

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, December 14, 2010
6:30 PM**

COMMISSIONERS PRESENT

Jeff Klein, Chair
Nick Harris, Vice Chair
Lisa Batey
Chris Wilson
Mark Gamba
Scott Churchill

STAFF PRESENT

Katie Mangle, Planning Director
Susan Shanks, Senior Planner
Brett Kelder, Associate Planner

COMMISSIONERS ABSENT

1.0 Call to Order – Procedural Matters

Chair Klein called the meeting to order at 6:30 p.m. and read the conduct of meeting format into the record.

2.0 Planning Commission Minutes

2.1 September 14, 2010

Commissioner Batey moved to accept the September 14, 2010, Planning Commission meeting minutes as presented. Commissioner Gamba seconded the motion, which passed unanimously.

2.2 September 28, 2010

2.3 October 12, 2010

Commissioner Batey moved to accept the September 28, 2010 and October 12, 2010 Planning Commission meeting minutes as presented. Commissioner Gamba seconded the motion, which passed unanimously.

3.0 Information Items– None.

4.0 Audience Participation –This is an opportunity for the public to comment on any item not on the agenda. There was none.

5.0 Public Hearings – None.

6.0 Worksession Items

6.1 Johnson Creek Watershed Council informational briefing
Guest: Robin Jenkinson, JCWC

Robin Jenkinson, Johnson Creek Watershed Council (JCWC), distributed and briefly reviewed paper packets about the funding, structure, and activities of the JCWC, as well as the proposed Willamette Confluence Project that would be coming before the Commission for a Water Quality Resource (WQR) application. Key comments and responses to questions and remarks from the Commission were as follows:

- The goal of the proposed project was to enhance the cover and shelter within a quarter mile reach from the 17th Ave Bridge to the confluence with the Willamette River by installing engineered log jams and boulders on the exposed bedrock portions of the creek channel. The

project would also enhance the 5 or 6 acres of riparian or streamside forests, which included the Klein Point portion of Riverfront Park.

- Water from the watershed area and tributaries is drawn back into the ground water by deep wells that act like stormwater cesspools, substantially reducing the volume of water entering Johnson Creek.
- The packet included the report, "State of the Watershed" which included maps showing changes in water quality, fish, bacteria, etc. She noted that DDT levels in Johnson Creek have dropped dramatically since the late 1980s. Bacteria levels were continuing to drop as more sewer systems are installed.
- The JCWC was one of about 30 nonprofit watershed councils in Oregon. Some funding comes from lottery funds designated for fish and wildlife purposes, which paid for one full-time staff member, Executive Director Matt Clark. Grant money was used for such things as Ms. Jenkinson's staff time and restoration projects. Jurisdictional financial support was also received from the cities of Milwaukie, Gresham, Portland, and Clackamas and Multnomah County Conservation Districts, and was typically tied to specific tasks. Money was also raised by Friends of Johnson Creek, fundraising activities, and private contributors.
- Substantial issues exist on Johnson Creek in the Milwaukie area, such as having septic tanks and the concrete manufacturing plant right on the creek. With so much industry on the creek, enhancing habitat at the mouth seemed futile compared to more systemic problems.
 - PCC Structurals had been one of the main water polluters due to hot water being put into Johnson Creek. The company has changed that practice as part of their DEQ permit and employees attend many JCWC events, providing opportunities to add more Johnson Creek advocates and spread the word about improving the creek.
 - JCWC worked with a lot of private landowners on backyard habitat enhancement projects and has coordinated a lot of monitoring, such as for bacteria. JCWC was submitting a DEQ 319 Grant proposal to do some DNA fingerprinting to help determine where fecal coliforms were coming from; several theories existed.
- The Johnson Creek Watershed Restoration Project Portal would soon be available through a tool called the Conservation Registry where all completed, underway, and priority projects in the basin were cataloged.
 - This tool allowed people to do all sorts of searches and quick reports on how much had been invested within the different jurisdictions, the number of projects, partners, who was funding and what project types were being done.
- As far as concerns regarding homeless people camping in the project area, JCWC was working with the City of Milwaukie on vegetative management. All the blackberries would be cleared out this next year, creating a much more exposed area, which may deter camping. There had not been any confrontations or problems with the homeless people, who were mostly excited about the habitat enhancements.
- The re-vegetation plan included native riparian trees and shrubs and mostly followed the Riverfront Park planting plan. Some of those suggested plants did meet the wildlife easement requirements.
- The City has its own stormwater management permit and had adopted Portland's Stormwater Management Manual. It only addressed private ownership and stormwater runoff to the creek from industries when they actually did something to trigger a WQR review, such as redoing a parking lot.
 - The City was working on incentives for residential property owners to deal with stormwater onsite, rather than just letting it run to the street.
- The JCWC would use the downed Douglas Firs from Elk Rock Island for the confluence project. The logs were currently tied up on shore on Gary Klein's property.
- While Milwaukie bay is crucial to salmon habitat, JCWC did not have a position, per se, on

recreational boating activities on the bay. JCWC is a really big supporter of the Riverfront Park because half of their mandate is outreach and connecting with citizens about why these streams and rivers are important.

