



AGENDA

JOINT SESSION MILWAUKIE PLANNING COMMISSION AND MILWAUKIE DESIGN & LANDMARKS COMMITTEE Tuesday March 9, 2010, 6:30 PM

**MILWAUKIE CITY HALL
10722 SE MAIN STREET**

1.0 Call to Order - Procedural Matters

2.0 Minutes – Motion Needed

2.1 Planning Commission Minutes – January 26, 2010

2.2 Design & Landmarks Committee Minutes – January 27, 2010

3.0 Information Items

4.0 Audience Participation – This is an opportunity for the public to comment on any item not on the agenda

5.0 Public Hearings – Public hearings will follow the procedure listed on reverse

6.0 Worksession Items

6.1 Summary: Light Rail project briefing – Part 2
Staff: Katie Mangle

6.2 Summary: City Hall Sculpture Garden project briefing
Staff: Beth Ragel

6.3 Summary: Scope of work for upcoming Code amendment projects – Review procedures and residential standards
Staff: Katie Mangle

7.0 Other Business/Updates

8.0 Discussion Items – This is an opportunity for comment or discussion for items not on the agenda.

9.0 Forecast for Future Meetings:

Planning Commission:

March 23, 2010 1. Public Hearing: ZA-10-01 Parking Chapter Amendments
 2. Worksession: Discussion of permit time limits

April 13, 2010 1. Public Hearing: DR-09-01 Riverfront Park *tentative*

Design & Landmarks Committee

March 24, 2010 1. Worksession: Main Street Reconnaissance Survey overview
 2. Worksession: Historic Photo project presentation *tentative*
 3. Worksession: Milwaukie Character discussion

Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@ci.milwaukie.or.us. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.cityofmilwaukie.org
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.cityofmilwaukie.org
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **TME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

Public Hearing Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.

Milwaukie Planning Commission:

Jeff Klein, Chair
Nick Harris, Vice Chair
Lisa Batey
Teresa Bresaw
Scott Churchill
Chris Wilson

Planning Department Staff:

Katie Mangle, Planning Director
Susan Shanks, Senior Planner
Brett Kelter, Associate Planner
Ryan Marquardt, Associate Planner
Li Alligood, Assistant Planner
Alicia Stoutenburg, Administrative Specialist II
Paula Pinyerd, Hearings Reporter

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

COMMISSIONERS PRESENT

Jeff Klein, Chair
 Dick Newman, Vice Chair
 Lisa Batey
 Teresa Bresaw
 Chris Wilson
 Scott Churchill (arrived during 5.1 staff report)
 Nick Harris (arrived during 5.2 discussion)

STAFF PRESENT

Katie Mangle, Planning Director
 Susan Shanks, Senior Planner
 Li Alligood, Assistant Planner
 Bill Monahan, City Attorney

COMMISSIONERS ABSENT

None

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 November 24, 2009**

The Commission consented to delay action on this agenda item, which was addressed following the recess taken after Agenda Item 5.2. Chair Klein had excused himself from the meeting at that time.

Commissioner Bresaw moved to approve the November 24, 2009 Planning Commission minutes as presented. Commissioner Batey seconded the motion, which passed 4 to 0 to 2 with Commissioners Churchill and Wilson abstaining.

3.0 Information Items

Katie Mangle, Planning Director, announced that City Council would formally appoint Nick Harris, who was expected to attend tonight's meeting, to the Planning Commission at the next Council meeting. He was an active member of the Lewelling Neighborhood District Association (NDA) and was on their Land Use Committee.

4.0 Audience Participation –This is an opportunity for the public to comment on any item not on the agenda. There was none.

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5.0 Public Hearings

5.1 Summary: Post-decision requirement to review Pond House parking and uses

Applicant/Owner: Joe Sandfort/City of Milwaukie

Address: 2215 SE Harrison St.

File: CSU-08-05

Staff Person: Li Alligood

Li Alligood, Assistant Planner, reviewed the staff report, noting the meeting was to report on parking conditions at the site as conditioned in the application's prior approval. She addressed questions from the Commission as follows:

- The public had been noticed to 300 ft, signs were posted, and notice was published in the newspaper. No public comments were received.
- There had always been three parking spaces in front of the Pond House, but the driveway closure provided another space. The three parking spaces were signed and the fourth was in the process of being formalized and so was yet unsigned. She did not believe any spaces were designated as ADA parking spaces.

Commissioner Churchill arrived during the staff report.

Commissioner Bresaw asked what was happening with the trash enclosure because the trashcans were still visible in front.

- **Joe Standfort, Library Director**, replied there were issues in confirming the property line on that side of the Pond House. He assured that having the trashcans out front had been temporary. They expected to now place the trashcans behind the trellis.

Chair Klein noted that no action was required by the Commission and that the information received assured the Pond House was in compliance.

5.2 Summary: Zone change from R-10 to R-7

Applicant/Owner: Tim Riley/Clunas Funding Group, Inc.

Address: SE Brae & SE Bowman

File: ZC-09-01, TFR-09-04 *continued from 1/12/10*

Staff Person: Li Alligood

Chair Klein reopened the public hearing for ZC-09-01, TFR-09-04, and read the conduct of major quasi-judicial hearing format in the record.

- He noted that at the close of the January 12, 2010, public hearing on this application, the Planning Commission voted to carry the hearing over to tonight for the sole purpose of accepting written comments on the new information presented at the January 12th hearing. Those comments were included in the staff report available on the table in the hall. The Applicant had the burden of proving that the application was consistent with the applicable provisions of the Milwaukie Zoning Ordinance, Milwaukie Subdivision Ordinance, Comprehensive Plan, Statewide Land Use Planning Goals, and Metro Code.

Li Alligood, Assistant Planner, stated the applicable approval criteria were found in the Milwaukie Municipal Code Chapter 19.900 Amendments and Milwaukie Municipal Code Subsection 19.1011.4 Major Quasi-Judicial Review. The staff report was entered into the record and copies were made available at the sign-in table.

Chair Klein asked if any Commissioners had a conflict of interest or any ex parte contacts to declare.

Commissioner Newman recused himself, declaring that his property was continuous with the Applicant's property. He stepped down from the dais at this time.

Commissioners Churchill and Wilson had visited the site since the last hearing, and no Commissioner declared a conflict of interest, bias, or conclusion from a site visit. No Commissioner declared any ex parte contacts made since the last hearing. No Commissioner's participation was challenged by any member of the audience, nor was the jurisdiction of the Planning Commission to hear the application.

Ms. Alligood stated the hearing was continued from January 12th to allow an additional 7 days for public comment. During that time, staff received four written comments related to new information submitted at the January 12 hearing. She confirmed that the Applicant had received those written public comments for review.

Chair Klein called for the Applicant's rebuttal or additional comments in response to the additional written public comments. There being none, he closed the public testimony portion of

110 the hearing at 6:47 p.m.

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112 **Chair Klein** asked, referencing the initial staff report, if the subject property met all the
113 requirements for R-10 in the same way it did for R-7.

114 • **Ms. Alligood** responded that the R-7 and R-10 zones were very similar in terms of policy
115 and met the same criteria.

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117 **Commissioner Churchill** inquired whether the audience had been asked for public comment
118 regarding the new submitted information.

119 • **Ms. Alligood** clarified that the deadline for public comment was 5:00 p.m. on January 19th.

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121 **Planning Commission Discussion**

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123 **Commissioner Bresaw** stated that although the decision before the Commission concerned 2
124 lots versus 3, she was more concerned about the style and quality of the homes that would be
125 built. Homes east of the lot were older and not worth \$400,000. The lot had been vacant a long
126 time and the developer had to make a profit, so pragmatically speaking there was a better
127 opportunity to build quality houses on 3 lots.

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129 **Chair Klein** asked if 3 houses on the lot would allow for better quality than 2 houses.

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131 **Commissioner Bresaw** replied that the lots were larger than the minimum 7,000 sq ft required
132 and would allow for larger houses than those on 7,000 sq ft lots because of setbacks, etc. She
133 believed there was a better chance of building quality houses with 3 lots.

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135 **Chair Klein** asked what reason was there then for R-10 versus R-7 zoning. If the decision was
136 based on whether a developer turned a profit, then in the current economy, he should be able to
137 subdivide his own 10,000 sq ft lot to R-5, because his lot was no longer worth what it was at R-
138 10.

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140 **Commissioner Bresaw** noted that changing from R-10 to R-5 was more extreme.

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142 **Commissioner Batey** added that Chair Klein was talking about creating an R-5 island in the
143 middle of an R-10 zone, but different zones surrounded the subject property, so an R-7 island

144 was not being created.

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146 **Chair Klein** added that the frontage of the house would be an island because it was the only
147 property zoned R-7 on that street until one reached the County's area.

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149 **Commissioner Churchill** said it was difficult to speculate in today's market whether 2 or 3 lots
150 would achieve quality homes. The financial impact should be set aside because the developer
151 would build to the maximum footprint allowed, whether zoned R-7 or R-10 subject to what they
152 speculated the market would bear. Whether 2 or 3 lots, he believed the developer would build
153 moderate quality homes on the site. However, his concern was the visual impact and integrity to
154 the neighborhood, which were judged by looking at mass, bulk, height, and appearance.

