

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, October 26, 2010
6:30 PM**

COMMISSIONERS PRESENT

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

STAFF PRESENT

Katie Mangle, Planning Director
Susan Shanks, Senior Planner

COMMISSIONERS ABSENT

Jeff Klein, Chair

1.0 Call to Order – Procedural Matters

Vice Chair Harris 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 August 24, 2010

Commissioner Batey noted that this was a good example of the need for speaking into the microphone, adding it was a good thing the meeting had been a worksession and not a hearing.

Commissioner Churchill moved to approve the minutes dated August 24, 2010, Planning Commission meeting minutes as submitted. Commissioner Gamba seconded the motion, which passed 4 to 0 to 1 with Commissioner Wilson abstaining.

3.0 Information Items

Katie Mangle, Planning Director, noted two items would be added to 8.0 Planning Commissioner Discussion Items, the draft letter to Judge Gray for the Commission's review and Commissioner Gamba's report about the conference.

- She briefly reviewed several changes to and the new features available on the City's new website. She noted several key items and responded to questions as follows:
 - Information about land use applications was now available well before they came before the Planning Commission. Instructions for accessing information from past packets had been sent via email.
 - Biking information was separated from the Transportation home page and now had its own section with links to the bike map, current initiatives, and other biking-related items.
 - All the projects that have come before the Commission were on the Projects page, such as the Natural Resources Overlay Project. This page included all the drafts the Commission has reviewed, information about Title 13, maps, and related materials requested like the Portland Plant List.
 - Getting WiFi for City buildings was on the IT needs list, but currently only the Pond House has WiFi.
 - Website updates used to go through the IST department, which had resulted in the prior limitations. The City hired a company to design and host the site, but staff was now

empowered to make edits and updates. Alicia Stoutenburg was doing most of the work for the Planning Department, but each planner could make edits as well.

- Neighborhood District Association (NDA) pages were available. Some NDAs had their own websites, and a lot of the information on the City's new site had been transferred over from the old site. Whether NDAs could update their own page was unclear.
- The website was still a work in progress, but it had a lot of potential. She encouraged the Commission to suggest adding items that would be useful to them or the public.

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: Comprehensive Plan Discussion
Staff Person: Katie Mangle

Katie Mangle, Planning Director, introduced discussions regarding the Comprehensive Plan, which regarded several projects and discussions occurring in the City at this time. She displayed the Comprehensive Plan Land Use Map and presented a brief overview of the Comprehensive Plan's background and its role as the City's over-arching policy document. She noted these key points, and responded to questions as follows:

- Adopted after its last periodic review in 1989, the current Comprehensive Plan (Plan) was outdated. Milwaukie has been on the State's list to do a required periodic review of the Plan for sometime. The City needed the State's blessing to enter into periodic review because a lot of grant money was provided to help do that work.
 - While staff has hoped to do the review for about five years, it has been delayed. One delay was because staff was in the middle of the Transportation System Plan (TSP) and could not accommodate the extra work. Now the State was having such severe budget problems that several cities were told that their periodic reviews were on hold indefinitely.
 - Consequently, she was not sure when they would be able to do a bigger update; however, that did not mean that nothing could be done now, only that no State resources would be available. Over the next six months, she hoped staff could talk with City Council and the City Attorney about what could be updated now.
- The Plan still had a lot of good content and a lot of its good policy direction had never been implemented. The Natural Resources section was almost ahead of its time in terms of the importance of restoration and providing incentives for property owners. Many of these concepts were in the Plan as guidance policies. Much of the zoning Code work done over the last three years had essentially been implementing the Plan.
 - Significantly outdated portions included many inventories, such as historic resources, buildable lands, parks, as well as the absence of a local wetlands inventory.
- Staff was experiencing some Plan policy issues on commercial lands and areas outside of the City, especially with regard to coordination with the County. Even though the Plan contained very strong policy on annexation and was allowing the City to do everything being done currently, it did not help resolve more complex coordination issues.
- There were some real issues in Milwaukie currently that the Plan just did not address, such as how a city the size of Milwaukie could be strong fiscally over the next 20 years, to address education; implement deeper sustainability concepts; preserve residential areas but also strengthen neighborhoods by strengthening some commercial nodes.
- A complete Comprehensive Plan project would be a multi-year effort, but the Code projects

the Commission was going to start doing would involve long-range planning. In the past few years, they had been able to work on projects at the Code level because they had really strong policy direction, but now they would need to have conversations at both levels, which would involve more public involvement and policy level work.

