

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, June 25, 2013
6:30 PM**

COMMISSIONERS PRESENT

Lisa Batey, Chair
Scott Barbur
Sine Bone
Shaun Lowcock
Wilda Parks
Gabe Storm

STAFF PRESENT

Stephen C. Butler, Planning Director
Li Alligood, Associate Planner
Brad Albert, Civil Engineer
Peter Watts, City Attorney

COMMISSIONERS ABSENT

Vice Chair Clare Fuchs

1.0 Call to Order – Procedural Matters*

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

Note: The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.ci.milwaukie.or.us/meetings>.

2.0 Planning Commission Minutes

2.1 February 26, 2013

It was moved by Commissioner Parks and seconded by Commissioner Lowcock to approve the February 26, 2013, Planning Commission minutes as presented. The motion passed unanimously.

3.0 Information Items

There were no information items.

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

5.1 Summary: Setback Variance
Applicant/Owner: Ron Woodruff/Perry Nordby
Address: 9925 SE 37th Ave
File: VR-12-05
Staff: Li Alligood

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

Li Alligood, Associate Planner, presented the staff report via PowerPoint. She explained that there were multiple setback variances requested under this application and why they were

needed for the proposed additions. Staff was seeking direction from the Planning Commission on whether to separate the variance requests or review them together. Although staff's recommendation was for denial, staff was amendable to reconsideration if the applicant provided additional information and waived the 120-day clock to allow for review of the additional information.

Chair Batey asked if the proposed expansions would impede on future construction of a sidewalk.

Brad Albert, Civil Engineer, noted the current right-of-way was not wide enough for full sidewalk construction and the proposed garage footprint would have an impact on the right-of-way. Once the proposed approach was constructed, it would be a completed curb-tight approach. However, there would be an impact if there were full street improvements done; Harvey St was identified as a priority in the Walk Safely Milwaukie program.

Ms. Alligood noted that all residential properties were required to have an off-street parking space and currently the property's parking was within the garage.

Chair Batey called for response by the applicant.

Perry Nordby, 9925 SE 37th Ave, applicant/owner, noted he was remodeling the home and adding Craftsman-style features, thus the overhang expansion. He added there were other updates that were needed to the garage and was planning on constructing the driveway approach to ADA standards, which changed the degree of the driveway.

Ms. Alligood referred to items in Attachment 2d and 2e to clarify the garage extension and gable overhang measurements.

The Commission questioned that the measurements of the submitted plans were not what the applicant and his representatives were describing.

David Bedan, Applicant's Contractor, clarified the plans and measurements with regard to symmetry of the eaves.

Chair Batey called for staff comments.

Ms. Alligood noted that if the applicant was willing to remove the Type II Variance requests, staff would be able to better group the remaining requests into a Type III request. She clarified the original request was an either/or expansion proposal which was not what the applicant and the applicant's representatives described in their testimony.

Chair Batey asked how the Commission was to create findings if the proposals and the drawings were not consistent. The amount of variance was different than what was noted in the staff report materials. Was the Commission on good standing if the applicant orally amended materials?

Peter Watts, City Attorney, stated there needed to be adequate notice to the public. If a proposal stated one set of parameters but the parameters were changed in the hearing, it was possible that a member of the public would find that questionable. In this case, the proposal presented in the meeting was less than what was proposed in the application materials. The

focus was on adequate notice to staff, the public, and the Commission, to know what the proposal was upon review. It was not recommended to approve an orally-amended proposal but the Commission had a wide variety of latitude.

The Commission reviewed staff's recommended options which included to deny the proposal (staff's recommendation); grant an extension if applicant waived 120-day clock; or to direct staff to craft findings and conditions within the meeting.

Ms. Alligood noted the third option would be quite difficult with the materials available and would need substantial direction from the Commission.

Chair Batey called for additional comments.

Mr. Nordby was willing to waive the 120-day clock in order to submit a more accurate proposal. He noted he did not realize how misleading the materials were.

