

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
NOVEMBER 6, 2001**

**CALL TO ORDER**

The 1873<sup>rd</sup> 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,  
Interim Community Development  
Director  
Michelle Gregory,  
Neighborhood Services Manager

John Gessner,  
Acting Planning Director  
Kenneth Kent,  
Associate Planner  
Roosevelt Carter,  
Program Specialist

**PLEDGE OF ALLEGIANCE****PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARD****Public Safety Appreciation Week Proclamation**

**Mayor Bernard** read a proclamation naming the week of November 19 - 25, 2001 as *Public Safety Appreciation Week*.

**Flag of 4 Planes**

**Jenna Welsh** described the project she and several of her Bilquist Elementary School classmates undertook in response to the September 11 attacks. Jenna, a 5th grade student, presented the Council with flags designed to represent the strength, patriotism, courage, and commitment of the American people.

**League of Oregon Cities 2001 Good Governance Award**

**Councilor Marshall** announced Milwaukie will receive the League of Oregon Cities 2001 Good Governance Award at the Annual Conference in Eugene. The City submitted its Neighborhood Grants Program to the awards committee.

**Downtown Design Guidelines Project Update**

**Kent** and Design and Landmarks Commission (DLC) Chair **Paul Klein** and members **Brent Carter** and **Barbara Cartmill** provided a status report on the Downtown Design Guidelines Project.

**Kent** summarized the series of meetings beginning in May 2001 which included 2 public work shops. The Ledding Library Board, local design community, and general public have provided comments during the process.

**Don Arambula**, project consultant, provided an overview of the guidelines developed through the public process. The purpose of the guidelines is to preserve the downtown heritage, enhance its appearance, and protect business investments. These design guidelines, in conjunction with the Milwaukie Downtown Plan and ordinances, will serve as regulatory tools to set standards and promote development that fits with the community. He discussed the importance of having an understandable process which provides a sense of what is generally acceptable while giving some discretion on a case-by-case basis. When applicable, development must respond to several guideline categories: Milwaukie character, pedestrian emphasis, architecture, lighting, and signs. Arambula showed desirable and undesirable examples of each category.

**Councilor King** noted the windows creating an open, inviting atmosphere were desirable, and she suggested addressing window coverings.

**Councilor Newman** complimented the Commission, staff, and consultant on the format and use of images to illustrate desired standards. He asked for a description of the application review process.

**Kent** discussed the different review levels depending on the extent of the proposed building changes. In each case, the guidelines will provide the basis of the review and ensure consistency. The DLC will carry out quasi-judicial reviews and determine any conditions of approval.

**Councilor Lancaster** was concerned about stifling creativity and suggested using additional images in the guidelines.

**Councilor King** was pleased to see the process included an opportunity for public comment on minor exterior alterations and was interested in extending this type of process to other areas of the City.

**Mayor Bernard**, as a building owner in the downtown area, was concerned about property owners having to pay fees for staff to review exterior paint colors. He questioned the need to pay a fee to in order to cover graffiti or repair minor exterior damage. Some downtown businesses may postpone property maintenance if they have to pay a review fee or become involved in a process which is too difficult.

**Kent** responded those types of issues have not been fully addressed at this point.

**Councilor Newman** thought it might be appropriate for some alterations, like painting, to be fee-less.

**Councilor Marshall** added at some point during the adoption process Council will make the policy decisions on what is required. He observed it is not uncommon for communities to determine acceptable colors.

**Councilor Lancaster** wants to make certain any fees the City charges are based an efficiently run system.

The group reviewed the project schedule and public input opportunities. Paul Klein, Milwaukie Downtown Development Association (MDDA) Interim President, said he became involved with the DLC to ensure a close overview of the design guidelines project and be supportive in finding a better path for the downtown.

### **CONSENT AGENDA**

**Mayor Bernard** read the list of consent agenda items:

- A. **City Council Minutes of October 15 & 16, 2001; and**
- B. **2000 - 2001 Waterline Improvements Phase 2 Project Acceptance**

**Councilor Marshall** noted a correction on page 4 of the October 15 minutes. His statement should read "...City Manager Bartlett said officers needed special training before issuing citations."

**It was moved by Councilor Marshall and seconded by Councilor King to adopt the consent agenda. Motion passed unanimously.**

### **AUDIENCE PARTICIPATION**

**Sharon Phillips**, 11028 SE 28<sup>th</sup> Avenue, Milwaukie. She encouraged people interested in becoming involved with a cable access history project to contact her.

**Ed Zumwalt**, 10888 SE 29<sup>th</sup> Avenue, Milwaukie. He announced tickets are available for *Songs for September 11<sup>th</sup> -- The Milwaukie to Manhattan Aid Project*. The blues concert will be at the Southgate Theater on November 11.

### **PUBLIC HEARING**

#### **Proposed Rezoning of 12250 SE 43<sup>rd</sup> Avenue from R-10 to R-7, Application ZC-01-01 -- Ordinance**

**Mayor Bernard** called the public hearing on the proposed zoning map amendment filed by Lowell Wittke to order at 7:10 p.m.

The Planning Commission considered the request at its September 25, 2001, public hearing, and the Commission recommends approval of the zoning map amendment. The Council hearing was de novo.

The purpose of the hearing was to consider the Planning Commission's recommendation to approve the zone change request for the property located at 12550 SE 43<sup>rd</sup> Avenue. Mayor Bernard reviewed the applicable criteria and the order of business.

Site Visits: Mayor Bernard, Councilor Newman, and Councilor King indicated they had visited or driven by the site.

Ex-parte Contacts: Councilor Newman reported a conversation with Lake Road Neighborhood District Association (NDA) Co-chair Rob Kappa. During the course of the conversation, Kappa relayed the contents of a letter he submitted for this hearing.

Conflicts of Interest: None.

Jurisdictional Issues: None.

Staff Presentation: **Kent** provided the staff report in which the City Council was requested to adopt an ordinance rezoning the property at 12550 SE 43<sup>rd</sup> Avenue from R-10 to R-7 and adopt findings in support of approval.

The subject property is .37 acres located at the northeast corner of 43<sup>rd</sup> Avenue and Lake Road. Current zoning allows 3 lots, and the applicant wishes to change the zoning to R-7 to allow a maximum of 4 lots. Although the application provided a potential lot layout, it is not part of the application before Council at this hearing. Future development would require subsequent hearings before the Planning Commission. He described the surrounding zoning which is R-10PD and R-7 and R-10 on the south side of Lake Road.

**Kent** reviewed the criteria and the Planning Commission findings. The proposed amendment conforms with applicable Comprehensive Plan Goals, Policies and Objectives as well as the Metro Urban Growth Management Functional Plan. The anticipated development meets the intent of the proposed zone, and the conceptual development plan meets the standards of the proposed R-7 zone. The proposed zone change will serve as a transition between adjacent lower density R-10 zoned property to the south and adjacent high-density R-10PD to the north. Finally, the application was processed and public notice provided in accordance with Zoning Ordinance Section 1011.4 Major Quasi-Judicial Review.

Staff is not aware of any regional, state, or federal regulations that are applicable to the proposed zone change. Public Works Department review indicates public facilities are adequate to serve development of the site under the proposed zoning.

Based upon review of the criteria, the Planning Commission recommends the City Council approve the zone change as outlined in the staff report.

Correspondence: Rob Kappa and Teresa Bresaw submitted written comments to the City Council in opposition to the application. Bresaw was present to testify. Kappa commented as an individual and not as a representative of the Lake Road NDA. Kent provided a brief overview of the letter in which Kappa recommended the City Council deny the zone change because the need for additional R-7 zoned lots was not adequately demonstrated. Kappa also noted the proposal is not consistent with type, style, and density of the existing neighborhood and does not ensure an appropriate housing mix in the community. The houses are not oriented to the existing street and the increased density negatively impacts Lake Road traffic. The proposal does not enhance connectivity. Kappa suggested referring the application to the Lake Road NDA for a recommendation or to the Planning Commission for re-examination of the criteria based on new testimony.

Applicant Testimony: **Lowell Wittke**, applicant, reserved his comments until other testimony was heard.

Other Testimony in Support: **Forris Frick**, 11658 SE 35<sup>th</sup> Avenue, Milwaukie, Lake Road Land Use Committee Chair. He said most of Kappa's comments were outside the rezone decision before Council. The development is an upgrade to the entire neighborhood from the existing structure now on the property. He discussed the types of zoning and structures in the vicinity of the site. R-7 supports more people, and the lot size is likely more attractive to families with 2 working people. He recommended the City Council approve the zone change from R-10 to R-7.

Testimony in Opposition: **Teresa Bresaw**, 12744 SE Weedman Court, Milwaukie, summarized her correspondence. She was concerned the corner lot would bear the brunt of Lake Road traffic noise. Additionally, the corner lot would have only 49 feet on 43<sup>rd</sup> Avenue making the garage, rather than the house, the main focus. The other 3 proposed lots would share the same access driveway so would not be oriented to the street like the rest of the neighborhood. In her opinion, retaining the R-10 zoning would keep the property values high and respect the orientation of the existing homes to the street. Originally, Planning Department staff did not recommend the application be approved. The rezone to R-7 would be a detriment and would not fit the original and best design of the neighborhood.

Neutral Testimony: None.

Staff Recommendation: Staff recommends the City Council approve the zone change to the proposed project from R-10 to R-7 and adopt those findings as included in the ordinance.

**Councilor Marshall** asked what compelled staff to change its mind about the application. He understood the Planning Commission made its decision based on compliance with the current code.

**Kent** explained staff is supporting the Planning Commission's decision and presenting it to the City Council.

**Firestone** explained the Planning Commission's role is to make a decision on whether or not an application meets the criteria set forth in the code.

Applicant Rebuttal: None.

Council Questions to Staff: None.

Close Public Hearing: It was moved by Councilor Newman and seconded by Councilor Marshall to close the public hearing. Motion passed unanimously. Mayor Bernard closed the public testimony portion of the hearing at 7:40 p.m.

Council Decision: Councilor Marshall understood the Planning Commission looked at this application from a technical point of view.

**Councilor Newman** added the Commission's decision was value neutral.

**Firestone** said, if the City Council decides to deny the application, it must develop finding supporting that decision since this is a quasi-judicial application. There are criteria in the code for zone change applications upon which to base the decision.

**Councilor Marshall** referred to Objective 2 of the Comprehensive Plan which states in part that the City is to locate higher density residential use so the concentration of people will help support public transportation services and major commercial centers. This proposal does not support public transportation services as the Council envisions it to be in the future which includes light rail to the downtown area. In addition, there are no major commercial centers nearby which this development would support.

**Councilor Marshall** said Objective 4 of the Comprehensive Plan is not addressed. It states in areas of moderate and medium density, the rehabilitation of older housing is encouraged in lieu of large area clearance and new construction. Other issues not directly related to criteria but of importance to the Council is the fact Lake Road, as well as those routes to and around it, has traffic problems. This community struggles to meet its parks, road maintenance, and sidewalk needs, all of which will be increased by allowing higher density. The Council is reluctant, as a matter of policy, to encourage flaglot development. The proposal does not meet regional goals and does not provide connectivity. It should also be considered that the rezone reflects a 25% increase in density.

**Councilor King** was concerned rezoning from R-10 to R-7 would reduce the range of housing types in the City.



TO: Mayor and City Council  
FROM: Mike Swanson, City Manager  
DATE: October 28, 2001  
RE: Attached Council FYI Update

Attached to the November 6, 2001 agenda packet you will find a memorandum titled "Council FYI Update." This is the first of what I propose to be a series of such memos. They will be issued with each agenda packet.

The purpose of the memo is to inform the Council of both agenda items as well as issues that do not appear on an agenda for action. It will typically contain a summary of agenda items, a summary of activity within the City and/or region that does not require agenda action but that might be of interest to the Council, and information about activities and significant events within the organization. If any member of Council has an item to include, please send the topic with a brief description to me via e-mail 2 Thursdays prior to the meeting so I can incorporate it in the update.

I am hopeful that the memo can alert the Council in advance to activity such as that occurring behind the Milwaukie Marketplace. The one drawback to this information tool is the fact that it might not always be timely. Therefore, please be sure to check your e-mail frequently. In addition, this is an evolving process. The staff has been asked to anticipate issues of importance for this memo. It will take time for all of us to make it work most effectively.

fyiupdatememo

MILWAUKIE CITY HALL  
10722 SE MAIN STREET  
MILWAUKIE, OREGON 97222  
PHONE: (503) 786-7555 • FAX: (503) 652-4433



TO: Mayor and Council  
FROM: Mike Swanson, City Manager  
DATE: October 28, 2001  
RE: November 6, 2001 FYI Update Memorandum

### Time and Location Reminder for Meeting of November 6, 2001

We do not have a work session on November 5, 2001 in order that you may participate in the *Veterans -- A Night of Honor* at the Rose Garden. Therefore, our November 6, 2001 regular business meeting is a mixture of both action items and materials that would normally be scheduled for a work session. Even so, the November 6, 2001 meeting is relatively light. At this writing I have no matters for executive session.