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156 Commissioner Harris arrived during Commissioner Churchill's comments at 6:52 p.m.

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158 **Chair Klein** pointed out that the owner purchased the R-10 zoned property and assumed some
159 risk. Changing the zoning to R-7 was a disservice to the neighborhood, because those people
160 could have made more money at R-7 as those lots were sold off a number of years ago. He
161 believed the owner paid too much for the property years ago and that the Commission should
162 not bail the owner out at this time.

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164 **Commissioner Bresaw** stated the Pennywood neighborhood consisted of varying sized lots
165 that were well mixed. Many R-7 lots seemed comparable, and she did not see a large difference
166 between R-7 and R-10 lots.

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168 **Commissioner Batey** noted that many of those who objected to the rezoning had R-7 lots.

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170 **Chair Klein** said that Pennywood Ct was a cul-de-sac community with little traffic, while the
171 subject site was located near the active corner of Brae St and Bowman St.

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173 **Commissioner Churchill** said it came down to context and asked if dividing the property into 3
174 lots would change the context of the neighborhood.

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176 **Commissioner Batey** believed it was a fallacy to think that an R-7 house was better than an R-
177 10 house. She agreed with Commissioner Churchill that the quality of the future houses was

unknown in an area with varying lot sizes and residential designs. The quality would most likely be similar to houses on Pennywood Ct, but there was no reason to think that the quality would be similar to the older homes located to the east of the site. The owner wanted to divide the property into 3 parcels rather than 2 in an area of varying designs. The area to the west would probably be subdivided and rezoned in 10 to 15 years. She planned to approve the application.

Commissioner Wilson stated that he had no problem with the application and would vote in support of it.

Mr. Monahan asked Commissioner Harris to declare his intention regarding participation in the hearing so that the record was clear.

Commissioner Harris stated that he had read about the application and driven through neighborhood, but had not reviewed the materials prepared by staff, the public record, or the audio of the prior 2 meetings. He did not have the benefit of public testimony, and so recused himself from the hearing.

Commissioner Batey moved to forward a recommendation of approval of ZC-09-01 and TFR-09-04 to City Council. Commissioner Bresaw seconded the motion, which passed 3 to 2 to 1 with Chair Klein and Commissioner Churchill opposed, and Commissioner Harris abstaining.

Mr. Monahan clarified that there was no need to read the rules of appeal because with approval the application would automatically go to City Council.

Ms. Alligood stated that the City Council hearing was tentatively scheduled for Tuesday, February 16, 2010. The same notification process would be used to notify all interested parties of the Planning Commission decision and future meetings.

Commissioner Newman rejoined the Commission at the dais at this time.

Commissioner Harris introduced himself stating he had lived in the Ardenwald neighborhood for a year and then the Lewelling neighborhood for eight years. He wanted to be more involved in the community and so had applied to be on the Planning Commission. He was a Senior

Technical Consultant for AT&T, designing computer networks for corporations.

Chair Klein stated that he knew Commissioner Harris well from their NDA and that he organized the concerts in the park.

The Planning Commission took a brief recess. Chair Klein left the meeting during the break. Vice Chair Newman continued as Planning Commission Chair and reconvened at 7:12 p.m.

The Commission addressed Agenda Item 2.0 November 24, 2009, meeting minutes at this time.

6.0 Worksession Items

6.1 Summary: Light Rail project briefing Part 1

Staff Person: Katie Mangle

Katie Mangle, Planning Director, explained that the worksession would involve several staff members and was intended to provide the Planning Commission some insight about what might be expected as the light rail project moved through the review process, and what the Commission's role would be in reviewing various applications connected with light rail.

- A joint session was scheduled with the Planning Commission and Design and Landmarks Committee (DLC) for March 9 when a more detailed presentation would be given on the design.

Kenny Asher, Director of Community Development and Public Works, noted that the Kellogg Treatment Plant and light rail were Community Development and Public Works mega projects that would provide mega opportunities for the City. He briefly reviewed the background and progression of the light rail project to date via PowerPoint, highlighting certain pivotal decision points and achievements, the final light rail alignment and a tentative project schedule.

- He explained the worksession was intended to discuss the big issues emerging for Milwaukie and how the Planning Commission would fit into the process amongst a large number of players and what would be asked of the Commission over the next 2½ to 3 years.
- He stated an open house on the light rail project would be held February 25th at 4:30 p.m. at Milwaukie High School. Other meetings and forums were planned to provide background information on the project.

Questions and comments from the Commission were addressed as follows:

- 246 • **Mr. Asher** did not know if TriMet had yet to acquire any property, except perhaps in
247 hardship cases where a business could demonstrate that it was needed to be acquired for
248 business purposes. Generally, the Final Environmental Impact Statement (FEIS) Record of
249 Decision was needed to allow TriMet to acquire property.
- 250 • The FEIS Record of Decision was completed and approved by the Federal Transit
251 Administration (FTA). The Record of Decision assured that the environmental impacts
252 had been disclosed, and that the described mitigations and public process were
253 acceptable.
- 254 • **Dave Unsworth, TriMet**, stated that the FEIS is signed in Seattle, WA, by Region10
255 Regional Administrator Rick Krochalis, sent to Washington, DC, and then returned to Mr.
256 Krochalis who then issues the Record of Decision.
- 257 • The Record of Decision is a document that records all the mitigation proposed and
258 committed for the project that is adopted by the FTA, [42:30] who then transmits the
259 document to TriMet [with approval by] Region 10 Regional Administrator Rick Krochalis.
- 260 • Metro is the lead local agency that prepares the FEIS, but it was done for and reviewed
261 by the FTA. The Army Corps of Engineers and U.S. Coast Guard also review it along
262 with other agencies, which is why it takes so long. It was ultimately an FTA document.
- 263 • **Mr. Asher** explained they would be unable to answer some questions because this was not
264 a City of Milwaukie project. TriMet had local responsibility for it, but the full funding grant
265 agreement between the FTA and TriMet was to pay for and build the project. The City of
266 Milwaukie would have some say about how it was all put together.
- 267 • What interim funding steps would occur between now and the 2012 Full Funding Grant
268 Agreement? There had been concern about funding for the project—what risks were
269 involved and what milestone points might exist so the City would know whether or not more
270 money was available?
- 271 • **Mr. Asher** explained that the Preliminary Engineering (PE) Phase provided the
272 opportunity to nail down the cost of the project. At the end of that phase, the application
273 for final design and budget for the project would be submitted to the federal government.
274 If the FTA agreed, the final design phase could begin. At that point, there would be a
275 sense of whether a full funding grant agreement could be reached; negotiations would
276 begin with the federal government regarding what percentage would be paid by each
277 entity. Many financial milestones would be occurring over the next several months. Once
278 the full funding grant agreement was reached, the project was financially secure.

- Concern was expressed about the project being cheapened as it progressed through the process. Additional information was requested regarding commitments from State and local funding sources and the risks involved.
- **Mr. Asher** named the funding amounts pledged from State and other local funding source partners as follows: \$5 million from the City of Milwaukie, \$25 million from Clackamas County; \$30 million from TriMet; \$30 million from the City of Portland; a \$250 million bond issue from the State; \$72 million from Metro, which had to be approved by the whole region. The federal government would fund 50% of the project at about \$850 million.
- Local funding sources should be secured between March and June to have a strong application for the FTA.
- **Mr. Unsworth** added that to receive a “high” rating 50% to 60% of the local funding match should be identified and secured. By the time TriMet applied, intergovernmental agreements (IGAs) would be in place to provide funding. Funding of about \$16 million was still unidentified. TriMet was looking to refine the financing plan and he believed there was still time to do so.
- **Mr. Asher** assured staff was working fervently to ensure the light rail project would be completed at the level of quality initially expected. They expected the project to change Milwaukie’s downtown for the better.

Chair Klein returned to the dais during the discussion.

Wendy Hemmen, Light Rail Design Coordinator, reviewed the light rail design, noting certain issues had arose during the design process that would affect the city of Milwaukie. She addressed questions regarding Quiet Zones in Milwaukie as follows:

- Milwaukie would have several different rail crossings. Each would have a Quiet Zone treatment, using either quad gates, which have a sensing mechanism to close the gates after the rail car leaves, or channelizations, which use medians to help prevent cars from going around the gate.
- Oregon Department of Transportation (ODOT) Rail Division dictates which treatment would be used at each street crossing because ODOT controls the crossings.
- Which Quiet Zones are planned for the alignment and who is responsible for them.
- **Mr. Asher** assured that the risk of the Quiet Zones being removed from the project was extremely minimal, although ultimately it was not the City’s decision. If the light rail project

came through downtown Milwaukie, there was zero chance that the City would end up without supplemental safety measures. The project is being designed with quad gates now.

- TriMet is designing the project with the appropriate measures to make the crossings Quiet Zone compliant. They would not come out of the project. The City has three different IGAs with TriMet this time. So there are things to worry about on the light rail project, but not the Quiet Zones.