- Making Code and zoning changes that were in direct conflict with the Plan was not possible.
 - For example, the Plan very specifically states that no expansion of a commercial zone is allowed to take over a residential zone. One property owner with a home occupation on an arterial, and not in the middle of a neighborhood, wanted to turn it into a commercial property. Most would say that it would work, but there was no room for discussion. The property owner could not apply for a zone change, because the Plan would have to be changed and the City would have to do both levels of analysis, which was a big job.
 - All the Code amendments being done either fell in line with the Plan; otherwise language adjustments, policy additions, or minor changes were made to ensure everything agreed.
- At this time, staff wanted to fix the Plan piecemeal as needed, the extent to which that could be done depended on the issue.

Discussion continued about the Plan and its limitations as follows:

- Current limits on commercial uses in residential zones did not support the concept of 20-minute neighborhoods, wherein residents could access all services needed for daily life within a 20-minute walking distance.
- Zoning could facilitate but not create such neighborhoods. Density and demographics played a role in attracting businesses and services. High density housing did not bring better services; better demographics, i.e. education, income levels and age, and more livability are key factors in attracting some services.
 - The City had some needed elements in place with neighborhood commercial and limited commercial zones, but not the policy direction to allow adjacent properties to do similar uses, because of limits on expanding commercial or to allow anything on those sites that did not have to be reviewed by the Commission. The City had some odd limitations in place that could be reviewed without overhauling the entire Plan in order to achieve these goals.
 - The Commercial Core Enhancement Project and the Murphy & McFarland site in central Milwaukie regarded areas where a broader look was needed for the future. It was a different kind of project than the smaller Code projects because the work involved going out into the neighborhoods and talking to more people. They needed to ramp up to have those needed types of conversations.
- The defined zones on the displayed Land Use Map went back to the 1960s. The categories did not look well defined by current standards. Generally, the zoning outside of downtown had not changed much in terms of how the land was classified. A lot of work was done in the 1980s to solidify the zones.
 - For example, in the King Rd area and along Hwy 224, the Plan's policy essentially said to build strip mall development with big parking lots, but Commissioners over time have said that was not wanted as these areas redevelop. Some items in the Sign Code went back to this issue as well.
 - It was not just a Code problem but a Comprehensive Plan problem. The Plan did not reflect what many in the community wanted to see. Just tweaking the Code would not be enough, they needed to take a step back and talk about the vision.
- She encouraged the Commissioners to start familiarizing themselves with the Plan, especially with Chapter 4 the Land Use section, and to consider the Plan as critics. Just as the Commission has been imbued with a lot of Code and policy work at the legislative Code

level, they needed to be discussing it at this level as well, which would be more fun because it involved how the community could be changing, growing, and shifting, or not shifting and being protected as needed.

- The projected time frame for doing the major Plan review was 2011-2014. City Council would determine the scope and timeframe for this project. Decisions needed to be made about how to go about amending the Plan, if Council wanted to do it.
 - Plan changes could be done similarly to the Code changes, where small sections could be addressed each year or as the City could afford. Some sections would be easier than others. Some would interest the State and regional agencies more than others and involve certain requirements.
 - There were things that could be done and the Commission should be at the forefront in thinking through how to tackle this comprehensive project.
- Further discussion about the map regarded what various designations meant, how the Plan had impacted development to date, and explanations of various uses, neighborhoods and their zoning as depicted on the map, including existing nonconforming and conditional uses. A use map would reveal different patterns than this Land Use designation map was showing.
 - Areas on the map were identified where the current zoning was not implementing the Plan. The City did not have any public zoning; everything was commercial, residential, or industrial, even though the Plan designated some land as public.
 - Public areas would include parks and schools. The map needed updating as the Waldorf School was still identified as a public site, while newer parks were not depicted.
 - Circulation changes like bike paths could be used to better connect the city, which was divided by the industrial area, but also to connect downtown and the riverfront to the neighborhoods to reinforce those nodes if the neighborhoods would want to support that.
 - Residential/Office/Commercial zones were the most versatile and tended to create walkable urban neighborhoods, but the City did not have the right design standards in place to manage such uses and how they would mix together.
- Ms. Mangle would work with Mr. Monahan to get started on a Comprehensive Plan project, but nothing was ready to go to Council yet. A Metro grant may be available soon, so over the next year commercial area issues would be addressed should Council accept the grant.
 - Council would be doing some goal setting in January, which might be a good time for the Commission to make some suggestions about Plan updates.
 - Addressing the Plan now would be beneficial so the City did not have to be reactive when development ultimately proceeds, such as on the Murphy and McFarland sites.
- Milwaukie was in compliance with Metro's Functional Plan. Title 13 was the exception, which was why the Natural Resources Project was being pursued.
- While State and Metro requirements were in place, Milwaukie was able to develop its own standards. The Residential Design Standards were one example.

