

CITY OF MILWAUKIE
CITY COUNCIL MEETING
DECEMBER 4, 2001

CALL TO ORDER

The 1875th 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
Brian Newman

Jeff Marshall

Staff present:

Mike Swanson,
City 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 November 19 & 20, 2001**
- B. **Metro Local Share Extension**
- C. **Resolution 41-2001: A Resolution of the City Council of the City of Milwaukie, Oregon, Determining the Regular Session in January 2002 Will Be Called to Order at 6:00 p.m. in the City Hall Council Chambers on January 8 and January 22; the Work Session Will Be Called to Order at 6:00 p.m. in the City Hall Conference Room on January 7.**
- D. **Resolution 42-2001: A Resolution of the City Council of the City of Milwaukie, Oregon, Determining the Second Regular City Council Session of December and the Work Session Will Be Held on December 17, 2001.**

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

None.

PUBLIC HEARING

None.

OTHER BUSINESS

The group discussed a community event on the riverfront to watch the Christmas Fleet.

Mayor Bernard announced plans to remove the Safeway Store sign on Harrison Street.

Councilor Marshall noted some of the recent City Council meetings have been short and suggested using that time for general discussions.

The group agreed to meet prior to the joint work session with the Clackamas County Board of Commissioners.

Swanson briefly discussed the City budget and the issue of Qwest withholding its franchise fee. He will work with staff to get an update on the North Industrial Land Use Study (NILUS).

The Council discussed the 2003 Centennial event and how to involve community groups such as the Chamber and Rotary.

ADJOURNMENT

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

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

Pat DuVal

Pat DuVal, Recorder

**CITY OF MILWAUKIE
CITY COUNCIL AGENDA
DECEMBER 4, 2001**

MILWAUKIE CITY HALL
10722 SE Main Street

1875th MEETING

REGULAR SESSION - 6:00 p.m.

- I. **CALL TO ORDER**
Pledge of Allegiance

- II. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

- 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 November 19 & 20, 2001**
 - B. **Metro Local Share Extension**
 - C. **January 2002 Meeting Dates -- Resolution**

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

- V. **PUBLIC HEARING** *(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*
None.

- VI. **OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*
None.

- VII. **INFORMATION**
 - A. **Riverfront Board Minutes, October 17, 2001**
 - B. **Planning Commission Minutes, November 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.

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

**MILWAUKIE CITY COUNCIL
WORK SESSION
NOVEMBER 19, 2001**

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

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

Budget Committee present: David Aschenbrenner, Chair; Peter Koonce, Secretary; Art Ball, Lamar Buckelew, and Arlene Ebner.

Staff present: City Manager Swanson, Finance Director Smith, Interim Community Development Director Rouyer, Associate Engineer Barnett; Information Specialist Wheeler; and Program Specialist Wachs.

Information Sharing

Councilor King reported on the Annual League of Oregon Cities Conference she and Mayor Bernard recently attended in Eugene. She has information on system development charges to share with Council. Oregon is providing the 2002 National Christmas Tree in Washington, D.C., and Milwaukie has an opportunity to be a sponsor. She discussed poverty and hunger in Oregon resulting from the state's high housing costs.

Mayor Bernard provided information on *Back to School Week* and suggested the City Council schedule a meeting at Milwaukie High and give students an opportunity to ask questions about their local government.

Councilor King provided information on youth councils.

Ed Zumwalt recapped the November 11 benefit concert. About \$3,700 was collected to aid victims of the September 11 New York City attacks. Special thanks went to the owners of Southgate Theatre and High Rocks Pub who donated the facility and concession proceeds to the event.

Mayor Bernard commented on the Milwaukie Veterans Day Parade.

Stanley Avenue Speed Bump Project

Swanson provided background on the issues relating to this Neighborhood Traffic Management Program (NTMP) request. Although Lewelling neighborhood residents successfully petitioned for traffic calming on Stanley Avenue several years ago, the request was not coordinated with Clackamas County which has jurisdiction of the road.

Barnett explained this project is now the most highly ranked NTMP project and is funded in the recently adopted Capital Improvement Plan (CIP) in the amount of

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\$10,000. Clackamas County, which currently has jurisdiction of Stanley Avenue between King Road and Johnson Creek Boulevard, has a policy against traffic calming devices on designated collector streets. Staff is seeking Council direction on 3 possible options: remove the project from the NTMP until such time as the City has jurisdiction; take over jurisdiction of the road; or petition Clackamas County for a variance from its current policy.