### City Council Agenda Items

1. **Proclamation—Public Safety Appreciation Week:** This proclamation recognizes the ongoing contributions of public safety personnel and designates the week of November 19-25, 2001 as Public Safety Appreciation Week in the City. This is especially timely in light of the recent events of September 11, 2001.
2. **Special Report:** Ms Jenna Welsh, a Gladstone area student, will share her thoughts on the September 11 event.
3. **Special Report—Downtown Design Guidelines:** The Design and Landmarks Commission (DLC) and staff will present a report on the Downtown Design Guideline project. The purpose of the report is to seek Council feedback and, if appropriate, authorization to proceed with adoption hearings in early 2002. The DLC has been working on this project since March 2001 and has conducted two public workshops with interested residents and property and business owners. Comments from the workshops have been incorporated into the draft that will be discussed. This item would normally have been scheduled for a work session, and, therefore, there need be no formal action. Council feedback and direction are appropriate.

4. **Consent Agenda:** 2000-2001 Waterline Improvements-Phase 2 Project Acceptance: Council awarded the project bid in June 2001, and the contractor commenced work on July 9. Work was substantially completed on September 12. The work was designed to improve fire protection and domestic water flows in two areas—King Road and Johnson Creek Boulevard. The Engineering staff has inspected the work, finds it acceptable, and recommends acceptance.
5. **Public Hearing—Wittke Rezone:** This item includes an ordinance adopting an amendment to the city's zoning map which, if Council approves, requires 2 readings by title only. This is a request to rezone property near the northeast corner of 43<sup>rd</sup> and Lake Road from R-10 to R-7. Both are low density residential zones, the major difference between the two being the minimum lot size. R-10 requires 10,000 square feet; R-7 requires 7,000 square feet. The applicant is seeking the zone change in order to allow for the potential to develop one additional lot on the subject property in the future. There are presently three lots; approval of the rezoning would permit four. The Planning Commission recommended approval at its September 23, 2001 hearing.
6. **Other Business—Safeway Project:** Staff will be presenting an update on the project purchase, market study, and a schedule for seeking a developer partner for the project.
7. **Informational Items:** Included for information in the agenda are minutes from the following boards and commissions: Center/Community Advisory Board, Ledding Library Board, and Riverfront Board. Please pay particular attention to the Riverfront Board's position on the boat ramp. At this time we should await the results of their November 6, 2001 meeting, after which we will schedule a meeting to discuss this and other issues with them.

### Non-Agenda Items

**Feed the Hungry Program:** Although the November 4 Feed the Hungry program at St. John's Episcopal Church is scheduled prior to the Council meeting, I've added this item as a reminder of the event. Please contact Mary King if you are available for the serving and/or cleanup crews between 1:30 p.m. and 4:00 p.m.

**Enforcement of Truck Traffic Prohibitions:** At your last work session you raised the issue of truck traffic along Monroe and past meetings when it was suggested that before enforcement there was some training required. I asked Captain Colt to look into this matter. He was unaware of any required additional training now. Patrol does occasionally target their enforcement efforts in that area, and he will see that it is done so periodically.

**Joint Meeting with Board of County Commissioners:** At your last work session you requested that I follow up on scheduling quarterly meetings with the Board. There is some question on their part as to whether quarterly meetings are

necessary, but they do see the need for a semi-annual schedule. We have scheduled one for December 17, 2001, which is a regular work session date. It is probably best that we have an agenda for the meeting, so please let me know of any issues you would like to raise.

**Vector Truck Purchase:** This item was pulled from the last agenda in order to do more work in clarifying some issues that were raised. It was ready for this agenda, however, Jack Perry wanted to be present and was out of town. It will be on the next Council agenda.

**Harmony Road:** We continue to pursue the option of removing the City's 1997 approval of the widening from the TSP. In the event that this will not be permissible, we will be following up with a letter from the Council to the Board explaining our position in advance of their DEIS process.

**November 19, 2001 Work Session:** The next work session promises to be a full one. We have scheduled a joint meeting with the Budget Committee members to hear about State tax provisions and annexation issues. We will also be conducting interviews with prospective Centennial advisory committee members.

11/06/01fyimemo

**CITY OF MILWAUKIE  
CITY COUNCIL AGENDA  
NOVEMBER 6, 2001**

**MILWAUKIE CITY HALL**  
10722 SE Main Street

**1873<sup>rd</sup> MEETING**

**REGULAR SESSION - 6:00 p.m.**

- I. **CALL TO ORDER**  
Pledge of Allegiance
  
- II. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
  - A. **Public Safety Appreciation Week Proclamation**
  - B. **Flag of 4 Planes -- Jenna Welsh**
  - C. **Downtown Design Guidelines Project Update (Design and Landmarks Commission/Kent)**
  
- 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 October 15 & 16, 2001**
  - B. **2000 - 2001 Waterline Improvements - Phase 2 Project Acceptance**
  
- 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.)*

**Proposed Rezoning of 12250 SE 43<sup>rd</sup> Avenue from R-10 to R-7, Application ZC-01-01 -- Ordinance (Kent)**
  
- 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.)*

**Safeway Project -- Redevelopment Update (Carter)**

**VII. INFORMATION**

- A. Center/Community Advisory Board, September 14, 2001**
- B. Ledding Library Board, October 22, 2001**
- C. Riverfront Board, September 13, 2001**

**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.***

***Proclamation***

WHEREAS, whether they are saving lives, directing traffic, fighting fires, helping families or apprehending law violators, public safety personnel are of vital importance to the health, safety, and comfort of our county; and

WHEREAS, the efficiency of the qualified personnel who staff public safety departments is significantly influenced by the public attitude and understanding of the importance of the work they perform; and

WHEREAS, the resourcefulness and integrity of those public safety departments are an integral part of the health and safety of the citizens of our county; and

WHEREAS, community support and interaction is vital to the efficient operation of public safety departments and their programs; and

WHEREAS, it is fitting and proper that we recognize the ongoing contributions of Oregon's Public Safety personnel by honoring and remembering them.

NOW, THEREFORE, BE IT RESOLVED, that I, James Bernard, Mayor of the City of Milwaukie, hereby proclaim November 19 – 25, 2001 as

***Public Safety Appreciation Week***

and encourage all citizens to join in this observance.

\_\_\_\_\_  
James Bernard, Mayor

ATTEST:

\_\_\_\_\_  
Pat DuVal, City Recorder



**To:** Mayor and City Council

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

**From:** Kenneth Kent, Associate Planner *KK*

**Subject:** Downtown Design Guidelines Project Update

**Date:** November 6, 2001

**Action Requested**

Review and feedback. Staff and the Design and Landmarks Commission will give a status report on the Downtown Design Guideline project, seeking feedback from the Council. This is a joint meeting with the Design and Landmarks Commission on the status of the Downtown Design Guidelines project currently underway before the Design and Landmarks Commission (DLC).

**Background**

The Council previously discussed this project at work session on March 12<sup>th</sup> and July 16, 2001.

Beginning in May of this year, the DLC conducted six meetings for this project, including two public workshops held on May 10, 2001 and September 27, 2001. In addition, the Planning Commission discussed the proposed design review process on September 25, 2001.

**Downtown Design Guidelines**

Attached is a copy of the draft Downtown Design Guidelines with revisions reflecting comments received at the September 27, 2001 public workshop. The guidelines are structured to address five guideline elements:

1. Milwaukie Character Guidelines;
2. Pedestrian Emphasis Guidelines;
3. Architecture Guidelines;

4. Lighting Guidelines; and
5. Sign Guidelines

Within the guideline elements, each guideline is stated at the top of the page, with a brief description provided and an indication of what would be considered appropriate and inappropriate under the guideline. Photographs are used to further illustrate the intent of the particular guideline, giving visual examples of both appropriate and inappropriate types of development.

The guidelines are intended to be used by the DLC and staff to assess how well a proposed development fits within the context of downtown. A development proposal would not need to comply with each and every guideline, but would need to substantially meet applicable guidelines or provide justification for an exception based on the merits of the proposed design. It will be the DLC's role to determine which guidelines must be met for each project, considering the overall design of the project and how it relates to surrounding buildings and the downtown.

#### **Design Review Process**

A draft design review process has been developed based on Council's direction that the DLC have enforcement authority and the ability to impose conditions of approval. (See attached flow chart describing the proposed process)

The Design and Landmarks Commission and Planning Commission addressed the following questions regarding a design review process:

1. How should the threshold for design review be defined? / What constitutes a major vs. minor review?
2. Should DLC be a recommending body or make a final minor quasi-judicial decision?
3. Who should consider variances to Downtown Zone Standards?
4. If appealed, who review the appeal? Council or Planning Commission?

#### **How should the threshold for design review be defined? / What constitutes a major vs. minor review?**

It was the consensus of the DLC and Planning Commission that the thresholds currently established in the Zoning Ordinance for the Downtown Zones (Section 312.6) are appropriate thresholds to what types of building improvements warrants a simpler administrative review and which warrant a hearing before the DLC. Three levels of development are established by the code and will be used to determine the level of review required:

1. **Exterior Maintenance and Repair - Type I Administrative Review**  
Includes refurbishing, painting, and weatherproofing of deteriorated materials, and in-kind restoration or replacement of damaged materials.

Work that falls within this category will be reviewed by staff as part of a building permit, with staff using the design guidelines to determine the proposed work meets the design guidelines.

**2. Minor Exterior Alterations - Type II Administrative Review**

Include the application of exterior finish building treatments, such as windows and other glazing, doors, lintels, copings, vertical and horizontal projections including awnings, and exterior sheathing and wall materials.

Projects that fall within this category will follow a Type II administrative process, providing for public notice of a tentative decision and the ability for interested parties to request a hearing before the DLC. It is also intended to provide for a process that allows the DLC or Planning Director to require a minor exterior alteration be considered at a hearing before the DLC.

**3. Major Exterior Alterations - DLC Public Hearing (minor quasi-judicial)**

Includes new building construction, demolition or replacement of more than 25 percent of the surface area of any exterior wall or roof, and floor area additions that exceed 250 square feet.

Any project that falls within this category will require a public hearing before the DLC.

**Should DLC be a recommending body or make a final minor quasi-judicial decision?**

Given the Council's direction, if conditions of approval will be imposed, then the DLC would be making minor quasi-judicial decisions. It was the consensus of the DLC and Planning Commission that for permitted uses, the DLC would be making final decisions. There are certain uses that require a conditional use or community service overlay application that will require Planning Commission approval. In those cases, if major exterior alterations were involved, the DLC would also consider the project. It was the DLC's preference to review the project first for consistency with design guidelines, making a tentative decision, then sending the final decision on the land use to the Planning Commission.

**Who should consider variances to Downtown Zone Standards?**

The Planning Commission is the review body that considers major variances. The Development and Design Standards for the Downtown Zones include factors that are related to design character. Therefore, variances to these standards have the potential to have an impact on the character of downtown and consistency with the proposed design guidelines. It was the consensus of the DLC and Planning Commission that the DLC would be the appropriate decision-making body for variances to Downtown Development and Design Standards, such as floor area ratios, building height, ground-floor windows/doors, exterior

## II. C. 4 — ort – Downtown Design Guidelines Project

wall materials and window standards. The Planning Commission would address variances to use standards, such as location of automobile/motor vehicle repair in certain zones, and maximum floor area for certain retail or eating and drinking establishments.

### **If appealed, to whom does it get appealed to? Council or Planning Commission?**

As a “stand alone” commission, appointed by the City Council, DLC and Planning Commission members agreed that appeals of DLC decisions should be heard by the City Council.

### **Next Steps**

Attached for your information is a copy of the project schedule. Next steps include final refinements of the draft design guidelines by the DLC and review of design review process code language on November 28, 2001. A formal public hearing before the DLC will be scheduled on January 23, 2001, with a recommendation to the City Council. Tentatively, the Planning Commission will conduct a public hearing on the proposed design guidelines and design review process on February 12, 2001. A City Council public hearing will be scheduled on March 5, 2001 for final adoption.

