

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

COMMISSIONERS PRESENT

Jeff Klein, Chair
Lisa Batey
Teresa Bresaw
Chris Wilson
Mark Gamba

STAFF PRESENT

Katie Mangle, Planning Director
Susan Shanks, Senior Planner

COMMISSIONERS ABSENT

Nick Harris, Vice Chair
Scott Churchill

1.0 Call to Order – Procedural Matters

Chair Klein called the meeting to order at 6:32 p.m. and read the conduct of meeting format into the record.

2.0 Planning Commission Minutes

2.1 July 13, 2010

Commissioner Gamba moved to accept the July 13, 2010, Planning Commission meeting minutes as presented. Commissioner Bresaw seconded the motion, which passed 4 to 0 to 1 with Commissioner Batey abstaining. Chair Klein and Commissioner Wilson were not present at the July 13, 2010.

3.0 Information Items

Katie Mangle, Planning Director, said she was sad to receive the email about Commissioner Bresaw's resignation, but would enjoy Commissioner Bresaw's involvement on the Commission for the remainder of the month.

- She noted City Councilor Greg Chaimov's presence in the audience and explained she had invited Councilor Chaimov to listen in on the meeting following discussion at the last Commission training session about the disconnect between City Council and Planning Commission. Having a Councilor stop by from time to time could help improve the Commission's work program and communication between Council and the Commission.

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 Summary: Land Use and Development Review Process Tune-Up: Continuation of discussion about variances and nonconforming uses and structures
Staff Person: Susan Shanks

Susan Shanks, Senior Planner, presented the staff report with these additional comments:

- She assured that the proposed restructuring of the entire Code to make it more user-

friendly did not involve any policy changes, but would change the chapter outline formats for the City's existing Code so that all applications and overlay zones were consolidated in one place, and the zones themselves would follow a logical order.

- A draft version of the restructuring approach was included in the last meeting packet; a better draft would be available in the future.
- The chapter reorganization would allow the City to incorporate a new development review chapter, which was currently a missing piece in the Code.
- Restructuring would also make it easier for applicants to understand the process.
- Staff was still researching Commissioner Batey's question about why the Amendments Chapter was in the middle of the Title.
- The draft Code would be presented in a hybrid version of draft codes showing a table outlining the chapter outline format relocation changes, along with underline and strikeouts for actual content changes to help avoid confusion.

Discussion by the Commission and staff regarding the Code amendment proposals for variances and nonconforming uses and structures was as follows:

Variances – Type III Applicability

The proposed Type II Variances would address those staff saw most frequently that allow people to maintain their existing home. The general approach was to allow for some very limited Type II variances that essentially do no harm; that have indiscernible impacts, such as to nearby natural resources areas and adjacent property owners. The first table on 6.1 Page 5 Attachment 2 demonstrated how 10% frontage variances would affect those living in an R-10 or C-L zone.

- According to the proposed Type II Approval Criteria, the Gary Michael and Carolyn Tomei project, for example, would not have been eligible for a variance because it would have interfered with future improvements. However, the argument could have been made that the street would never have future improvements.
- **Ms. Shanks** did not believe they would have concluded that the project would have interfered with future improvements because that right-of-way is 60-ft wide and the maximum the City would ask for is 50 ft for right-of-way improvements. The City would probably never design that as a reasonable improvement to that street.
 - In this case, if that applicant had asked for that variance, staff would have agreed that the project did not interfere with future plan improvements. Such improvements must be in the Transportation System Plan (TSP) or Capital Improvement Plan (CIP) or reflected in some kind of planned document.
- The 25% variation to the front setback was definitely a concern; the rear and side setbacks were not problematic. The statement "will not preclude or interfere with future improvements to any public transportation facility" was noted.
- Most people believe River Rd, for example, should have sidewalks, curbs, and places for people to wait for buses, and that need would only increase with a light rail station and people crossing to Riverfront Park. Many houses were built much closer to the right-of-way and to the property line than would be allowed under current Code.
- While it may not preclude building a sidewalk, the fact that the sidewalk would be 5 or 7 feet from people's front porch had all those neighbors agitated 4 or 5 years ago during the conversation about sidewalks on River Rd.
- It was a mistake to allow future development to prolong that alteration of setback. Houses should be moved further back so that the opposition to sidewalks would be less. This is probably an issue in other neighborhoods.
- Not allowing people to vary their front yard setback is good public policy.