Barnett discussed the costs involved with taking over jurisdiction of Stanley Avenue and bringing it up to urban standards. Improvements, including engineering, would cost about \$650,000 which does not include right-of-way acquisition or mitigation measures. In taking over jurisdiction, the City would assume long-term maintenance responsibilities at a time when street funding is inadequate. Since the County has an agreement with emergency response agencies that it will not allow traffic calming on streets designated as collectors or higher, it is not likely the Board of Commissioners will grant a variance.

Mayor Bernard understood the District Parks Board was allowed traffic calming near another park located on a collector street.

Barnett explained the agreement is with the fire department. At this time, staff recommends removing the project from the list until such time as that area is annexed into the City.

Councilor Newman suggested petitioning the Commissioners for an exception, and **Ebner** agreed.

Swanson agreed to draft the appropriate letter asking for the variance.

Councilor Marshall suggested using the \$10,000 toward purchasing hardware to enhance the police department's ability to reduce traffic speeds on Stanley Avenue and other problem streets in the City.

Swanson was concerned the \$10,000 might be from gas tax money which would limit its use.

Koonce suggested investing in a mobile speed bump that could be moved to various locations throughout the City.

Ball said there is no evidence the Lewelling Neighborhood District Association (NDA) initiated the petition. The Stanley Avenue residents who signed the petition seem to be outside the normal membership attending the Association meetings. The project is not necessarily supported by Lewelling neighborhood residents not living on Stanley Avenue.

Councilor King was not in favor of Milwaukie citizens paying for traffic calming in a mostly unincorporated area. There are other streets entirely within the City limits which need improvements.

Ball was concerned traffic calming devices would hinder emergency response times. He noted the sidewalks installed after the petition was submitted seem to have reduced problems.

Barnett contacted Stanley Avenue residents who signed the petition and informed them the project would be up for Council discussion at this work session, but none were in attendance.

Councilor Lancaster was in favor of removing the project from the NTMP project list at this time. Milwaukie cannot afford to add more road jurisdiction. He would be interested in getting clarification on what seems to be the County's all-or-nothing policy.

Swanson said the County has an agreement with the Fire District related to traffic calming on collector streets. He will speak with Clackamas County as well as look into the legality of redirecting CIP funds to law enforcement.

Open Public Forum

None.

Assessment and Taxation

Swanson said the purpose of this and the following presentation on annexation was to provide basic information that could be used to develop a long-term financial strategy for the City. The citizen members of the Budget Committee agreed they would be interested in being responsible for this type of project. With stagnant, and sometimes declining revenues, identifying stable funding options for basic services will be a challenge.

Bob Vroman, Clackamas County Assessment and Tax Manager, provided information on the current tax system. He reviewed the impacts of Measure 5, adopted in 1991, and Measure 50, adopted in 1997, and how these evolved into the current hybrid property tax system.

Prior to 1990, taxing districts determined how much money was needed to operate, and that amount was collected from citizens. Voter passage of Measure 5 limited the tax rate to \$5/\$1,000 for education and \$10/\$1,000 for local governments. Levies for bonded debt did not fall under Measure 5 limitations. **Vroman** reviewed a 12-year history of property tax collection in Clackamas County. By fiscal year 1996 - 1997, Measure 5 was fully phased in; however, it was accompanied by market growth which resulted in about a 12% increase in taxes collected.

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Voters approved Measure 50 in 1997 which changed the way the tax system works. It rolled back values, established permanent rates for taxing districts, and limited taxes. The 1997 - 1998 assessed values were established by rolling back to the 1995 - 1996 real market value (RMV) less 10%. Measure 50 allows assessed value to grow for existing property by 3% annually unless such exceptions as new construction, remodeling, new subdivisions, or rezoning come into play. Taxing districts can still seek voter approval for bonded debt. Districts can also go out for local option levies to fund services or approve bond measures for capital improvements. These are 5 to 10 year levies outside the permanent tax rate and must be approved at a general election or passed by a double-majority at another election.

Districts can grow by 3% annually on existing property and property constructed that did not exist in 1995. Remodeling projects, tracked through building permit systems, can add value in the next year. New construction is assessed at about 77% to give it the same benefit as existing property. The intent of those drafting Measure 50 was to approximate annual cost of living increases and provide residents with some stability in what they could expect to pay in taxes each year.

