

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, October 25, 2011
6:30 PM**

COMMISSIONERS PRESENT

Lisa Batey, Chair
Scott Churchill
Mark Gamba
Russ Stoll
Clare Fuchs

STAFF PRESENT

Katie Mangle, Planning Director
Li Alligood, Assistant Planner
Ryan Marquardt, Associate Planner
Brad Albert, Civil Engineer

COMMISSIONERS ABSENT

Nick Harris, Vice Chair
Chris Wilson

1.0 Call to Order – Procedural Matters

Chair Batey called the meeting to order at 6:33 p.m. and read the conduct of meeting format into the record.

2.0 Planning Commission Minutes

2.1 September 13, 2011

Commissioner Fuchs corrected her comments on 2.1 Page 1, Lines 28 through 30 to present tense as follows, "...stated that she ~~had~~ **has** been a resident of Milwaukie for two years. She ~~was~~ **is** an urban planner by trade...She ~~was~~ **is** living in the Ardenwald neighborhood and currently ~~worked~~ **works** as an urban planner..."

Commissioner Churchill moved to approve the September 13, 2011, Planning Commission minutes as corrected. Commissioner Wilson seconded the motion, which passed 4 to 0 to 1 with Chair Batey abstaining.

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.

Les Poole, 15115 SE Lee Ave, Clackamas County, stated the Planning Commission had probably heard him express his concerns at various meetings and the in the media about what happens when light rail, in theory, left Lake Rd and headed toward unincorporated Clackamas County. There have been references to legal issues and a potential lawsuit about what was happening to the parks, specifically Kronberg Park, which existed in name only, and Kellogg Lake Park.

- Since Kronberg Park was discovered in the fall of 2005, he has asked the City, City Council, TriMet, and Metro countless times to address the fact that these 5 ½ acres needed to be taken care of, properly deeded, and mitigated. It was wonderful how much money was being spent in the mitigation zones, but as he has said before, if the light rail line was described as a horse, they knew what happened when they got to the back end of the horse, and the

back end of the horse was what was planned for Island Station, Kellogg Lake, and the Trolley Trail.

- He hoped the Commission would take time to answer this question: when would the City of Milwaukie address Kronberg Park and Kellogg Lake Park as a single entity and provide some reasonable mitigation for the light rail line?
- The placing of a massive concrete structure over the top of the Trolley Trail alignment and basically building an overpass across Kellogg Lake and across the edge of the parks and down the middle of the Trolley Trail, completely destroying any of the good that light rail could bring to Island Station, was a design that would not survive a legal challenge. Section 4F of the Federal Code had a place for de minimis impacts. If someone could convince him that what was planned for the Trolley Trail was even close to de minimis impacts, no legal action would be taken.
- He noted that he has given testimony in many venues, but never accompanied by an attorney; however, he was not just speaking for himself, nor was he anti-light rail. The legal advice he has received is very accurate. He was not threatening the City, but wanted answers to his questions.

Chair Batey stated that some of the issues raised would be the subject of the next Planning Commission hearing on November 8, when mitigation and the light rail and Trolley Trail relationship would be discussed.

Mr. Poole said he did plan to attend the hearing. However, there was no way to mitigate that eyesore outside of redesigning it, which would take a lot of money and involve cleaning up Kellogg Lake. He hoped that was the direction the light rail project would go, but TriMet did not have the money for that. He appreciated Chair Batey's response.

David Mealey, 5111 SE Lake Road, Milwaukie, distributed a letter to the Commission that was drafted with Marty Stivens, the planner he was working with, and addressed some concerns he raised two weeks ago regarding the Residential Design Standards Project. He encouraged the Commission to keep the Code simple, adding that the proposal presented by the Planning staff was a simple one, as far as using the arterial roads, and the additional concerns regarding the higher density zones.