- The variance allows people to vary their setback, but then they complain about public improvements being too close to their house. The homeowners knew where the right-of-way was and still asked for a variance.
- The City's approach should be to follow the Code, period. The City must stand firm and continue with the improvements to achieve its goals for street design. Denying variance requests was a necessity because the City's goal is to do improvements to all these streets.
 - Most houses on River Rd are 50 years old, and the residents are not the original owners. The City may not have had the setback standard when they were built, so the structures may have been grandfathered.
- The right-of-way has always been there. However, many people are not savvy about considering the actual property line dimensions when purchasing a house.
- The 25% variance could be decreased a bit, though everything would play out in different ways for different streets. Staff had considered what other codes allowed and included those figures in the draft. Staff sought direction from the Commission about the variation amount.
- Was the Commission concerned that allowing a variance to a front yard setback would set up a domino effect in terms of precluding sidewalk improvements in the future? Or was it concerned that the City would not be tough enough to install the sidewalk even though it was closer to the home due to the requested variance?
- **Chair Klein** replied in part, adding if having a variance put a house too close to the right-of-way or on a street that gives someone more of a voice to say that improvements should not be done, the City should be adopting a plan stating that the City is going to make pedestrian and bicycle access a priority on residential streets in the city. They might get the variance, but showing applicants where a proposed house will sit, as well as the sidewalk's location, would be an important future step to avoid issues.
- Staff would not allow encroachments into the right-of-way through the variance process. Through this process, staff would ensure an approved variance would not set up a future scenario where the City could not make improvements or had to buy back property. All setback standards occur on private property and all improvements should be in the public right-of-way, so unless the right-of-way is not sufficient, there should not be a conflict.
- Most front yard setback standards are either 15 ft or 20 ft, which would result in 11.25 ft and 15 ft when calculated at 25%, respectively. The 25% variation would not put the house clear to the right-of-way, but would give the applicant a few feet to play with.
- The provision for averaging for nonconformance was flawed and needed to be revisited.
- While there is a relationship, the Variance chapter needed to stand on its own, and staff needs to track such things in terms of how they relate to each other. When doing the residential design standards project, the Commission would consider whether to still allow averaging for nonconformance as an exception.
- The front yard setback should be considered more strictly than the rear and side yards. As discussed, if no opposition is received after notice to the neighbors, then the variance should remain a Type II. Any opposition would result in a Type III Review, and then neighbors who believe there is an impact could speak up.
- Those not as familiar with the issues as the Commission were less likely to perceive a harm with the front yard setback because it would not extend onto any one person's property.
- 'Front yard' could easily be removed from the 25% variation list in Attachment 1, if desired.
- The front yard is really important. It is in the public realm and is really for everybody. A tiny bit of variation might be acceptable on certain streets.
- Setback variation requests are made for side, rear, and front yard setbacks, and apply to

new construction, additions, porches, etc. Most front yard setbacks are either 15 ft or 20 ft, so a 10% variance would allow a 13.5-ft or 18-ft setback potentially. Applicants requesting variances would still have to meet the approval criteria; approval would never be a rubber stamp. Staff would evaluate the right-of-way width, whether an approved variance would interfere with future public improvements, etc.

