a 6-ft. fence on both sides with Arbor Vita planting between the fence and the paved strip. The building plans on file with the city include only one fence. He asked Ken Kent about this issue three weeks ago and has received no answer.
- The partitioning was approved for at most a duplex because of the width of the driveway. A duplex and a two-story garage that includes a studio on the second floor are being built. It is his understanding that people can sleep in the studio as long as there is no kitchen facilities.

Ms. Lafors reported that the duplex is also a two-story structure. She stated that she is concerned that no one in the Planning Department came out to see the site until Ken Kent came out at her request. Had the Commission reviewed the property, they would have seen that the two-story structure provides no privacy for neighbors. She feels that the city should not have allowed the minor partition when there was not an adequate space for a driveway from the existing home and property lines.

Mr. Bryan stated that all of his issues are included in the information that he passed out. He has letters he has addressed to Ken Kent and the County Surveyor. They are here tonight to ask for guidance on how to resolve this matter. **Ms. Lafors** stated that she would like to see a stop work order be placed on this development until there is a resolution to the discrepancies. If she had seen this next to her home before she purchased, she would not have bought the house. She feels that the value of her home has been decreased. The partitioning did not meet the covenants, codes, restrictions or ordinances. The driveway is not adequate.

Chair Hammang stated that the Planning Commission responsibility is to see that a lot partition meets the law. He asked staff to comment on the four items and the matters of fact of this situation. **Mike Miller** stated that the only documents that the Commission reviewed were for the actual lot partition.

Chair Hammang asked Mr. Bryan if his contention is that the surveyor did not provide accurate data? **Mr. Bryan** stated that the petition when filed with the County, the location of the house was not included. The data for the application for the petitioning is inaccurate.

Mr. Gessner stated that a lawsuit has been filed against the city and on advice of the City Attorney, there are some things that he cannot talk about. Mr. Bryan has been following the project since the application was filed with the city. Staff is working to change what they do internally to make certain mistakes don't continue to happen.

The point that the survey was not submitted at time of the permit demonstrating that the house did not have adequate setbacks is a legitimate concern. The city has a normal practice of acquiring this information, but for some reason it did not happen this time. Unfortunately, the surveyor made significant errors in the platting that were eventually realized. Two things resulted:

- The Commission approved the plat, which showed a 15-ft. rear yard setback in accordance with code was recorded on the county land records as 14-feet. There is in-house an application for rear line adjustment to move the property line back one foot so it complies.
- The side yard setback for the existing house against the flag is 2-inches short based on subsequent surveyor measurements that were required at Mr. Ryan's request. The owner of the house has submitted a building permit to correct the side yard setback problem. A portion of the house is being moved at the advice of the building official to avoid going through a variance procedure or similar process.

Mr. Gessner stated that by the time the property line adjustment and the house renovation is complete, the flag lot and the layout for the flag lot will comply with regulations. Staff is still working to resolve the issue about the tree replacement plan. There are some concerns about the tree replacement plan and other site development issues. The City Attorney will be consulted regarding the difference between what was shown on the partition plat and the building permit.

The fence along the driveway for the driveway has to be checked to see if it is consistent with the zoning ordinance. Staff may be able to work with the builder to negotiate something to get closer to the neighbor's requests for screening along the driveway. The traditional form of development has been a one-story house. In all the residential zones, two and a half story houses are permitted. The city must approve a building permit application if it complies with zoning. Staff could not have done anything differently, even though there were neighborhood impacts.

Guesthouses are permitted in all residential zones. The guesthouse allows overnight and short-term stays provided there are no kitchen facilities.

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Chair Hammang encouraged Mr. Ryan continue to find out what level of scrutiny the building inspector is conducting on these parcels so his fears are not realized.

Chair Hammang asked if there were any matters of fact that the builder or property owner has violated on the conditions of approval. **John Gessner** stated that there may be some discrepancies between the basis for the issuance of the building permit and what the Commission approved.

Discussion followed on things the Commission could do to make sure that what is approved is adhered to through the point of construction. Mr. Ryan and Ms. Lafors stated that throughout this process they feel like they had been put off and given the run-around. They appreciate the time the Commission has given them listening to this issue.

John Gessner stated that when the city realized there were problems with the setback caused by the surveyor, work was stopped until resolution. The applicant elected to do the property line adjustment and cut a portion of the building off. The city does not take adverse actions against business owners/operators when there is not sufficient cause. A \$5,000 bond has been received to secure the lot line adjustment application and building permit application for correction for the side yard. Staff feels confident that everything will be corrected; if not they have the \$5,000 to make the correction.

Ms. Lafors asked for the name of the surveyor that did the work and asked if the survey work can be done by the County in the future. **Mr. Gessner** stated that it was the contractor's surveyor that did the work. The city cannot compel the County surveyor to go out and survey. Surveys are subject to standards that are established by the state. In this case the surveyor made certain assumptions about the location of the building that was not confirmed prior to platting. These were omissions rather than errors.

6.0 PUBLIC HEARINGS

Type of Hearing: Community Service Overlay
Applicant: Architect LA – Matthew Mattson
Owner: St. John The Evangelist Episcopal Church
Location: 2036 SE Jefferson
Proposal: Construct approximately 3,500 sq.ft. addition to the existing church building
File Numbers: CSO-02-04
NDA: Historic Milwaukie

Chair Hammang opened the quasi-judicial hearing on Community Service Overlay CSO-02-04 to allow the modification of an existing church. The criteria to be addressed are found in Section 19.312 – Downtown Zones; Section 19.321 – Community Service Overlay Zone; Section 19.500 -- Off Street Parking and Loading; Section 19.1011.3 – Minor Quasi-Judicial Review, and 19.1400 – Transportation Design Standards Planning and Procedure.

Chair Hammang asked if there were any conflicts of interest or ex-parte contacts to declare? There were none. He asked if any member of the Planning Commission visited the site; five hands were raised. No one who visited the site spoke to anyone at the site or noted anything different from what is indicated in the staff report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Ken Kent reported that this is a request for a Community Service Overlay Review to add approximately 3,450 sq.ft. to the existing St. John The Evangelist Episcopal Church. The addition is proposed to the west side of the church and would fill in an existing undeveloped lot. The Commission must find that the proposed use is in the public interest and that the benefits outweigh possible adverse impacts. Staff feels that the applicant had demonstrated that the public benefits test has been met.