- The FishAmerica Foundation, which was fisherman-oriented, actually helped fund the project because the boat ramp was in Riverfront Park.
- JCWC would be submitting a Metro Capital Grant application to help launch the construction of Riverfront Park, given the interpretive overlook proposed on Klein Point. The more than \$200,000 of construction funding JCWC secured for the salmon habitat enhancement would be used as match in that grant proposal.

Mr. Kelder stated the Commission hearing would be held in April with the goal of having all City approvals in time for the in-water work window beginning on July 15, 2011.

6.2 Summary: Land Use and Development Review Process Tune-up Project draft code check-in

Staff Person: Susan Shanks

Susan Shanks, Senior Planner, provided a brief update on the status of the project, noting the following key comments:

- The official public draft of the Code amendments was complete and available online, meeting DLCD requirements for public notice. The Commission hearing date was scheduled January 25, 2011.
- With the restructuring of Title 19, and in an effort to save paper, a two-page table was used to indicate all the substantive policy changes rather than an underlined, strikeout version showing the amendments. The resulting document was 71 pages as opposed to 300+ pages.
 - A separate, 20-page commentary document described the Code amendments and the differences between the existing and proposed Code. This document was written in more common as opposed to legal language, making it easier for the public to digest. Reading the commentary would provide a good understanding of the proposed changes; further detail could be derived from the actual Code.
 - A 1-page project overview document naming the key points of the project was available.
- An email was sent to the subcommittee members stating that a couple things had been revised in the course of creating the draft for DLCD. These were also highlighted in the email sent to the Commission; anyone with comments could contact Ms. Shanks.

Ms. Mangle encouraged the Commissioners to read as much of the draft as possible, but especially the Procedures Chapter 19.1000, which included information on how public hearings were run, appeals, permit time limits, and other things that affect the Commission's role.

- Staff welcomed any advice or suggestions about how to communicate the Code amendment project with the public. Staff would send emails to do some targeted outreach and have cards at the counter for people considering development projects.
 - A blurb would be put in *The Pilot*, pointing people to the website.
 - One more worksession and subcommittee meeting could be held before the Commission hearing to finalize any last minute items.
- Staff was still researching with legal counsel whether Measure 56 notices would be required for property owners with nonconforming or conditional uses.

7.0 Planning Department Other Business/Updates

7.1 PC Notebook Update pages

Ms. Mangle stated the Commissioners could bring their zoning binders in to be updated by Marcia Hamley. The main addition was the new Parking Chapter adopted in April.

- She added that a good worksession was held on the Residential Development Standards project last month. The project addressed development policies for single- and multi-family housing and was expected to take about a year. The consulting budget was only available until July, and City staff would finish it from then. Any Commissioners wanting to be on the subcommittee needed to sign up by January. A smaller group was preferred that included people familiar with the public process.

Chair Klein volunteered to be a part on the subcommittee and encouraged Commissioner Churchill to also be involved at some level because of his background and work expertise. Commissioners Gamba and Wilson also expressed interest.

8.0 Planning Commission Discussion Items

Commission Batey asked if the Jackson Street Improvement Project had done what was promised in terms of getting buses off and adding parking to SE 21st Ave. She also inquired about the status of the '76 gas station sign.

- **Ms. Mangle** explained the two remaining bus layovers on SE 21st Ave would ultimately be removed. Bus layovers had been removed from Jackson St and was now all parking; no striping had been done yet due to the weather. Parallel parking would be converted to angled parking in front of City Hall, resulting in an additional 4 spaces. She described how the design provided for additional spaces and would email how many total spaces the project would add.
- Judge Gray found the '76 station in violation shortly after the Commission meeting. Sentencing was delayed until May 2011 to allow time to pursue the Code change as a way to resolve the situation. Jim Crawford, the Applicant's representative, realized it was their job to craft the draft amendment to the Code for consideration by the Commission. If a suitable set of amendments could be drafted, the City would take the amendments through the adoption process. Mr. Crawford sent the first draft of the amendments to Mr. Marquardt yesterday. If acceptable, they would probably be brought to the Commission in February.

9.0 Forecast for Future Meetings:

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| January 11, 2011 | 1. Extension Request for FP-10-03 Howe St.
2. Worksession: Natural Resources Overlay project briefing
3. Worksession: Residential Development Standards project
4. Annual Election of Officers |
| January 25, 2011 | 1. Public Hearing: Development Review Process Tune-Up Amendments
2. Worksession: Annual preparation of Commission work plan |

Meeting adjourned at approximately 7:39 p.m.

Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, Inc. for
Alicia Stoutenburg, Administrative Specialist II


Jeff Klein, Chair