Ms. Hemmen next reviewed the various roles of the different agencies involved in the light rail project and what the Commission could expect as far as land use actions.

- TriMet would be the applicant for the various land use applications coming before the Commission. TriMet is the leading agency behind the project, and the one that would be buying and building the project and ultimately owning the line.
- Metro is responsible for creating the FEIS and has been the lead partner to date. But after the FEIS is complete, and Metro turns the reins over to TriMet, TriMet would move forward with the project.
- Other different project partners included the City of Portland, City of Milwaukie, ODOT, and Clackamas County, who have all been working together to get the project designed and work out the different issues to make sure nothing is forgotten.

Ms. Mangle explained the staff roles of the different departments working on the project, noting the tremendous amount of time several staff members were spending on the project, which included making detailed comments on the huge plan sets, coordinating with other agencies' staff, doing public outreach, etc. She assured City staff was fighting very hard for Milwaukie's interests with regard to the light rail project.

- She described the role of the Planning Commission and DLC as regulators. The DLC would be doing design review as well as addressing some aspects of the project that may not really require a land use application. Staff wanted to run certain light rail elements by a body that understood the Downtown and Riverfront Land Use Framework Plan and Downtown Design Guidelines.
- She provided further detail via PowerPoint regarding key elements of the light rail improvements, noting certain light rail locations and elevations as the line came through Milwaukie. Staff would return in March with more diagrams and pictures to provide a greater level of detail.
- She clarified that elements in the Downtown Zone would fall under design review and used

the displayed map to indicate where the Downtown Zone ended. The Monroe St crossing was not quite in the Downtown Zone, but was a transition.

- In the downtown area, the design of the streets and station would be very important. The City's streetscape standards were being used to show what they should look like and what materials should be used.
- Coming into the station area, a lot would not totally be in the right-of-way, which was frankly a good thing because that whole area would be getting streetscape improvements (shown in red on displayed map). The light rail project would mean having significant streetscape improvements for Milwaukie's downtown, including wider sidewalks, fiber optic lighting, etc.
 - She confirmed that building owners with future development proposals would not have to complete the improvements. Adjacent development would benefit from the improvements done via the light rail project.
- Much of the project was located in the railroad right-of-way; however, the signal communication buildings or systems buildings would be on private property, not in a right-of-way.
- For permitting, the project would be broken down into separate, specific elements. The project involved the buildings, the bridge, the paving on the sidewalks and platforms, shelters, etc.

Commissioner Churchill asked about the difference in quality and detail between the Harrison St, and the Monroe St and Washington St crossings. The Harrison St crossing was in the highest density residential portion of light rail passing through Milwaukie, yet it did not get the treatment of the best pedestrian experience because it was not in the Downtown Zone. He asked how staff was working to mitigate that risk.

- **Ms. Hemmen** responded that the project was looking to enhance water quality treatment on Harrison St by installing and incorporating planted swales and other green street treatments, like those now on Logus Rd, from about 23rd Ave up to the crossing.

Ms. Mangle added that generally, the City's adopted Public Works Standards would be followed.

Susan Shanks, Senior Planner, distributed a one-page flowchart titled "Overview of Local Permitting Process for Light Rail" dated December 2009. The overview was created to help provide a better understanding of the light rail land use process, which was much bigger and

more complicated than a typical land use application.

- She reviewed the flowchart, noting where and how the City of Milwaukie's authority would apply to the light rail project. Though the City could not deny a use, location, or specific element due to the existing blanket approval, the City could influence design and innovation. All local City land use standards would be applied and the Commission can condition reasonable and necessary solutions to problems.
- There were still lots of things that the Commission could review, such as the design of the Kellogg Bridge crossing.
- A Water Quality Resource Overlay was designated on top of Spring Creek and a Water Quality Resource Review would be required.
- She confirmed that Spring Creek was actually just south of Harrison St on the north side of the Waldorf School, where the waterfall comes out.
- She noted that Crystal Lake was located further north in the zone south of Hwy 224 and north of Harrison St. Crystal Lake is also culverted under the existing rail line and was a designated wetland on the east and west side.

Mr. Asher concluded by emphasizing the number of Milwaukie people involved in making sure the light rail project was built right. The Planning Commission and DLC had important roles to play in getting the project built right. Staff was on the frontline, working on the project every day. Citizens were involved on the Citizen's Advisory Committee and came to the monthly public meetings held every third Monday of the month.

- The light rail project would affect the edge of a neighborhood, a small downtown with a natural area to the south, and then the edge of another neighborhood, Island Station, so continuous discussions would be needed with Planning staff and the Planning Commission about what essential features must be included in the project, such as Quiet Zones, which were identified very early.
- The really important work was just getting started, getting the project designed and built right with the right kind of protections in place so the project would be compatible with how Milwaukie citizens walk, drive downtown, and live in the neighborhoods. The project also had to be compatible with existing businesses and those Milwaukie wanted to attract. Staff was enlisting the Commission's help in achieving these goals. He believed they could provide a lot of help in their very specific role as a Commission, as informed citizens at open houses, and in communicating with staff.

Ms. Mangle explained that the Planning Commission should be the final stop in the land use process unless an appeal is filed to City Council.

Mr. Asher noted that on a project of this size with land use blanket approval pressure to meet the schedule existed from the federal government, citizens, and agencies. The project design would take 1½ years, and he believed many of these issues would be raised, examined, and deliberated more informally as information is received and shared throughout the community. As the project moved into final design, there were ways of getting early reads on whether something looked egregiously wrong or uncomfortable. TriMet would want to work on any problems before the application came before the Commission.

Chair Klein said that though he was concerned about the process outside of the Planning Commission, he considered all that the Commission addressed as a Milwaukie project and was most concerned about what happened in Milwaukie. Many of the Commissioners and staff present were also on the South Downtown Group where many good ideas were bouncing around regarding station design, which was the main concern he had. The stations throughout the area were not what they discussed in the South Downtown meetings. He wanted to be sure that design ideas from Milwaukie not only included safety aspects, but also integrated the ultimate vision of Milwaukie to avoid adjustments later. Some applicants before the Commission want to delay installing sidewalks, for example. He wanted to be sure that regardless of progress on the South Downtown Concept, that those ideas were implemented first and foremost with regard to station design.

Mr. Asher believed it was powerful anytime the community could come together and say what it wanted. And TriMet or anyone wanting to build in the downtown had to respond. One reason for doing the South Downtown work was to plan ahead of some of the light rail station design work, so the City of Milwaukie could show TriMet what was planned in the South Downtown and how their project needed to fit. He agreed it was very important work.

- The City wanted to do the same sort of preparatory work elsewhere on the light rail line in downtown, not only for South Downtown, to come up with some agreed upon ideas about the level of quality and finish.

Commissioner Batey asked about the research completed for Kellogg Lake and if funding was available for the Kellogg for Coho Initiative project.

- 449 • **Ms. Hemmen** replied that some very limited borings were taken on shore, but none were
450 taken from out in the water. Previous information was available on Kellogg Lake but not any
451 additional based on this project. No one actually dove into Kellogg Lake as part of that
452 research.
- 453 • **Mr. Asher** said Kellogg Lake had a lot of contaminated sediment, primarily from PCBs and
454 heavy metals. The Kellogg for Coho Initiative was to remove the dam, and another project
455 would address the sediment.
- 456 • The Army Corps of Engineers had been studying the dam removal and possible bridge
457 replacement, but funding was cut for the programs. However, the Army Corps contacted the
458 City about taking the project up again as part of a habitat restoration program. The City was
459 now discussing those details with the Army Corps.
- 460 • The City just had a meeting to get things started again to get together with the neighbors
461 and residents along the bank of Kellogg Lake. A year of feasibility work and then at least 1
462 to 1½ years of design work needed to be done. No additional stimulus money was available
463 for the project at this time.

464
465 **Ms. Mangle** invited any comments or questions about the light rail project, reminding that more
466 information would be presented in March.

467 468 **7.0 Planning Department Other Business/Updates**

469 **Mr. Asher** updated the Commission about another TriMet venture in town, the Jackson Street
470 Improvement Project, which was now fully designed. About \$400,000 of Federal Transportation
471 Administration (FTA) money was being used along with stimulus money the City also received.
472 The project would go to bid in March with construction starting in May and continuing into
473 August. The new bus service was anticipated to begin in September. He reviewed the new bus
474 stop locations and bus layover changes that would result from the project, noting that Jackson
475 St would be rebuilt to City standards.

- 476 • One issue was how to deal with the loitering around the bus area. The City received some
477 grant money to do a sculpture garden on the City Hall lawn just behind the bus stop closer
478 to Main St on the west side of Jackson St. The tree would remain, but the rest of that lawn
479 and some of the driveway would be replaced with a sculpture garden. Local designer and
480 DLC Chair, Rebecca Ives, actually won the design competition. The sculpture garden would
481 be integrated with the street improvement project and have 4 or 5 sculptures that would
482 rotate periodically. Jackson St would be a really different area that was well lit, modern, and

comfortable.