### **Exhibits**

- A. Project Schedule
- B. Design Review Process Flowchart
- C. Draft Downtown Design Guidelines

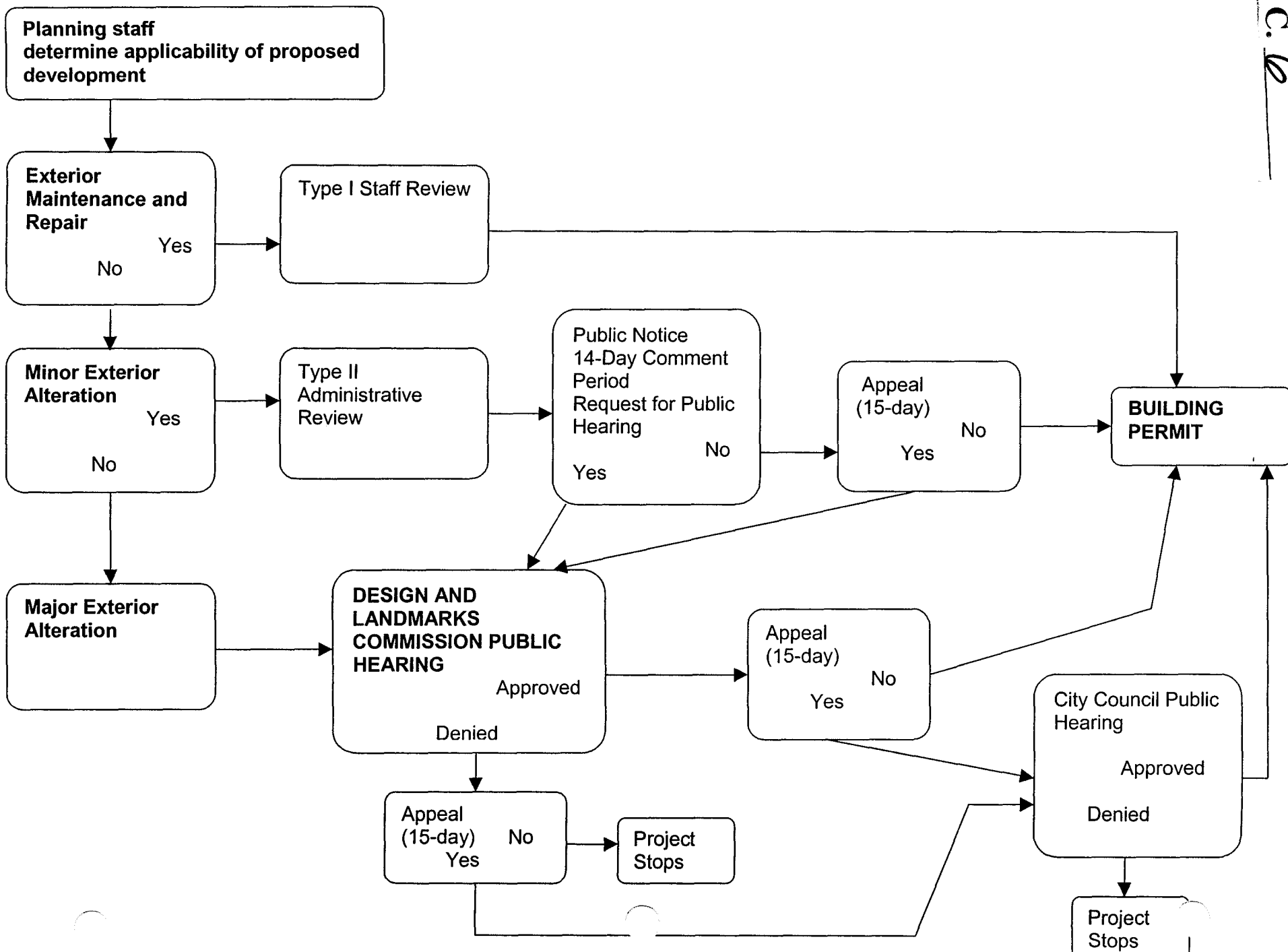
**EXHIBIT A****Downtown Design Guidelines Project Schedule**  
**(Subject to Change as Needed)**

1. Kick Off May 10, 2001
2. Educational Introduction  
For Commissioners May 23, 2001
3. Preliminary Proposal  
Draft Guidelines June 27, 2001
4. City Council Work Session July 16, 2001
5. Field Trip July 25, 2001
6. Refine Draft Guidelines/  
Design Review Process Options August 29, 2001
7. Public Workshop September 27, 2001
8. Library Board October 22, 2001
9. **City Council and DLC  
Project Update November 6, 2001**
10. DLC review of Design Review Code  
Wrap up Design Guidelines, including  
Design Review section November 28, 2001
11. DLC Hearing  
(Design Guidelines and Design Review Code) January 23, 2001
12. Planning Commission Hearing  
(Design Guidelines and Design Review Code) February 12, 2002
13. City Council Hearing  
(Final Adoption) March 5, 2002

# Downtown Design Review Process

H.C. 6

**EXHIBIT B**



MILWAUKIE CITY COUNCIL  
WORK SESSION  
OCTOBER 15, 2001

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

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

Staff present: City Manager Swanson, Neighborhood Services Manager Gregory, and Interim Community Development Director Rouyer.

### Information Sharing

**Councilor King** urged developing a public communication strategy to keep residents informed of significant projects taking place in the City such as the McFarland cleanup and Wister Street development.

**Swanson** explained the municipal code does not require notification for right-of-way permits. The Wister Street partitioning application did go through the Planning Commission several years ago, however. He noted an enforcement action was currently underway. The City Attorney and Planning Director are responding to the issue of developer's violating land use laws and then benefiting monetarily.

The group discussed McLoughlin Boulevard project funding. **Councilor Newman** noted the project is ranked second in the region for funding.

**Swanson** discussed the County's Harmony Road widening project. The County is just beginning the environmental impact statement (EIS) process which includes numerous public meetings and comment periods. Actual construction is at least 3 years away. Rist's comments about the City Council's approving the project were based on its being part of the adopted 1997 Transportation System Plan (TSP). Technically, Rist's statement was correct. Staff is looking at the options of amending that section of the TSP or perhaps annexing the right-of-way east to Fuller Road.

**Councilor Marshall** commented on the May 2002 Transforming Local Government Conference. He felt Milwaukie local government had been transformed from 4 years ago and hoped Milwaukie would be part of the conference. This would be a sign to the community that it is moving forward and bring closure to the recall.

**Councilor Lancaster** felt the phase 2 mission and goals he proposed would bring the transformation to even greater fruition.

### III. A. 2

**Councilor Marshall** said, after reading the Budget Review Board minutes, he believes a board and commission review is needed in the near future which includes setting one long term and short term task for each advisory group.

**Swanson** said the recently established Budget Review Board is still exploring its goals but are interested in helping identifying long term financial stability options. Speakers are scheduled for the November 19 joint City Council/Budget committee work session to discuss assessment and taxation and annexation. He discussed the MIS project and ability to compile reliable data in the future.

**Councilor Marshall** hopes to reinstate the quarterly meetings with the Clackamas County Board of Commissioners to discuss urban services and annexation and to develop a working relationship.

The group discussed the Jr. High site, and **Swanson** indicated talks had never resulted in a valid offer and acceptance.

**Councilor Marshall** hoped the Council could reach consensus on the Transforming Local Government proposal soon so work could begin.

#### **Open Public Forum**

**Ed Zumwalt**, 10888 SE 29<sup>th</sup> Avenue, discussed the Neighborhood District Associations' (NDA) involvement with transforming the community. He announced the fundraising concert on November 11 at Southgate Theatre for victims of the September 11 terrorist attacks.

**Stan Wax**, 6505 SE Madrona Drive, attended a Linwood NDA meeting at which Clackamas County staff discussed the Harmony Road widening project. There was universal opposition from the neighborhood attendees, and they were very surprised to learn the Milwaukie City Council had come out in support of the widening.

**Swanson** said, although County staff was technically correct, the Milwaukie City Council approved it as part of the Transportation System Plan (TSP) in 1997. The current City Council is indicating its concerns with widening Harmony Road, even if only done to Fuller Road, because of negative impacts to the Linwood neighborhood. Staff is looking at the options of amending the TSP or annexing the right-of-way to Fuller Road. In taking this kind of action, the County cannot claim the City supports the project. The project is in its preliminary stages, and the County must go through extensive public outreach during the EIS. Although the project is funded, there will be no construction for at least 3 years.

**Councilor Lancaster** felt the City should prioritize its issue and try to make some progress with Clackamas County.

**Councilor Marshall** urged developing a working relationship between the Board of Commissioners and City Council.

**Swanson** said Council will have an opportunity to meet with Oak Lodge Sanitary District and County Commissioners in the next few months to review future sewage treatment options. One of these options is closing the Kellogg Treatment Plant. Annexation has been a problem for the past 30 years, and the City must develop a strategy to let the County know it is serious. Although the 2 entities have gone through some difficult periods, he believes trust is improving. The NDA 14-Points showed community solidarity and sent a positive message to the Commissioners.

**Staff was directed to reinstate the Milwaukie City Council and Clackamas County Board of Commissioners quarterly meetings.**

**Councilor Newman** supports the tone of conversation to improve relationships but wants to remain assertive when it comes to community needs.

**Swanson** added even though the City and County differed in their opinions on the South Corridor, both parties understand it is a Clackamas County issue that needs ongoing visibility and regional support.

**Councilor Lancaster** recommended keeping up to date on Clackamas River Water District issues and regionalization since Milwaukie has a big stake in purchasing water from the District.

**Councilor Lancaster** announced the Riverfront Cleanup project on October 20 sponsored by the Milwaukie Downtown Development Association (MDDA) and Rotary.

### **Parking Study and Traffic Analysis**

**Gregory** requested clarification from the City Council on use of funds budgeted for a parking study and traffic analysis associated with downtown development and the impact to the Historic Milwaukie Neighborhood. Two significant downtown projects impact the use of the \$45,000. One is the Safeway site development which will impact both parking and traffic flow in general. Second, is the South Corridor Study, a regional process, which will look at mode and alignment options in Milwaukie's downtown. Gregory sought input on the best strategy to leverage available funds while capitalizing on the regional study. Funds could be re-budgeted for the 2002 - 2003 fiscal year if so desired.

**Councilor Newman's** first reaction was to tie the parking study to the Safeway development and related impacts to the Historic Milwaukie Neighborhood. Whichever project moves forward through the South Corridor Study for review is many years away. The community has waited a long time for the traffic study,

III. A. 4

and he perceives it as separate from the South Corridor Project. He is concerned about tying the traffic study to a project managed by another agency.

The Councilors agreed they want to move beyond a study and be prepared for the next steps by having an actual plan for capital improvements.

**Councilor Marshall** mentioned a related issue of enforcing on trucks using local residential street such as Washington and Monroe. Several years ago, Chief Collier said officers needed special training before issuing citations.

### **Oregon Maritime Museum Programs**

**Bob Layfield**, Trustee and Development Director Oregon Maritime Museum. He had read *The Oregonian* article about Councilor Marshall's idea of reconstructing the *Lot Whitcomb* for Milwaukie's Centennial in 2003. He suggested docking the Sternwheeler Portland in Milwaukie Bay for the event. The cost of moving it is usually about \$5,000, but Layfield believed the costs could be recouped in other ways. He also noted the Maritime Museum would be looking for a new facility in April.

**Councilor Lancaster** suggested Layfield contact the Riverfront Board about constructing a suitable sjalcsw@aol.com dock.

**Zumwalt** added a final comment. Things in Milwaukie have changed since 1997, and people now feel they are being represented.

**Council President King** adjourned the work session at 7:00 p.m.

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Pat DuVal, Recorder

CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
OCTOBER 16, 2001

**CALL TO ORDER**

The 1872<sup>nd</sup> 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  
Tim Ramis,  
City Attorney

Alice Rouyer,  
Interim Planning Director  
Kelly Somers,  
Fleet & Facilities Manager

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARD**  
None.

**CONSENT AGENDA**

Mayor Bernard read the list of consent agenda items:

- A. **City Council Minutes of October 1 & 2, 2001**
- B. **Resolution 38-2001: A Resolution of the City of Milwaukie, Oregon, Electing Application for Entry into the Oregon Public Employees Retirement System (OPERS) State and Local Government Rate Pool.**
- C. **Purchase Carpeting for Ledding Library**
- D. **Police Vehicle Purchase**
- E. **O.L.C.C. Application for Chopsticks Express, 10801 SE Main Street -- New Outlet**

**It was moved by Councilor King and seconded by Councilor Newman to adopt the consent agenda. Motion passed unanimously among the members present.**

**AUDIENCE PARTICIPATION**

**Jack Elder**, Milwaukie Downtown Development Association (MDDA) Director, announced the joint MDDA/Rotary riverfront cleanup on October 20.

Several members from Boy Scout Troop 143 introduced themselves and explained the Citizenship badge requirements.

**III. A.** 6

**PUBLIC HEARING**

None.

**OTHER BUSINESS**

**Councilor Newman** said the City of Portland notified the Ardenwald Neighborhood District Association (NDA) of upcoming sewer work on Johnson Creek Boulevard and asked for comment. The neighborhood leadership is concerned because the Association will not have time to meet and prepare a response prior to construction beginning.

**Councilor King** said the Johnson Creek Watershed Council supported the project.

**Councilor Lancaster** noted Somers had saved the City \$1,300 on each police vehicle by ordering early through the Ford Motor Company incentive program.

**Executive Session**

**Mayor Bernard** announced the City Council would meet in executive session immediately following adjournment to consult with legal counsel pursuant to ORS 192.660 (1)(g) and will not go back into regular session.

**ADJOURNMENT**

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

**Mayor Bernard** adjourned the meeting at 6:20 p.m.

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Pat DuVal, Recorder



**MEMORANDUM**

October 19, 2001

**TO:** Mayor and City Council

**THRU:** Mike Swanson, City Manager  
Dennis Lively, City Engineer *DML*

**FROM:** Paul Roeger, Civil Engineer *P.R.*

**SUBJECT:** 2000-2001 Waterline Improvements – Ph. 2  
Project Acceptance

**ACTION REQUESTED**

City Council accept the waterlines constructed under the 2000-2001 Waterline Improvements – Phase 2 project.

**BACKGROUND**

Staff identified waterlines that needed to be upgraded to improve fire protection and domestic water flows. The King Road main replacement in this project has been identified in the “Public Facilities Plan, 1988-2008” as moderate priority. It was also identified in the draft of the recently completed Water Master Plan as necessary to improve fire protection flows in the area, but was removed from the final report because it was already in this year’s budget.

The Johnson Creek Blvd. portion of this project was a section of the 12-inch loop we were unable to complete in 1969 because we could not get easements on private property on the south side of the Portland Traction Company Railroad due to buildings built on the property line. At that time the City did not want to go out into Johnson Creek Blvd. This section of 12-inch line completes a loop along the north side of the City. This section was also identified in the draft of the recently completed Water Master Plan as necessary to the distribution loop around the City, but was removed from the final report because it was already in this year’s budget.