It was moved by Commissioner Bone and seconded by Commissioner Parks to continue the hearing for application VR-12-05 for 9925 SE 37th Ave, to a date certain of July 23, 2013. The motion passed unanimously.

5.2 Summary: Stormwater Master Plan
Applicant: City of Milwaukie
File: CPA-13-02
Staff: Li Alligood/Brad Albert

Chair Batey called the hearing to order and read the conduct of legislative hearing format into the record.

Ms. Alligood presented the staff report via PowerPoint and introduced consultant **Angela Wieland with Brown and Caldwell**.

Ms. Alligood reviewed the background and noted this hearing was for a recommendation to City Council of adoption of the Stormwater Master Plan (SWMP) as an ancillary document to the Comprehensive Plan.

Angela Wieland, Brown and Caldwell, stated that the project had been presented to the City Council and Citizens Utility Advisory Board (CUAB), and noted much of the information for tonight's presentation had been presented to the Commission at previous worksessions. She outlined the goals and objectives, and scope of the project. She reviewed the evaluation and findings, and recommendations, and the updated SWMP. She described how the 17 Capital Improvement Projects (CIPs) were determined and ranked.

Ms. Wieland and **Mr. Albert** answered questions from the Commission:

- The primary purpose of the CUAB meeting was to present the funding analysis and how that translated to the CIPs in the SWMP. They made a recommendation based on the results which was also presented to the City Council.
- Decommissioning UICs was no longer the priority due to changes to the regulations of UIC permits.

- The cost of permit compliance was due to the multiple-year process of permits, the need for consultants to process the permits, maintenance requirements, and an increase in construction costs. The combination of these items dwindle the available funds for projects.
- Fees in lieu of construction do not currently apply to stormwater improvements. However, perhaps they could go toward a City project that would treat a larger area as individual properties might not have the needed elements to achieve the greenscape approach, etc.

Ms. Alligood noted staff recommendation for the Commission to recommend that City Council adopt the legislative amendments for the Stormwater Master Plan, and reviewed the decision-making options.

Chair Batey called for public testimony.

Jean Baker, 2607 SE Monroe St, spoke to comments she has heard from members of the Historic Milwaukie Neighborhood District Association (NDA). She requested that more description be given for what 'treatment' meant. She also noted a concern regarding the apparently closed process for plans such as the SWMP.

Mr. Butler and staff responded by reviewing the steps that had been taken, such as an open house in December that was advertised in multiple places, a notice posted 30 days prior to this hearing, a courtesy email sent to NDA leadership, and a project webpage on the City's website.

Chair Batey closed public testimony.

The Commission deliberated.

Commissioner Storm responded to Ms. Baker's testimony and agreed that a summary included with these technical documents would be helpful.

Chair Batey agreed that descriptions for technical items that the average person would not understand would be helpful.

It was moved by Commissioner Parks and seconded by Commissioner Barbur to recommend approval to City Council for legislative application CPA-13-02 for the Stormwater Master Plan as presented. The motion passed unanimously.

6.0 Worksession Items – None

7.0 Planning Department Other Business/Updates

Mr. Butler noted the training on June 27th for Neighborhood District Association and Land Use Committee members which was also open to the other committee members and the public.

Chair Batey noted that some Planning Commission training would be beneficial since the current commission was relatively new and added that some project updates would be helpful as well. She also noted that there would be pedi-cabs, sponsored by downtown business owners, available downtown during the Sunday farmer's market.

8.0 Planning Commission Discussion Items


9.0 Forecast for Future Meetings:

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| July 9, 2013 | 1. TBD Public Hearing: CPA-13-02 Stormwater Master Plan
<i>continued tentative</i> |
| July 23, 2013 | 1. Worksession: Transportation System Plan (TSP) Update
project briefing |

Meeting adjourned at approximately 8:50 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II



Sine Bone, Chair