- Over time, less bus transfer activity would occur on Jackson St. TriMet had already eliminated about half of the layovers downtown. After the Jackson Street Improvement Project, only the 70 and 75 bus lines would have layovers. Usually only 2 or 3 buses would have layovers in that area with as many as 5 at peak hours. TriMet would be limited to 5 bus parking spaces. There was no final horizon when buses would no longer layover in downtown; it was still a challenge to figure out where the 70 and 75 would do that. However, the City was making progress by improving the street, reducing the number of buses parked on 21st Ave, and getting modern shelters with transit tracker, new lighting, benches, street trees, modern sidewalks, and landscaping. These improvements will help reduce the visibility of the bus layovers.
- TriMet had opened the new Southgate Park & Ride. TriMet has been a good partner and wanted to do the right thing in Milwaukie in building the right project; the only issue was funding.
- Quiet zones on the main light rail line east of Hwy 224 were described in Ms. Hemmen's report, which was available on the City's website and would be presented at the City Council meeting on Tuesday.
 - Staff was in the process of making incremental improvements depending on available funding. The next improvement would be sidewalks at the Harrison St crossing, which would be funded by CDGB money. Staff believed the right designs had been completed for the crossing, but funding and ODOT Rail Division approval were needed.
 - On Tuesday, Council would ask if ODOT was also ready to designate the Tillamook Railroad branch as a Quiet Zone, although it had not qualified when considered earlier.

8.0 Planning Commission Discussion Items

Commissioner Bresaw asked if the house being constructed at Lake Rd and Vernie Ave would be a retirement center.

- **Ms. Mangle** understood it was still a foster care facility.

Chair Klein said he was very happy with the design and was glad it was almost completed even with the giant massing.

9.0 Forecast for Future Meetings:

516 February 9, 2010 1. Public Hearing: CSU-09-11 NCSD administrative offices *cont'd*
517 *from 1/12/10*

518 2. Worksession: Planning Commission Bylaws review

519 February 23, 2010 1. Public Hearing: DR-09-01, TPR-09-03, WG-09-01, WQR-09-01
520 Riverfront Park *tentative*

521 2. Public Hearing: VR-10-01 Harmony Rd Ministorage substantial
522 construction variance

523 3. Worksession: Natural Resources Overlay project update
524 *tentative*

525 **Ms. Mangle** reviewed the upcoming meeting schedule with the following additional comments:

- 526 • The NCSD had revised their proposal and she believed the Commission would be pleased
527 with the changes. Several community members were happy that the Planning Commission
528 stood up for the neighborhood. She and Mr. Marquardt would be happy to answer any new
529 questions about the changes. She offered to provide project background to Commissioner
530 Harris so he would be eligible to participate in the hearing.
- 531 • The Riverfront Park hearing was tentative for February 23rd because the Applicant may not
532 be ready.
- 533 • She reminded that the light rail joint meeting with the DLC was scheduled for March 9, 2010.

534

535 Meeting adjourned at 8:37 p.m.

536

537

538

539 Respectfully submitted,

540

541

542

543 Paula Pinyerd, ABC Transcription Services, Inc. for

544 Alicia Stoutenburg, Administrative Specialist II

545

546

547

548

549 _____
Jeff Klein, Chair

**Design and Landmarks Committee
Meeting Minutes
Wednesday, January 27, 2010**

Members Present

Becky Ives, Chair
Greg Hemer
Sarah Knaup

Members Absent

Siri Bernard, Vice Chair
Patty Wisner

Staff Present

Li Alligood, Assistant Planner (DLC Liaison)
Kenny Asher, Community Development and Public Works Director
Katie Mangle, Planning Director
Susan Shanks, Senior Planner
Wendy Hemmen, Light Rail Design Coordinator

1. CALL TO ORDER

Chair Becky Ives called the Design and Landmarks Committee (DLC) meeting to order at 6:40 p.m.

2. MEETING MINUTES

a. November 9, 2009

DLC Member Sarah Knaup stated that the November 9, 2009, hearing was actually held on a Monday rather than a Wednesday.

Ms. Knaup moved to approve the November 9, 2009, DLC meeting minutes with the correction noted. DLC Member Greg Hemer seconded the motion. The minutes were approved unanimously.

3. INFORMATION ITEMS

a. New DLC Liaison Introduction

Li Alligood, Assistant Planner, introduced herself to the group. This was her first formal meeting as DLC Liaison. She stated that she was very excited to be working with the Committee and was pleased with the strong group that had developed during the past year or so that Associate Planner Brett Kelter had been DLC Liaison.

33 **b. Return of Sarah Knaup**

34 The group welcomed Ms. Knaup back to her first DLC meeting in several months.

35 **4. WORKSESSION ITEMS**

36 **a. Debrief on Riverfront Park Meeting**

37 **Katie Mangle, Planning Director**, asked the DLC members about their reactions to, or
38 thoughts about, the November 9, 2009, Riverfront Park design review meeting as part of the
39 ongoing Committee training.

40 **Chair Ives** noted that she had realized it was not the role of the DLC to give the applicant
41 ideas but rather to evaluate the design being presented. She stated that she had respect for
42 the design process and the amount of time spent on the Riverfront Park design.

43

- Had used her own experience in other committees to inform her understanding of the
44 design and consensus process that the Riverfront Board had undergone.

45

- Was pleased to see the applicant had considered every angle of the design.

46 **Mr. Hemer** stated that the DLC needed to have a stronger sense of what “Milwaukie
47 Character” is, so that the Committee could provide guidance to applicants about how to meet
48 that guideline.

49

- The design training the Committee had undergone recently had been important in
50 determining what that character was.

51

- Was pleased with the choice of bus shelters the Committee had made for the Jackson
52 Street transit stops. They were not like other buildings in town and created an eclectic
53 character downtown.

54 **Ms. Alligood** suggested that perhaps “eclectic” is part of Milwaukie’s character, as there are a
55 number of buildings from different eras in the downtown area.

56 **Mr. Hemer** asked if the DLC members had overstepped their bounds at any point during the
57 meeting.

58 **Ms. Mangle** suggested that it was not a good idea to bring outside materials to DLC meetings,
59 because it could be unfair to the applicant. Although some background information can be
60 useful and illuminating, it should be included in the packet that goes out prior to the meeting.

Any comments or questions about the application should be tied to the Downtown Design Guidelines (Design Guidelines).

- Many of the comments were overarching and she felt that the DLC would ultimately impact the project for the better, but many of the comments were not directly related to the Design Guidelines.
- Vice Chair Siri Bernard had made some good points about the design of the bathroom and had concerns about how the design met the Design Guidelines.

Mr. Hemer and **Chair Ives** stated that they had enjoyed the applicant presentation and didn't mind the length because they had learned a great deal.

Chair Ives noted that she had spent a lot of energy looking at other types of designs for fountains, etc., but realized she should have spent that time evaluating the application against the Design Guidelines.

She noted that she felt she was still learning after the Immoveable Foundation Church and Milwaukie Town Center design reviews.

Ms. Alligood stated that the Committee would continue to identify the massing, scale, and themes of buildings that are attractive to them, in order to further identify "Milwaukie Character."

Ms. Mangle stated that Chair Ives would be asked to present the DLC recommendation to the Planning Commission when the Riverfront Park land use application was heard by the Planning Commission. Currently, the applicant was working on additional analysis and the hearing date was unknown. Some of the conditions for a Planning Commission approval decision would require the applicant to return to the DLC for a final review.

Any changes to the Riverfront Park land use application would likely be related to environmental analysis and would not involve the proposed design.

Ms. Mangle asked if the length of the hearing was a concern for DLC members. Because the presentation was quite long, deliberations were cut a bit short and she was somewhat disappointed that they didn't have time to have more discussion.

- **Chair Ives** noted that it was important for DLC members to come prepared and with questions for the applicant.

- **Mr. Hemer** noted that this was a significant project for downtown Milwaukie, and he felt it was appropriate to discuss the application for as long as necessary.

b. Historic Photo Presentation Update

Ms. Alligood provided an update on the project in DLC Member Patty Wisner's absence. She stated that a "bare bones" but functional historic photo presentation had been compiled. Ms. Wisner had been working on the final design. Upon completion, the presentation would be available in PowerPoint format on the City web site and for community use.

DLC members discussed the historic building reshoot project. All of the photos had been retaken with the exception of one photo, which would be taken by Chair Ives.

Chair Ives stated that DLC members and the Main Street Milwaukie Design Committee would visit the Milwaukie Museum on February 21 to do research for the historic photo presentation and the Design Elements project.

c. Light Rail Update

Wendy Hemmen, Light Rail Design Coordinator, presented an update of the Portland to Milwaukie Light Rail Transit (PMLRT) project.

- Discussed sections along the length of the PMLRT line, from downtown Portland to the Lake Rd Park and Ride, and pointed out the location of Milwaukie-area light rail stations and areas of interest on an aerial photo.
- The DLC would have an important advisory role as specific components of the light rail design become less conceptual and more concrete.

The Committee discussed various components of the light rail alignment within and outside of Milwaukie.

Ms. Mangle clarified that light rail planning was distinct from the South Downtown Project process; the South Downtown Project was happening because the light rail station would be located there and the City needed to determine what they wanted to do there. There was a distinction between what TriMet has to do and what the City wants to do.