5.0 Public Hearings

- 5.1 Summary: Ukrainian Bible Church CSU Major Modification
Applicant/Owner: Petr Buzhduga/Ukrainian Bible Church
Address: 11900 SE Stanley Ave
File: CSU-11-02
Staff Person: Li Alligood

Chair Batey called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

Li Alligood, Assistant Planner, clarified that the file number on the staff report, CSU-11-01 was incorrect; the file number on the agenda, CSU-11-02, was correct. She noted that the cited Code sections in the staff report did not reflect the recent Code renumbering of Ordinance 2025. She then cited the applicable approval criteria of the Milwaukie Municipal Code as found on 5.1 Page 7 of the packet, which was entered into the record. Copies of the report were made available at the sign-in table.

Chair Batey asked if any Commissioners had any ex parte contacts to declare. There was none. Chair Batey and Commissioner Churchill declared for the record that they had visited the site. No Commissioners, however, declared a conflict of interest, bias, or conclusion from a site visit. No Commissioners abstained and no Commissioner's participation was challenged by any member of the audience.

Ms. Alligood presented the staff report via PowerPoint, reviewing the background, zoning, and previous approvals of the site, as well as the proposed addition and its potential impacts.

- No comments were received from the Linwood Neighborhood District Association (NDA), the Linwood NDA Land Use Committee, or any surrounding property owners, and staff received no additional comments since the meeting packet was distributed to the Commission.

Chair Batey confirmed that no parking spaces would be lost due to the addition.

Commissioner Churchill noted that 5.1 Page 22 included a reference to a new footprint addition of 1356 sq ft. However, the total square footage was 1356 sq ft, the actual footprint would only increase by 305 sq ft, which should be corrected for the record.

- **Ms. Alligood** responded that narrative was submitted by the applicant; her analysis was done with the correct numbers.

Commissioner Gamba:

- Noted the staff recommendation discussed reinforcing the current use as far as how much the applicant was currently using.
 - **Ms. Alligood** clarified this referred to both the number of people who could attend any given service and how frequently those services occurred. Since 2007, there had been limitations on service and use as noted on 5.1 Page 6 of the staff report. The church currently had two Sunday services, one morning and one evening service, with attendance limited to 300 people; a Thursday evening service, also limited to 300 people; a Friday prayer service, limited to 10 cars; and an understanding that between 5 and 10 special events such as weddings, baptisms, and religious holidays would occur throughout the year with a maximum of 300 to 400 people in attendance.
 - **Ms. Mangle** added those numbers were provided for the church in the original application and used to conduct the traffic study, etc., but the numbers were not reflected in the actual land use decision. When the minor modification related to building form was approved in 2007, the numbers were formally included in the conditions of approval of the minor modification to reflect the 2005 decision.
 - **Ms. Alligood** explained the building was actually capable of accommodating more than 300 people, but the traffic study was based on 300. Increasing that number would require a new traffic study and new major modification.
- Asked if the addition of the kitchen would enable more special events to occur.
 - **Ms. Alligood** responded the addition was intended to serve the existing congregation and facilitate events already being held at the site. It was not intended to increase the number of congregants and the Applicant would still be restricted to the 5 to 10 special events per year.

Chair Batey recalled there being some concerns from the neighborhood, either before or after the 2007 modification, about parking overspill on Stanley Ave. The packet included something about the agreement with the school, which the school said was a functioning agreement.

- **Ms. Alligood** responded that although there were some complaints regarding the first service held at the new church, there had been no complaints since that time. There had

been some concerns about how the shared parking would function, but it appeared to be functioning as it should.

Chair Batey called for comments from the Applicant.

Dan Symons, 12805 SE Foster Rd, Portland, stated he was the engineer that helped the Applicant put the application together. He commended staff for their efforts in helping to ensure the application met the approval criteria. He corrected that the Thursday evening service noted on 5.1 Page 6 was actually a Wednesday evening service with the same hours of 7:00 p.m. to 9:00 p.m.

Commissioner Stoll stated that the restriction on the Friday prayer service of 10 cars seemed quite restrictive and asked if that was adequate.

- **Mr. Symons** welcomed the opportunity to bump that up if it was open for discussion, but it did force them to carpool, which was not a bad thing.

Petr Buzhduga, 12537 SE Mt Scott, Happy Valley, stated that the Friday prayer service was mostly older people gathering together. The average was 10 cars, but sometimes it was more and sometimes it was less.