The church is located in the downtown storefront zone and subject to standards adopted for the Downtown Plan. Staff has identified a conflict where the downtown storefront zone does not require site landscaping. Yet, under the Community Service Overlay standards, there is a 15% site landscaping requirement. Staff recommends that the Planning Commission interpret that the downtown standards would over rule and apply in this case.

Staff also recommends that the Commission determine that the horizontal windows are not defined as a downtown standard for windows. One other factor is that modifications of buildings are subject to public area requirements based on the value of the project. Accordingly, 10% of the value of this addition is required to be applied toward public areas (street frontage improvements, sidewalks, street trees, etc.). In this case, sidewalks would be the priority. The Public Works Department recommends replacement of sidewalks and reconstruction up to the current downtown zone standards and public area requirements would be applicable in this case.

Staff feels that the applicant has demonstrated compliance with the approval criteria for the application and with proposed findings and conditions, recommends approval to the Commission.

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CORRESPONDENCE RECEIVED SINCE PACKET -- None.

APPLICANT PRESENTATION

Speaking: Ross Lehman, St. John The Evangelist Church, 5910 NE Emerson Street,
Larry Abell, Architect, 805 SE Sherman Street, Portland 97214

Mr. Layman stated that St. John's Church has been in the Milwaukie community since 1851. They are requesting approval for a 3,500 sq.ft. addition (west wing) for new administrative services, community room, and bathroom ADA-complied facilities on the street level entry.

Mike Miller noted that the staff report refers to this as a single-story building, however the plans indicate three stories. **Mr. Abell** showed a drawing of the proposed addition and explained that they propose to build the west wing on the one-story portion of the building. Inside this building is about a story and a half because of the volume of the building. **Mr. Layman** stated that the three-story structure to the east is the parish hall with a quasi-daylight basement with educational rooms and a third story (not complete story) of administrative offices. This building was constructed in 1962.

Mike Miller asked how many stories are proposed for the building? **Mr. Abell** explained that since this is attached to an existing building, it is viewed as a three-story building in terms of the building codes. The addition that is being constructed is only a one-story addition to a building. They must follow the buildings codes that apply to the entire structure. The remodeled portion of the building has to comply with the standards and regulations for the whole building. Even though the addition is only a one story.

Teresa Bresaw asked what the "model" was to the right of the new doors. **Mr. Layman** explained that a master carpenter within his parish has built an exact scale replica of the original building of St. John Church. This model will be included in this project as a museum-quality piece. **Mr. Abell** stated that there are nails that will be used that were used in 1851 as a historical part of the building.

Mr. Abell noted that the windows look horizontal, but they have been changed and will be vertical as staff has requested. The grade will be one-level in size. This will be a nice addition to the streetscape.

TESTIMONY IN FAVOR

Speaking: Ed Zumwalt, 1088 SE 29th, Milwaukie

Mr. Zumwalt stated that he is speaking for the Historic Milwaukie Association. He reported that these applicants came to the neighborhood association meeting and made an excellent presentation. Everyone in the group was impressed and no one felt this would result in any negative impacts. Minutes of that meeting were sent to Mr. Abell indicating their support of this project. He wanted to come tonight to speak in support of this proposal.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF -- None.

QUESTIONS FROM THE PLANNING COMMISSION

Ms. Bresaw asked if the existing Japanese Maple on the side of the lot will have to come down? **Mr. Abell** stated that it would.

Mike Miller noted that Public Works has required that tree wells be installed. He asked if there will be trees in the wells? **Mr. Abell** stated that 10% of construction must be put towards public improvements. He stated that he would like help from staff to prioritize where these funds will be best spent. As the project is developed further, they will plan to landscape just Jefferson Street (in front of the project), rather than both Jefferson and 21st Avenue. This leaves 21st Street open for improvements in the future. The sidewalk on 21st Avenue is only six years old.

Chair Hammang asked for clarification of the 10% public area requirement. **Ken Kent** stated that staff recommends that sidewalks around both frontages be constructed to the current standards including the tree wells and presumably the trees at this time. **John Gessner** stated that ultimately the improvements will be budget driven. Two refinements will be made; scheduled costs to do the work and actual estimate of the cost to do the public area improvement. There may be more or fewer dollars with which to do the public improvements. The suggestion to focus on Jefferson Street first has some merit. The second order of improvements (street trees on 21st Avenue) if there is access money.

John Gessner suggested that the Commission consider first focusing on fully improving Jefferson Street and then using the remainder of the budget to get the highest level of improvement for 21st Avenue. It was the consensus of the Commission that Jefferson Street be done first. **Mr. Gessner** stated that an advisory note will be put in the decision that reflects the Commission's desire to improve Jefferson Street first, then 21st based on available budget.

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Chair Hammang closed the public testimony portion of the hearing and opened the meeting to discussion among the commissioners.

Ms. Bresaw stated that she did not care for the shape of the windows.

Howard Steward moved to approve CSO-02-04 and adopt the recommended finds and conditions as modified with staff's advisory note regarding Jefferson Street. **Barbara Cartmill** seconded. MOTION CARRIED 7-0.

Ayes: Borden, Bresaw, Cartmill, Crites, Miller, Steward, Hammang; Nays: None.

Howard Steward had to leave the meeting at this time.

7.0 WORKSESSION ITEMS

7.1 Title III

John Gessner reported that this was discussed at the last meeting, however there wasn't a quorum so no action was taken. Title III Metro Functional Plan requires that the city adopt regulations that establish protective buffers around regulated features. Regulated features are all surface restraints and drainages, wetlands, and all watercourses in the city. The setback varies depending on the slope that is associated with the resources. He pointed out the key questions:

1. What area should be regulated: 50-foot vegetative buffer or the 100-year flood plain, just buffer, or both? Activities may include:
 - Placement of structures
 - Tree cutting
 - Grading and landscaping
 - Fill and excavation
 - Utilities including storm drainage
 - Driveways, other access
 - Passive recreation trails

Staff heard:

- Floodplain and buffer should be regulated based on the potential impacts and specific criteria.
- Exclude work from application process that has no potential impact on resources.
- Write criteria to guide determinations that there will be "no impact"
- Is there some way to come up with incentives to help restore degraded buffers?
- Wide improved paths in the buffer is not a good idea

2. How to regulate?
 - Permitted Uses
 - Limited Activity Under Prescribed conditions
 - Conditional Uses
 - Prohibited Uses

Staff heard: Everything here is okay.