The proposed 12-inch line on Johnson Creek Blvd. did not replace an old line. It simply completed a loop in the City distribution system. The proposed 8-inch line in King Road replaced an existing 4-inch cast iron waterline that serves single-family residences.

### III. B. 2

Because Johnson Creek Blvd. and King Road are classified as arterials, the new lines are ductile iron.

Thirty-five old services were replaced with new 1-inch copper services, meter setters, and meters serving mostly single family residences, a few businesses, along with a 2-inch service and 4-inch fire line to a church on King Road. No new services were installed on Johnson Creek Blvd. Two old two port fire hydrants were replaced with six new three port fire hydrants to improve fire protection in the area.

City Council awarded Wytan Brown Excavating, Inc. the project at the June 8, 2001, Council meeting. Notice to proceed was given on July 5<sup>th</sup>, work was started on July 9<sup>th</sup> and was substantially completed by September 12<sup>th</sup>, which was just over the 60-day contract time. However, no penalty was assessed because the waterlines were in operation at the end of the contract time and the only work to be done was final paving.

There were three change orders totaling \$7,300.00, that put us over the original contract amount (see the attached spreadsheet), but still within our purchase order. This was primarily due to an added swing check vault to keep the second and third pressure zones separated, but still have the ability to get water into the third zone. There are other swing checks in our system that do the same thing. The final payment of the retainage will be paid upon Council acceptance of the project.

#### PROJECT SUMMARY

New Waterline to be added to inventory:	12-inch Ductile Iron -	828 L.F.
	8-inch Ductile Iron -	1,839.5 L.F.
	Fire Hydrants (3 port) -	6

Waterline to be deleted from inventory:	4-inch C.I. -	1,915 L.F.
	Fire Hydrants (2 port) -	3

Public Works Engineering and the Water Department were very pleased with the work of Wytan Brown Excavating, Inc. and would be glad to have them back to do work for the City in the future.

#### RECOMMENDATION

Public Works Engineering and the Water Department recommend that City Council accept the project so the retainage can be paid to Wytan Brown Excavating, Inc..

October 26, 2001

2000 - 2001 WATERLINE IMPROVEMENTS  
PHASE 2

FINAL PAYMENT

Item #	Item of Work	Estimated Quantity	Unit	Wystan Brown Exc.		Previous Payment		Pay this Period		Paid to Date	
				Unit Price	Total Bid Price	Units	Amount	Units	Amount	Units	Amount
1	Mobilization	1	LS	\$ 5,000.00	\$ 5,000.00	100%	\$ 5,000.00	\$ -		100%	\$ 5,000.00
2	Traffic Control	1	LS	\$ 5,000.00	\$ 5,000.00	100%	\$ 5,000.00	\$ -		100%	\$ 5,000.00
3	12" Class 52 DI	832	LF	\$ 35.00	\$ 29,120.00	828	\$ 28,980.00	\$ -		828	\$ 28,980.00
4	8" Class 52 DI	1830	LF	\$ 30.00	\$ 54,900.00	1839.5	\$ 55,185.00	\$ -		1839.5	\$ 55,185.00
5	6" Class 52 DI	35	LF	\$ 30.00	\$ 1,050.00	48	\$ 1,440.00	\$ -		48	\$ 1,440.00
6	4" Class 52 DI for Fire Service	30	LF	\$ 30.00	\$ 900.00	46	\$ 1,380.00	\$ -		46	\$ 1,380.00
7	Connect to exist. 12" - 55th & JCB	1	LS	\$ 2,000.00	\$ 2,000.00	1	\$ 2,000.00	\$ -		1	\$ 2,000.00
8	Connect to exist. 12" - Stanley & JCB	1	LS	\$ 2,000.00	\$ 2,000.00	1	\$ 2,000.00	\$ -		1	\$ 2,000.00
9	New FH Assembly	6	EA.	\$ 1,500.00	\$ 9,000.00	6	\$ 9,000.00	\$ -		6	\$ 9,000.00
10	Remove Exist. FH	2	EA.	\$ 400.00	\$ 800.00	2	\$ 800.00	\$ -		2	\$ 800.00
11	6" Class 52 for FH leads	50	LF	\$ 30.00	\$ 1,500.00	72	\$ 2,160.00	\$ -		72	\$ 2,160.00
12	12" FL x MJ Butterfly Valve	4	EA.	\$ 800.00	\$ 3,200.00	4	\$ 3,200.00	\$ -		4	\$ 3,200.00
13	8" FL x MJ Gate Valve	5	EA.	\$ 550.00	\$ 2,750.00	5	\$ 2,750.00	\$ -		5	\$ 2,750.00
14	8" x 12" Hot Tap Assembly	2	EA.	\$ 2,000.00	\$ 4,000.00	1	\$ 2,000.00	\$ -		1	\$ 2,000.00
15	8" x 10" Hot Tap Assembly	2	EA.	\$ 2,000.00	\$ 4,000.00	1	\$ 2,000.00	\$ -		1	\$ 2,000.00
16	6" FL x MJ gate valve	1	EA.	\$ 500.00	\$ 500.00	1	\$ 500.00	\$ -		1	\$ 500.00
17	12" x 12" MJ x FL Tee	1	EA.	\$ 500.00	\$ 500.00	1	\$ 500.00	\$ -		1	\$ 500.00
18	Connection @ King & Home	1	LS	\$ 2,500.00	\$ 2,500.00	1	\$ 2,500.00	\$ -		1	\$ 2,500.00
19	Cut & Cap existing waterlines	1	LS	\$ 2,500.00	\$ 2,500.00	1	\$ 2,500.00	\$ -		1	\$ 2,500.00
20	Miscellaneous Fittings	1000	LBS.	\$ 1.25	\$ 1,250.00	371	\$ 463.75	\$ -		371	\$ 463.75
21	8" Long Sleeve	1	EA.	\$ 250.00	\$ 250.00	1	\$ 250.00	\$ -		1	\$ 250.00
22	1" Water Service (short side)	15	EA.	\$ 500.00	\$ 7,500.00	16	\$ 8,000.00	\$ -		16	\$ 8,000.00
23	1" Water Service (long side)	20	EA.	\$ 950.00	\$ 19,000.00	21	\$ 19,950.00	\$ -		21	\$ 19,950.00
24	Trench asphalt removal & restoration	2630	LF	\$ 6.00	\$ 15,780.00	2857	\$ 17,142.00	\$ -		2857	\$ 17,142.00
25	Pipe Encasement	140	LF	\$ 75.00	\$ 10,500.00	140	\$ 10,500.00	\$ -		140	\$ 10,500.00
26	Erosion Control	1	LS	\$ 2,000.00	\$ 2,000.00	100%	\$ 2,000.00	\$ -		100%	\$ 2,000.00
CO#1	Replace storm culverts not located	2	EA.	\$ 175.00	\$ 350.00	2	\$ 350.00	\$ -		2	\$ 350.00
CO#2	1. 8" Swing Check	1	LS	\$ 1,985.00	\$ 1,985.00	1	\$ 1,985.00	\$ -		1	\$ 1,985.00
	2. Vault	1	LS	\$ 4,540.00	\$ 4,540.00	1	\$ 4,540.00	\$ -		1	\$ 4,540.00
CO#3	4" Gate valve	1	EA	\$ 425.00	\$ 425.00		\$ -	1	\$ 425.00	1	\$ 425.00
<b>TOTAL</b>					\$ 194,800.00		\$ 194,075.75	\$ 425.00		\$ 194,500.75	
<b>LESS 5% RETAINED:</b>							\$ 9,703.79			\$ 9,703.79	
<b>TOTAL AMOUNT DUE:</b>							\$ 184,371.96	\$ 425.00		\$ 184,796.96	
<b>Pay Retainage:</b>								\$ 9,703.79			
<b>FINAL AMOUNT DUE:</b>								\$ 10,128.79			

III. B. 3



**To:** Mayor and City Council

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

**From:** Kenneth Kent, Associate Planner *KK*

**Subject:** Proposed Rezoning of 12550 SE 43<sup>rd</sup> Avenue from R-10 to R-7.  
Application ZC-01-01

**Date:** November 6, 2001

**Action Requested**

Approve rezoning from R-10 to R-7 at 12550 SE 43<sup>rd</sup> Avenue and adopt recommended findings in support of approval.

**Background**

**1. Key Issues**

- A. The Planning Commission has recommended approval of rezoning, which would increase development potential by one lot.
- B. In reaching its recommendation, the Planning Commission found the following:
  - 1. The proposed amendment conforms with applicable Comprehensive Plan Goals, Policies and Objectives, and the Metro Urban Growth Management Functional Plan.
  - 2. The anticipated development meets the intent of the proposed zone. The conceptual development plan meets the standards of the proposed R-7 Zone.
  - 3. Development adjacent to the project site is zoned R-10PD and consists of high-density condominiums and detached single-family homes, approved through a planned development process. The proposed zone change will serve

as a transition between adjacent lower density R-10 zoned property to the south and adjacent high-density development to the north.

C. Items for Council Consideration

1. Is R-7 Zoning appropriate for the proposed site?
2. Will development under the proposed R-7 Zone be consistent with the type, style and density of the existing neighborhood?
3. Is there a need for additional R-7 lots in the City?

D. Staff recommends approval

2. **History**

The Planning Commission conducted a public hearing on the proposed rezoning on September 25, 2001. The staff recommendation was for denial. The findings for that recommendation are attached as Exhibit 6 for Council's reference. Following public testimony from the applicant and property owner and deliberation, the Planning Commission recommended approval to the City Council on a 5 to 1 vote.

3. **Statistics**

Location:	12550 SE 43 <sup>rd</sup> Avenue.
Tax Lot #	R12E31CC 00900
Property Owner:	Joseph W. Pai
Applicant:	Lowell Wittke
Zone:	Residential, R-10
Proposed Zone:	Residential, R-7
Comprehensive Plan:	Low Density Residential
Lot Size	0.73 Acres (31,863 sq. ft.)
Proposed Use:	Single Family Residential
Neighborhood District	
Association:	Lake Road

2. **Summary Project Description**

The site is located on the northeast corner of Lake Road and 43<sup>rd</sup> Avenue. The property is 0.73 acres in area and consists of three lots.<sup>1</sup> There is an existing residence on the northerly lot that the applicant proposes to demolish with development of the site. The site slopes up from 43<sup>rd</sup> Avenue and slopes up from Lake Road a total of 24 feet in elevation.

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<sup>1</sup>. Lot areas of 10,000, 10,090, and 11,773 square feet

The applicant has provided a conceptual layout to show how the site could be developed under R-7 zoning. (See Exhibit 2) The layout demonstrates that the site could be developed with 4 lots, meeting the R-7 zoning standards for lot area, depth, width and building setbacks. If the zone change is approved, development of four lots would require approval of a subdivision application by the Planning Commission.

Zoning adjacent to the subject property includes R-10PD to the north, east and west, R-10 to the south and R-7 to the southwest. The applicant has stated that the higher density development around the site supports the rezoning. (See Exhibit 2) The single-family lots adjacent to the project site were developed as a planned development process that provides common open space and lots that are smaller than a typical R-10 lot at approximately 5,000 square feet of lot area.

There have been recent additions of R-7 zoning in the vicinity of the project site. The residential development to the west at 41<sup>st</sup> Court was rezoned from R-10 to R-7 in 1991. R-7 zoning was also expanded along Ryan Avenue, southeast of the site in 1991.

### **Analysis**

#### **1. Zoning Authority**

The proposal is subject to the following regulations:

##### Zoning Ordinance

- 903 – Requirements for Zoning Map Amendments
- 905 – Approval Criteria for all Amendments

#### **2. Decision Process**

A Zoning Map Amendment is subject to major quasi-judicial review, which requires the City Council to consider whether the applicant has demonstrated compliance with approval criteria of the code sections identified above. In quasi-judicial reviews, the City Council assesses the application against applicable approval criteria and evaluates testimony received at the public hearing. The City Council has two decision-making options as follows:

1. Approve the application as recommended by the Planning Commission upon finding that all approval criteria have been met.
2. Deny the application upon a finding that it does not meet approval criteria.

The final decision on this application must be made by November 13, 2001 in accordance with the Oregon Revised Statutes.

**3. Evaluation of Approval Criteria**

**Section 903 Requirements for Zoning Map Amendments.**

The applicant has provided required submittal information in accordance with criteria of Section 903.

**Section 905 Approval Criteria for All Amendments.**

The Planning Commission found that the proposal meets the criteria of Section 905. The following discussion addresses the approval criteria of Section 905 of the Zoning Ordinance that are applicable to the proposed zone change application.

**A. The proposed amendment must conform to applicable Comprehensive Plan goals, policies, and objectives and be consistent with the provisions of City ordinances, Metro Urban Growth Management Functional Plan, and applicable regional policies.**

The proposed amendment conforms with applicable Comprehensive Plan Goals as follows:

**Residential Land Use and Housing Element**

- 1. Objective #2, Density and Location -The request supports provision of a range of housing types, while not dramatically altering the character of the existing neighborhood.
- 2. Objective #4, Neighborhood Conservation - The request results in potential for future development that will maintain a single family building bulk, scale and height.

R-7 zoning is consistent with the site’s Comprehensive Plan Land Use designation.