Chair Ives expressed concern about the various downtown planning projects taking place concurrently, including the light rail planning, South Downtown Project, and the Main Street Milwaukie program. She questioned how all of those processes would be coordinated.

Ms. Mangle described some of the components of the light rail that could be subject to design review, including substations in the downtown area and the new Kellogg Creek Bridge, among others. The Committee would review small, individual applications rather than one large application like Riverfront Park.

Kenny Asher, Community Development and Public Works Director, described the interrelation between the various planning projects taking place downtown and his view of the DLC's role in shaping the light rail project.

- Design Review applications would start appearing in a year or so. The City would be working with consultants to determine the design of the light rail line and associated structures.
- The South Downtown project would be happening simultaneously with the light rail project, but the South Downtown project would not be a discussion of architecture as much as the form the development would take.
- There would be architectural differences between each of the buildings reviewed downtown, but the role of the Committee was to use the Downtown Design Guidelines (Design Guidelines) to ensure consistency among them.

Ms. Hemmen discussed the timeline for the light rail line planning and construction processes.

- New bridge over the Willamette would be built in 2011, which was an important date for the project to hit.
- Heavy civil construction, such as grading and dirt moving, near Kellogg Lake would begin in 2012.
- Most of the civil construction on the line would be done by 2014.
- Light rail segment would be operable in 2015.

Susan Shanks, Senior Planner, provided an overview of the land use permitting process for the light rail. She is managing the City's land use review and permitting process for the project.

- The project was a series of discrete land use applications. The land use review process was parallel to other, larger processes and projects. The DLC would play a large role in assisting the City negotiations with TriMet during the design phase, in both an advisory and a reviewing body role, because everything within the Downtown Zones may be subject to design review by the Committee.

- Metro issued a Land Use Final Order (LUFO) which ensured that the light rail alignment could be built across jurisdictions, but individual jurisdictions retained the ability to conduct local land use and design review. The LUFO was the result of a “meta land use authority” granted to Metro by the State and was a means to prevent one jurisdiction from halting a regional, multijurisdictional project, but the design and other considerations were subject to local jurisdictional oversight and regulation.

- The locally preferred alternative (LPA) and the location of the individual light rail stations and maintenance facilities were adopted by local jurisdictions and included in the LUFO.

Mr. Asher stated that staff wanted to make sure that the light rail project was sensitive to the city and its needs.

- Felt it was important for Milwaukie to have light rail service; communities that were connected to light rail had different futures than those that were not. A light rail station would encourage additional investment in downtown Milwaukie.
- The impact of the station would be felt most strongly around the downtown light rail station area because of the new activity in the area and the new bridge over McLoughlin and Kellogg Creek.
- Wanted to enlist the support of Milwaukie residents for the project. The Committee was very important during this process, because ultimately the project required permits in order to succeed. The Committee was stronger than it was even a couple of years ago.
- In order to make the project successful, Milwaukie has to speak with a unified voice.

Ms. Mangle suggested that the Committee begin educating themselves about the proposed designs sooner than later so they could be actively involved in the process.

Mr. Hemer praised City staff and TriMet for their continuing public outreach efforts and attempts to keep the public informed.

He requested a future presentation of the South Downtown Concept.

Mr. Asher stated that the South Downtown Concept began prior to the final LPA and was now more directed toward planning around the light rail station than previously.

- The South Downtown Concept talked about who would live in the area and what would be built. It didn't currently contain a well-defined program—what would be built—or a drawing

of actual spaces and structures. A new consultant would be moving forward with implementation and the process would reopen to new participants.

- Several components of the light rail project included: the light rail station; the environment around the station, such as bicycle and pedestrian access to the station; and the “Triangle Site” to the east of the light rail platform.
- Everything else (i.e. west of Kellogg Creek) was part of the South Downtown planning process.
- The planning work that was done downtown was very important in determining the location and design of the light rail platform and would continue to be important.
- Stated that the South Downtown Pattern Language was on the City web site for Committee review.

Ms. Mangle clarified that a TriMet Park-and-Ride would not be located in downtown Milwaukie because it would cause downtown intersections to fail. It was possible for the City to build its own parking garage in the future.

Chair Ives thanked City staff for the presentation.

5. APPLICATION REVIEW ITEMS—None

6. OTHER BUSINESS

a. DLC Notebook Page Updates

Ms. Alligood distributed updated pages for the DLC member notebooks.

b. Next Meeting

Ms. Alligood stated that the next DLC meeting would be on March 9, 2009, at 6:30 p.m. and would be a joint worksession with the Planning Commission. The subject would be a continuation of the light rail briefing received at the January 27 DLC meeting.

DLC members determined that the March 9 meeting would take the place of the regularly scheduled February 24 DLC meeting and the March 24 meeting would be held as scheduled.

7. ADJOURN

The meeting adjourned at 8:52 p.m.

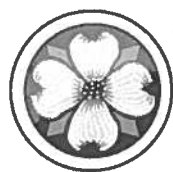
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Becky Ives, Chair



MILWAUKIE

Dogwood City of the West

To: Planning Commission
 Design and Landmarks Committee

From: Katie Mangle, Planning Director *KM*

Date: February 16, 2010, for March 9, 2010, Worksession

Subject: Light Rail Conceptual Design and Permitting

ACTION REQUESTED

None. This is a briefing for discussion only. At the meeting, City and TriMet staff will present the Conceptual Design Report, with particular attention to the elements of the project that will be subject to land use and design review by the Planning Commission and DLC.

BACKGROUND INFORMATION

A. History of Prior Actions and Discussions

- **January, 2010:** Planning Commission and the Design and Landmarks Committee each held worksessions with City staff on the Portland Milwaukie Light Rail project design and permitting.

B. Conceptual Design Report

The Portland Milwaukie Light Rail (PMLR) project is reaching several milestones this spring. The project has been designed to a 25% level of completion (see Attachment 1, which shows the 25% plans for Segment C of the project) and the FTA will soon publish the Final Environmental Impact Statement. In addition, TriMet has published the Conceptual Design Report (CDR) to describe what the project could look like and how it is being coordinated with other ongoing planning projects. The "Public Discussion Draft" version of the CDR is attached as Attachment 2 to this report.

The Conceptual Design Report presents the vision, process and preliminary design for the Portland-Milwaukie Light Rail Project. It is a culmination of community input and the discussions and decisions made by project partners and stakeholders that dictate what the project will look like and how it will perform.

The purpose of the CDR is to describe the design of the alignment and station areas and outline the “urban design vision” that will guide work in the Final Design phase of the project. TriMet, Metro, City of Milwaukie, and City of Portland staff collaborated on this document. Each agency has important goals and intentions for how the project will look and operate once it opens. Since most of these intentions are not yet apparent in the engineering plans, the purpose of this document is to illustrate and document communicate them.

C. Key Report Sections

The CDR report includes illustrations and descriptions of the whole alignment, including the new bridge over the Willamette River. However, the following key sections are most pertinent to the Milwaukie community.

- *Key Next Steps* (p.8-9): Outlines what project staff will do over the next few years to address the issues raised in the CDR. For Milwaukie, this will include the South Downtown planning work to refine the vision and zoning for public and private development in the area around the station.
- *Tacoma Station* (p. 68-71): Describes the urban design vision for the station and park and ride structure, and the challenges related to access and environmental mitigation. This section also describes the potential for supporting redevelopment of the adjacent Pendleton building.
- *Tillamook Branch* (p. 72): Describes the section of the track just west of the Ardenwald neighborhood, where a new structure will carry the light rail over the freight tracks.
- *Milwaukie Station* (p. 73- 79): Describes the downtown section, including not only the station itself but also the urban design of the trackway and related infrastructure between Harrison and Lake Rd. This section includes an illustrated station plan that reflects some of the South Downtown concept and some preliminary ideas for development of a “station building” on the triangle site immediately east of the light rail platforms.
- *Kellogg Creek/ Island Station* (p. 80-81): Describes the new bridge over Kellogg Lake, which will be designed and constructed to accommodate a future pedestrian bridge that will connect Island Station and Kronberg Park to the station.
- *Public art* (p. 90-91): Describes TriMet’s public art program and how it is working for this project.
- *Preliminary Engineering Recommendations* (p. 94-105): Describes many recommendations that apply throughout the alignment. Of particular importance to Milwaukie are the sections on the establishment of Quiet Zones and requirements related to the Union Pacific freight rail trackway.

D. Public Review of the CDR

TriMet is distributing the Public Discussion Draft of the CDR broadly at neighborhood meetings and public events, including an open house at Milwaukie High School on February 25th. The entire document is available on the project website at:
<http://www.trimet.org/pm/planninganddesign/index.htm#cdr>

This document will be useful to those in Milwaukie who want to understand the light rail project, and also those who want to help shape it. It establishes an urban design vision for how light rail should look in Milwaukie, and will be a helpful shared resource as City and TriMet staff work with citizens and business owners to finish designing the project.