- The front yard setback is measured from the property line to the face of the building or any portion of the front façade that is 18 in high, such as steps, pillars, or the front of a porch. Stairs should be outside the setback. Eaves are allowed to extend into a setback up to a certain number of feet in the rear, front, and side yard setbacks.
- **Ms. Mangle** advocated allowing for a small variation. Many variance applications come from homeowners in the process of renovating who need to go a foot into the setback to meet Building Code.
- **Commissioner Gamba** believed the 25% setback variation was acceptable.
 - Examples and photos or drawings were requested to demonstrate where the City has run into these issues in the past.
- Variance approval is not a rubber stamp; the criteria must still be met. Other than the Type II variances listed in the Applicability Section on 6.1 Page 3, all other variances would be a Type III review.
- If front yard setbacks were excluded, applicants would still be eligible to apply for a Type III variance, which requires a hearing before the Commission. Type III variances cost from \$1,500 to \$1,700 due to the amount of process involved. Type II variances cost \$900 and still involve a process, including notification of neighbors.
- A well-founded objection to a variance would go into staff's impact evaluation with regard to surrounding properties and the right-of-way. Staff is protective of the right-of-way and supportive of the TSP improvements. The approval criteria about not precluding future improvements were added as a result of staff's concerns.
 - Excluding front yard setbacks would not preclude a Type III variance for a 1-ft front yard setback variance, but that would involve a lot of process; 10% seemed like a better compromise.
- Perhaps, the Neighborhood District Association (NDA) Land Use Committees (LUCs) could review minor improvement projects that are in the best interest of beautifying the city. This process would not be as expensive as the normal Type II process and could benefit everybody. The \$900 fee could be eliminated or reduced to something more manageable for smaller projects.
 - Type II is already designed for that level of process, focusing more on the neighbors. Staff could consider how to involve the NDAs in the Type II process.
 - Having NDAs review projects raised concern about putting neighbors in the position of judging their neighbors, creating an uncomfortable atmosphere.
 - **Ms. Mangle** stated that approach would be considered almost a Type I adjustment, which would have to be very clear and objective for the NDA. She was not sure this approach would fit with land use law. A Type I review would be the rubber stamp approach, and based on the Commission's discussion that was not the direction they wanted. If directed, staff would investigate the NDA, rubber-stamp approach.
 - The idea of NDA involvement was good; however, one concern was that the NDA LUCs were not fully staffed, and member attendance was sporadic.
 - Bad feelings between neighbors could interfere with a project. Hopefully, staff would be more objective. The NDA is always included in the process for both Type II and Type III variances as far as getting a referral.

- Essentially, the only criterion for a current Non-Conforming Structure Alteration is that the project does not hurt one's neighbor. Staff encourages people to get support from their NDA or neighbors to help their case, although staff may conclude the project is not detrimental even without such support.
- Making NDA review mandatory created unease because of human nature.
- Though a proposed project might only exceed the setback by 6 in, the project would not be allowed because of the current Code's objective standards. Requiring a \$1,500 process for a \$1,500 project seemed ridiculous.
- The actual variation numbers or percentages that are implemented but found not to work can be adjusted through a series of Code amendments. The Commission decided to wait to determine a set number until they could see some visual examples of how certain variations might affect certain lots.
 - Most city streets, even those unimproved, are wide enough that putting a structure 2 ft closer to the right-of-way would not be an issue for 75% of the houses in Milwaukie.
 - Seeing examples of sidewalks and street improvements superimposed on Stanley St, Lake Rd, and other streets was requested, as well as an example of a cul de sac.
- Nonconforming situations would be handled completely differently. The variances would not allow existing nonconforming structures to go any further out of conformance than the maximum tier. The 25% variance would not apply to what exists; it is 25% of the standard. If that standard has already been exceeded, the applicant goes to a Type III review.
 - Staff wants to stop allowing nonconforming structures from being able to do more alterations than people with conforming structures. Nonconforming structures would be more limited by this Code in some ways.

Type II Variance Approval Criteria

Some language was taken from the existing Home Improvement Exception Code. Staff wants to remove some language so applicants get funneled through the same variance process as everyone else. Staff borrowed language from other cities' codes in terms of cumulative impact, which should be considered if applicants are asking for more than one variance to the objective standards. Staff wanted simple criteria that focused on the minimum necessary so staff could feel comfortable approving something that met all the criteria.