Commissioner Churchill stated the restrictions usually noted a maximum so it would be advisable to raise the number so the applicant would comply.

Commissioner Gamba believed the limitation of 5 to 10 special events, which included funerals, weddings, and baptisms, seemed like a low number for the size of the congregation.

- **Ms. Mangle** reiterated that these numbers had been presented by the church in their application and were the numbers used to assess level of activity, parking lot size, traffic impacts, and for everyone to understand how it would fit in the neighborhood. Because special events tend to go later in the evening, there was some sensitivity about some kinds of special events.

Commissioner Stoll stated the number represented less than one event per month, and as long as the Commission was visiting the numbers, it seemed kind of restrictive.

Commissioner Fuchs commented that if these numbers were included in the application and more had not been requested, the Commission could assume the applicant did not desire to increase the numbers.

- **Mr. Buzhduga** agreed that assumption was correct.

Commissioner Churchill asked if the applicant wanted to increase the maximum number of cars for the Friday prayer meeting to more than 10.

- **Mr. Symons** responded they would entertain as much flexibility as possible, because things change. He recommended the maximum number of cars allowed at Friday prayer meeting be increased to 25.

Chair Batey called for public testimony in favor of, opposed, and neutral to the application. There was none.

Commissioner Fuchs:

- Asked what percentage of addition triggered coming to the Commission for this kind of application.
 - **Ms. Alligood** responded that for a Community Service Use (CSU), any expansion of floor area would require a major modification. Initially, it had been approved as an unenclosed deck which would have been allowed outright, but because they were adding floor area to the interior space, it triggered the application process.
- Stated this was so minor, she hated that the Applicant had to come to the Commission. For future discussion, she asked that they consider allowing a Planning Director's decision for proposals under a certain percentage of building coverage, such as 10% or 20%, as opposed to a Commission decision. It seemed like a lot of work for the Applicant to do something so small.
 - **Ms. Mangle** added one other factor was that the original application had been highly controversial within the neighborhood. The approval criteria were somewhat discretionary, and she felt pretty strongly that the 3% expansion was enough that she wanted to provide the opportunity for the neighbors and everyone to look at it and understand it. She had erred on the side of caution.

Chair Batey called for the Applicant's rebuttal. Seeing none, she closed public testimony.

Commissioner Churchill:

- Stated it was important to note the conditions of approval, given the significant history of the application. The increase of the maximum number of cars allowed for Friday prayer meeting to 25 seemed to be a reasonable change. The Thursday evening service actually being a Wednesday evening service also needed to be corrected on Attachment 2 on 5.1 Page 15. The use could potentially change and other uses of the facility could have different impacts to the neighborhood. He was glad to see no major opposition, no comments in the record, no letters of opposition, and that the Linwood NDA Land Use Committee had no comments.
 - **Ms. Mangle** noted for the record that Ms. Alligood had contacted the Linwood NDA after the deadline had passed just to make sure they knew about the application.
- Asked if the clarification on 5.1 Page 22 regarding the new footprint needed to be changed. The document was provided by the Applicant, so should it be footnoted in staff's conditions of approval?
 - **Ms. Alligood** explained that the 2011 new expansion area was a more accurate measurement in terms of dimensions.
 - **Ms. Mangle** added that Finding 1 on 5.1 Page 9 referred to the 1,356 sq ft addition, which was enough. She did not think the modifications needed to be footnoted. The 2011 New Expansion Area number on 5.1 Page 22 was correct, and the building plans were correct. The correct number was referenced in the findings, which was enough of a connection for the one anomaly to fade away.

Commissioner Churchill moved to approve CSU-11-02 and TFR-11-01, correcting 5.1 Page 15 to reflect that the Thursday evening service was a Wednesday evening service, and to change the maximum cars allowed for the Friday prayer service from 10 to 25 cars. Commissioner Stoll seconded the motion, which passed 5 to 0.

Chair Batey read the rules of appeal into the record.