Vroman discussed what happens if the RMV falls below the AV. If this situation occurs, the AV is lowered and taxes decrease. Districts can collect more revenue by adding new value and by annexing property into its boundaries. He discussed the potential impacts of zone changes for property brought into a district and allocation of bonded indebtedness. Compression can occur, based on Measure 5 limitations, if tax rates exceed \$5 for education and \$10 for local government. Operating levies cannot be used to exceed the cap, and compression loss in revenue comes out of local options first.

Vroman briefly reviewed the process of determining revenues from assessor office information. A taxing entity can forecast several years out by using its annexation history, building permit activity, and growth from new construction. Historically, Milwaukie has not had a lot of new construction growth and is limited in its developable residential and commercial land. As a result, the City can only anticipate an annual increase of about 3%.

Urban renewal is a method used by counties and cities to encourage development of a blighted area in which lack of infrastructure prevents growth. **Vroman** discussed the process of activating an urban renewal agency, taking public testimony, and establishing a plan area. The assessors office determines the taxable value of the area when the district is established and freezes the value at that point in time. Each subsequent year, as the value of the district increases, the agency uses that increment to fund projects within that area. The philosophy is to create the infrastructure that will allow the designated area to grow. Once the agency has run its course, all of the new value is released. Although Milwaukie does not have an existing agency and would be subject to new laws, some benefits would probably be realized.

Annexations

Ken Martin, Metro Local Government Boundary Change Consultant, summarized the annexation process, Milwaukie's annexation history, and general acceptance of government reorganization in this area.

The annexation process can be initiated by a double majority petition, 100% petition, Council resolution, island annexation, or health hazard annexation. The most common type of annexation is the double majority which begins when property owners of more than half the land area and more than half of the voters sign a petition. A 100% petition is one signed by all of the land owners and all of the registered voters.

If the Council receives a double majority petition, it has several options. It can hold an election in the territory and city; hold an election in the territory only; hold an election in the city only; or hold no elections. A hearing is required if the "no-election" option is chosen. There is no requirement for a hearing or election with the 100% petition. The Council resolution is a city-initiated process that requires a hearing and an election both in the territory and in the City. Cities do not normally follow this route unless substantial support is obvious.

Application processing must follow certain regulations found in the Oregon Revised Statutes, Metro Code, and Municipal Code. Steps include hearings, notice, staff report, final decision, and LUBA appeal period. In Milwaukie's case, annexations must include a request for Comprehensive Plan and zoning designations and a pre-application conference.

Martin reviewed the history of Milwaukie annexations. In 32 years, there have been a total of 61 annexations which added about 250 acres and 894 people. If Milwaukie wishes to grow and increase revenues, it will have to be more assertive. Historically, this area has resisted structural government reorganization. Service districts have, however, been successful in expanding their boundaries.

Milwaukie does not have an annexation strategy, so nothing has happened. If the City decides annexation has some value, it will have to take some positive action. Cities provide services that counties do not, and **Martin** advised focusing on those services Milwaukie can provide. He noted residents in unincorporated areas are probably receiving services, such as police, for which they are not paying. Annexations are a way to realize growth in revenues, but with them come service obligations.

Martin discussed the urban planning agreement with Clackamas County which establishes dual interest areas and offers annexation opportunities. Some adjacent areas, for example, are unsewered, and Milwaukie can offer the service.

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Swanson added Milwaukie has services the County does not provide and, in some cases, provides more competently including code enforcement, police service, and urban-level planning. He discussed use of Clackamas Town Center urban renewal funds for I-205 light rail and industrial urban renewal funds for the Sunrise freeway. He noted the Fire District's serious concern with lost revenues.

Councilor Newman felt there is an argument for the legislature's setting incorporation dates for unincorporated property in urban areas.

Aschenbrenner thought neighborhood services and the grant program would be an inducement to annex.

Swanson said, if the City wishes to annex, it must develop a strategy, and he briefly discussed the joint City of Milwaukie/Clackamas County Urban Service Study currently underway by Portland State University.

Councilor Marshall recommended the Budget Committee look at growth into areas that makes good fiscal sense and develop an annexation timeline. The annexation plan must be driven by more than dollars and should be sold on the basis of the services Milwaukie has to offer. Poor perception has made property owners reluctant to annex, and that needs to be overcome. Residential annexation is a drain, and he urged being open to income producing options. If current residents do not want Milwaukie to grow, then they need to identify ways other than annexation to pay for services.

Swanson announced an executive session to discuss real property transaction pursuant to ORS 192.660.