- In the absence of any objection from neighbors, it seemed it would be difficult for staff to deny such a request. It seemed variances would be granted 99% of the time.
 - Staff wanted to make variances attainable, but reasonable and limited. The criteria were not quantifiable, but were fairly objective. Applicants were either near a natural resource or not. With a simple check, staff could determine whether to allow minimal variances.
- "Interfere" is a loose term as opposed to "preclude." When or where does public access of a sidewalk interfere with one's expectation of privacy for their front porch or windows?
 - The actual Code would be drafted by consultants, and wordsmithing to address clarifying language would occur upon reviewing that draft. Problems will occur with the verbiage because of the flexibility desired. Staff ultimately wanted enough guidance to make good professional judgments.
 - Staff was comfortable making such decisions because it is done in other realms. Minor modifications involving the Community Service Use (CSU) Code are similar, and ask if the variance will intensify the use of the site or be potentially damaging to natural resource areas or open space. While the proposed Code is not exactly black and white, the criteria provide staff with enough guidance.
- The Director will sign all the variance decisions. Concern about one staff person making a decision and not consulting other staff was a valid concern, but unlikely to occur.

- Was staff covering the right types of things in the criteria? When doing the analysis, would the right things be controlled?
 - Staff believed the currently proposed criteria were achievable. Any impacts could be mitigated. Staff would have the opportunity to make conditions if needed. The variances would be relatively minor and staff would be comfortable granting such variances, but wanted the Commission to feel the same.

Chair Klein stated that his philosophy was to have Code that does not contradict itself and is easier for an applicant to understand. He was not concerned about the final numbers, as long as the Code was consistent and the Commission could make fixes along the way. After looking at the examples of the front yard variances, there could be some tweaking, but overall the provided framework was a positive direction.

Type II Variance - Applicability

- Concern was expressed about the height variances, which have been a sensitive item in various settings. Massing was also an issue to address.
 - Staff reminded that Phase II of this Code amendment project was to look at better design standards that address compatibility issues, which is the next step.
 - The new compatibility design standards may require a setback for structures built to a certain height. The variance chapter would then allow someone to vary the setback standards. It would not be based on the current standards. Height variance requests would be applied to the additional set of design standards addressing larger issues.
 - At present this Code still stands alone, but staff intends to work in conjunction with the upcoming Residential Design Standards project.
- The Commission cited several examples of projects where height was an issue. Comments included:
 - The Immovable Foundation Church has a spire. Spires are allowed to be higher.
 - Height is something that could be easily found to be detrimental to surrounding properties.
 - Most houses in Milwaukie were not built out to the height standards of 2½ stories or 25 ft. If so, Milwaukie would look completely different. The standard is always whichever is less.
- The compatibility standards really needed to be addressed. The Commission consented to remove the height variance from Type II, keeping it as a Type III review. This variance could be added as a Type II review as a single line item once the compatibility standards were determined.
 - Height variance requests rarely occur in residential zones. They are mainly seen on school projects.
 - The standards were not just residential, but apply to the entire city including commercial and manufacturing zones. No height variance requests have been submitted for those zones either.

Type III Variance Approval Criteria

The City has economic hardship approval criteria, but not criteria for discretionary relief, which would allow applicants requesting a variance to do an alternative analysis to show that a better project could be built with the variance. This would provide more flexibility for the applicant, Commission, and the community to get better projects.

- **Commissioner Batey** liked the idea generally, but expressed concern about creating code that would essentially grant a variance because some public benefit is evident.

- Perhaps a cost benefit test is needed, similar to the public benefits test in the CSU. Many projects have public benefits, but when is it enough to grant a variance?
- Could the Commission's decision to deny a variance application be overturned by LUBA if the Commission has imposed a cost benefit test that is not in the Code?
 - **Ms. Shanks** noted the language stating, "The proposed variance was determined to be the best approach because it avoided and/or minimized impacts." The applicant could not count entirely on public benefit for approval and not address impacts or respond to the natural environment.
- The language provided the Commission discretion in considering Type III Variances. Often the Commission ends up making bad decisions because they are so boxed in by rules. The desire was to have the opportunity to use logic.
- A more detailed discussion could occur after the actual draft Code language is received from the consultants, and the lawyers have reviewed it to see if the approval criteria are too broad and leave the Commission open for challenges.
- **Ms. Shanks** had reviewed a lot of other variances, especially from small California cities, which were often cited by Commissioner Churchill. Some codes only had one kind of variance for economic hardship; other codes included language saying they would consider granting a variance if the applicant could prove that a better project could be built. The proposed Code language reflected other cities' approaches.
 - She would provide examples regarding front yard setbacks when she returns with the actual chapter to review.