E. Land Use Permitting Process

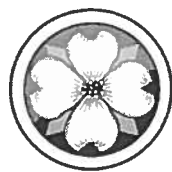
As outlined in Attachment 3, some elements of the project will require land use approvals and construction permits. The Planning Commission and DLC will play an important role in the City's review of these permit applications.

However, since light rail is already an approved use per the 2008 Land Use Final Order (LUFO), the City's land use review and permitting process will focus on the physical characteristics of the project to ensure that it meets the City's various design standards, fits into the existing fabric of the City with minimal disruption, and enriches Milwaukie's unique small-town identity. Generally speaking, LUFO approves the construction of light rail in the location of the final alignment, including the location of specific key elements, i.e. stations, bridges, park and ride facilities, etc. LUFO does not, however, override the City's authority to issue development approvals that are triggered by the project during design, engineering, and construction.

ATTACHMENTS

Attachments are provided only to the Planning Commission unless noted as being attached. All material is available for viewing upon request.

1. Segment C 25% Preliminary Engineering plans on aerial photo
2. PMLRT Conceptual Design Report
3. Overview of Milwaukie Permitting Process for Light Rail



MILWAUKIE

Dogwood City of the West

To: Planning Commission
Design and Landmarks Committee

Through: Katie Mangle, Planning Director *KM*

From: Beth Ragel, Community Services Program Specialist

Date: February 26, 2010, for March 9, 2010, Worksession

Subject: City Hall Sculpture Garden

ACTION REQUESTED

None. This is a briefing for discussion only. Staff is seeking feedback on the overall design and on the relocation of the Centennial Memorial Rock ("Memorial Rock") and the replacement of two dogwood trees in the front of City Hall.

BACKGROUND INFORMATION

A. History of Prior Actions and Discussions

In the spring of 2009, the City of Milwaukie was awarded funds from the American Recovery and Reinvestment Act (commonly known as "stimulus") to expand upon plans to improve the bus stops on Jackson Street in downtown Milwaukie, adjacent to City Hall. The Jackson Street Improvement Project will beautify, modernize and consolidate the City of Milwaukie's long neglected on-street landscape and bus facilities. City Council has taken several actions to approve the Jackson Street project.

One of the problems the Jackson Street project is trying to solve is the sprawling nature of both the bus stops and the waiting areas. Several ideas were discussed to reduce loitering on the City Hall lawn, and in the end the project was expanded to include a sculpture garden with associated landscaping. The Sculpture Garden will maintain public access to the area, which is a requirement of the City Hall block, but will eliminate the open lawn that is used for loitering by members of the public.

The project will formalize the south lawn of City Hall along Jackson Street into the first art garden in Milwaukie. The garden will feature 6 permanent concrete sculpture pedestals to display a rotating sculpture collection.

A call for proposals was published in October of 2009. In November a selection committee comprised of members of the Arts Committee and the Main Street Milwaukie group selected two designers who had submitted proposals to interview. The committee agreed unanimously that they preferred the design submitted by *Gardens by Rebecca*.

The design concept submitted by *Gardens by Rebecca* has a natural, open, 'northwest' feel. Her proposal includes the placement of basalt boulders around and within the garden, installation of regionally appropriate shrubs and trees, and a winding gravel pathway that mimics the looks of the region's rivers. Ms. Ives' design demonstrated an excellent vision for tying together the Sculpture Garden with Milwaukie's history as well as the Riverfront Park currently being planned.

This new feature will be complimented by the improvements the City is making to Jackson Street. As part of the Jackson Street project, new ornamental lighting and well-lit bus shelters will provide additional light along the street. Combined with the low-voltage accent lighting in the garden, the area will be well lit.

Tryon Creek Landscape firm will be constructing the project under *Gardens by Rebecca's* management in conjunction with supervision by City staff.

B. Design Concept and Features of the Sculpture Garden

Concept:

This design reflects the historical importance of the rivers and streams surrounding Milwaukie. The larger path running north to south represents the Willamette River with the remaining existing pine tree represents Elk Rock Island. The smaller east - west paths represent Kellogg and Johnson Creek. Native basalt boulders (3-6 ft in size) will be placed to resemble river banks and the pathways made of decomposed granite (a fine light colored gravel) mimicking the natural look of the streams. No small rocks will be used to reduce the possibility of vandalism (picking up rocks and throwing them or removing them). The way the pedestals and sculpture pieces are placed will bring focus to the space without overwhelming the natural open feel of the space (see Attachment 1, Sculpture Garden Concept Plan).

This project supports the Downtown Design Guidelines to integrate art with consideration to context and will meet the following recommendations laid out in the Downtown Design Guidelines:

- Artwork designed specifically for and integrated into the building or site.
- Professionally designed.
- Durable, low maintenance materials that are vandal resistant.

Materials:

The pathways will be constructed with irregular edges to mimic the stream beds and will be made of decomposed granite. The project will also remove a small portion of the front driveway to expand the sculpture garden area and will remove the existing concrete path that connects the parking lot behind City Hall with the front driveway. The concrete pathway will be replaced with a decomposed granite pathway—a fine gravel that packs hard and is ADA compliant.

Plants will be regionally-appropriate, native and native-compatible. Trees will include *Tsuga mertensiana* (native Mountain Hemlock), *Cornus kousa* (Dogwoods), and *Acer circinatum* (Vine Maple) which grow to a height of 20-25 feet with a spread of less than 10 feet. Trees will be placed so that sculpture pieces can be placed on the pedestal's easily.

Smaller shrubs and ornamental grasses will include a combination of Mahonia (Oregon Grape), *Sarcococca* (Sweet Bay), Sword Ferns, *Hydrangea 'Pia'*, *Carex testacea*, and *Spiraea 'Magic Carpet'*. These have been selected as they are easy to maintain and provide a nice variety of textures (see Attachment 2, Landscaping Mock-ups and Attachment 3, Plant Materials).

Lighting:

Low-voltage accent lighting will be included in the beds that will point up at the pedestals and highlight the sculpture pieces.

B. Design Concept and Features for the Front of City Hall

Concept:

The design for the front of City Hall will tie the two side spaces together aesthetically. The intention is to enhance the front entrance of City Hall and the triangle bed as part of this project per attachment 4-A, "Planter Detail". Funds at this time will not allow the full redesign imagined in attachment 4-B. Staff thought it made sense to have *Gardens by Rebecca* develop a full design now—even though funds would not enable the entire re-landscaping right away.

Basalt boulders will be placed around the Memorial Rock—relocated to the center of the triangle flower bed—and the same shrubs and ornamental grasses used in the Sculpture Garden will be planted in the triangle and on the sides of the main entrance. A lawn strip would be added curving along the front of the property which ties the lawn on the north side of City Hall with the front and mimics the green Willamette Valley.

The proposed design calls for the moving of the large Memorial Rock over approximately six feet to the north—placing it in the center of the triangle flower bed. Currently the rock is just to the south of the triangle and pathways. This will make the design more symmetrical and also make the Memorial Rock more prominent (see Attachments 4A and 4B).

City library staff and *Gardens by Rebecca* have done research to determine the history of Memorial Rock and the four plaques that are on the rock. News articles found at the Milwaukie Museum and in the library indicate that the rock itself was dug out of the Waverly Heights area of Milwaukie for the express purpose of holding the plaques now mounted on it. From what we can tell from the newspaper articles, the first plaque from 1947, which honors the arrival of early Milwaukie residents Henderson and Alfred Luelling in 1847, was installed on "City Hall grounds" and later mounted to the rock. The second plaque, was installed in 1950 in celebration of the centennial of Milwaukie's founding. In 1953, a third plaque was attached to honor Milwaukie's first City Council, which was formed in 1903.

Staff believes that moving the rock to the center of the area—about six feet from its current location—does not diminish its significance and will, rather, make it more visible and distinct.

Two landscape contractors have looked at the rock and both believe the rock can be moved without cracking or damaging it. The rock would be moved with a crane that has attached straps to gently cradle the rock and move it. The rock would be placed on gravel in the center of the triangle.

The design also proposes the removal and replacement of the two dogwoods on each side of the City Hall entrance. These trees were examined by City Wide Tree Service and are in poor condition. The design calls for replacing them with maple trees. See attached arborist report (Attachment 5, Arborist Report.)

Lighting:

There will be no additional lighting installed in the front of City Hall.