Adjournment

Mayor Bernard adjourned the work session at 8:15 p.m.

Pat DuVal, Recorder

CITY OF MILWAUKIE
CITY COUNCIL MEETING
NOVEMBER 20, 2001

CALL TO ORDER

The 1874th 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

Mary Rowe,
Human Resources Director
John Gessner,
Acting Planning Director
Jack Perry,
Operations Supervisor

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARD

Mayor Bernard read a proclamation recognizing Rob Carnahan for his 24-year fire service career and his many civic activities.

CONSENT AGENDA

Mayor Bernard read the list of consent agenda items:

- A. **City Council Minutes of November 6, 2001**
- B. **Vactor Truck Purchase**
- C. **Facilities Maintenance Specialist Classification**
- D. **Community Development Director Classification**
- E. **Resolution 40-2001: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the Mayor to Execute and Endorse an Amendment to the Agreement with the League Status as a Unit of Local Government, Similar to Other Cooperative Intergovernmental Agencies in which the Cities Create and Participate.**

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

AUDIENCE PARTICIPATION

None.

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PUBLIC HEARING

Findings for Denial of Proposed Rezoning of 12550 SE 43rd Avenue from R-10 to R-7; Application ZC-01-01

Mayor Bernard called the continued hearing for a zone change filed by Lowell Wittke for property located at 12550 SE 43rd Avenue to order at 6:07 p.m.

The City Council hearing on this matter was opened on November 6, 2001. The public hearing portion of the meeting was closed after testimony was heard from all those wishing to testify. The Council deliberated, decided to deny the application, and continued the hearing to allow written findings to be prepared.

Because the public hearing portion was closed and a decision reached, the scope of the remaining portion of the hearing was limited to Council discussion of the findings and adoption of those findings. Legal counsel advised discussing any ex parte contacts since 2 weeks had passed since the hearing was opened.

Ex-parte Contacts: None.

Conflicts of Interest: None.

Jurisdictional Issues: None.

Council Discussion: None.

Council Decision: **It was moved by Councilor King and seconded by Councilor Newman to adopt the findings in support of denial of rezoning application ZC-01-01 of Lowell Wittke at 12550 SE 43rd Avenue. Motion passed unanimously.**

OTHER BUSINESS

Mayor Bernard announced he, City Manager Swanson, and Code Enforcement Specialist Campbell attended a meeting with the USDA and Clackamas County Board of Commissioners to discuss the recent coyote problem that is affecting the Cedarcrest neighborhood in Milwaukie. There will probably be a chance for public input at the County Commission level. **Swanson** understands there will be live trapping on the Harmony Road Parks District Park property.

ADJOURNMENT

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

Mayor Bernard adjourned the meeting at 6:15 p.m.

Pat DuVal, Recorder



To: Mayor and City Council

Through: Mike Swanson, City Manager Pro Tem

From: JoAnn Herrigel, Program Services Coordinator *J. Herrigel*

Subject: Metro Local Share Extension

Date: November 14, 2001

Action Requested

Authorize the City Manager to sign an amendment to Metro's Local Share IGA 904593 extending the expiration date of the IGA to December 31, 2002.

Background

In 1995, as part of the Open Spaces, Parks, Trails and Streams bond measure, Metro granted the City \$349,020 in funds as part of \$25 million allocated to local governments. Of the six projects funded under this local share program, two have yet to be completed. The two projects are:

1) Ardenwald to Springwater Access Capital Improvement

Completed to date:

- Replaced jersey barriers at entrance with large river rock
- Installed "Welcome to Ardenwald Neighborhood Springwater Trail Entrance" sign

Yet to be completed:

- Installation of "No Parking" signs
- Installation of native plants near entrance

III. B. 2 (title of report)

2) Minthorn North Addition/Acquisition

Completed to date:

- Removed large mound of imported soil from Northwest corner of site
- Seeded excavated area

Yet to be completed:

- Modify ditches to expand wetland area (pending water right approval)
- Install wetland and other native plants
- Install interpretive sign
- Install fence along northern edge of property along Railroad
- Possibly install path along edge and through property

Concurrence

Metro staff has agreed to extend the IGA to allow the two projects to be completed.

Fiscal Impact

The current budget has \$45,230 remaining for these two projects. \$37,600 for Minthorn and \$4,530 for the Springwater entrance.

Work Load Impacts

No additional work load. Staff anticipates completion of these projects within the next six months.