Chapter 19.800 Nonconforming Situations (August 24, 2010 6.2 Page 8 Attachment 1)

This chapter, created in 1946, allows someone to maintain and repair an existing nonconforming use or structure, alter the structure and/or use, and rebuild a structure if accidentally destroyed. Because Milwaukie was already somewhat developed, the City had to find a way to allow pre-existing situations to continue to exist. The current Code allows people to alter their nonconforming structures and/or uses if they go through a process.

- Staff proposed to not allow people to alter their nonconforming structures through the nonconforming chapter, but use the variance chapter for equity reasons. Currently, someone with a nonconforming structure can do more to that structure than someone with a conforming structure.
- A nonconforming structure should not be allowed to be rebuilt even if it was an accidental destruction. Some codes require conformance at that point.
 - Milwaukie's Code was intentionally developed to allow people to rebuild as a policy decision, though that particular policy could be changed. The approach was to give people the right to rebuild what they had.
- Conformance should be required. Rebuilding a nonconforming structure should not be a rubber stamp approval. Making such changes is the only way the City would be able to move forward with trying to make things work as they should. Applicants should have to build the new building to current Code.
- A nonconforming structure that encroaches into the right-of-way is different and could not be rebuilt in the right-of-way. This falls outside the nonconforming chapter. The Engineering Director steps in and identifies it as a safety issue.
 - Nonconforming structures generally regard structures on one's property that do not meet the setback(s).
- Milwaukie has developed over time and has such a variety of lot and building shapes that staff definitely does not understand all the nonconformities. If some people are not allowed to rebuild in this way, they may not be able to rebuild at all because some lots are so funky

or narrow that they could not actually meet the standards. Examples were requested.

- One could argue that is why the variance process exists; applicants can come in and ask for a variance. There should not be a rubber stamp for them to rebuild some horrible building just because it was there before.
- The Code would allow them to rebuild the footprint and massing. They would still have to build to the current Building Code. The structural aspects, the setbacks, and the physical form the building occupies could be built the same as the nonconforming structure.
- One application was discussed where the nonconforming house was completely destroyed by fire, which is rare. The applicant wanted to make some slight changes but was not allowed to extend the nonconformity. Ultimately, a new conforming structure was built on the property, releasing their rights to the nonconformity.
- No disadvantages seem to exist in not allowing someone to rebuild a nonconforming building. Perhaps the variance process could be made less expensive.
 - Having to rebuild after a catastrophe is stressful enough and many people do not know about their responsibility to notify the City about rebuilding a nonconforming structure. They may just want to rebuild instead of trying to figure out a new house plan or how they may do something differently.
 - The history of the Code reflects empathy toward someone who has truly lost their structure accidentally and not intentionally. If the Commission believes this is something they want to pull back on, it would just be a policy change.
- Destruction is defined as 50% of the assessed value of the structure. While not an unusual standard, it could be hard to implement. Staff has not seen anything better in terms of where to draw the line for what is destroyed versus what is not.
 - Staff uses the assessors' records to determine the home's worth and compare to what the property owner provides as cost of the damages.
 - Questions arose as to whether the amount of the damages was the cost to reconstruct the structure. Rebuilding some houses, or portions of a home, would be more expensive than the value of the house.
 - The issue does not come up a lot with homes, but has come up more often with garages and old sheds built right on the property line. The costs are less on simpler structures.
 - Staff has also struggled with the issue of 50% of the assessed value.
- At this time, the Code does not address situations where applicants might want to recreate the nonconformity to retain some historical value.
 - The Commission agreed that having the latitude for the Commission to make that decision would be better than having a rubber stamp that says "if it was nonconforming before, it can be nonconforming now."
 - **Ms. Mangle** offered to develop 2 alternatives, because such a change would be a significant policy shift. It would be worth probing and investing some specific examples in light of 2 parallel options so everyone could really understand that change.
- The nonconformity chapter dates back to 1946 and now, 70 years later, most of those structures have fallen down.
 - Every time the Code is changed, more things become nonconforming. Buildings that have not fallen down are now historic resources and structures. Almost every building in the older pre-war neighborhoods is probably nonconforming.
 - If a structure is nonconforming to some standards that were probably developed for Greenfield development on new sites, is that worth honoring some part of the existing network of the community. This prompted hesitation by staff.
 - That argument could be made before a group of reasonable people. Just rubber stamping it leaves openings for bad things to happen.