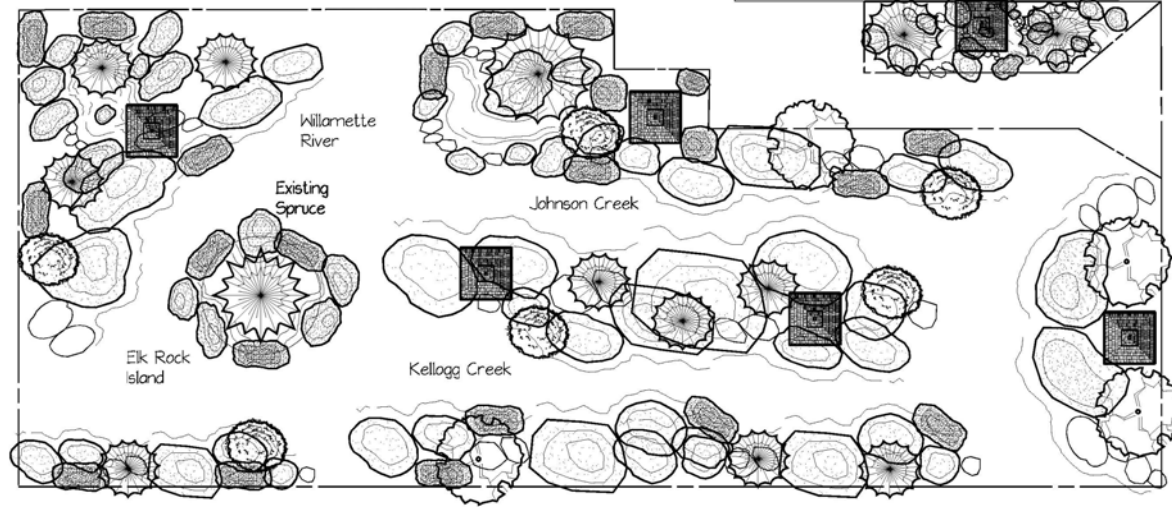
ATTACHMENTS

Attachments are provided only to the Planning Commission unless noted as being attached. All material is available for viewing upon request.

1. Sculpture Garden Concept Plan (attached)
2. Landscaping Mock-ups
3. Plant Materials
4. Front of City Hall Concept Plan
 - A. Entrance/Planter Detail
 - B. Complete Frontage Re-design
5. Arborist Report

ATTACHMENT 1

City Hall



KEY



Sculpture
Pedestals



Tsuga mertensiana (12)



Cornus kousa (4)



Acer circinatum (7)

Sculpture Garden
City of Milwaukie

DRAWN: J

DATE

10/23/09

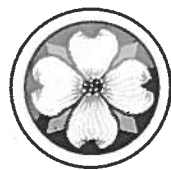
SCALE

1" = 10'

Gardens by Rebecca

www.gardensbyrebecca.com

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MILWAUKIE

Dogwood City of the West

To: Planning Commission
Design and Landmarks Committee

From: Katie Mangle, Planning Director *KM*

Date: March 1, 2010, for March 9, 2010, Worksession

Subject: Draft Intergovernmental Agreement for State of Oregon Code Assistance Grant

ACTION REQUESTED

None. This is a briefing for information only. The Planning Commission and Design and Landmarks Committee (DLC) will both work on the projects funded by this grant.

BACKGROUND INFORMATION

The City has been awarded a grant with a value of \$50,000 to fund two code amendment projects that were identified as priorities in the 2009 Smart Growth Code Assessment Final Report. At an upcoming City Council meeting, staff will ask Council to sign an intergovernmental agreement to participate in this project.

A. History of Prior Actions and Discussions

- **October, 2009:** Staff presented the Smart Growth Code Assessment Final Report. Council concurred with the code amendment priorities identified in the report and requested that staff move forward with the next phase of the project.
- **September, 2009:** Design and Landmarks Committee worksession discussion of the Residential Standards element of the code amendment project.
- **August, 2009:** Planning Commission reviewed and provided concurrence with the Action Plan as presented in the final report.
- **August 11, 2009:** Planning Commission worksession on findings of the Code Assessment prepared during Phase I of the Smart Growth Code Assistance project.
- **July 14, 2009:** Planning Commission worksession on findings of the Code Assessment prepared during Phase I of the Smart Growth Code Assistance project.

B. Smart Growth Code Amendment Project

In 2009, the City was the recipient of a code assessment grant from the Oregon Transportation and Growth Management (TGM) Program, wherein the State hired APG to conduct an assessment of the City's zoning code (Title 19). The final deliverable from APG during this phase of the code assessment project was an Action Plan. Phase II of this project will build on the work done during the Phase I assessment phase and will include the drafting of new code language for those needed code amendments that have been identified as high priority on the Action Plan.

The Planning Commission and City Council concurred with the priorities in the Action Plan, and the Design and Landmarks Committee agreed to assist with the Residential Standards aspect of the project.

Phase II of the Smart Growth Grant is possible due to a \$50,000 grant award for 2010-11, pending approval of an intergovernmental agreement (IGA) between Milwaukie and the State of Oregon. This project will focus on the City's development review procedures and residential design standards. See Attachment 1 for the draft scope of work. The deadline for the work to be completed is June 2011. By signing the IGA, the City will be committing staff to work with Angelo Planning Group on the code amendments described in the Statement of Work.

During the discussion of the Action Plan, the Commission expressed a strong desire for staff to work on two specific projects that will not be funded by this grant: 1) refinements and changes to the code that governs development in the Downtown zones and 2) new and higher design standards for development (and signs) on commercially-zoned property outside of downtown. Though the Smart Growth grant is insufficient to address these issues, staff is seeking funding elsewhere for this work. The City is requesting funding from Metro to assist with a "refresh" of the Downtown code. Planning staff is proposing to use local funds to review and propose changes to the Commercial zones in FY 2010-11.

ATTACHMENTS

Attachments are provided only to the Planning Commission unless noted as being attached. All material is available for viewing upon request.

1. Draft Statement of Work (attached)

STATEMENT OF WORK

ODOT/DLCD Transportation and Growth Management Program
Code Assistance Project for City of Milwaukie

Phase 2 – Procedures and Residential Design Standards**A. PROJECT MANAGEMENT TEAM****Consultants**

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TGM Project Manager

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Oregon DLCD 503-373-0050, ext. 252

B. INTRODUCTION**Background**

The City of Milwaukie (City) is a historic community of 20,500 residents. This is a time of transition and growth for the city: the Portland-to-Milwaukie Light Rail project is slated for completion in 2015; there has been an increase in properties annexing to the City; and the community is facing increasing development pressures due to its proximity to Portland and the natural beauty of the Willamette River.

This period of transition and growth provides an opportunity for the City to assess its current code standards, and identify areas of the code that do not support the type of development the community desires. In 2009, the City received a TGM Code Assistance Grant and Angelo Planning Group (Consultant) performed a code audit of Title 19 (Zoning) of the Milwaukie Municipal Code. That audit identified a number of code sections that were outdated, disorganized, difficult to understand and implement, and inconsistent with State and City land use policies. As a result, the City decided to pursue the following two priority topics as part of a Phase 2 TGM Code Assistance Project:

1. Process and Procedures
2. Residential Design Standards

Goals for the Project

Topic 1 – Process and Procedures: Clarify, streamline, and consolidate the various different procedures currently used in the City’s land use review process, and possibly create a new Development Review chapter. Change the approach to regulating nonconforming situations and approving variances. Updating the procedures is expected to result in three primary outcomes:

- a. A code that is consistent with Oregon state law (e.g., procedures related to public notice, hearings, needed housing, etc.).
- b. A code that is easier to use. In addition to general editing, the consultant will eliminate duplication in the code, simplify and consolidate similar procedures, and add tables. Establish a development review chapter to improve organization, fill procedural gaps, and consolidate regulations in one place.
- c. Reasonable review criteria, an appropriate level of review for all land use actions, and a more flexible approach to variances and nonconforming situations. The City’s intent is to create efficient review procedures that reduce unnecessary process yet result in desired development, consistent with the comprehensive plan.

Topic 2 – Update Residential Standards: Eliminate redundancies, simplify code structure, and use tables and graphics to make code standards for residential development easier to use and understand. Updating the residential standards is expected to result in three primary outcomes:

- a. Updated single-family residential design standards that increase the requirements or level of review to address issues of infill design and compatibility. Evaluate implications of additional compatibility standards with case studies of two single-family zoned sites (R-10 and R-7).
- b. New design standards for Accessory Dwelling Units and removal of procedural barriers to this type of development.
- c. New multi-family design standards and review process to require well-designed and compatible development. Evaluate implications of existing and proposed code standards with case studies of two multi-family zoned sites outside of the downtown (R-1 and R-2).

Transportation Relationships and Benefits

The Transportation and Growth Management (TGM) Program is a joint effort of the Oregon Department of Transportation (ODOT) and the Oregon Department of Land Conservation and Development (DLCD). The purposes of TGM are to strengthen the capability of local governments to effectively manage growth and comply with the Transportation Planning Rule, to integrate transportation and land use planning, and to encourage transportation-efficient land uses that support modal choice and the efficient

performance of transportation facilities and services. Specifically TGM supports efficient use of land and resources, human-scaled designed, walkable communities, good connections between local destinations, and pedestrian, bicycle and transit-oriented development.

This project will advance these objectives by removing barriers to smart development that may exist in current regulations, and by revising or enacting new procedures, criteria and design standards consistent with TGM objectives.