**B. The anticipated development must meet the intent of the proposed zone, taking into consideration the following factors: site location and character of the area, the predominant land use pattern and density of the area, the potential for mitigation measures adequately addressing development effects, any expected changes in the development pattern for the area, the need for uses allowed by the proposed zone amendment, and the lack of suitable alternative sites already appropriately zoned for the intended use or uses. The Planning Commission and City Council shall use its discretion to weight these factors in determining the intent of the proposed zone.**

The applicant has provided a conceptual lot layout that shows a development that meets the intent of the R-7 zone. Development adjacent to the project

site is zoned R-10PD and consists of high-density condominiums and detached single-family homes, approved through a planned development process. The proposed zone change will serve as a transition between adjacent lower density R-10 zoned property to the south and adjacent high-density development to the north.

**C. The proposed amendment will meet or can be determined to reasonably meet applicable regional, state or federal regulations.**

Staff is unaware of any regional, state or federal regulation that are applicable to the proposed zone change.

**D. The proposed amendment demonstrates that existing or planned public facilities and services can accommodate anticipated development of the subject site without significantly restricting potential development within the affected service area.**

The Public Works Department has reviewed the proposed zone change and has found that public facilities are adequate to serve development of the site under the proposed zoning.

**Comments**

Forris Frick, Lake Road Neighborhood Association, Land Use Chair.

“This application to change 3 lots to 4 and change from R-10 to R-7, appears to be a definite up grade for the property. Its present state is rather Jungle like. As the applicant states, on one side are R-10 lots but the other side are condos. This property being R-7 should be a modifying buffer. I can see no obvious reason to refuse this application.”

Paul Roeger, Civil Engineer, Public Works.

The Public Works Department has reviewed the proposed zone change and provided comments addressing availability of services and the standards that would be applicable for future development of the site.

**Recommended Findings In Support of Approval**

1. The proposed amendment conforms with applicable Comprehensive Plan Goals, Policies and Objectives, and the Metro Urban Growth Management Functional Plan.
2. The anticipated development meets the intent of the proposed zone. The conceptual development plan meets the standards of the proposed R-7 Zone.
3. Development adjacent to the project site is zoned R-10PD and consists of high-density condominiums and detached single-family homes, approved through a planned development process. The proposed zone change will

serve as a transition between adjacent lower density R-10 zoned property to the south and adjacent high-density development to the north.

4. Application ZC-01-01 has been processed and public notice provided in accordance with requirements of Zoning Ordinance Section 1011.4 Major Quasi-Judicial Review.

**Concurrence**

The Planning Commission conducted a public hearing on September 25, 2001 and recommended approval of the application to the City Council. The Public Works Department has provided comments regarding street and utility improvements that will be required when the property is developed (See Exhibit 5).

**Fiscal Impact**

The zone change will not have any City budget impacts.

**Work Load Impacts**

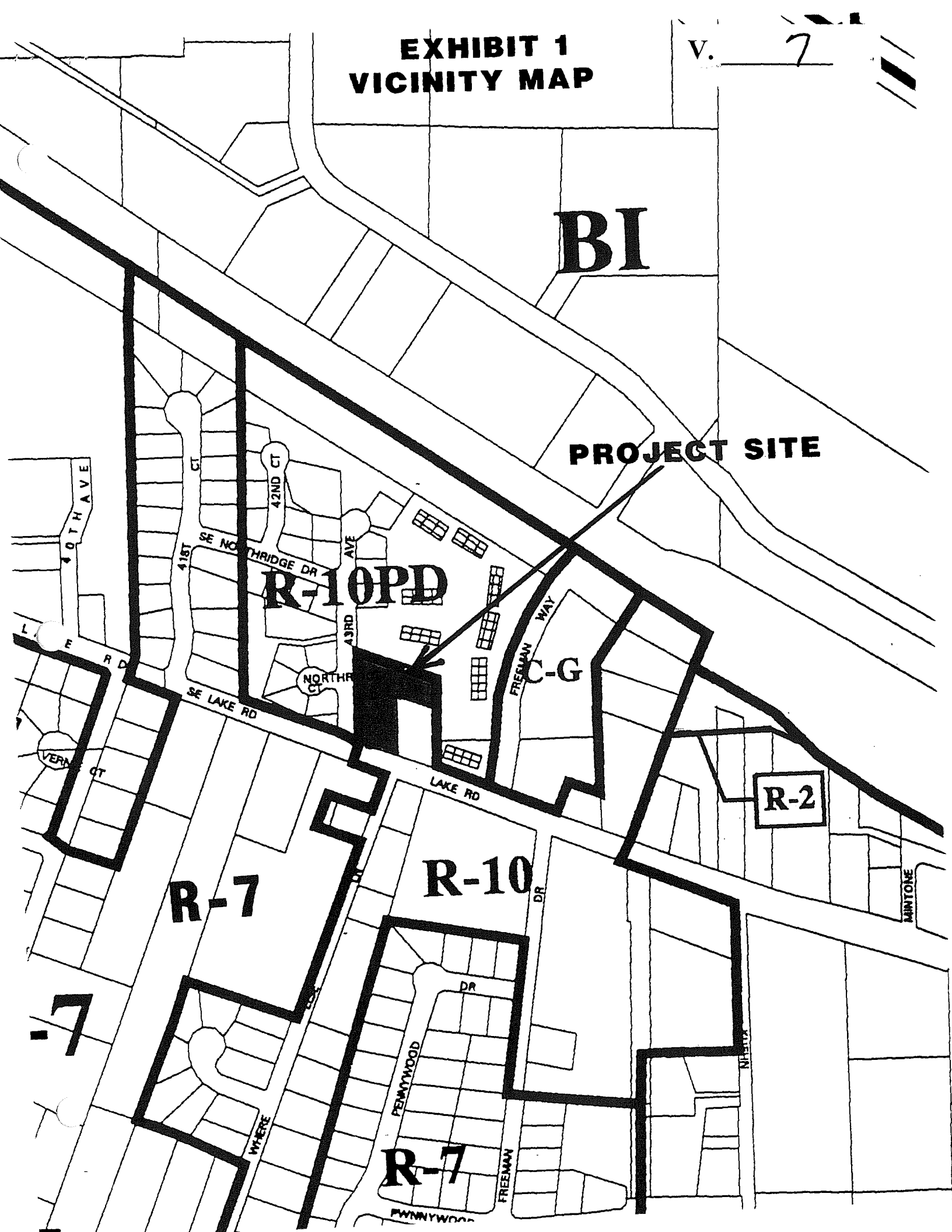
Approval of the zone change will not result in work load impacts. The zone change will increase development potential by one lot for which the City will provide services.

**Exhibits**

1. Vicinity Map
2. Applicant's Narrative
3. Existing and Conceptual Lot Layout
4. Comments
5. Comments Received at 9-25-01 Planning Commission Meeting
6. Staff Recommended Finding to Planning Commission, 9-25-01
7. Draft Ordinance approving a Land Use Designation Change

# EXHIBIT 1 VICINITY MAP

V. 7



**BI**

**PROJECT SITE**

**R-10PD**

**C-G**

**R-2**

**R-7**

**R-10**

**R-7**

**R-7**

40TH AVE

41ST CT

42ND CT

43RD AVE

SE NORTH RIDGE DR

NORTH CT

FREEMAN WAY

SE LAKE RD

LAKE RD

PENNYWOOD DR

FREEMAN DR

MINTONE

WYERE

MINTONE

PENNYWOOD

V. 8

**EXHIBIT 2**  
**(3 pages)**

903.1

A.

B. OUR INTENT IS TO MAKE 4 LOTS (R7) FROM THREE R10 LOTS.

C. THERE IS A SLOPE ALONG 43<sup>RD</sup>. ALL UTILITIES WILL BE ON 43<sup>RD</sup> OR LAKE. THERE WILL BE NO OPEN SPACES, AND THE PROPERTY IS CURRENTLY USED AS R10 RESIDENTIAL.

D. THE INTENDED USE IS R7 RESIDENTIAL.

905.1

B. I AM SURROUNDED BY R10 PUD CONDOS, AND KITTY-CORNERED ACROSS THE STREET FROM R7. MOST OF THE CITY OF MILWAUKIE IS R7. ALSO, I AM ABUTTING A 3-PLEX.

C. METRO PLAN IS NOT TO MOVE THE BOUNDARY OUT, THUS FORCING DEVELOPMENT WHERE UTILITIES ARE PRESENT. THERE ARE NOT A LOT OF R10 SITES LEFT.

D. ALL UTILITES ARE PRESENT AT CURB AND WILL NOT AFFECT POTENTIAL DEVELOPMENT.

THIS PROJECT IS OF BENEFIT TO THE CITY OF MILWAUKIE, AS IT WILL BRING IN APPROXIMATELY \$10,000 WORTH OF FEES FOR WATER, SEWER, BUILDING PERMITS, ETC. ALSO, I AM WILLING TO IMPROVE CURBS AND SIDEWALKS ON LAKE STREET, WHICH WILL BENEFIT THE CITY AND COUNTY.

07/15/2001 10:24 000001012  
V. 9  
Lowell Wittke  
P. O. Box 2193  
Lake Grove, Oregon 97035

Via FAX 503-774-8236 and mail

July 15, 2001

Kenneth Kent  
City Of Milwaukie  
6101 SE Johnson Creek Blvd.  
Milwaukie, Oregon 97206

RECEIVED

JUL 16 2001

CITY OF MILWAUKIE  
PLANNING DEPARTMENT

RE: Zone Change Application ZC-01-01

Dear Mr. Kent:

In response to your letter of July 6, 2001, I have reviewed Section 905.1 and have made the following comments regarding my proposed zone change request.

**Objective #1, Buildable Lands:**

Our proposal meets these criteria. We plan to using standard building techniques and there are no special applications. Our Lake Road site has multi-units on one side, single family residences on a second side and we are "kitty" corner to a R-7 site.

**Objective #2, Residential Land Use, density and location:**

Our proposal meets these criteria. Our Lake Road site is on a major traffic route in the Milwaukie area and served by area transit. We are proposing a change from three lot division to a four lot division of single family detached dwellings, which will not numerically adversely affect the estimate of dwelling unit capacity identified on Table 2. Since our site is situated between multi-units and single family dwellings, R-7 lots would allow a gradual transition between these. No redevelopment is required as all major services are available on site. The proposed change would not affect the natural environment or create any natural hazards.

**Objective #3, Residential Land Use, design:**

Our proposal meets these criteria. Due to the physical location of our site between multi-units and across from R-7 sites, this change would strengthen the single family environment in this Milwaukie neighborhood. All driveways will be on SE 43<sup>rd</sup> and not affect the traffic on Lake Road. All trees will be preserved except those ins the sidewalk right-away. All trees will be protected by protective fencing during construction.

**Objective #4, Neighborhood conservation:**

Our proposal meets these criteria. There is only one structure on this site which is poorly situated in the northeast corner of the site. This structure would be extremely difficult to

V. 10

rehabilitate due to construction defects. This structure does not fit into the current neighborhood aesthetic. Our proposed development would be single family detached homes with a maximum of two stories.

Objective #5, housing choice:  
Our proposal meets this criteria. The proposed site would be built with single family homes comparable to the affordable homes in the adjacent R-7 subdivision.

Objective #6, housing assistance:  
Our proposal meets this criteria. These homes will be moderate priced homes.

I believe these responses address all the objectives and policies that you requested. If you have any further questions please contact me at 503-760-7609.

Sincerely,



Lowell Wittke

AGE 1, THEREAFTER FOLLOWING THE CURVE DESCRIBED BY THE CURVE DATA  
S 52° W 215.60 FEET TO THE POINT OF BEGINNING. CONTAINING