3. What is the preferred method for reviewing properties that are significantly affected by resource constraints?
 - Variance/exception

Staff heard:

- Do not enhance the economic value of property in the resource area
- Think about options for managing the buffer differently than the flood plain when different.

4. What is the preferred process for reviewing variances and should there be an administrative variance?
 - Public Hearing?

Staff heard:

- Think about using resource quality as a guide for designing administrative v. Commission reviews.

5. What should be the standard of review for variances?
 - Demonstrate Hardship
 - Avoid, Minimize, Mitigate

6. Should the density transfer provisions be retained?
 - Present code allows density to be shifted to the receiving lot
 - Title 3 Model Ordinance allows a doubling of density on the receiving lot.
 - Consider allowing density transfer based only on lost development potential?

Staff heard:

- Look at ways to protect resources and the integrity of the underlying zoning.
- Clustering does not have much support.

Staff was asked to come back with configurations that could be reviewed and discussed.

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- How does Density clustering work = Setbacks, smaller lots, multiple buildings on single lots.
- # of Units allowed = Net lot area divided by minimum lot area/unit
- Net lot area: Gross lot area minus water feature rights of ways, lopes in excess of 25%.

7. How should existing lawns, gardens, or other disturbed areas within the buffer be regulated?

- Allow continuation and maintenance?
- Allow lawns to be converted to gardens?

Staff heard:

- Look at options for mandatory no disturbance setback even where there are existing disturbances.
- No new gardens in existing lawns.
- Look for ways to get restoration of disturbed areas in buffers.

8. Should off-site mitigation be allowed when it is demonstrated that no on-site alternatives exist?

Staff heard:

- No, follow variance procedure
- Can we collect \$\$ to create mitigation fund when on-site mitigation is not available?

John Gessner reported that this project must be completed by November. Staff will come back to the Commission possibly once a month regarding Title 3. Staff will prepare a draft document and the Commission can review and make refinements as they deem necessary.

8.0 DISCUSSION ITEMS

Barbara Cartmill voiced concern about not having a time limit on public comments. She would like to see a process where the person can have five minutes to make their comment and then staff and the Commission can table the issue for a work session at another time.

9.0 OLD BUSINESS -- None.

10.0 OTHER BUSINESS / UPDATES

10.1 Matters from the Planning Director

John Gessner stated that a joint work session with Council has been scheduled for August 5th to discuss the work program. Staff will provide a revised copy of the work program at the July 23rd Commission meeting.

11.0 NEXT MEETING -- July 23, 2002

11.1 ZA-02-02 – Flag Lot and Other Code Revisions

Mike Miller moved to adjourn the meeting of July 9, 2002. **Rosemary Crites** seconded the motion. MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 8:35 p.m.

Donald Hammang, Chair

Shirley Richardson, Hearings Reporter

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, MAY 14, 2002

COMMISSIONERS PRESENT

Donald Hammang, Chair
Judith Borden
Barbara Cartmill
Tracy Cook
Rosemary Crites
Mike Miller
Howard Steward

STAFF PRESENT

John Gessner,
Interim Planning Dir.
Kenneth Kent,
Associate Planner
Lindsey Nesbitt,
Assistant Planner
Gary Firestone,
City Counsel
Shirley Richardson,
Hearings Reporter

1.0 CALL TO ORDER

The meeting was called to order at 6:35 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 CONSENT AGENDA

- 3.1 April 9, 2002 Planning Commission Minutes
- 3.2 April 23, 2002 Planning Commission Minutes

Judith Borden moved to approve the consent agenda consisting of April 9, 2002 and April 23, 2002 Planning Commission minutes as presented. **Mike Miller** seconded the motion. MOTION CARRIED UNANIMOUSLY.

Ayes: Borden, Cartmill, Cook, Crites, Miller, Hammang; Nays: None.

4.0 INFORMATION ITEMS

- 4.1 City Council Work Session Minutes
- 4.2 City Council Minutes

5.0 PUBLIC COMMENT -- None.

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6.0 PUBLIC HEARINGS

6.1 Type of Hearing: Minor Quasi Judicial
Applicant: Stephan Winstead
Owner: Milwaukie Presbyterian Church
Location: 2416 SE Lake Road
Proposal: Construct an elevator for an existing church located
in the Natural Resource Overlay Zone
File Numbers: NR-02-01
NDA: Historic Milwaukie

Chair Hammang opened the public hearing on Natural Resource Overlay Zone Review 02-01 to allow the construction of an elevator for an existing church located in the Natural Resource Overlay Zone. The criteria to be addressed are found in Section 19.306, Residential Zone R-2; Section 19.322 Natural Resource Overlay Zone; and Section 19.321, Community Service Overlay Zone.

Chair Hammang asked if there were any conflicts of interest or ex-parte contacts to declare? There were none. He asked if any member of the Planning Commission visited the site; six hands were raised. No one who visited the site spoke to anyone at the site or noted anything different from what is indicated in the staff report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Lindsey Nesbitt reviewed the staff report with the Commission. The applicant is proposing to construct an elevator which will provide handicap access to all levels of the church. Staff feels that the applicant has demonstrated compliance with all the applicable zoning criteria and recommends approval of this application.

QUESTIONS FROM THE COMMISSIONERS -- None.

CORRESPONDENCE RECEIVED -- None.

APPLICANT'S PRESENTATION

Speaking: Steven Winstead, Architect, Milwaukie Presbyterian Church

Mr. Winstead stated that he has talked with staff regarding this project and anticipates construction as soon as a permit is received. He has read the staff report and concurs with all of the findings.

QUESTIONS FROM THE COMMISSIONERS -- None.

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STAFF REPORT

Lindsey Nesbitt reviewed the staff report with the Commission. The applicant is proposing to create a neighborhood park for the community. Staff feels the proposal is consistent with the Zoning Ordinance and recommends approval.