Alternatives

Deny authorization, terminating the IGA with Metro and forfeiting the remaining local share funds.



III. C. / _____

To: Mayor and City Council
From: Pat DuVal, City Recorder
Through: Mike Swanson, City Manager
Subject: January 2002 Meeting Dates
Date: November 19, 2001

Action Requested

Adopt a resolution establishing the January 2002 Council meeting dates

Background

At the October 15, 2001, work session, City Council considered its December 2001 and January 2002 meeting schedule in light of the upcoming holidays. To comply with Milwaukie Charter Chapter VI, Section 20, which requires the City Council to meet in regular session at least twice a month at a time and place the Council designates, the Council agreed to alter its regular schedule for the month of January 2002.

The proposed resolution notifies the public of these changes. Based on its October discussion, the City Council will hold its regular sessions on January 8 and 22, 2002, at 6:00 p.m. in the City Hall Council Chambers and its work session on January 7, 2002, at 6:00 p.m. in the City Hall Conference Room.

III. C. 2

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DETERMINING THE REGULAR COUNCIL SESSIONS IN JANUARY 2002 WILL BE CALLED TO ORDER AT 6:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS ON JANUARY 7 AND JANUARY 22; THE WORK SESSION WILL BE CALLED TO ORDER AT 6:00 P.M. IN THE CITY HALL CONFERENCE ROOM ON JANUARY 8.

WHEREAS, the Municipal Code Chapter 2.04.070 states that the City Council must provide notice of any changes to its regularly scheduled meeting times and locations;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Milwaukie, Oregon, that the City Council will hold its regular January 2002 sessions on January 7 and January 22 and will call these sessions to order at 6:00 p.m. at Milwaukie City Hall in the Council Chambers, 10722 SE Main Street; and

BE IT FURTHER RESOLVED that the Council will hold its January 2002 Council work session on January 7 and will call this session to order at 6:00 p.m. at Milwaukie City Hall in the Conference Room , 10722 SE Main Street.

Introduced and adopted by the City Council on December 4, 2001.

This resolution is effective on December 4, 2001.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM:

Ramis, Crew, Corrigan & Bachrach, LLP

Riverfront Board Meeting
October 17, 2001
Minutes

Members Present: Stephen Loaiza, Michael Martin, Paul Verbout, Kathi Cardinalli, Mike Stacey and Mitch Wall (at 7:10).

Members absent: Dave Green

Staff present: JoAnn Herrigel and Alice Rouyer

Visitors: Gary Klein and Jack Elder

The meeting was called to order at 6:15 pm.
Minutes of the September 11 meeting were approved as revised (5-0). (Mike Stacey noted his name was spelled incorrectly).

Staff Updates

Herrigel gave an update on the Riverfront Cleanup (9-12 on Saturday October 20) and handed out a summary of the Riverfront cleanup project as approved by Council. Jack Elder noted that the next “work party” would be in January sometime.

Herrigel distributed a memo from Michelle Gregory regarding ideas for the Centennial Celebration (in 2003). She noted that the City is looking for members for an ad hoc steering committee and ideas for how to celebrate and commemorate the year.

Herrigel addressed a question raised at the Sept 11 meeting regarding City spending on the sewage treatment plant. The group agreed that they would like to get more information on *if* and *how* the treatment plant “is being phased out”. Herrigel said she would invite Engineering Director, Dennis Lively, to attend a future meeting to provide the group with an update. Questions the group would like to be addressed included: What’s the life span of the facility? What would it take to get rid of it? And if the facility is moved, who will pay for that?

Key Issues and Status of Riverfront Plan

Herrigel discussed the memo she’d provided the Board regarding their Key Issues and a chronology of Riverfront Board meetings and other Riverfront-related meetings and events over the past three years. She noted that while she was reviewing the minutes for Key Issues, she noted that there seemed to have been a lapse in information flow to the Board at some point last year. She felt this may have resulted in the Board having missed some crucial steps in the Adoption of the Riverfront Framework and other important plan documents. Herrigel passed out the Downtown and Riverfront Land Use Framework Plan and the Milwaukie Downtown and Riverfront Plan Public Area Requirements.

VII. A 2

Alice Rouyer, Planning Director, then explained what these documents were and discussed the regulatory power behind each. She also distributed the zoning regulations for the Downtown area (all three adopted in Sept 2000). She noted that the framework Plan is a concept plan or vision. The Public Area Requirements are very prescriptive with respect to things like types of lights, road designs and appropriate trees for specific streets. The zoning regulations, she explained, establish clearly what types of uses apply to specific parts of downtown as well as building heights, build-to lines and floor area ratios etc.