# EXHIBIT 3 (2 pages)

Existing Lot Layout

V. 11

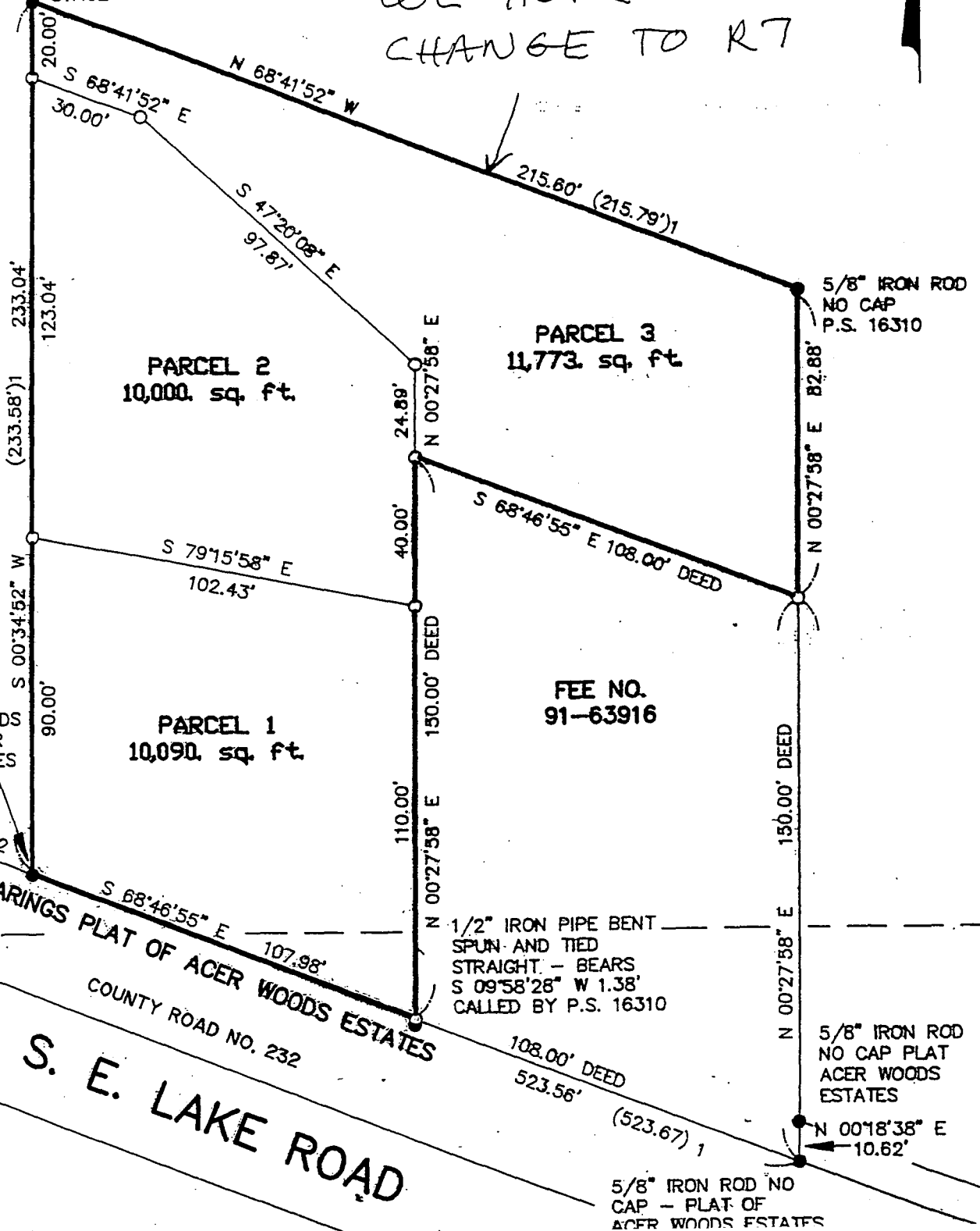


PARCELS 1, 2 & 3  
ARE R10 LOT &  
WE HOPE TO  
CHANGE TO R7

50.00'

S.E. 43rd AVENUE (LEILANI LANE)

POINT OF BEGINNING  
2" IRON PIPE INITIAL POINT  
NORTHRIDGE CONDOMINIUM,  
STAGE 1



DLC NO. 38  
DLC NO. 61

S. E. LAKE ROAD

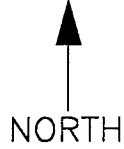
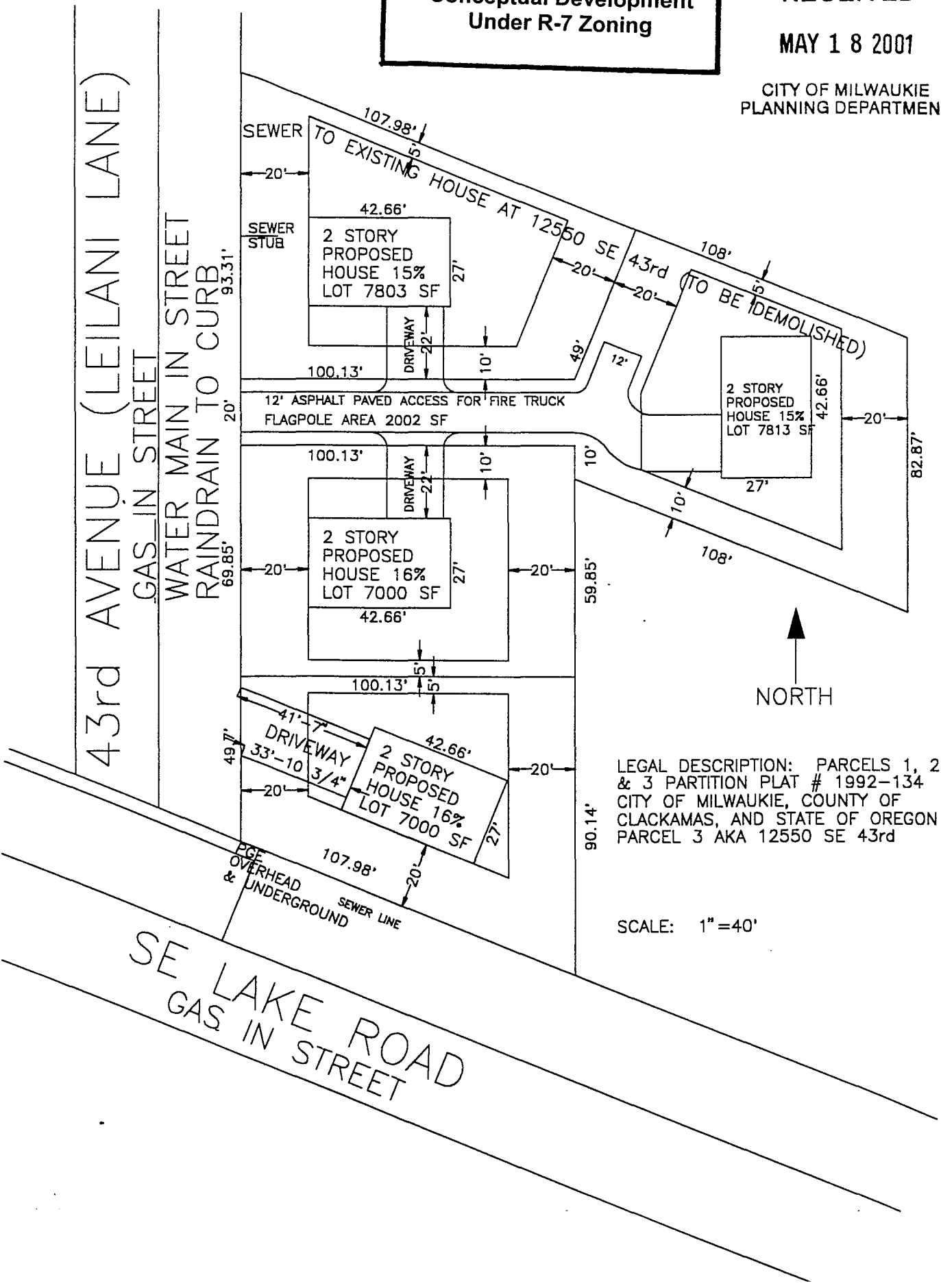
5/8" IRON ROD NO  
CAP - PLAT OF  
ACER WOODS ESTATES

V. 12

**Conceptual Development  
Under R-7 Zoning**

**RECEIVED  
MAY 18 2001**

**CITY OF MILWAUKIE  
PLANNING DEPARTMENT**



LEGAL DESCRIPTION: PARCELS 1, 2, & 3 PARTITION PLAT # 1992-134 CITY OF MILWAUKIE, COUNTY OF CLACKAMAS, AND STATE OF OREGON PARCEL 3 AKA 12550 SE 43rd

SCALE: 1"=40'

# EXHIBIT 4

V. 13

## MEMORANDUM

**TO:** COMMUNITY DEVELOPMENT

**FROM:** Paul Roeger *P. Roeger*  
Civil Engineer

**RE:** ZC-01-01  
12250 SE 43<sup>rd</sup> Avenue

**DATE:** August 29, 2001

43<sup>rd</sup> Avenue is a local street with a dedicated 50-foot right-of-way with a 32-foot curbed street centered in the right-of-way. There is sidewalk on the west side of the street only. The developer must install a 5-foot setback sidewalk, or if topography does not allow, a 6-foot curb tight sidewalk must be installed along the entire frontage of 43<sup>rd</sup> Avenue.

Lake Road is an arterial street with a dedicated 60-foot right-of-way with a two lane asphalt street with bike lanes on both sides of the street, and no curb or sidewalk. The developer must install curb along the entire frontage of Lake Road along with a 6-foot setback sidewalk to City standards per the Lake Road multi-modal plan. Additional right-of-way dedication may be required on Lake Road. No driveways will be permitted from Lake Road. All access to these lots must be from 43<sup>rd</sup> Avenue.

City water is available on the west side of 43<sup>rd</sup> Avenue from an 8-inch main, and on the south side of Lake Road from a 12-inch main. There is one existing service for the existing house off of Lake Road. Credit will be given for one service; however, all new services will need to be installed from 43<sup>rd</sup> Avenue. The old service off of Lake Road must be cut and capped at the main.

City sanitary sewer is available in the center of 43<sup>rd</sup> Avenue and on the north side of Lake Road. There is one existing lateral from 43<sup>rd</sup> Avenue for the existing house that may be used for one of the new lots. Three additional laterals must be extended in to the other new lots.

There is an existing storm drainage line on the north side of Lake Road and in 43<sup>rd</sup> Avenue from Northridge Court north. Rain drains may be run to the curb. The flag lot driveway must install an inverted siphon catch basin at the low point to collect the storm water and pipe it to the curb or to the storm system in 43<sup>rd</sup> Avenue. The driveway for the flag lot must have an inverted crown or sloped to one side and have a berm installed along that edge to direct the storm water to the catch basin.

An erosion control plan and permit application must be submitted along with the engineered plans for public improvements. A separate erosion control plan is required for the demolition plan for the existing house and for each building permit application. The erosion control must be in place and inspected before any other work is started.

Full-engineered plans must be submitted to the City Engineering Department for review and approval before any work is started. The improvements must be constructed or bonded and the

inspection fee paid before the final plat will be signed by the City. A pre-construction meeting must take place with the contractor doing the work before any of the underground or street work is started. All utility connections to the lots must be underground.

Credit will be given for the one house on the property toward the system development charges (SDCs) for sanitary sewer, water, storm drainage, transportation, and parks and recreation. The SDC per single-family residence (SFR) for sanitary sewer is \$893.00, for water is \$1,095.00, for storm drainage is \$473.00, for transportation is \$1,339.80, and for parks and recreation is \$950.00. All SDCs must be paid at the time the building permit is issued.

Conditions of approval should be stated as follows:

1. The developer must install a 5-foot setback sidewalk, or if topography does not allow, a 6-foot curb tight sidewalk must be installed along the entire frontage of 43<sup>rd</sup> Avenue.
2. The developer must install curb along the entire frontage of Lake Road along with a 6-foot setback sidewalk to City standards per the Lake Road multi-modal plan. Additional right-of-way dedication may be required on Lake Road. No driveways will be permitted from Lake Road. All access to these lots must be from 43<sup>rd</sup> Avenue.
3. The old water service off of Lake Road must be cut and capped at the main, and all new services must be installed from 43<sup>rd</sup> Avenue.
4. There is one existing sanitary sewer lateral from 43<sup>rd</sup> Avenue for the existing house that may be used for one of the new lots. Three additional laterals must be extended in to the other new lots.
5. Rain drains may be run to the curb. The flag lot driveway must install an inverted siphon catch basin at the low point to collect the storm water and pipe it to the curb or to the storm system in 43<sup>rd</sup> Avenue. The driveway for the flag lot must have an inverted crown or sloped to one side and have a berm installed along that edge to direct the storm water to the catch basin.
6. An erosion control plan and permit application must be submitted along with the engineered plans for public improvements. A separate erosion control plan is required for the demolition plan for the existing house and for each building permit application. The erosion control must be in place and inspected before any other work is started.
7. All utility connections to the lots must be underground.
8. Full-engineered plans must be submitted to the City Engineering Department for review and approval before any work is started. The improvements must be constructed or bonded and the inspection fee paid before the final plat will be signed by the City. A pre-construction meeting must take place with the contractor doing the work before any of the underground or street work is started.
9. All SDCs must be paid at the time the building permit is issued.

**EXHIBIT 5  
(2 pages)**

Received at 9-25-01  
Planning Commission Meeting

Rebuttal to Staff Report

In response to Section VIII, item I, it has not been demonstrated that there is sufficient need for R7 lots. I do not see how the staff can make this claim, as there have been no studies which conclusively support or deny this subjective claim.

I do not think the staff has a consistent policy on this issue. I was in the process of buying a lot at \_\_\_\_\_ and \_\_\_\_\_. The original owners (the Morrises) had a 100 x 100 lot, which they wanted to divide into two lots; however, the original house was encroaching on the second lot. They then applied for and received staff approval of a 500 foot variance, which resulted in a 4,500 square foot lot. It is therefore apparent that the staff felt there was a need for a postage size lot of 4,500 square feet. The staff is encouraging affordable housing on a dinky lot. We agree that every city should have a goal of affordable housing.

Now, when it comes to my lots, the staff has reversed its position, and claims that it needs 10,000 square foot lots. I do not see why there is a need for a 4,500 square foot lot, but there is no need for a 35% bigger lot of 7,000 square feet. Also, my layout of lots will require no variance, which was granted to the Morrises.

In response to Section VIII, item 2, the increased density proposed by the zone change is not consistent with the type, style, and density of the surrounding neighborhood in that it would not provide a similar open space character.

I do not see how the staff can make this claim. Does this mean that the 3,000 square foot difference between R7 and R10 really provides a major difference in open space? How much open space do the R7 lots kitty-cornered across the street have? If open space is so important, then why allow R7 and R5 lots anywhere in the city?

Besides, Dr. Forris Frick, the Lake Road Neighborhood Association land use chair, states that on one side are R10 lots, but the other side consists of condominiums. This property, being R7, should be a modifying buffer. I can see no obvious reason to refuse this application. I further note that there are R7 lots kitty-cornered across the street, which also provides a buffer. Also, I am adjacent to a 3-plex site, which works out to about 5400 square feet per unit.