Staff is recommending a change in condition of approval #3. The change will allow grading and underground utilities to be completed prior to construction of full half-street improvements. Fixed above grade structures may be constructed after the full half-street improvements have been completed.

QUESTIONS FROM THE COMMISSIONERS -- None.

CORRESPONDENCE RECEIVED

A letter was received from Julie Nigel and it has been provided to the Commission members.

APPLICANT'S PRESENTATION

Speaking: Joanne Herrigel, Program Services Coordinator, City of Milwaukie, 10722 SE Main Street,
Milwaukie

Ms. Herrigel introduced Mike Faha and Jeanette Prichard from Greenworks, the firm responsible for the design plan. The project has been largely motivated by the Lewelling Neighborhood Association that has created enthusiasm, volunteerism, and funding for this project. The city has acquired the property, annexed the property, changed zoning and adopted a Master Plan into the Comprehensive Plan. They are before the Commission tonight to ask for approval of the Community Service Overlay completed by Greenworks. Greenworks was hired by the neighborhood to do design work and Compass Engineering was hired to do the half-street improvement design.

QUESTIONS FROM THE COMMISSIONERS

Mike Miller asked where the water would come from that would feed into the wetlands? **Mr. Faha** stated that water would come from onsite drainage, potentially some drainage off Stanley, and high groundwater conditions.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF -- None.

APPLICANT'S CLOSING COMMENTS -- None.

DELIBERATION AMONG THE COMMISSIONERS

Chair Hammang closed the public testimony portion of the hearing and opened the meeting to discussion among the commissioners.

Tracy Cook moved to approve CSO-02-02 with findings and conditions, including change to condition #3, for the Lewelling Neighborhood Association park at 9781 SE Stanley. **Mike Miller** seconded the motion. MOTION CARRIED 7-0.

Ayes: Borden, Cartmill, Cook, Crites, Miller, Steward, Hammang; Nays: None.

Due to technical difficulties, recess was taken and the meeting reconvened.

6.3	Type of Hearing:	Minor Quasi Judicial
	Applicant:	The Bookin Group for Waldorf School
	Owner:	North Clackamas School District
	Location:	2300 SE Harrison
	Proposal:	Community Service Overlay and Natural Resource Review to convert Milwaukie Middle School to a private school, kindergarten to 12 th grade with improvements for additional on-site parking and loading, plus new playground equipment.
	File Numbers:	CSO-01-04/NR-02-02
	NDA:	Historic Milwaukie

Chair Hammang opened the public hearing on Community Service Overlay CSO-01-04 and Natural Resource Review NR-02-02 to allow the establishment of a private K-12 school at the Milwaukie Junior High site. Criteria to be addressed are found in Sections 307, Residential Business Office Commercial Zone R-1B; Section 321, Community Service Overlay Zone; Section 322, Natural Resource Overlay Zone; Section 500, Off-street Parking and Loading; and Section 1011.3, Minor Quasi Judicial Review.

Chair Hammang asked if there were any conflicts of interest or ex-parte contacts to declare? There were none. **Mr. Firestone** counseled the Commission on their ex-parte contacts. He suggested that the basics of all communication received from others must be declared.

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Tracy Cook stated that she received a letter from a schoolteacher and three of her students. The content was that they were excited about coming to Milwaukie. She also received a letter from a parent that was a board member relaying their excitement about coming to Milwaukie. Information was included about the background of the school.

Rosemary Crites stated that she was contacted by phone by a citizen of Milwaukie lobbying for Waldorf School. She suggested that he come to the meeting. There was no discussion about the meeting.

Howard Steward stated that he received three letters; one from a teacher and two from parents. All three letters indicated their perception of the commitment to the community, their quality as a school, and their hope that this is approved and supported. He has talked to no one with regard to this hearing.

Judith Borden stated that she received two e-mails. The content of the e-mails was that Waldorf was a fine school and the writer was looking forward to moving to Milwaukie. She spoke to no one about the hearing. She also received two letters; one from a teacher enclosing a letter from a child and another letter from a parent proclaiming their excitement about coming to Milwaukie and hope that there is a favorable resolution of the application.

Chair Hammang stated that he received one telephone call from a resident in Milwaukie who said she thought the school would be a fine thing. He called and relayed this call to staff. He received three letters; two of which he did not read; and a third that was opened by his significant other from a teacher and student in support. He did read one letter from a resident in Milwaukie who was seeking approval of the Waldorf School.

Mike Miller stated that he received three letters and two e-mails which were supportive of the Waldorf application. One letter from a parent and the other was from a teacher. The e-mail had names at the top, but was not signed. The larger letters were turned over to the Planning staff and they are included in the packet. In total he received five different communications.

Barbara Cartmill reported that she received three letters; one from a teacher with enclosures from students, and two were from parents. All the letters had glowing remarks about Milwaukie and in support of the application.

Ms. Cartmill disclosed that she was a former colleague of one of the consultants. They were both aware of the school proposal coming before them and have not discussed the application at all.

Chair Hammang asked if any member of the Planning Commission visited the site; seven hands were raised. No one who visited the site spoke to anyone at the

site or noted anything different from what is indicated in the staff report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Ken Kent reviewed the staff report with the Commission. The item before the Commission is a request to establish a private K-12 school at the current Milwaukie Junior High site with an initial student population of 328 and expected build-out population of 399 in the year 2005. There are two applications; one a Community Service Overlay to establish the proposed school use and the other a Natural Resource Overlay Review for proposed site-work to provide additional parking, student drop-off and pick-up area. A site plan was projected which showed the subject site and surrounding area.

The property contains two natural resource water features; a portion of Spring Creek which includes two rock-lined pools and a connecting channel as well as a waterfall. A spring is located at the northeast corner of the existing swimming pool on the property that consists of a rock-lined pool and a channel that drains to the west towards the existing playfield.

Staff believes that the applicant has demonstrated that the proposed site-work meets the standards is not located within any of the buffer areas and is consistent with the approval criteria for a natural resource overlay zone. The applicant's proposal complies with standards for schools except for the one that addresses adequate walkways on and off the site. Conditions of approval have been provided to address this criteria.

Staff is recommending an additional condition, "the existing setback sidewalk on Harrison Street between 21st Avenue and the main entrance driveway is in poor condition and shall be reconstructed to eliminate tripping hazards."