6.0 Worksession Items

- 6.1 Summary: Residential Development Standards Project update
Staff Person: Katie Mangle

Ms. Mangle stated the project schedule called for having a proposal ready, in theory, for a hearing in December. However, with only one Commissioner on the steering committee, most Commissioners were not familiar enough with the proposal to start thinking about hearings. The light rail bridge was also occupying a lot of staff time, which limited discussion of another project. Staff did have a proposal based on a lot of research, outreach to the community, and debates with the steering committee. Staff would informally present the big ideas of the proposal utilizing several handouts included in the packet that were developed for the open house held last Thursday, October 20. Staff sought to identify the items the Commissioners would want more information about or to continue discussing. She wanted to avoid undoing the diligent work done by the steering committee, but did have three or four key issues she wanted to discuss with the Commission. Staff hoped to have the Residential Development Standards ready for public hearing in early 2012.

Ms. Mangle and **Ryan Marquardt, Associate Planner**, presented the proposed Residential Development Standards, which were outlined and illustrated on separate pages provided in the supplemental staff report. Staff reviewed each of the substantive categories, noting key issues, steering committee discussions, and feedback from public outreach.

Discussion regarding the proposed standards and Code changes, including addressing questions and feedback from the Commission, was as follows:

- Single-Family Dwellings Development Standards:
 - Commissioners wanted to understand what the lot coverage percentage might look like.
 - On single-family home expansions, larger lots would be subject to more stringent lot coverage standards. Duplexes would be allowed an increase in lot coverage from the base zone standard. An increase to the lot coverage standard would also be allowed for the addition of a detached Accessory Dwelling Unit (ADU).
 - Massing issues, if not dealt with elsewhere, needed to be addressed.
 - Commissioners supported changes in how building height would be measured.
 - Staff was revisiting the issue of how different roof styles are measured. The current definition only took into account the classic pitched roof. Staff was borrowing definitions from other codes that had different measurements for gambrel, flat, and pitched roofs. The standards would expand the methods for measuring height, but the methodology for measuring a pitched roof would not change.
- Single-Family Design Standards:
 - New family houses and additions that add more than 300 sq ft of floor area would trigger a design review.
 - Staff was not considering any outright prohibitions on any building materials, such as T1-11, as part of the design standards. Instead, the use of certain materials would be encouraged by including them in the detail design list. Using brick or lap siding, for example, would get extra points.
- Multifamily Dwelling Housing Types:
 - **Ms. Mangle** briefly reviewed housing typology and the challenges staff and citizens face in trying to build certain home types, like rowhouses, cottage clusters, and ADUs, with the existing Code. At the April workshop, staff heard pretty strongly that any form of housing should be encouraged that fit better into the neighborhoods.
 - The direction given by the community, and backed by the online survey, was to allow multifamily dwellings to take the shape of row houses and cottage clusters, not just apartment buildings. Even those most vociferously against multifamily development agreed to that point.

- Additionally, the development standards should encourage home ownership wherever possible. One aspect of encouraging cottage clusters is that each cottage could be set on its own lot and owned. The City could not require the cottages to be owned, but in relaxing some rules to allow that form of development, the City was providing for the possibility of home ownership.
- How rowhousing was defined is important because this type of housing could be done well or poorly.
- **Commissioner Fuchs** shared some of her experience reviewing rowhouse development where rowhouses and condo developments were separated; half came in condoized with the land underneath, and half came in as fee simple lots with some of the area commonly owned.
 - One interesting thing was that the City allowed rowhousing and cottage clustering right now, if it was condoized or all rental, but these housing types were not allowed as individual fee title lots. One proposed change was that both would still be allowed.
 - There would be rowhouse-specific development standards. The proposal would limit only four in a row and include some specific development standards to address access to the street. Allowing rowhouses on fee title lots would require the City to change some lot coverage, setback, and some other development standards.
 - **Commissioner Churchill** cautioned that was a bit of a slippery slope.
 - In response to the overwhelming support for allowing cottage clusters in multifamily zones, the City would need to change how frontage improvements and their different aspects were considered. Staff was relying on a model code for that section, so if something did not see quite right, staff wanted to know about it.
 - In the lower density, single-family zones, the only change to typology would be allowing detached ADUs. Currently, ADUs were allowed everywhere, but this change would allow them to take the form of detached.
- Multifamily Dwellings Development Standards; applicable to multifamily development in R-3, R-2, R-2.5, R-1, and RB zones:
 - Side yard setbacks for larger multifamily development would be based on wall area; as the façade gets larger, the building setback would increase.
 - Although the sidewall length could be moderated without affecting the apparent bulk and mass from the street, multiple measures would be used, so it's important to understand how those all came together.
 - Such measures address the compatibility for the neighboring lot as well as what could be seen from the street. The façade size-dependent setback would apply to multifamily and other commercial types of construction in those zones, and not to single-family and duplex units, which would still have the same 5-ft setback with a bit more required if the height increased.
 - Even with setbacks, a minimum 5-ft side yard setback would still be required. Further discussion was warranted, possibly diagramming how this would look.
 - Future discussion was requested about setback allowances when abutting lots were in different zones. This had been a topic of some good discussion with the steering committee.
 - Staff should consider addressing the issue of grandfathering in conditions where an existing building presents effectively a full blank face with minimal setback adjacent to small single families. If modifications were proposed to a large apartment structure, part of that might be to mitigate the impact to adjacent single families through the encouragement of setback or modification of the large façade.