6.2 Summary: Residential Standards Project Set-Up

Staff Person: Katie Mangle, with guest Marcy McInnelly of SERA Architects

Ms. Mangle stated the worksession was to discuss ideas about the process involved with the Residential Design Standards Project and the roles of the community and Planning Commission. The Planning Commission, City Council, and Design and Landmarks Committee (DLC) have wanted this project for a long time. As a State grant funded project, the City only had 6 to 8 months to finish project. That same State grant was funding the Development Review Tune-Up Project, which would help lay the groundwork for this work. Resources were limited

however, even with the grant. She presented the staff report, which noted the priorities to be addressed by the Residential Design Standards.

- The consultants on the project were Angelo Planning Group for the Code-writing portion, and Marcy McInnelly and her colleagues at SERA Architects for the design side. Having a good process that included the right people early on should make the later Code-writing work relatively easy if staff and the consultants know the policy goals. Many good models were available from Portland, Canby, and Clackamas County.

Marcy McInnelly, SERA Architects, introduced herself and provided a brief background about herself, her experience, and SERA Architects. She offered the following comments:

- Often conversations with the community devolve into density, housing style, and the kinds of people living in different housing. Most housing being built was designed for demographics that no longer exist. Housing choices often do not accommodate aging parents or attracting grown children back to the community.
 - Having complex housing choices in the community make certain things more possible. Density, appearance, and Code provisions could be discussed after the community defined needs and vision.
- SERA would focus the conversation to learn what Milwaukie residents saw as the future of their community, and what kind of housing was needed to serve generational changes and all the different demographic groups. The community would consider why housing choice is important, and how having options might benefit citizens personally. SERA would initiate the conversation by telling stories about life patterns and how having different housing options might have impacted peoples' lives differently. She invited the Commission to offer their own stories.

Ms. Mangle reviewed the recommendation to have a Commission subcommittee for the project as outlined on 6.2 Page 14 of the packet. Debate regarding the project and the work being done would benefit from having NDA members, property owners as well as a City Councilor and DLC member in the room to provide input and policy direction.

- She noted that Ms. McInnelly had suggested the City initiate the discussions with a town hall type meeting to invite more people to talk about their stories, housing in Milwaukie, and to identify fears and needs in order to frame the whole conversation from the ground up. It would be almost opposite from a Code project, more of a story-telling project that would inform the policy, which would then inform the Code.

The Commission, Ms. McInnelly, and Ms. Mangle continued discussion which included these comments:

- The town hall-like meeting would include discussion about increasing housing options within the community and why that was important. Housing types included accessory dwelling units (ADUs), detached single-family units, townhouses, apartment or condominium flats, and cottage clusters, an older model that has been zoned out of most codes but was regaining popularity.
 - Taking a virtual or actual tour of some of the housing options available was suggested.
- Citizens seem to want more choices and less segregation of property types, e.g. single-family houses in one neighborhood and apartments in another. Many were asking to add an accessory dwelling unit to their single-family property.
 - Retirement-age couples wanting to downsize often have to move out of their neighborhoods or even their city to find alternate housing types. The new approach is to provide lots of choices in one city.
 - A large division currently exists between apartments or affordable housing and home-

ownership housing. One benefit of blending housing types was that home ownership and rental properties become more integrated.