Staff's analysis finds that the continued use of this facility is an important potential public benefit of the use. Correspondence has been submitted by the applicant, who includes a proposed condition, "Waldorf School shall maintain the 'Space Use Policy' adopted by Waldorf School, effective May 1, 2002. Portland Waldorf School (PWS) shall not repeal or revoke the Policy. The Space Use Policy may be changed, altered or modified upon application pursuant to Section 19.1011.1 of the Zoning Code and showing that any such change, alteration or modification maintains reasonable community use of the Waldorf School facilities and grounds."

The applicant has provided a traffic impact analysis. This study shows that the existing site will not accommodate the expected number of vehicles as currently configured and recommended additional drop-off/pick-up area on the site as well

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as incorporation of a transportation demand management (TDM) program. Staff notes that the traffic study is adequate based on standard traffic engineering practices.

Speaking: Brion Barnett, City of Milwaukie, Public Works Department, 6101 SE Johnson Creek Blvd

Mr. Barnett reported that the study provided is adequate and reasonable. It relies heavily on assumptions that the alternative modes of transportation are actually used. This program will need an on-going TDM program to manage the traffic impacts while they occupy the site. Staff recommends a post study and full build-out, to verify the conditions and assumptions assumed by the applicant. Staff also recommends adoption of a TDM program tailored for this site, so that on-going management is assured.

QUESTIONS FROM THE COMMISSIONERS

Rosemary Crites asked what happens if a traffic study is done a year from now and it is not satisfactory? **Mr. Barnett** stated that there is a condition of approval that indicates that based on the study, if mitigation is required, the applicant must take care of any problems in the public right-of-way or with circulation of cuing.

Ms. Crites asked who pays for the monitoring for the TDM Program? **Mr. Barnett** stated that the TDM program must being maintained by Waldorf School. This must be on-going for the duration of the use by Waldorf.

Mike Miller asked about the calculations used to determined the number of parking spaces required. There is no parking for volunteers, guests, and parents. How are these visitors included? **Ken Kent** stated that parking requirements are based on code for schools. Certain spaces for kindergarten drop-off would have short-term use and the rest of the day area is available for potential visitors.

Mike Miller asked how the 552 trips, as indicated in staff report are calculated when it comes to volunteers, visitors, guests and parents when they access the site? **Mr. Kent** stated that visitors, guests, etc. are all-inclusive in the total trips for the site.

CORRESPONDENCE RECEIVED

Ken Kent read off the items of communications received since the mailing of the Commissioner packets:

- Letter from John Junkin, Attorney for Applicant addressing continued public use of the site and suggesting a condition of approval for the continued use.

- Letter from John Junkin and Stephanie Sliman, an additional analysis of adverse impacts; school use with potential development of this site (offices, commercial, etc.).
- Two phone comments by Bill Huff against use of the property stating traffic impacts and preservation of trees as concerns.
- Phone message from Rich and Leanne Baker in favor of use; suggested left turn lane be added to the Harrison and 24th intersection to alleviate pass-thru problems.
- One letter in opposition from Ed Zumwalt was received.
- 25 letters in support of this application: Sonny and Sharon Phillips, Mia Muir, John Early, Christine Dahl, Mark Fisner (Rudolf Steiner Foundation); Mark Muster, Robin Obrian, Nathan Sanders, Walt Demmic, Gene Breling, Lory Smith, Mat and Judy Morrisy, Randy Green, Nancy Pierce, Cary(4th Grader), Katie (4th Grader), Christ O'Hare, Karen Whistler, Angela Sparks, Paul Klein, Jeffery Dahl, Cynthia Ascar, Patrick (4th Grader), Jacob (4th Grader) Casey (4th Grader) and Tara (4th Grader).

APPLICANT'S PRESENTATION

Speaking: Francine Adams, Waldorf School Administration, 109 NE Couch, Portland
Dan Manning, 2710 SW Texas Street, Portland
Reese Hoyt, School Administration, 1530 SE 72nd, Portland
Dan Mills, Traffic Engineer, 700 NE Multnomah, Suite 1000, Portland

Ms. Adams stated that Portland Waldorf School (PWS) concurs with the staff report and supports the approval of the CSO and NR applications. Staff has correctly stated the primary issue, the public benefits of the projects outweigh the possible adverse impacts.

PWS is a fully accredited K-12 independent school with 328 students at present. Their primary goal is to educate children. There is involvement from the teachers in terms of the running of the school. There is a lot of involvement with the parent body involved in community and schoolwork. The school began in 1982 as a kindergarten. They have slowly built up the school as a grade is added each year as a teacher is found. Next year they will have their first graduating 12th grade. PWS serves a large area; there are families from Vancouver, Banks, Gaston, Forest Grove, Wilsonville, Corbet, Boring, Welches, etc.

Staff has identified the possible impact as traffic.

1. Claim of public benefit: the property is no longer used as a school and will not be used as a school unless purchased by PWS. Schools are presumed to be in the public benefit.
2. PWS will not be paying property taxes. This property use did not pay taxes in the past. It is unlikely that the property and facilities will ever be used for a purpose that would pay property taxes.

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3. The prior school was educating children from the area. PWS will be educating children from inside and outside the area. The issue is public benefit, not limited to benefit to the surrounding community. The public will certainly benefit from having the school in Milwaukie.
4. Loss of community use of school and grounds. This has been alleviated by the proposal that PWS adopting the North Clackamas School District's Space-use policy.

Speaking: Dan Manning, Project Manager .

Mr. Manning commended staff on their work and stated that conditions proposed are both serving the site and the community. This makes the site more accessible and beautified. A map was projected and he explained the parking lot design, additional playground areas, improvements to the building to upgrade exits and address fire and life safety issues; school stage improvements, dance room and additional exits for ADA and lighting in rooms. No trees will be removed and the existing landscaping will remain and continue to be available after school hours for public use.

Speaking: Dan Mills, Project Engineer

Mr. Mills reported that they counted trips into and out of the existing school over different time periods of the a.m. peak hour, end of day, and the p.m. peak hour. The Waldorf School has an aggressive TDM program and they do everything they can to promote safety at their school. He read a comparison of two other schools in the area and it was found that they were similar in traffic counts.