- Some apartment structures had limited life due to the quality of the construction and would be coming up for a rebuild, providing the opportunity to steer those larger apartment complexes toward the direction the City was heading. This would be a modification of upper story units to reduce their apparent mass in a tradeoff for more lot coverage in another area of the lot.
- Addressing remodels had not been discussed before, so should be discussed in detail. As written now, all the residential standards applied only to new construction.
- A multifamily development could not also have an ADU.
- Encouraging parking to be put behind or under buildings was suggested; parking was addressed in the design standards for multifamily.
 - In Portland, cottage clusters had reduced onsite parking standards, which may be something to address. It might be worth revisiting, and perhaps footnoting, the successes or failures of what northeast Portland had done with regard to cottage cluster development.
 - At this point, no changes were proposed to any parking ratios.
 - Under the proposed design standards for cottage clusters, although the ratio is the same as other single-family development, the proposed Code would have the parking for cottage clusters consolidated into one area of the lot, which was borrowed from a model code. The parking ratio was 1.25 for multifamily and 1.0 for single-family. The amount of lot frontage available for street parking was a factor in the ratio calculation.
- Multifamily Dwellings Design Standards:
 - More discussion was requested about allowing developers the option of an objective or discretionary process.
 - The concept was to make the clear and objective standards really stringent and have some flexibility built into others so a project could be crafted to fit the site and the needs of the neighborhood better.
 - Meeting clear and objective standards for three or four row houses might be pretty easy, but could be more difficult for some complicated apartment building configuration.
 - The objective process killed creativity and good solutioning around parking issues and overall bulk and mass. As things scale up, the same standards could not necessarily be applied. The Type I process tended to be very prescriptive, and resulted in uncreative solutions, as opposed to having more discretionary input given a site's constraints.
 - The hope was that the Type II process would allow more flexibility for architects and developers, while also allowing more of a window into the process for the community.
 - The Commission suggested the Type I process be very unattractive to developers because all multifamily buildings should come before the Commission.
 - Staff agreed to meet with Commissioner Churchill one on one and walk through the multifamily design guidelines. Commissioner Gamba agreed to meet with staff to review items he had noted, so they would appear in the next packet. All the Commissioners were invited to contact staff about any questions, concerns or suggestions they had when reviewing the proposed standards.
- Conditional Uses in Residential Zones:
 - **Ms. Mangle** explained that following staff's presentation at the open house last week, some direction from the Commission on this issue had changed. Everyone seemed to agree that allowing more offices in the residential areas of the city was a reasonable thing.