- Many structures became nonconforming as recently as 2002, when the City changed its accessory structure design standards. Nonconformities are not just from 1946, but have been incremental over time. Each time the Code changes an objective standard, nonconformities are created.
 - The Commission and staff agreed to explore different examples to compare.
- The Code currently allows nonconforming uses to continue into perpetuity. One major change staff would propose in the draft language is to evaluate whether or not that is appropriate for some uses. The Code currently treats all uses and structures the same.
 - Staff purposely wrote standards to get rid of certain kinds of structures as well as uses. One policy proposal would be to develop a process whereby the City could actually determine whether or not a use is bad and then discontinue bad uses.
 - Staff's proposal would provide the opportunity to go further by not necessarily having to rely on a break in the use to get an obnoxious nonconforming use to go away. The change would not require the City to go further in every situation.
 - Staff felt strongly about making changes regarding nonconforming uses.
- Uses lapse if they are not maintained within a 6-month timeframe, such as Thomason Auto Sales on McLoughlin Blvd that was finally redeveloped.
 - People asked many times to open another car lot there and were denied because the site was in a manufacturing zone. Because the use had lapsed, the rights to that nonconforming use could not be carried over into perpetuity.
- One issue was how to measure or determine when a use has been abandoned. The church next to the Sweet Pea Day Care was discussed as an example.
 - A determination process currently exists where people have to show staff documentation like utility bills to prove that the use did not lapse.
 - Staff can only apply the Code when it comes to their attention through complaints, concerns, or when someone doing their due diligence actually asks about reopening and reestablishing a use.
- The main change staff proposed was to not allow alterations to nonconforming structures through this chapter anymore but have those go through the variance chapter.
 - Staff would now consider not allowing the rebuilding of nonconforming structures, and possibly have that addressed through variances as well.
 - Having the potential to amortize nonconforming uses is a good tool for the City. The process would need to be carefully thought through. The Code needs to be written for the worst case scenario.
 - Staff's goal was to develop the procedures and identify that amortization would be included, but not necessarily the criteria by which an unwanted nonconforming use would be identified.
- Sometimes a conditional use may be the best use for the property. Staff is trying to identify big nonconforming uses. When the draft chapter is presented, a map will be provided identifying the City's nonconforming uses with 80% certainty. Mapping the nonconforming structures would be nearly impossible. Creating rigid rules about something not understood made no sense.
- Rebuilding a nonconforming use or structure would not trigger a transportation review or parking standards unless square footage is added or the use is intensified.

Ms. Shanks reviewed the next steps of the Code project as follows:

- At the next meeting staff would discuss another piece of the Code project: conditional uses, amendments, and development review. This mostly regarded refining the chapters, rather than making big policy changes.

- The big discussion would be a new Development Review Chapter that will attempt to codify existing practices as well as fill the gap in the development review process.
- Staff would then return with drafts of the variances in the nonconforming chapter as well as the procedures chapter.
- She welcomed questions from the Commission and invited Commissioners to speak with her individually. She also requested that the subcommittee, Commissioners Batey and Gamba, meet with her along with former Commissioner Mike Miller to review the draft.

Chair Klein believed having the Commissioners meet individually with staff might result in better policy because while the Commission worked well as a group, they sometimes get into one mind frame and fixate on one particular issue.