Class times will be staggered so that the traffic impact will be spread out over the morning hours. The advantage of their traffic circulation plan is that the pick-up/drop-off will be handled on-site. There is a separate parking lot for student parking and faculty.

Speaking: Reese Hoyt, Operations Manger.

Ms. Hoyt stated that they have had a transportation management plan for the past ten years. This plan included changing sidewalks and developing a crosswalk area for their students. Staff and faculty act as crossing guards. Another part of this management plan is signage for day-to-day drop off and school events. Flyers are passed out throughout the neighborhood off upcoming school events. School buses are provided for the students and 37% will use the eastside bus and 15% will use the Westside bus.

There is a Transportation Resource Center at the school available for linking students and carpool potentials. Staggered start times will continue. Tickets will be issued to those who violate parking regulations. Parking is available for

parents and visitors. Their Traffic Management Plan will include signs reminding people where to park. This has been successful in the past. High school drivers will be issued parking permits. Others will be in violation.

Ms. Adams noted that the improvements to the site will make playground facilities and open space available after school hours, evenings and weekends for the public. The Community Use Policy includes a fee structure and it will be reviewed yearly to make sure it is fair. They have streamlined the process for the public use of the facility.

With the families coming and going and some families moving to Milwaukie, it will have a positive commercial impact on the historic downtown area. Part of the curriculum is community service for the middle and high school. Students spend a week away from the school to devote time to some activity that is appropriate for their grade level.

Ms. Adams stated that she feels Waldorf can bring to Milwaukie a school that is active and brings benefits to the community and the site. She asked that the Commission approve both applications.

QUESTIONS FROM THE COMMISISONERS

Mike Miller asked for clarification of the traffic counts. The PWS has the same trips as the Milwaukie Junior High School, yet 90% of the students walk or are bussed from inside the city. **Mr. Mills** stated that the school traffic is over about 3:00. The p.m. peak hours are generally the same for the 4:00-6:00 p.m. peak hour for the surrounding roadway system. The only people at that school at that point will be faculty and staff.

Rosemary Crites asked if the school will be charging families to use the fields and pool during off-school hours? **Ms. Adams** stated that their Board had adopted for next year the current fee structure that the North Clackamas School District has used. This is based on their experience of costs associated with this use. If there is a conflict of demand, there is a priority procedure.

TESTIMONY IN FAVOR

Speaking: Ed Pereke, 7677 SW 87th Avenue, Portland

Mr. Pereke stated that he is a parent of three kids in the Waldorf School. Before this offer of purchase he didn't know where Milwaukie was. Now he can get here almost with his eyes closed. He feels he has benefited from getting to know Milwaukie. He has walked downtown, bought coffee, visited City Hall, and the library. The more he visits the more he feels at home. He desires this to be a

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permanent site for his school. Many other families at his school share this feeling. This will help make downtown Milwaukie vibrant.

Speaking: Christine Dahl, Milwaukie

Ms. Dahl stated that she moved to Milwaukie in March with their family because they were excited about the possibility that their son's school would be here. They wanted to be a part of the community. She was recently voted Vice Chair of the Lake Road Neighborhood Association. She is here tonight speaking from her heart as a mother and parent of PWS students.

Ms. Dahl stated that they chose Milwaukie as the place for her boys to grow up because they feel it is great place to live. They want their school to reach its full potential as well. There is a sense of roots that come from owning your home. She stated that she would like to assure Milwaukie that PWS is a good neighbor. Her son has been in this school for four years.

For three of these years they carpoled their child to school. The school is committed to reducing their impacts of their choices on the community. This last year her son and her rode the public bus. Since moving here in January, they have been driving to the school. She confirms that the parking and drop-off system works. This year in the fall, if this application is approved, she and her son will be riding their bikes to school. In 2017, her son will be graduating from high school and she hopes he will be graduating from Milwaukie.

Speaking: Cynthia Ashcar, a kindergarten teacher at the school

Ms. Ashcar stated that she sent e-mails to the commissioners. She read a letter from friends (Marty and John O'Carty) that could not be here tonight. The letter is from Waldorf parents of eight years. Her daughters are entering the first and sixth grades. She is excited to here that the girls could be going to the same school that their great-grandfather was the principal of for over 40 years (T. Eldon Riddle). They are planning their carpooling and bus schedule for the coming school year and excited to be a part of the Milwaukie community.

Speaking: Jeff Dahl, In-house Counsel for Safeco

Mr. Dahl stated that they are recent residents in Milwaukie and he is very excited to be here. He presented a map that showed the families of PWS by zip code. There is a grouping around the site that illustrates that the families of the Waldorf School over time gathered around the location of the school. When the school moves to Milwaukie, there will be families who will move with the school. He urged the Commission to approve the applications and allow the school to exist at this site.

Speaking: Gary Marsic, 3624 NE Multnomah Street, Portland

Mr. Marsic stated that he has been a parent at the Waldorf School for eight years. He has two children in the school. This is a school that is run by the parents. These are the type of parents that you want in your community. These parents will help Milwaukie improve the downtown district. Tonight he had his first dinner in downtown Milwaukie. The thing that drives the school is the involvement of the parents. The benefit will be seen by improved business to cleaners, restaurants, coffee shops, etc. from families of the students of the school

Speaking: Terry McGill, 13085 SW Santa Anita Court, Beaverton

Mr. McGill stated that he is tired of driving back and forth to the school's current location from Beaverton. He plans to move back to Milwaukie should the school application be approved. He is a 3rd grade parent and a realtor. His son would like to ride his bicycle to and from school.

Mr. McGill cited several families that will be moving to Milwaukie to be close to the school. There is about \$600,000 that is generated from 20-30 sales on homes.

Speaking: Dave Meely,

Mr. Meely stated that he does not have a child that goes to Waldorf; however he is here in favor of this application. He is a chiropractor in downtown Milwaukie and this feels this school will be a positive win/win situation for everyone; the Waldorf School, the downtown and the school district. He encouraged the Commissioners to vote yes.