- She believed it was important to limit conditional uses in residential zones to arterials and not consider collectors or other streets. Further discussion was needed and the Commission had requested a map of affected streets. With such a big and nontraditional change, it was important to limit the expectations to arterials so everyone could understand the ramifications.
- Once conditional uses were opened up to collectors, the conditions were very different; Johnson Creek Blvd is very different from 32nd Ave, which is very different from Railroad Ave.
- All arterials are designed to handle more traffic and already had this pattern of nonconforming uses and home occupations starting to sprout up.
- Staff also recommended limiting it to 2,000 sq ft, unless the request was to occupy an existing building, in which case the Commission could allow the conditional use to be larger, addressing the question about any remaining square footage in the house.
- The condition use criteria were very discretionary, so she agreed with David Mealey that the Commission, who would be making the decision, would actually be able to address the form, function, traffic impacts, etc., on a case-by-case basis.
- **Commissioner Churchill** said he still had some heartburn about arterials, which needed to be carefully considered. He understood the perspective about collector streets because expanding that opportunity on collectors would trigger more traffic and street engineering challenges.
 - He felt very strongly that the node concept was really the way to approach it. He understood that had challenges and zoning impacts for staff, but they needed to work backward from the ultimate goal and intent of the desired outcome and drive from that standpoint, letting policy and procedure follow and support that concept. If end-to-end commercial development was allowed in those zones, it would not be pretty to look at in 15 or 20 years. The collector changes could happen later on, if necessary. The first phase of development needed to be focused around major intersections and nodes as opposed to being linear.
- Issues raised by Commission Churchill could possibly be considered in a separate case file in six months or so, because the impacts of what they were dealing with right now would not be seen in the next several months. It needed to be considered more holistically in terms of what this discussion might look like in 15 or 20 years. This issue could possibly be attached to the 32nd Ave and 42nd Ave Corridors discussion later.
- **Commissioner Churchill** strongly believed nodes could be formed along the existing arterials. He felt very strongly that encouraging spot development all the way along the arterials was not healthy for Milwaukie
 - In some places, like on River Rd, the traffic situation was already so bad that it was not appropriate to have anything that people would be going to in cars.
 - Staff would note this as a major area for discussion. It was a minor part of the project, so if hour-long worksessions were needed, it probably should not be included.
- Accessory Structures: Accessory Dwelling Units (ADUs)
 - Commissioners supported the ADU concept, but wanted to understand what staff found in their research of how other municipalities addressed ADUs.
 - Further discussion was requested about the height of ADUs relative to the height of the primary dwelling unit. Staff would confirm that the draft stated that the ADUs height was limited to not taller than the primary unit.
 - Further discussion was needed about the danger of ADUs massing the back of rear yards and destroying the privacy of adjacent rear yard neighborhoods.
 - Property owners are limited to one ADU and must choose either an attached or a detached plan.

- **Accessory Structures: General Standards**
 - Further discussion was needed about including temporary versus permanent structures, removing some temporary tarps, retroactively, whether temporary tarps would be grandfathered, how long they could stay, and if there should be a temporary permit process for temporary structures, etc.

Ms. Mangle encouraged the Commission to tell others about the Residential Development Standards project and to check out the materials online.

The Commission noted other items for future discussion as follows:

- The draft currently deleted the requirement that people with bees on City property must ask all the neighbors, but the entire section on bees should be removed.
- The whole parking issue as it related to multifamily should be discussed to see about creating incentives for attractive, off-street ways to deal with parking.
 - **Commissioner Gamba** stated they needed to revisit parking in the near future.
 - **Ms. Mangle** replied if there was something very important that the Commission wanted to change, that should be discussed, but the change should be very targeted and specific.
- The Commission had allowed some flexibility for diminished parking ratios close to transit. "Close to transit" is defined as being within 1,000 ft of a high frequency bus stop or light rail.
 - **Ms. Mangle** said the diminished parking ratios could be discussed, but she wanted to make sure that the Commission was not expecting to change those parking ratios as they moved through this project. If the Commission agreed something should be done, they could do it, but she did not want it to be a distraction.
- **Commissioner Churchill** agreed, adding there were some very challenging parking conditions with regard to the logistics of a cottage cluster. It was hard to make a cottage cluster work without having parking central in the green area, unless there were very specific lot arrangements, but that killed the whole concept.
 - **Ms. Mangle** assured that parking location was firmly in this project and addressed in many places, she was trying to be careful about the parking ratios.

