

**CITY OF MILWAUKIE  
PLANNING COMMISSION  
MINUTES  
Milwaukie City Hall  
10722 SE Main Street  
TUESDAY, APRIL 8, 2014  
6:30 PM**

**COMMISSIONERS PRESENT**

Sine Bone, Chair  
Wilda Parks, Vice Chair  
Shannah Anderson  
Scott Barbur  
Shaun Lowcock  
Gabe Storm

**STAFF PRESENT**

Denny Egner, Planning Director  
Li Alligood, Associate Planner  
Brett Kelper, Associate Planner  
Vera Kolas, Associate Planner  
Peter Watts, City Attorney

**COMMISSIONERS ABSENT**

**1.0 Call to Order – Procedural Matters\***

**Chair Bone** 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 June 25, 2013

**It was moved by Commissioner Barbur and seconded by Vice Chair Parks to approve the June 25, 2013, Planning Commission minutes as corrected. The motion passed unanimously.**

2.2 February 25, 2014

**It was moved by Commissioner Barbur and seconded by Commissioner Storm to approve the February 25, 2014, Planning Commission minutes as presented. The motion passed unanimously.**

**3.0 Information Items**

**Denny Egner, Planning Director**, welcomed the new Planning Commissioner Shannah Anderson.

**Commissioner Anderson** introduced herself and noted her background as natural resource planner for the City of Portland's Bureau of Environmental Services. She said she was a new Milwaukie citizen and she looked forward to helping Milwaukie become a good place to live and play.

**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: Mural Code Amendments  
Applicant: City of Milwaukie, Beth Ragel  
File: ZA-14-01  
Staff: Vera Kolias

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

**Vera Kolias, Associate Planner**, and **Beth Ragel, Program Specialist**, presented the staff report via PowerPoint.

**Ms. Ragel** noted she worked with the Milwaukie Art Board, known as artMOB, which had been working on this project for a few years. She described why public murals would benefit Milwaukie, including community enrichment and engagement. Local businesses and organizations were very interested in murals and added that, with changes happening in the city, this would be an opportunity to 'brand' the city.

She gave the background of the project, noting that murals previously fell under the sign code which limited the size of possible murals and there was no model in place that addressed legal issues. However, other local jurisdictions had implemented processes for murals which helped guide other communities. To address possible legal issues with regard to the First Amendment, objective review without review of content or discretionary review coupled with grant funding was advised. Ms. Ragel noted the public outreach conducted which yielded positive support.

**Ms. Kolias** explained that there was a new title being proposed, Title 20 Public Art Murals. There would be two review options under the new title; Public Art Mural with discretionary review; and Original Art Mural with objective review. Amendments to the Sign Ordinance, Title 14, would include clarification that murals were exempt from the sign code and would be reviewed under Title 20. She noted the zones where art murals would be allowed. She referenced the Commission's role in the review process for the amendments and reviewed the decision options.

**Staff** answered questions by the Commission about legal issues, discretion, funding, lighting, maintenance, and coverage percentages.

**Chair Bone** called for public testimony.

**Kara Busick 4306 SE Harrison St**, thanked the Commission for their work on the project. She was on the arts committee (artMOB) and was excited about the mural project. She felt that, in a busy and technical modern world, murals were something to engage the community in conversation or spark the imagination.

**Lisa Fossen, 11836 SE 34<sup>th</sup> Ave**, was the newest member of artMOB as was excited about the mural project.

**Alicia Hamilton, 11921 SE 19<sup>th</sup> Ave**, was a co-organizer of First Friday and so was invested in the arts and seeing it grow. She felt it would help build and strengthen the community. She introduced Jay Freeman, a mural and street artist who had done demonstrations at First Friday and donated projects for fundraising for the schools. She gave an example of him adding a

mural at a local studio with his own money, supplies, and time. She encouraged the Commission to consider reasonable permit fees for murals to make it more accessible.

**Chair Bone** closed the public hearing.

The Commission deliberated.

**Mr. Egner** clarified that the Commission was required to make a recommendation on the Title 14 amendments, but staff were only asking for their comments on the Title 20 amendments.

**Peter Watts, City Attorney**, advised for the two mural types to be as similar as possible as the discrepancy between the Public Art Mural's up-to 40% coverage and the Original Art Mural's up-to 100% coverage was a concern.

**Mr. Egner** explained that the reasoning being the 40% for the original art mural was due to the possibility that that review option could be used for a sign with a purely commercial purpose with no content review, whereas with the public art mural, there was content review.

**Vice Chair Parks** asked that the codes to be brought back to the Commission once the program was up and running for a re-review.

**Commissioner Storm** asked why the Original Art mural option was necessary.

**Mr. Watts** clarified that under the Public Art Mural option, the content and aesthetic was reviewed by a board and approved upon the merit of the piece. If there was only a content-reviewed option, it would be violating freedom of speech. The Original Art Mural review was a content-neutral path that was not regulating free speech. The areas of exposure laid in the differences between the review options.

**Ms. Ragel** noted that staff recommended a 5-year minimum expectation for the Public Art Murals.

**It was moved by Commissioner Storm and seconded by Commissioner Anderson to make a recommendation to City Council for Title 20 Art Murals for definition of the coverage percentages with relation to the "canvas"; clarification of how to assess fees; and add a 5-year minimum rule.**

**It was moved by Vice Chair Parks and seconded by Commissioner Barbur to approve the recommendation to City Council for ZA-14-01 Title 14 amendments and findings as presented.**

## **6.0 Worksession Items**

## **7.0 Planning Department Other Business/Updates**

**Mr. Egner** noted the Moving Forward Milwaukie Project Advisory Committee meeting that was held the previous week. He felt it was a good meeting with good discussion and turnout.

**Chair Bone**, who was on the PAC, noted that the project was a good learning experience so far for the group regarding what the current code prescribed and how that matched up with market

demand; in many cases the two were not in line. Also, public response seemed to not be in-line with market demands either (i.e. building height, etc.). The focus at the last meeting was on the Murphy and McFarland sites – should the city be more concerned about what was on the sites or how the sites were constructed (how it looked).

**Mr. Egner** added that there was support from the group regarding financial tools to explore the different types of public assistance to get the development the community would like to see.

**Chair Bone** encouraged the Commissioners to take the project's online survey.

**Mr. Egner** noted there was a worksession on the project tentatively scheduled with the Commission for May 13, 2014.

#### **8.0 Planning Commission Discussion Items**

#### **9.0 Forecast for Future Meetings:**

April 22, 2014	1. TBD
	<i>The Commission agreed to cancel the April 22, 2014 meeting.</i>
May 13, 2014	1. TBD

Meeting adjourned at approximately 8:16 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

  
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Sine Bone, Chair