Speaking: Ron Naso, North Clackamas School District, 4444 SE Lake Road

Mr. Naso stated that the sale of Milwaukie Junior High School has been pending for some time; it was a part of the original budget and original plan in the 1998 bond. They had hopes for other options, but it did not work out. During the time that he has worked with representatives from Portland Waldorf he has found them to be honorable and responsive to concerns that the school board presented and concerns that the school district was aware of in the community. There were very agreeable of putting two clauses in their sales agreement that they didn't have to: the use of the building by the public, and the second issue is that Waldorf was willing to include in the agreement that the City of Milwaukie would have first right of refusal on this property. This demonstrates the school's commitment to staying in Milwaukie if they are approved. He is in support of this application.

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Speaking: Terry Haverland

Ms. Haverland stated that she is the parent of a child who just joined Waldorf School and she is in the fifth grade, she is from New York City. The children that attend this school meet your eyes when you pass them. These kids will be an asset to this community and will fit well with people who want to be greeted by children. It will be a wonderful benefit to have the school here.

Speaking: Seth Alfert, 8915 SW Rosewood Way, Portland

Mr. Alfert stated that he has a daughter who goes to this school. He would like to see the school located in Milwaukie.

Speaking: Sharon Phillips,

Ms. Phillips stated that she has lived in Historic Milwaukie for 17 years. She and her husband support this school coming in. There are three schools in her neighborhood and they are good neighbors. She encouraged the Commission to bring this school in. This will help improve the downtown Milwaukie. She would like to walk downtown and be involved in some of their events.

Speaking: Brendon Eisworth

Mr. Eisworth stated that he runs the Milwaukie Farmers Market on Sundays. He is looking forward to having the Waldorf School in our downtown community.

Speaking: Lisa ?

She stated that she lives in SW Portland. She carpooled here tonight. Asked all in support of school coming to Milwaukie to stand and they did. She feels that PWS will bring back the livelihood to Milwaukie.

Recess was taken at 8:50 p.m. and the meeting reconvened at 9:07 p.m.

QUESTIONS OR COMMENTS

Speaking: David Ashenbrenner, 11505 SE Home Avenue, Milwaukie

Mr. Ashenbrenner stated that he is the chair of the Hector Campbell Neighborhood Association and they have not taken a stand one way or another on this application. He does however, have questions that he would like to have answers to:

1. If the mitigation on traffic impacts does not work, then what? How is this going to be addressed?
2. Drop off area is a long ways away from the building. If this does not work, what then?

3. Are the natural resource areas protected and well taken cared of?
4. Who will be operating the pool and at what costs?
5. What are the playground liabilities regarding playground structure?
6. Will there be ball fields on the school grounds?
7. There are current Tri-Met concerns about bus stopping on Harrison and lack of a bus turnout area. The transit center will be moved; are there concerns here that need to be addressed by the school?
8. Future light-rail station along rail lines.
9. Are there cross walks needed in bus access areas?
10. What will be the after-hours event parking and what are the impacts?
11. Is the traffic plan based on one-year scenario? It should be an ongoing issue.
12. Will user rates for the parking facilities be stable or go up?

Speaking: Roger Cornell, 2708 SW Monroe, Milwaukie

Mr. Cornell stated that he is the Historic Milwaukie Land Use Committee representative. He lives just up the street from the drop-off/pick-up area on Monroe. He cares deeply about his neighborhood. Two years ago he was concerned about increased traffic in the neighborhood due to the downtown development plan. Now he is concerned about the traffic impacts from the school. Traffic continues without mitigation. He is not opposed to the Waldorf School, his concern is about the impact to the livability of his neighborhood of increased traffic. He would like to see a way that these traffic issues can be worked out. There has not been enough information to adequately address traffic. The highest trip generation will be on Monroe Street.

Mr. Cornell stated that he and his wife did a study sitting on Monroe Street counting traffic in April. Between 4-5:30 p.m. they found that 478 vehicles came through. 90% of that traffic was cut through; 30% between Harrison and Washington. The vast majority of traffic in this neighborhood is cut-through traffic. A study was done by Randy McCort in 2000 and one of his findings was that redistribution of traffic and additional trip generation will add traffic to the streets to the east of downtown. **Mr. Cornell** stated that he welcomes the city and school to seek better traffic conditions. He would like to see a proposal to mitigate traffic.

Speaking: Ray Bryan 11416 SW 26th Avenue.

Mr. Bryan stated that he lives in this neighborhood. He is not against school, but there is a traffic problem. The public benefit can outweigh the adverse affects if PWS would provide funds to provide traffic calming devices.

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TESTIMONY IN OPPOSITION

Speaking: Ed Zumwalt

Mr. Zumwalt stated that Milwaukie has had this school for 65 years and residents have paid taxes for this school for 65 years. Then it was put on market. Old-timers feel they own this school. 70% of the crime in Milwaukie is generated at Milwaukie High School and it slops over into the city. Part of his vision was to create a center for the kids. There are kids at risk on our streets; Milwaukie needs a community center. The School Board is the guardian of the children. Can Waldorf help with the kids at risk? He read his statement to the Commission pointing out his reasons for denial of this application.

ADDITIONAL COMMENTS FROM STAFF -- None.

QUESTIONS FROM THE COMMISISONERS

Mike Miller asked if the Commission is considering the improvements to the building as well as the transportation plan? Does approval of the transportation plan automatically approve improvements to the building? **Ken Kent** stated that primarily the Commission is addressing the use of building. They are not expanding the footprint. The exterior site improvements are part of the application.

Commissioner Miller asked if there are structural changes, will the building need to be upgraded in the seismic area and will asbestos removal have to take place as it would in a public school? **Mr. Kent** stated that any changes would have to meet building codes. **Gary Firestone** stated that building codes are hard to work with. If there is a change in occupancy type, it triggers required code updates. If there is no change in occupancy type, the new work has to meet current code, but the whole structure does not need to be updated unless the new work triggers a deficiency.

Ms. Crites asked if PWS would consider underground parking? It would be an expense, but it might be needed if the traffic impacts continue to increase. She also voiced concern about second graders riding the bus.

Ms. Hoyt stated that they would not encourage parents to put a young child on Tri-Met. They have considered the idea of bus-pals. This would be a high-schooler escorting a younger child. In their transportation committee they welcome having someone from the neighborhood be a part of the committee process.