Ms. Mangle stated that the plan for November was the light rail bridge. Staff would work to return in December for at least one good worksession on the standards. They would keep moving through the issues until the Commission believed the standards were ready. Staff hoped to start public hearings at the end of January/early February 2012. A Measure 56 notice would be done notifying every residential property in the city of Milwaukie about the hearings. Another open house would be done at that point so when people received the inflammatory mailing, people could attend the open house and not just all come to the hearing. She requested the Commission's help to assess when they were ready to do the mailing, because they did not want to do it prematurely.

7.0 Planning Department Other Business/Updates

Ms. Mangle announced that City Hall now had WiFi. Signs announcing the public logon, "comquest", would be posted around City Hall. Staff was having trouble getting the Design and Landmarks Committee (DLC) meeting posted on Granicus, so the Commissioners could watch it on a DVD, but it would be up by November 8. The Commission's November 8 meeting would stream live on Granicus. On November 7, the DLC would hold its first worksession in preparation for design review of the downtown light rail station and everyone was welcome to attend.

8.0 Planning Commission Discussion Items

Ms. Mangle responded to questions from the Commission about projects in the city as follows:

- The new bus shelters on Jackson St were going up slowly because of some contractor issues, but the project should be done soon. The old style shelters would be removed once the new ones were in place.
- The new restaurant, Milwaukie Kitchen and Wine, had all their permits from the City. It was allowed outright, and the frontage improvements were already done by the developer. She had no further updates than what was reported in the paper in terms of opening.
- She had no new information regarding the mini-storage project on Harmony Rd.
- She thanked the Commissioners who attended the City Council Electronic Sign Code hearing. It was an unprecedented level of Planning Commission participation in a City Council hearing on a legislative action. Staff continued to receive questions from Council and there was a sense that Council was edging away from the Commission's approved standards. The Commissioners were encouraged to attend the next Council meeting on November 1. There was not a sense of unanimity yet, just many questions and an array of opinions about how restrictive the City should be with the Code. She confirmed Councilor Chaimov was expected to participate in the meeting.

Chair Batey speculated that he may have a law firm conflict of interest.

Commissioner Gamba clarified that the Mayor received phone calls from businesses in the North Industrial Area that would not make money by putting billboards on their buildings.

Ms. Mangle stated staff anticipated getting direction from Council on November 1 about the direction they wanted to go, which was probably not for adoption as written. After receiving direction, staff would draft it or return to the Commission based on that direction. Staff preferred that the Sign Code return to the Commission rather than anything be radically changed without Commission's participation. It was important to Councilor Chaimov and others that the decision making process not disenfranchise either group and should be more of a collaborative process.

Commissioner Gamba understood arguments regarding the grandfather issue in that it was not right for someone to invest money in something and then not be able to make money because the law was changed; however, to utterly cave and allow more billboards to be erected was selling out.

Commissioner Churchill opined that if Council had a position radically different from what was approved by the Commission, Council and the Commission could possibly bring the Sign Code back to a worksession for discussion and to understand each body's intent. If it were deemed appropriate to have the decision made at Council, at least they would have had a worksession about their concerns and everyone would have their voices heard.

9.0 Forecast for Future Meetings:

November 8, 2011 1. Public Hearing: WG-11-01 Kellogg Lake light rail bridge
 2. Public Hearing: MOD-11-01 Trolley Trail for light rail

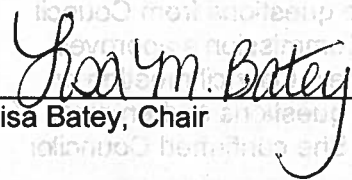
November 22, 2011 1. Public Hearing: WG-11-01 Kellogg Lake light rail bridge (*tentative*)
 2. Public Hearing: MOD-11-01 Trolley Trail for light rail (*tentative*)
 3. Public Hearing: CPA-11-02 Water Master Plan (*tentative*)

Chair Batey noted staff's comments that November was dedicated to the light rail project.

Meeting adjourned at 8:41 p.m.

Respectfully submitted,

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


Lisa Batey, Chair