I think the views of the Neighborhood Association, including Dr. Frick, who approve my 7,000 square foot lots should outweigh the views of the staff, since this neighborhood is going to have to live with the decision, not the staff.

It is interesting to note that in talking to Kenneth Kent, I received a mixed reaction from the staff in response to this application. This tells me that it is not a 100% denial.

Furthermore, at 10,000 square feet, these lots will have to sell for \$80,000 each instead of a more affordable price of \$60,000 if divided into four lots. We feel that affordable housing should take precedence over demonstration of need for R7 lots and similar open space character.

In the future, the city may require greater housing density, as the City of Portland is now encouraging. If this zone change is not allowed, it will be the last chance, because there will be no chance to physically divide the lot into higher density later.

Sincerely,

Lowell Wittke

V. 16

ing Commission

Received at 9-25-01  
Planning Commission Meeting

From: Joseph W. Pai

Date: September 25, 2001

Subject: Zoning Amendment to change the Zone Classification from Residential R-10 to Residential R-7 of the property at the northeast corner of Lake Road and 43<sup>rd</sup> Avenue.

#### REASONS TO SUPPORT THE AMENDMENT FOR ZONING FROM R-10 TO R-7

The Application meets all criteria for amendment under Section 905 of Zoning Ordinance.

- A. It is "consistent in type, style, and density with that existing in the neighborhood area". Except for across the street from Lake Road, it is surrounded by high-density small homes in PUD, multilevel condos, and a triplex. The single family PUD development has smaller homes usually less than 2,000sf and lots size approximate R-7 zoning. The open space areas are not between houses, they are mostly in steep hills between the development and the freeway and not noticeable as open spaces. The combination of multilevel condos and smaller and closely built homes of a PUD is high density. Therefore, amending the zoning from R-10 to R-7 is consistent with the density in this neighborhood.
- B. The layout for the amended zoning meets the standards of R-7 zone.
- C. The proposed zoning is consistent with Metro Functional Plan.
- D. The Public Work Department has found public facilities are adequate for the proposed development.

The existing zoning is not economical for development.

These R-10 lots have not been developed because it is non-economical to build on large lot for this location. To be profitable to build on R-10 lot, bigger house of over 2,000 SF needs to be constructed and sell at higher price. These lots being so close to the busy and noisy Lake Road will not sell with higher price homes. They will be left undeveloped in their present unsightly condition of bushes, weeds and blackberries.

Approval of amendment will improve the neighborhood

Based on the layout, nice houses and landscaping will occupy this property and beautify the neighborhood and improve living and health condition.

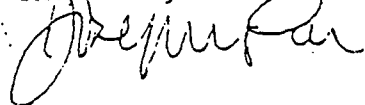
Provide affordable housing and promote use of public transportation

Smaller and affordable homes can be offered to the public. Being right next to Lake Road, there is more likelihood for the middle income home owners to use the bus as a means of transportation. The benefits are reducing traffic congestion, wear and tear of public street, cost of road maintenance, lower cost of police and fire service to higher density areas.

Proposed development will add revenue to the City.

The proposed development shall be economical, feasible and immediate. Completed homes will increase the assessment of taxes and revenue to the City. The additional revenue will allow the City to provide better services to all Milwaukie residence.

Respectfully submitted:



# EXHIBIT 6

V. 17

## Application ZC-01-01

Staff Recommended Findings

September 25, 2001 Planning Commission

### Findings for Denial

1. It has not been demonstrated that there is sufficient need for R-7 zoned lots to warrant the zone change.
2. The proposed zone change is not in conformance with Object #1, Policy 4 of the Neighborhood Element of the Comprehensive Plan (Chapter 4-Land Use). The increased density proposed by the zone change is not consistent with the type, style and density of the surrounding neighborhood, in that it would not provide a similar open space character.
3. Application ZC-01-01 has been processed and public notice provided in accordance with requirements of Zoning Ordinance Section 1011.4 Major Quasi-Judicial Review.

## EXHIBIT 7

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING AN AMENDMENT TO THE ZONING MAP, CHANGING THE ZONING CLASSIFICATION FROM RESIDENTIAL R-10 TO RESIDENTIAL R-7.**

**WHEREAS**, the City of Milwaukie desires to review, and amend and revise its Zoning Ordinance and Map on a regular basis; and

**WHEREAS**, review of the proposed Zone Change has been coordinated with the appropriate neighborhood groups and affected agencies; and

**WHEREAS**, on September 25, 2001, the Planning Commission held a duly advertised Public Hearing on the proposed amendment and recommended that the City Council approve the proposed zone change; and

**WHEREAS**, the City Council held a duly advertised Public Hearing on November 6, 2001;

**NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:**

Section 1. Findings. Finds of fact in support of this proposed zoning map amendment are as follows:

1. The proposed amendment conforms with applicable Comprehensive Plan Goals, Policies and Objectives, and the Metro Urban Growth Management Functional Plan.
2. The anticipated development meets the intent of the proposed zone. The conceptual development plan meets the standards of the proposed R-7 Zone.
3. Development adjacent to the project site is zoned R-10PD and consists of high-density condominiums and detached single-family homes, approved through a planned development process. The proposed zone change will serve as a transition between adjacent lower density R-10 zoned property to the south and adjacent high-density development to the north.
4. Application ZC-01-01 has been processed and public notice provided in accordance with requirements of Zoning Ordinance Section 1011.4 Major Quasi-Judicial Review.

- 5. The application is consistent with the following Comprehensive Plan Objectives under the Residential Land Use and Housing Element:
  - A. Objective #4, Neighborhood Conservation - The request results in potential for future development that will maintain a single family building bulk, scale and height.
  - B. Objective #2, Density and Location -The request supports provision of a range of housing types, while not dramatically altering the character of the existing neighborhood.

Section 2. Zoning Map Amendment. The Zoning Map amendment from Residential R-10 to Residential R-7, as shown in Exhibit 1, attached and made a part hereto, is adopted, thereby amending the Zoning Map.

Read the first time on \_\_\_\_\_, and moved to second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the City Council on \_\_\_\_\_.

Signed by the Mayor on \_\_\_\_\_.

\_\_\_\_\_  
Jim Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:  
Ramis, Crew, Corrigan & Bachrach, LLP

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney



**To:** Mayor and City Council

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

**From:** Roosevelt Carter, Program Services Coordinator *RC*

**Subject:** Safeway Project - Redevelopment Update

**Date:** November 6, 2001

**Action Requested**

No action is requested. - Update is for your information and feedback.

**Background**

In July the City of Milwaukie adopted a resolution directing City staff to "take the necessary steps to acquire a CIF (Community Incentive Fund) loan . . ." from the Oregon Housing and Community Services Department to purchase the Safeway property. In September the City adopted another resolution "approving the terms and conditions of a loan from the OHCS Department to purchase the Safeway property in downtown Milwaukie.

Last week the City released a Request for Proposals to do a market development study. The study will be done in two phases:

1. Phase I will provide current market and demographic information for the Milwaukie area. This information has not been gathered for the City and will help to determine a marketable mix of uses, income, and development potential when combined with the Downtown Plan and zoning.
2. Phase II will entail a more focused assessment of use mix options that balance the City's desire to "jump start" downtown revitalization with a developer's interest in financial incentives. A high quality development that recoups the City's investment in the property is the criteria for a successful developer partnership. This phase will also consider how the City can address the Oregon Community Incentive Fund goals.

The results of phase I and II will be shared with the community and will ultimately be useful in helping the City evaluate developer proposals for the site. Staff will

begin selecting a consultant for the market study on October 31, with Phase I completion expected by the end of November.

The next steps in the development process are:

<p><b>1. Nov. 2001</b></p>	<p><b>Site Acquisition / Market Development Study</b></p> <ul style="list-style-type: none"> <li>▪ Complete site acquisition;</li> <li>▪ Select market development consultant; and</li> <li>▪ Begin Phase I of Market Study.</li> </ul>
<p><b>2. Dec. 2001 - Jan. 2002</b></p>	<p><b>Market Study / Public Outreach</b></p> <ul style="list-style-type: none"> <li>▪ Complete Phase I of market study;</li> <li>▪ Share results with community and get feedback from area stakeholders;</li> <li>▪ Begin Phase II of market study</li> <li>▪ Review development "mix" options; and</li> <li>▪ Share results with community and get feedback from area stakeholders.</li> </ul>
<p><b>3. Winter/Spring 2002</b></p>	<p><b>Developer RFP / Developer Selection</b></p> <ul style="list-style-type: none"> <li>▪ Draft and release the Request for Proposals from developers;</li> <li>▪ Recruit Proposal Review Committee;</li> <li>▪ 1<sup>st</sup> review of developer proposals;</li> <li>▪ Open House to review proposals; and</li> <li>▪ Final review of proposals and selection of a developer/partner.</li> </ul>
<p><b>4. To Be Determined</b></p> <p style="text-align: center;">Tentative - Spring/Summer 2002</p>	<p><b>Development Design</b></p> <ul style="list-style-type: none"> <li>▪ Review developer proposals;</li> <li>▪ Conduct appropriate public outreach; and</li> <li>▪ Finalize development design.</li> </ul>
<p><b>5. To Be Determined</b></p>	<p><b>Zoning Amendments</b></p> <ul style="list-style-type: none"> <li>▪ Amend zoning for the site, as necessary;</li> <li>▪ Conduct appropriate public outreach; and</li> <li>▪ Adopt zone changes.</li> </ul>
<p><b>6. To Be Determined</b></p>	<p><b>Permitting &amp; Site Development</b></p>

**Concurrence**

The Safeway Redevelopment Project Team composed of the following staff members:

- *City Manager;*
- *Community Development Director;*

- *Planning Director;*
- *Neighborhood Services Manager;*
- *Finance Director; and*
- *Engineering Director*

has reviewed the project tasks and proposed schedule.

**Fiscal Impact**

- The cost of the market study is being paid through a grant from the Mt. Hood Economic Alliance and is expected to cost about \$15,000.
- The Safeway Site Acquisition is funded by a 15 year 1% loan from the State of Oregon Community Incentive Fund.

**Attachments**

None

North Clackamas Parks and Recreation District  
**MILWAUKIE CENTER**  
**Center/Community Advisory Board**  
Minutes for September 14, 2001

Members Present: Eleanor Johnson, Chair; Molly Hanthorn, Stan Keltz, Jim McCready, Alice Neely, Joan Newman, Joan Staley, Carol Storment, Ben Tabler, Janet Witter

Members Excused: Marc Burnham, Judith Garvey, Karen Kasserman, Mary Siberz

Staff Present: Cheryl Nally, Joan Young

**I. CALL TO ORDER:** Chair Eleanor Johnson called the meeting to order at 10:03.

**II. MINUTES:** Motion to approve the minutes as presented by Jim McCready, seconded by Stan Keltz. Motion passed.

**III. GUESTS:** None

**IV. CORRESPONDENCE:** Joan Young mentioned that the bylaws approval, and reappointment of City of Milwaukie representatives will be on the consent agenda on September 18. The new board member approval by the Board of County Commissioners on Judith Garvey will be considered at the BCC's September 18 work session.

**V. DISCUSSION ITEM:** Eleanor Johnson stated that the Center/Community Advisory Board needed to have someone who would serve as the liaison/Board member to the District Parks Advisory Board. Eleanor serves as alternate to the appointed board member and would prefer to keep it that way. Eleanor asked all members to consider this appointment and to talk to either her or Joan Young about the details.

**VI. BOARD/COMMITTEE REPORTS:**

**North Clackamas Parks and Recreation District Advisory Board** – Eleanor Johnson attended the September 13 evening meeting. The Board of County Commissioners and the County Administrator were present. Sarah Eraker, who used to serve on the Board and continues to be active with the Sunnyside Neighborhood Board put a request for NCPRD to pay for one of five speed bumps (~\$2,500) that will be erected in the Southern Lites neighborhood due to greatly increased traffic concerns. The Board will consider the request at their next board meeting. An announcement was made that the Springwater Corridor trail will be completed between OMSI and Gresham. A lengthy presentation was given by the Master Plan consultants to update the Board on the Master Plan to date. Two discussion papers were distributed. Board members were encouraged to give comment after reviewing the papers. Recreation Services staff gave a report on the summer program outcomes. Mike Henley stated that final interviews for the Aquatic/Leisure Manager position will be done on September 21.

## VII. A. 2

**Budget** – Jim McCready handed out Milwaukie Center funding comparisons between '99-'00 and '00-'01. The Center's overall tax base funding decreased from 40% to 38%, combining all budgets.

**Programs/Services** – Molly stated that there was no meeting this month.

**Nutrition/Transportation** – Ben stated that only two Committee members showed up for the Committee meeting this week. He handed out statistics for the Nutrition Program as compared to the other sites in Clackamas County. Milwaukie Center Meals on Wheels numbers went up significantly due to the frozen meal program, and the congregate went down.

**Building Review** – Stan reported that during closure week, the Center received a lot of painting, bathrooms had new faucets installed and the stalls were painted, and carpeting throughout except the main hallway and staff offices. Chuck Kerns, Maintenance staff, received praise from the Building Review Committee for obtaining cost effective services. The Board members present concurred that they provide a special thank you from them to Chuck. Stan suggested that hand washing reminder signs be put up in the bathrooms.