- The City does have some more integrated neighborhoods. The current Code project was addressing how not to zone them out of existence. Design issues would have to be addressed.
- Having a larger public meeting before the subcommittee started was preferred to talk about housing options to the community as a whole. Citizens also expect to be involved after all the public meetings held for the TSP.
 - The meeting might help identify citizens who could serve on the subcommittee.
- The pros and cons of a larger public meeting versus stakeholder interviews were debated. Selection of interviewees would likely be criticized, but allowed less outgoing individuals to provide input. Larger public meetings engaged further ideas as attendees fed off one another's comments.
 - Having a combination of both processes was suggested; have a public meeting and follow up with individual interviews, including with those that attended the meeting, to obtain a good data sampling.
 - Staff could also follow up with developers coming to the Planning Department counter. Developers could also provide stories to share, anonymously, about the housing types they are trying to create and why.
- The process would provide opportunity to educate NDA Land Use Committee (LUC) chairs about what other communities are doing to create nodes and strengthen neighborhoods. The chairs could then obtain feedback from the NDAs.
 - The City could ask for input about residential and land use alternatives, the strengths and weaknesses of each neighborhood, and offer ways to support the NDAs. Promoting a process that generated ideas from the NDAs and community to the Planning Department would strengthen relationships.
 - Involving outlying neighborhoods was also important following all the planning done with light rail and in downtown and historic Milwaukie.
- **Ms. Mangle** cautioned that no rezoning or density changes would be done and the Commission could clarify that during conversations with citizens. She reminded that policies did not necessarily have to change. The project would provide a chance to have discussions that may or may not result in changes.
- The role of government in this process could impact community relationships in the future. They wanted to be sensitive to not lead the community, but educate and facilitate the discussion without compromising their responsibility to provide guidance.
 - The Commissioners and the subcommittee members should spend some time in the neighborhoods to gain a better understanding of each area's identity, strengths and weaknesses. Bike tours would provide a unique opportunity to do so.
 - Vice Chair Harris noted that as an NDA leader, he has found that citizens are tired of being led. They want to be asked for input, not presented with information.
 - Educating NDAs about successful neighborhood models would be a softer approach.
- The City wanted to get information on the range of issues, but this project would not solve all the problems in the city. It would provide opportunity to understand problems to address in the future.
 - Most development inquiries regard additions and ADUs in residential zones, which would be relevant citywide, but some issues would not affect certain areas of the city, like lower density areas.
- Community responses needed to be quantified. Perhaps a carefully designed survey could be conducted to identify what percentage of the population valued certain aspects over others, such as retirement-oriented development. Demographic data the City already had on

hand might be helpful as well as market analyses, or information used by real estate developers when targeting areas for a certain housing type.

- Only conducting a survey could result in wrong information unless a specific company was used who knew how to reach a certain representative sample.
- Following detailed education, specific questions could be asked about the type of housing desired which would direct zoning decisions later.
- It was important that zoning or mass and bulk not drive the visioning conversations.
- The current zoning created some unintended uses; it would be important to analyze the potential impact of future changes. The Code had inadvertently pushed certain kinds of ownership and rental patterns.
- An illustration was circulated to give the Commission an idea of the renderings that would be generated during the process.
- National trends reveal not enough housing is being created for the baby-boom tsunami as they approach retirement. The home-building industry and various cities' codes were not keeping up with the desires of the changing population. Certain code restrictions also prohibit different housing types. Additional statistics were as follows:
 - Both baby-boomer retirees and the millennium generation want smaller housing options without being pushed into multi-family properties.
 - Families with young adults who continued to live at home want more options for additions and remodels.
 - Older retirees might need independent living options near support services, rather than being forced into assisted living.
 - Walkability and safety were also desired features for housing.
 - Manufacturers were starting to produce prefabricated accessory dwelling units and other options; the Code might need to be revised to accommodate these new options.
 - Addressing the needs of families who have lived in the community for generations should be considered, as well as providing more transition options to allow such family members to stay in the community.
- The City and SERA would want to stimulate a conversation in the greater community similar that of the Commission, not focused on density or zoning codes, but on how people live in Milwaukie, and how they imagined people might want to come live in Milwaukie in the future to think about the community in a different way.
 - The process should consider the jewels in every neighborhood and enforce those fabrics rather than mandate a vision or formula on the neighborhood.
- Many lots in Milwaukie's neighborhoods were big enough to easily accommodate a bigger house, ADU, or duplex; many big lots were not being maximized. Development would come into those areas more easily than waiting for multiple lots to come together for a big project, and would be more acceptable to the neighborhoods. Local investment was another factor.
 - The City of Portland waived its SDC fees on ADUs, knowing whether applications had greatly increased would reflect whether there was a strong desire for wanting ADUs.
 - City planners kept phone logs of calls from citizens and noted various requests, which could be reviewed to identify trends or patterns.
- Another conversation would involve how much could be customized to accommodate the differences in neighborhoods, and historical sections, lot sizes, proximity to natural resources, etc. A toolkit could be created that was sensitive to the differences, but also maintained a cohesive overall vision for the city.