Ms. Hoyt explained that there will be right-turn only signage and curbed so that no left turn can be made. The parent handbook and traffic management plan

describes very specifically not to use Monroe Street. They have done things in the past that have worked very effectively for them. She feels it would be less expensive to buy another school bus than consider underground parking.

APPLICANT'S CLOSING COMMENTS

In response to concerns raised:

- Once the pool is upgraded, the costs should be substantially lower.
- The ball field has been inadvertently omitted from the plans; there is plenty of room for a second ball field.
- This project does not impact the natural resources; they are special areas to them on the site.
- The upgrading of the building is a negotiated process with the Building Department. Code requirement must be followed.
- They have had a Clackamas School Districts full asbestos abatement program review. The building has been assessed and they have identified the asbestos, radon issues, as well as lead paint and water quality issues in the building.

Speaking John Junkin, Attorney representing Waldorf Schools

Mr. Junkin stated that staff has requested and Waldorf has complied with a couple of analysis; traffic and parking based on IDE Manual and traffic based upon what other private schools anticipate. Waldorf has shown that they will not create the adverse impact expressed tonight.

Waldorf can look into the future by looking at their past. They are not new to the issues of traffic. They have had to do traffic mitigation and they can tell from experience what will work and what won't work. Compared to what could be on this site, the school has less traffic impacts.

DELIBERATION AMONG THE COMMISSIONERS

Chair Hammang closed the public testimony portion of the hearing and opened the meeting to discussion among the commissioners.

Chair Hammang stated that he feels the applicant is making a significant investment in the community. He doesn't know what the traffic impacts will be in the future. He feels the risk and benefit is reasonable for the opportunity the school provides Milwaukie.

Judith Borden stated that she is impressed with the presentation and feels this could mean good things for the city as a whole. She hopes to find some way of managing traffic problems.

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Tracy Cook stated that this may be a good opportunity for this school to create new ideas about dealing with traffic with their past experience.

Mike Miller stated that traffic problems were a big concern during the Traffic Management Study for the Downtown Plan. As a Commission, a commitment was made to that neighborhood to make sure that whenever the downtown plan was implemented, that infrastructure would come before development. This application is reasonable and he believes that they are sincere in their desire to become a part of the community.

This particular neighborhood is continually bombarded with additional traffic. There is nothing in this plan that makes it better for the neighborhood. If he were assured that traffic would stay the same or improve, he would see no problem approving this application. He is concerned that this plan will not work and there is not assurance that the applicant is willing to do anything to make sure the traffic situation will be resolved. Residents will suffer for a year before they know what impact the traffic will have. He would like assurance that these residents will have a quality of life that is better than what they have today.

Barbara Cartmill stated that she doesn't see any constructive alternatives for Monroe Street. She asked if there have there been any collaborative efforts between the school and the city to work on traffic issues. Let's make sure it is successful, rather than coming back in a year with mitigation. **Brion Barnett** noted that there is a condition is placed on this application to come back with a post study. They should adopt the Transportation Demand Management Program specifically tailored for the site and continuously manage the site circulation and drop-off.

Gary Firestone counseled the Commission that conditions can be imposed that would require the applicant to take any measures are determined at that time to be necessary to avoid problems caused at their particular site.

Howard Steward noted that there is also a traffic problem at 16th and Harrison. He agrees that ODOT should be contacted regarding the changes they have made in the signals that contribute to the stacking problems.

John Gessner suggested that the Commission allow staff to review the concerns expressed tonight and bring back information on ways to maintain the status quo on traffic problems while looking ways to improve the status. However the clock on this application has been extended past the 120-day time rule. Staff asked for a recess to discuss the possibility of another extension.

Recess was taken at 10:20 p.m. and the meeting reconvened at 10:39 p.m.

John Gessner reported that there are issues that pre-exist the Waldorf application, on downtown traffic. The applicant has indicated they are not in the position to extend the decision-making period on the application. **Alice Rouyer** reported that City Council has approved a RFP for staff to proceed with the downtown traffic and parking management plan. The goal is to implement the Commission's recommendation for a traffic plan. This is a priority and the RFP is being created so a consultant can be hired.

Mike Miller asked if the traffic study could be done every three months until the final analysis is done at the end of the year? This way mitigation can be mitigated quickly should problems arise. **John Gessner** stated 6 months more reasonable.

Tracy Cook moved to approve CSO 01-04 and NR 02-02 to allow Portland Waldorf School to convert Milwaukie Middle School to a private school, K-12th grade with improvements for additional on-site parking and loading, plus new playground equipment with findings and conditions as written with amended Condition # 3 to read:

“The existing setback sidewalk on Harrison Street between 21st Avenue and the main entrance driveway is in poor condition and shall be reconstructed to eliminate tripping hazards.”

And to add a new condition:

“Waldorf School shall maintain the Space Use Policy adopted by Waldorf School, effective May 1, 2002. PWS shall not repeal or revoke the Policy. The Space Use Policy may be changed, altered or modified upon application pursuant to Section 19.1011.1 of the Zoning Code and showing that any such change, alteration or modification maintains reasonable community use of the Waldorf School facilities and grounds.”

Barbara Cartmill seconded the motion. MOTION CARRIED 7-0.

Ayes: Borden, Cartmill, Cook, Crites, Miller, Steward, Hammang; Nays: None.

7.0 WORKSESSION ITEMS -- None.

8.0 DISCUSSION ITEMS -- None.

9.0 OLD BUSINESS

10.0 OTHER BUSINESS / UPDATES

10.1 Matters from the Planning Director -- None.

10.2 Design and Landmark Commission Report -- None.

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- 11.0 NEXT MEEETING -- May 28, 2002
- 11.1 Cell Tower Code
- 11.2 Final Downtown Design Guidelines & Sign Code
- 11.3 Final Subdivision Code Changes

Howard Steward moved to adjourn the meeting of May 14, 2001. **Barbara Cartmill** seconded the motion. MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 11:05 p.m.

Donald Hammang, Chair

Shirley Richardson, Hearings Reporter

CORRECTIONS MADE AT TONIGHT'S MEETING TO THE:

**CITY OF MILEAUKIE
PLANNING COMMISISON MINUTES
TUESDAY, APRIL 23, 2002**

Minutes approved as presented....