**History** – No report, per Janet Witter.

**Friends of the Milwaukie Center, Inc.** – Joan Young reminded Board members that it is desirable to have a Board member that crosses over and attends both the Friends Board meetings and the C/CAB meetings. She handed out the current Friends Board member roster. Friends Endowment Committee have Entertainment 2002 books available for purchase.

### **VII. DIRECTOR'S REPORT:**

Joan Young handed out the monthly report for August, the new fall Program Guides, and information from National Council on Aging website. Joan reminded the Board of the North Clackamas Art Guild Annual Art Show and Sale this weekend at the Center.

**VIII. INFORMATION/ANNOUNCEMENTS:** Eleanor Johnson reminded the board members of the North Clackamas Parks Foundation Fund-raising Dinner September 23.

**IX. ADJOURNMENT:** At 11:10, Eleanor Johnson requested a motion to adjourn the meeting. A motion was made by Joan Staley, seconded by Molly Hanthorn, motion carried.

North Clackamas Parks and Recreation District  
**MILWAUKIE CENTER DIVISION**  
Monthly Report for September, 2001

***Programs and Services:***

Milwaukie Center recently received the Oregon Association of Senior Center top award for programs that attract younger seniors, noting the development of The Bistro as an alternative to the Older Americans Act-mandated full lunch meals, along with a large number of leisure and learning activities held both on-site and in the community to target special groups and networks. The award was presented at the Oregon Parks & Recreation Association conference banquet in Seaside.

Fall classes at the Center have started out with a bang. Enrollment numbers are expected to be around 490+ students by the term's end in December. Taking top honors for growth and the infusion of new students this term are watercolor, introductory Spanish and bridge classes.

Volunteers who plan and escort Center recreational trips have added a host of affordable day trips to their schedule, utilizing the Center's Transportation Program bus resources. Destinations include a community college play, a Beaver's game, OMSI, Ft Vancouver and, come Christmas, Expo's Festival of the Trees. Unlike larger charter bus trips requiring 40-50 travelers, Center busses accommodate 15-20 people at a time.

North Clackamas Arts Guild held its annual Art Show and Sale 2001 September 15 & 16 at the Center. Around eighty artists displayed over 230 paintings in many mediums. The Parks District is a proud sponsor of the Arts Guild, collaborating on numerous workshops throughout the year as well as the annual exhibit.

***Fund-raising:***

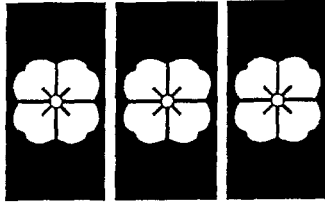
The Friends of the Milwaukie Center are selling the 2002 edition of Entertainment Books. From the sale of each book, \$8.00 goes to the Endowment Fund to provide for future funding of the Milwaukie Center.

***Staff:***

The Milwaukie Center staff "dug in" and "dug out" during the annual maintenance closure week. Headed by Maintenance Specialist, Chuck Kerns, much of the Center received a fresh coat of paint, new faucets were installed in the public bathrooms, bathroom stalls were repainted, and most of the public areas were recarpeted. At the same time, the Center continued to serve the older adult population through telephone contacts, delivery of meals on wheels and groceries, and medical escort service.

Cheryl Nally and Lisa Rogers attended the annual Oregon Recreation and Park Association Conference in Seaside, which was done in coordination with the Oregon Association of Senior Centers this year. Pat Kennedy and Lisa both attended the pre-conference workshops on benefit-based goals and objectives as well as creating joint partnerships.

C I T Y ' O F



MILWAUKIE

# Ledding Library Board October Meeting

Monday, 10/22/01

6:30 PM

Ledding Library, Fiction Room

**Meeting called by:** Sue Trotter, Chair.

**Board Members:**

Members: Mark Docken, Pat Healy, Tom Hogan, Anna O'Guinn, Shannon Scott, Sue Trotter, and Ed Zumwalt.

Staff: Cynthia Sturgis

## Agenda topics

Call to order - Sue Trotter

Introduction of new board member

Downtown development plan – Ken Kent, Alice Rouyer, Planning Dept.

Approval of minutes

Librarian's report - Cynthia Sturgis

Old business

1. Building expansion update
2. Government education series

New Business

1. Future parking needs

Next meeting Monday, November 26, 2001.

**Please call Cynthia at 786-7584 if you cannot attend.**



# Ledding Library Board September minutes

6:30 PM  
Ledding Library

**Meeting called by:** Sue Trotter

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

Absent: Shannon Scott

Staff: Cynthia Sturgis

## Agenda topics

Approval of minutes

Approved as written.

## Librarian's report

Cynthia reported that a carpet pattern has been chosen. Kelly Somer, Facility's Manager, will prepare a proposal for Council approval. The library should be able to remain open during installation, although there may be some limited access during the process.

A copy of Kelly Somers's report about the feasibility of expanding the library at the present site was handed out and discussed by Board members. Members requested that Cynthia contact Kelly for clarification about setback requirements and the boundaries of the Ledding property.

At the Timothy Lake conference, city representatives expressed an interest in pursuing a joint parks/library district. Board members requested that Cynthia find out what the City of Milwaukee position is on this proposal.

No appointment has been made by the Council to fill the Board vacancy. Cynthia will check with Pat DuVal for an update on applications.

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Expansion project

Cynthia reported that a copy of the City personal services contract was sent to Dallas Shaffer to see if she could comply with city insurance requirements. Dallas had some question about aggregate coverage. This has been referred to Kelly for consideration. Providing her insurance coverage meets city requirements, a contract will be written and sent to her for signing. Kelly Somers has contacted a cost estimator who will also provide a preliminary drawing based upon the needs report from the consultant.

Pat Healy reported that Dallas's needs assessment would include building size, collection needs, computer and technology recommendations, and space needs for various services out to the year 2022. Guidance for the public involvement process would also be part of the report. She proposed to meet with the library planning group in the Fall, prepare a preliminary report by January and meet with the planning group again. The final report would be completed by February.

Board members recommend that Dallas Shaffer be contracted to provide a needs assessment for Ledding Library.

City Government Education series

The library's first presentation for the City Government Education series is scheduled for November 1 at 3:00. Pat Healy has agreed to represent the Board and give a short talk about Board responsibility's and plans for the library's future.

Riverfront Board Meeting Minutes  
September 13, 2001

Members Present: Stephen Loaiza, Mitch Wall, Michael Martin, Paul Verbout, Kathi Cardinalli, Mike Stacey

Staff: JoAnn Herrigel, Brion Barnett, Roosevelt Carter

Others attending: Ross Kevlin (ODOT), Kathy and Steve Olson, Gary Klein

Motion by Wall to approve the July 31, 2001 meeting minutes as amended by Verbout (regarding his and Cardinalli's comments on commitment to the Board). Motion seconded by Cardinalli and approved 5-1.

Gary Klein noted that Council had recently approved, on a consent agenda, funding for capital improvements to the wastewater treatment plant. He noted that given that the City's interest in removing the plant in the future it seemed counter-intuitive to be funding improvements. He asked if the City or the Riverfront Board had any members on the Treatment plant Board or organization. Herrigel said she would look into the recent agenda item and report back to the Board. There was also some interest expressed in having someone from the Treatment Plant come to talk to the Board.

Staff updates: Herrigel reported that the MDDA/Rotary cleanup project had been discussed with Council and had been conditionally supported. Herrigel said at the request of Council she was working with Jack Elder to develop a full proposal for Council that she would bring back to Council at their September 17 work session. She expressed confidence that the cleanup would move forward successfully.

Herrigel stated that City staff and the Johnson Creek Watershed Council were developing a work program for a February 2 volunteer event to enhance the area near the mouth of Johnson Creek. And finally, Herrigel reported that the Sept 9 Historic Park Walk from City Hall along the Waterfront to Elk Rock Island had attracted about 50 people per walk and received good reviews.

#### Downtown/Riverfront Project Activity Update

Herrigel noted that Alice Rouyer was unable to attend and so no update on downtown zoning and land use issues would be provided until a later date.

Roosevelt Carter, a city Program Services Coordinator, gave the group an update on the Safeway site development. He noted that previously the site had been targeted for a transit station and a mixed-use development. Citizens expressed great concern regarding this project due to the site's small size and potential parking issues for the Masonic Hall and the Library. He said the City is now pursuing an option to purchase the site with lottery funds with 1% /annum interest. If Council approves this idea Tues Sept 18, staff will pursue these funds and issue a notice to Safeway regarding the City's interest in

## VII. C. 2

purchasing the site. Carter also noted that the city has a grant from Mt Hood economic Development Commission to study the site's highest and best use. This market study would take about 60-90 days. Ultimately, an RFP would be released for developers to submit proposals for site development. The City would maintain 50% ownership in the site as a loan requirement.

Martin noted that he remembered there being some restriction in the lease regarding development of a grocery store on the site. Carter said he thought there was such a clause but didn't know how restrictive this was.

Carter was asked what the price for the site was and he responded that it was about \$750,000. He was also asked if developer would have to have funds for the development in hand? Carter suggested that that was one option. Carter noted that the development would include guidelines on parking and that it could be up to 4 stories high.

Brion Barnett, the City's Associate Engineer and Ross Kevlin from ODOT spoke to the group on the status of the McLoughlin project.

Brion stated that project analysis to date will be the starting point for a final design. He noted that the bike lanes are included on the street as per Metro and ODOT general policy. Barnett and Kevlin gave the following reasoning for this policy:

- Cyclists want to be on the same route as cars to facilitate commuting
- The speed differential of cars to bikes is similar with bikes on streets
- "Path of least resistance"???
- On street biking is more functional
- Bikes lanes can serve as breakdown lanes
- When bikers must move from street to paths often momentum is broken and hazards arise

Kevlin stressed that this was ODOT policy unless there were significant constraints such as the need to accommodate pedestrians. He noted that he felt that regarding bike lanes that ODOT and Metro were in sync with City policy.

Verbout noted that personally, as a biker, he felt safer off the street however he conceded that the transition from street to path can be difficult

Barnett said he felt that having both on and off street paths was legitimate. He simply didn't feel that off street only was viable.

Martin said he'd read recently that pedestrians and bikes don't like sharing paths and that he was ready to concede on the on-street bikeway issue. However, he did feel that the sidewalks should be expanded then from 6 feet in width to more like 10 feet.

Barnett noted that the Riverfront plan does, in fact have a separate away from the street for walkers and bikers. Kevlin noted that a 10' sidewalk could be considered but cost

may prohibit it in the long run. He also noted that typically 10' walks are installed near retail areas. Barnett concurred that the final design could consider wider sidewalks.

Verbout asked whether without the 6 foot bike lanes, McLoughlin traffic might be slower. Barnett responded that generally people don't change speed based on width of lanes but rather where the lines are placed.

Cardinalli asked why the plan seems to limit access to the River when the objective of the Riverfront Plan is to encourage people to go to the river. She wondered why we were decreasing intersections rather than opening them?

Kathy Olson noted that if the egress and ingress to the boat ramp is restricted people will go through downtown and may cause backups along McLoughlin.

Gary Klein suggested the City look at removing the cement bollards at Washington Street.

The group asked how final this plan was and how input could be provided. Brion encouraged all (especially boaters) to provide input at public hearings that would be held to review drafts of the final plan for the project.

Verbout asked if we would have continuity of trees along McLoughlin. He said he felt that would soften the streetscape along the Boulevard.

In response to Cardinalli's question regarding developing a plan B for Jefferson Street to allow more access to the boat ramp, Barnett stated that this is ODOT's road and we need to be sensitive to their issues.

K. Olson noted that when the City has downtown events – even without boats – that with the current design you will have a hard time moving cars in and out.

Kevlin noted that the idea of a town center as he understood it mostly to encourage pedestrian access not cars only.

Loaiza asked if the Marine Board had seen this plan and provided input. Barnett noted that they had attended the last input session. Herrigel also noted that the Marine Board had submitted written comments.

Barnett and Kevlin encouraged the Board and members to attend the upcoming hearings and to submit their comments for consideration.

Verbout expressed concern that major elements and concepts of the Riverfront plan were being ignored in the McLoughlin project. He asked that staff attempt to summarize the key issues the Board has stressed over the last three years. Examples given were:

- Access to the waterfront
- Vehicular traffic movement

## VII. C. 4

- Pedestrian bicyclist path access
- Decreasing noise from the roadway
- Linkage of the Riverfront to the city
- Opening the Riverfront to the public

Kevlin noted that ODOT initiated this project after the Riverfront plan had already been adopted into the comprehensive plan. The principles used in the project are reflected in the adopted Riverfront plan.

The group discussed the Riverfront plan elements for a while, raising questions about the consistency of this and other plans with the concepts in the Riverfront plan and the Board's discussions over the past few years. (Where's the bridge? What is pedestrian access in the Riverfront plan now? They expressed their concern that if they didn't represent their positions strongly enough that these issues would get swept under the rug.

Kathy Olson asked of the Board would make a firm recommendation on the boat ramp that night. Cardinalli made a motion that the boat ramp be placed on the agenda for the next meeting and that a decision be made on a recommendation to Council. (Motion was not seconded and members stated that they agreed to have the issue on the next agenda but would not commit to making a decision on it at that time.

The next meeting was set for 6 pm October 16<sup>th</sup> (an alternate date of the 15<sup>th</sup> was identified)

The group asked that staff work on a list of key issues to the Board before the next meeting.

Verbout motioned to adjourn, Cardinalli seconded and meeting adjourned at 8pm.