7.0 Planning Department Other Business/Updates

7.1 Metro COO Recommendation Overview

Ms. Mangle presented a brief overview of the Community Investment Strategy from Metro's COO via PowerPoint, with the following key comments:

- The Executive Summary was provided in the meeting packet and the full version could be accessed online.
- The Strategy integrated the Urban Growth Boundary (UGB) decision, which would be finalized in December, as well as a Regional Transportation Plan, Regional Transit Plan, land use, community building, etc., all of which are related and vie for the same pools of funding.
- The City is fully responsible for implementing its decisions in terms of land use and development, but must also reflect federal policy with the Clean Water Act and comply with Statewide Planning Goals. Metro, TriMet, and other agencies work at a higher level. Though the City is often focused on current local issues, it must work in and be aware of this bigger context.
 - The 2040 Vision was developed in Milwaukie around 1996 and very schematically set out the vision for the region, which includes Clackamas Town Center, regional centers, and green spaces, which involves the Nature in Neighborhoods Program.
- Metro is required by the State, and was created by the voters, to manage the growth of the region and the UGB, as well as make UGB expansion decisions.
 - Every several years, the State asks Metro to forecast how many people they expect to move into the area and address how they will be accommodated. Metro uses a sophisticated level of modeling, and historically their estimates have been pretty accurate.
- How this population growth is accommodated is pertinent to Milwaukie because the city will only grow out a little bit in controlled ways where the City can afford to build some infrastructure.
 - However, not growing out means investing inside the UGB to accommodate the growth. The real conversation now is about investment, not intensification, because if the region is allowed to sprawl out that means a lot of development, planning, and transportation dollars would go out to the fringes.
 - Milwaukie is the only city, except Maywood Park and maybe King City that does not have to deal with the UGB.
 - Much of the regional policy regards the importance of reinvestment in these existing places and how regional cooperation, policy, and money can be used to strengthen livability in these places.

Chair Klein stated that he does not consider Milwaukie being sensitive to the City's intensification of use, or for bringing in more people. The reality is that reinvestment is needed in these areas because as the city grows, Milwaukie's houses are going to be more in demand, which means that the existing structure and infrastructure, and the services surrounding them, is what will be needed and desired. He views it as investing in the neighborhoods, not intensification.

Ms. Mangle noted special meetings were scheduled for September 29 and September 30 for area planning commissioners and city councilors, and the Commissioners were invited to attend. Other events, including an open house in Oregon City, would be held as well.

8.0 Planning Commission Discussion Items

Councilor Chaimov commented that it was nice to see the Commission working well together.

9.0 Forecast for Future Meetings:

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| September 28, 2010 | <ol style="list-style-type: none">1. Worksession: South Downtown Concept Plan2. Natural Resource Overlay project update |
| October 12, 2010 | <ol style="list-style-type: none">1. Public Hearing: AP-10-01 Appeal of Director's Interpretation re: LED signs in Downtown2. Worksession: Land Use and Development Review Process Tune-Up: Review of Draft Amendments for revised Variances and Nonconforming Situations chapters and new Development Review chapter3. Worksession: Comp Plan – Thinking About, and Planning For, the Future |

Ms. Mangle reviewed the Forecast with these additional comments:

- Staff would be sharing the South Downtown Plan with City Council next week before presenting the Plan to the Commission. As proposed, the Plan would not be allowed in the City's current zoning, so additional work will be needed.
 - The Plan was being presented to Council prior to the Commission at Council's request and because South Downtown has been Council's project and they initiated the contract. The questions for Council regard the program, future funding, and what it will take to keep the project going, as well as the approval of the Plan at a programmatic level.
 - If the City decides to move forward with the Plan, Council and the Commission must agree to all the additional planning and work needed on the Code.
 - The response from people at the farmers' market was very good. A few people were skeptical, but staff talked with about 60 people and received a positive response. For some, it was their first time really engaging with anything in downtown, and they were just positive about downtown and light rail; some people got more engaged with the material.
 - She was able to talk with Matt McNealy about some of the issues and Carlotta Collette was also able to attend. The farmers' market was a great place to have a public meeting.
- On October 12, 2010, the public hearing on the Director's Interpretation regarded how LED signs are addressed in the Code, specifically the McLoughlin Blvd 76 gas station illuminated LED signs that change.
- She confirmed that September 28th would be Commissioner Bresaw's last Planning Commission meeting.

Meeting adjourned at 8:23 p.m.

Respectfully submitted,

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



Jeff Klein, Chair