Rouyer said that currently, planning staff is holding public hearings regarding design standards for the downtown area. These standards would be monitored and reviewed by the Design and Landmark Commission. The group asked what types of resources the City was considering for financing public area improvements. Rouyer said that among others, the City is looking at Urban Renewal District formation, Tax Increment Financing, annexation and fees.

Verbout noted that Crandall Arambula had suggested that public successes would create private investment in the downtown and riverfront areas– but that with the shriveling up of public funds recently – now it seems to be reversed.

Rouyer said she felt there was still a lot going on, such as the Safeway Site redevelopment and the McLoughlin Project.

Verbout asked the group if perhaps the Riverfront Board's role might be defined as how to move forward on the Riverfront work since the downtown area seems fairly well covered.

Verbout also said he felt that the City needed to be strong in negotiating with ODOT on projects like the McLoughlin project so that our list of preferences is made clear. Rouyer said she felt the City established its preferences firmly and clearly with the Framework Plan and the Public Area Requirements.

Verbout said he felt the City needed to really get something going along the River. He suggested that perhaps we needed a stronger representation during the budget sessions or more follow-up with Council.

The Board discussed the current benign status of the Riverfront Board and the discontinuance of the Phase I project and what would change this situation. Herrigel summarized the minutes of the joint meeting of the Riverfront Board and City Council on June 18. Verbout noted that the task list Council had suggested for the Board was sort of a “hodge podge”.

The boat ramp came up as a major stumbling block in moving forward with developing the Riverfront.

Cardinalli (stick in hand) said that the Board needed to resolve the boat ramp issue.

Herrigel and Rouyer noted that during the Riverfront Plan public input process, it was frequently stated, although never written into the plan, that the Boat Ramp would remain where it was until such time as an alternate site was located.

Loaiza said he guessed, then, that there's nothing we can do about the ramp - if the concept is that it stays unless we relocate it, then it stays.

Wall said that the political reality is that the ramp will stay.

Verbout noted that the problem with the ramp is that it decreases the Park (green) amenities of the Riverfront area.

Loaiza pressed Wall for his opinion on the ramp and Wall said he was willing to acknowledge that it would stay but that he would not ever acknowledge a legal obligation to keep it. Wall suggested that if no obligation was stated or acknowledged he would support developing a ramp design that fit into the Riverfront plan.

Martin added that the Board should make a vision for what they want in a ramp.

Stacey said he has always been lead to believe that the ramp would stay. He noted that both former Mayor Tomei and current Mayor Bernard have stated that it would stay.

Verbout said he felt it was contradictory to the Riverfront framework they developed to have a boat ramp in the City's "living room".

Wall agreed that the ramp needed to be in a different form to fit in with the concept they had developed.

Loaiza agreed that the boat launch needed a new footprint (smaller) and it should be more than just a ramp. He said they needed to make a silk purse out of a sow's ear.

Klein noted that at one point in the planning process it was proposed that the launch be removed from the current location and moved further south toward the treatment plant.

Wall formulated the following motion (with much group input and discussion):

The Riverfront Board recommends that City Council consider the boat launch, in some form, as part of the Riverfront Plan without acknowledging any obligation that it remain, and (the Board further recommends) that the Riverfront Board be charged with developing criteria for a boat launch in the Riverfront Plan.

VII. A 4

The motion was made by Wall and seconded by Stacey. Motion passed with 5 members voting in favor, Verbout abstaining and Green absent.

The group then decided that at the next meeting they would continue the discussion of what the role of the Riverfront Board should be and what tasks it should undertake so that a formal list of recommendations can be brought to Council in the near future.

The next meeting date was set for November 6 at 6 pm.

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, NOVEMBER 13, 2001

COMMISSIONERS PRESENT

Tracy Cook, Chair
Judith Borden, Vice Chair
Donald Hammang
Howard Steward

STAFF PRESENT

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

COMMISSIONERS ABSENT

Barbara Cartmill
Mike Miller
Rosemary Crites

1.0 CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 PLANNING COMMISSION MINUTES -- September 25 & October 9, 2001

Donald Hammang moved to approve the minutes of September 25, 2001, as presented. **Howard Steward** seconded the motion. MOTION CARRIED 4-0.
Ayes: Borden, Hammang, Steward, Cook; Nays: None.