Ms. Mangle concluded with the following remarks:

- The City already had a Scope of Work with the consultants that meshed well with the IGA

with the State. The consultants' time would expire at the end of June 2011.

- The Commissioners' packets contained an overview of the project and its timeline.
- Certain aspects of the project could begin, such as mapping and interviewing, prior to discussions with Council. She would be briefing Council on the Development Review Tune-Up and Residential Design Standards projects on November 16th.
 - City Manager Bill Monahan would help bring the newly elected Council up to speed on why these projects were important.
- Land use training would be held for the NDAs on November 4th, where both projects would be addressed briefly as well.

7.0 Planning Department Other Business/Updates – None.

8.0 Planning Commission Discussion Items

Commissioner Churchill reported that he did some research regarding LED signs following the October 12 public hearing. Many interesting alternatives exist that were not just all LED exposed light sources. He believed Ms. Mangle had made the right decision. Other cities consider scale and illumination sources that do not need to be exposed LEDs. He had forwarded the information to the Chair Klein and would to staff as well.

Commissioner Batey said she took pictures of Lake Oswego gas station signs and reported that none were more than 4 or 5 ft tall.

Commissioner Churchill noted that scale was an important issue in progressive communities. He wanted to start phasing out pole signs. Signage was a bellwether about how communities care about their visual environment. Another was scale of houses and residential appropriateness of mass and bulk. He believed things could be done in the City's planning regulations to help get continuity of neighborhood mass and scale. Signage was an important part of that.

Vice Chair Harris believed that broadening the sign discussion was important because the Commission would be discussing it again soon.

Ms. Mangle introduced a letter regarding the Appeal of Director's Interpretation of October 12, 2010, a draft of which had been sent out the previous day and received varied responses. Commissioner Batey helped write revisions to make the letter appropriately more neutral on some points. The revised letter had been emailed a few hours ago and was circulated for review.

Discussion amongst the Commission and Ms. Mangle was as follows:

- Concern was expressed that the letter might actually be too neutral.
 - The municipal judge was typically very lenient, which should be considered. The letter encouraged the judge to grant latitude to the Applicant.
- Whether the letter would have any impact on the case was uncertain. The court case was about the fact that Mr. Kanso did not take any action when cited. He pursued the Director's Interpretation, but not until after the deadline.
 - Having the two processes overlap was messy and should be avoided in the future. They were really very separate issues, so the outcome was uncertain.
- The purpose of the letter was to say that although the Commission had voted that the Appellant had violated the Code, the Commission questioned whether the Code as written

should be the City's policy, and the judge should take that into account.

The Commission consented to send the letter to the judge as drafted. Commissioner Wilson abstained.

Ms. Mangle stated Mr. Marquardt would deliver and explain the letter to the judge. Mr. Kanso would receive a copy and would probably enter it into the record in support of his case.

9.0 Forecast for Future Meetings:

- November 9, 2010
1. Worksession: Water Master Plan *tentative*
 2. Worksession: Land Use and Development Review Process Tune-Up (Briefing #6): Review of Draft Chapters: Conditional Uses, Variances, Nonconforming Situations, Amendments, Development Review and Procedures
- November 23, 2010
1. Tentatively cancelled

Ms. Mangle reviewed the upcoming meetings with these additional comments:

- The Commission would receive a lot of Code chapters to read for the November 9th meeting. Staff would get the drafts out on Friday so the Commissioners would have an extra weekend to review them. The staff report and rest of the packet would follow on the regular schedule on Tuesday. The Residential Design Standards subcommittee would meet on Monday.
- The Water Master Plan would be a preliminary briefing from the Engineering Department with an anticipated hearing for adoption in January.
- The November 23, 2010 Planning Commission meeting was tentatively cancelled unless more time was needed to discuss the Code Tune-Up project.

Commissioners Batey and Churchill could not attend the November 23rd meeting.

Meeting adjourned at 8:32 p.m.

Respectfully submitted,

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



Jeff Klein, Chair