Donald Hammang moved to approve the minutes of September 25, 2001, as presented. **Howard Steward** seconded the motion. MOTION CARRIED 3-0 with one abstention. Judith Borden was not present at that meeting.
Ayes: Hammang, Steward, Cook; Nays: None.

4.0 INFORMATION ITEMS

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

5.0 PUBLIC COMMENT -- None.

6.0 PUBLIC HEARINGS

- 6.1 Applicant: Gary Haight and Karen Weliky
Owner: Same
Location: 2636 SE Harrison
Proposal: Add 356 square feet additional office space to an existing 3,469 square foot office building. The property is located in a Natural Resource Overlay Zone. The proposal includes a request for a variance to allow the rear setback to be reduced from a minimum of 15 feet to 10 feet.
File Numbers: CU-01-01/NR-01-05/VR01-04/TPR-01-07
NDA: Historic Milwaukie

Chair Cook opened the public hearing on Conditional Use CU-01-01, Natural Resource Review NR-01-05, Variance Request VR-01-04 and Transportation Planning Review TPR-01-07 to allow a 356 sq.ft. addition to an existing dental office building. The criteria to be addressed are found in Sections: 306 - Residential Zone R-2; Section 322 - Natural Resource Overlay Zone; Section 600 - Conditional Use; 700 - Variance, Exceptions, and Home Improvement Exceptions; Section 500 - Off Street Parking and Loading; Section 1011.3 - Minor Quasi-Judicial Review; and Section 1400 - Transportation Planning, Design Standards and Procedures.

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

STAFF REPORT

Ken Kent reviewed the staff report with the Commission. This is a proposal by Karen Weliky and Gary Haight to allow a 356 sq.ft. building addition to an existing dental office building located in a Natural Resource Area, and a setback variance and a conditional use at 2636 SE Harrison. The Applicant has responded to the criteria for expanding a conditional use. Staff believes that the applicant has demonstrated they have met the approval criteria for conditional use expansion.

The natural resource feature is a pond that is part of Spring Creek Drainage and is located on the west side of the building on this site. The applicant, in their proposal, has shown that the proposed addition is located outside the natural

resource feature and has demonstrated that the project meets approval criteria for the natural resource zone.

The applicant is requesting a 5-foot reduction in the rear 15-foot required rear setback in order to construct this addition 10-feet from the rear property line. The existing building is located 10-feet from the rear property line. The proposed addition will also be 10-feet. In reviewing the record, it was not clear at the time the property line was established whether there were any other determinations. The building existed prior to the property line going into place when this rear lot was created. Staff has determined that a variance is needed in order to build in less than a 15-foot setback. The Applicant has provided their response to the approval criteria and staff believes that they have demonstrated compliance with the variance criteria.

Parking requirements for the proposed addition would increase the requirements by one additional space. The applicant has provided that amount on the site. In addition, the applicant shares a parking agreement with the adjacent site for access to additional spaces.

The Transportation Plan Review standards identified were bicycle parking spaces and the widening of the driveway approach on Harrison Street. The proposed conditions of approval will require that these improvements be taken care of as part of this application.

Staff feels that the applicant has demonstrated that the proposal meets the approval criteria and recommends the Planning Commission approve the request.

QUESTIONS FROM THE COMMISSIONERS -- None.

CORRESPONDENCE RECEIVED -- None.

APPLICANT'S PRESENTATION

Speaking: Karen Weliky, 2636 SE Harrison, Milwaukie

Ms. Weliky stated that she is one of the dentists at this office. Initially, they just wanted to add a corner to their office building for handicapped access and to expand a treatment observatory to accommodate handicapped patients.

The office has been here 25 years. The practice was purchased ten years ago and their portion of the building was purchased two years ago. While renting they inquired about a handicapped access, but the owner was not interested. Now that they own it, they would like to install the access. There are quite a few patients that are elderly who have trouble with steps and several patients in wheelchairs.

Currently, they have to drag their equipment down to the handicapped patients who cannot make the steps.

The criteria for making the ramp were to have a dignified entrance and to minimally disrupt the natural beauty of the office. The ramp in no way interferes with the natural resource area; it is away from the creek. The drainage will connect to existing drainage and drained away from the creek. The conditional use was already granted for this building.

Ms. Weliky pointed out the location of the addition. It does not encroach on the existing 10-foot setback.

The bike rack was a part of their original plans and they are willing to accommodate that condition of approval.

QUESTIONS FROM THE COMMISSIONERS -- None.

There is no audience in the room, therefore, Chair Cook did not invite testimony in favor, questions or comments, or testimony in opposition to the application.

ADDITIONAL COMMENTS FROM STAFF -- None.

APPLICANT'S CLOSING COMMENTS -- None.

DELIBERATION AMONG THE COMMISSIONERS

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

Judith Borden moved to approve applications NR-01-01, CU-01-01, VR-01-04 and TPR-01-07 with recommended Findings and Conditions of Approval, thereby authorizing a 356 sq.ft. addition to an existing dental office building. **Donald Hammang** seconded the motion. MOTION CARRIED 4-0.

Ayes: Borden, Hammang, Steward, Cook; Nays: None.

Ms. Weliky expressed concern that she had to purchase three expensive permits and go through a lot of time in completing this process for such a small addition. It was very frustrating to her; she almost shelved it. She suggested that there could be some sort of simpler process for small applications; possibly having someone with authority to make decisions without going through the expense and staff time.

7.0 WORKSESSION ITEMS -- None.

8.0 DISCUSSION ITEMS

8.1 Process for Small Applications

Howard Steward asked if there was any latitude that the Commission has to minimize the process for small applications such as the one before the Commission tonight? Is it possible for these types of applications be reviewed and approved by staff? **Judith Borden** explained that because this application had a variance and natural resource and transportation review, it has to come before the Planning Commission for review and decision. It is unfortunate that this application has so few square feet and so many rules and regulations. Administrative Review is given to some cases, but this one required Planning Commission approval.

9.0 OLD BUSINESS -- None.

10.0 OTHER BUSINESS / UPDATES

10.1 Matters from the Planning Director

Interim Planning Director **John Gessner** explained that Alice Rouyer would be serving in the capacity of Community Development Director and he, in turn, will be serving in the capacity of Interim Planning Director for the next couple of months.

Wittke Re-zone **John Gessner** reported that City Council has reversed the Planning Commission's recommendation on the Wittke Rezoning and it was approved. **Ken Kent** stated that this Wittke recommendation was taken before the Council on November 6, 2001. The Council denied the application unanimously. Their findings were that they wanted to maintain the R-10 opportunities and maintain the compatibility of the surrounding area. The applicant can appeal to LUBA if they want to challenge Council's decision. Copies of City Council's decision will be given to the Commissioners when they are available.

Planning Commission Chair Election **John Gessner** reported that Tracy Cook asked that election of Planning Commission Chair be put on the agenda at a future meeting. Tracy has filled the position beyond her term.

South Corridor Update **John Gessner** reported that Michelle Gregory is the person working on the revised Draft Environmental Impact Statement for the Light Rail South Corridor. Michelle and staff have been meeting with South Corridor folks looking at specific plans on the impact of various alternatives. Tri-

Met has contacted the city in an effort to help fund the purchase of the Southgate site with the interim use being a park-n-ride. The theater would be demolished and replaced with parking spaces and other improvement. The long-term disposition of this site will depend on what happens with the South Corridor Study and when/if a system is placed in this area.

Metro's Title III Deadlines **John Gessner** reported that he, Mayor Bernard, and Alice Rouyer met with Metro to request an extension of Title III deadlines. Milwaukie is looking at a spring adoption for the erosion control and flood management provisions that were approved last summer. Staff is hoping to adopt Phase II, the water quality buffers, in September. Input from stakeholders, private property owners, and others will be compiled to flush out issues to use as a basis for a set of regulations for Commission review.

Design and Landmark Commission Report **Ken Kent** reported that at the November 6th City Council meeting, there was a status report from the Design and Landmark Commission. Discussed at that meeting were draft design guidelines that have been developed and the design review process that was presented to the Commission. Council has given the go-ahead to move on with the guideline package presented and the design review code to establish design review in the downtown. There will be a public hearing before the Planning Commission in February 2002 to recommend the code changes for the design review process and a recommendation on the design guidelines drafted. City Council will consider final adoption in March 2002.

- 11.0 NEXT MEETING -- November 27, 2001
- 11.1 Draft Cell Tower Regulations
- 11.2 Draft Title 3 Erosion Control and Flood Management Regulations
- 11.3 Revisions to Maximum Building Setback

Donald Hammang moved to adjourn the meeting of November 13, 2001. **Judith Borden** seconded the motion. MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 7:30 p.m.

Tracy Cook, Chair

Shirley Richardson, Hearings Reporter