C. SUMMARY OF CONSULTANT WORK TASKS

Task	Consultant Deliverables	Amount per Deliverable	Completion
TOPIC 1 – PROCEDURES (Tasks 1-5)			
1 – Research on Procedures & Development Review			
1.1	Memo summarizing research on practices, problems and examples. Summary spreadsheet of procedures in peer cities.	\$1,750	March 2010
1.2	Memo on Development Review options and recommended approach	\$2,000	March
1.3	PMT Meeting #1 & Notes	\$750	April
2 – Draft #1 of Procedures Chapter			
2.1	Procedures Chapter Draft #1	\$3,500	May
2.2	Summary table of existing and proposed Applications/Procedures	\$1,200	May
2.3	Draft #1 of targeted revisions to related code sections	\$1,500	June
2.4	PMT Meeting #2 & Notes	\$750	June
2.5	Planning Commission Work Session #1 & Notes	\$400	June
3 – Draft #1 of Development Review, and Revised Variance (VR)/Nonconforming (NC) Chapters			
3.1	Memo reviewing current NC/ VR policies with options for changes to approval criteria for Variances and Nonconforming Situations	\$2,230	July
3.2	Development Review Chapter Draft #1	\$1,500	July
3.3	NC/VR Chapters Draft #1	\$1,000	July
3.4	PMT Meeting #3 & Notes	\$400	July
4 – Draft #2 of Procedures, Development Review and Variance/NCU Chapters			
4.1	Amendments and Commentary Draft #2	\$2,800	August
4.2	Planning Commission Work Session #2 & Notes	\$400	August
5 – Draft #3 for Public Hearing and Adoption (Procedures)			
5.1	Amendments Draft #3 (for public review)	\$2,600	September
5.2	Commentary Draft #3	\$1,000	September
	Topic 1 Subtotal:	\$23,780	

TOPIC 2 – RESIDENTIAL STANDARDS (Tasks 6-10)			
6 – Code Review and Research on Residential Standards			
6.1	Memo summarizing research and recommended approach.	\$2,750	August 2010
7 – Illustrate Existing & Proposed Design Standards for Prototype Sites			
7.1	Prototype Site Illustrations.	\$5,500	August
7.2	Stakeholder Meetings (3) & Notes	\$1,500	August
7.3	PMT Meeting #4 & Notes	\$500	August
7.4	Work Session #1 with Design & Landmarks Committee (DLC) & Notes	\$1,000	August
8 – Draft #1 of Code Revisions for Residential			
8.1	Draft baseline code sections for SFR zones	\$1,500	October
8.2	Draft revised SFR design standards	\$1,250	October
8.3	Draft baseline code sections for MFR zones	\$1,500	November
8.4	Draft new MFR design standards	\$2,700	November
8.5	PMT Meeting #5 & Notes	\$500	November
8.6	Work Session #2 with DLC & Notes	\$1,000	December
9 – Draft #2 of Code Revisions for Residential			
9.1	Amendments Draft #2	\$2,200	January 2011
9.2	PMT Meeting #6 & Notes	\$370	January
10 – Draft #3 for Public Hearing and Adoption (Residential Standards)			
10.1	Amendments Draft #3	\$2,950	March
10.2	Commentary Draft #3	\$1,000	March
	Topic 2 Subtotal:	\$26,220	
	Total WOC:	\$50,000	

D. TASK DETAILS

This WOC encompasses code assistance focused on two primary topic areas (Procedures and Residential Standards) that will largely run sequentially, with a slight overlap in schedule. Tasks 1-5 address the Procedures topic and Tasks 6-10 address the Residential Standards topic. Links between the specific task numbers and consultant deliverables summarized above are shown in underline type.

TOPIC 1 – PROCEDURES

Task 1 – Research on Procedures & Development Review

Consultant Tasks

- 1.1 Research. Review existing Title 19 chapters that pertain to applications, review procedures, and decision authorities. Coordinate with staff to understand current practices for land use review, site plan review, and building permit review in Milwaukie. Identify and review pertinent zoning code sections highlighted by staff. Conduct on-line review of site/development review processes used in 3-4 metro area jurisdictions (with staff input on specific jurisdictions). Prepare

- spreadsheet to summarize the following key elements for each jurisdiction: a) procedure type, b) applicability and thresholds, c) decision authority, d) approval criteria, e) application fees. Prepare memo (no more than 10 pages) to summarize research.
- 1.2 Restructuring recommendation. Consultant will prepare a Memo (no more than 10 pages) with an outline and recommended format and approach for consolidating and clarifying Milwaukie's development review process. The memo will include links or attachments to examples of the recommended approach as applied in other cities. Memo will outline at least 2 alternative approaches to implementing the recommended restructuring - phased and non-phased - and explain the benefits and challenges associated with each approach.
- 1.3 PMT Meeting #1. Consultant will facilitate Meeting #1 with the Project Management Team (PMT) to review and discuss the research and Task 1.1 and 1.2 deliverables. Consultant will prepare brief meeting notes (no more than 5 pages) to summarize the key decision points.

City Tasks

- Prepare Code History Memo. Memo to outline specific code sections that should be preserved, summarize past community discussions of issues to be addressed by this project.
- Prepare spreadsheet to identify particularly problematic code sections relating to procedures and/or applications that should be changed.
- Provide a brief summary of existing practices relating to review of site and building plans (particularly for MFR, commercial, or industrial projects that do not trigger land use review).
- Provide input on 3-4 metro area jurisdictions Consultant should review to provide background for Task 1.2 memo.
- Schedule and participate in PMT Meeting #1 and provide consolidated comments and feedback on Task 1.1 and 1.2 memos.

Task 2 – Draft #1 of Procedures Chapter

Consultant Tasks

- 2.1 Procedures Chapter Draft 1. Using Model Code and feedback from Task 1.1, prepare Draft #1 of Procedures Chapter, a new code chapter to replace Chapter 19.1000 Administrative Provisions. Draft will include commentary to explain key policy changes. The consolidated Procedures will be consistent with Oregon state law, including provisions relating to public notice, completeness review, hearings, appeals etc.
- 2.2 Summary Table. Prepare comprehensive table to summarize existing and proposed structure of all applications, relevant procedures (Type I, II, III, and IV), decision authority, and appeal authority. Will include cross-references to approval criteria.

- 2.3 Related Sections Draft 1. Prepare Draft #1 of revisions to code sections affected by changes to Chapter 19.1000 that are not included in task 2.1. Draft will include underline and strikeout to show proposed changes, include commentary to explain key policy changes, and cross-references to the new Procedures chapter.
- 2.4 PMT #2. Consultant will facilitate Meeting #2 with the PMT to review and discuss Draft #1 of the Procedures Chapter and the Applications Table. Consultant will prepare brief meeting notes (no more than 5 pages) to summarize the key decision points.
- 2.5 PC #1. Facilitate Planning Commission Work Session #1 and present an overview of the highlights of the Procedures chapter. Present findings of research on Development Review (Task 1.2 memo) and request direction from Planning Commission. Consultant will prepare brief meeting notes (no more than 2 pages) to summarize the Planning Commission work session.

City Tasks

- Provide direction to Consultant on applications that might be appropriate for a different procedure and level of review (e.g., Accessory Dwelling Units, Minor Adjustments).
- Schedule and participate in PMT Meeting #2 and provide consolidated comments and feedback on Draft #1 consultant deliverables.
- Provide introductory staff comments at Planning Commission Work Session #1.
- Coordinate City Attorney review for compliance with ORS (Note: city staff to decide which draft(s) should be provided for legal review).
- Provide detailed minutes summarizing presentation and discussion at Planning Commission meeting.

Task 3 – Draft #1 of Development Review and Revised Variance (VR)/Nonconforming (NC) Chapters

Consultant Tasks

- 3.1 Current NC/VR Policy Review. Review 19.700 (Variances) and 19.800 (Nonconforming situations) and prepare memo (no more than 10 pages) that summarizes options for new policy direction and updated approval criteria.
- 3.2 Development Review Chapter Draft #1. Assuming positive feedback from Tasks 1.2, 2.5, and 3.1, prepare Draft #1 of new Development Review sections. Identify other sections of the code that may need to be deleted (such as 19.416 Transition Area Review) or revised (such as 19.1400 Transportation Facilities Review).
- 3.3 NC/VR Chapters Draft #1. Based on feedback on Task 3.1 memo, prepare Draft #1 of VR and NC chapters to reflect recommended policy changes and updated approval criteria. Draft will include underline and strikeout to show proposed changes, include commentary to explain key policy changes, and cross-references to the new Procedures chapter.

- 3.4 PMT Meeting #3. Consultant will facilitate Meeting #3 with the PMT to review and discuss Draft #1 of the Development Review, Variance, Nonconforming Situations, and related sections. Consultant will prepare brief meeting notes (no more than 5 pages) to summarize the key decision points.

City Tasks

- Prepare Code History Memo. Memo to outline specific code sections that should be preserved, summarize past community discussions of issues to be addressed by this project.
- Provide consolidated staff comments and direction to Consultant on Task 3.1 memo and Drafts provided in Tasks 3.2 and 3.3.
- Schedule and participate in PMT Meeting #3 and provide consolidated comments and feedback on Draft #1 of Development Review and updated Variance and Nonconforming Situations Chapters.
- Coordinate City Attorney review for compliance with ORS (Note: city staff to decide which draft(s) should be provided for legal review).

Task 4 – Draft #2 of New and/or Revised Code Sections

Consultant Tasks

- 4.1 Amendments Draft #2. Based on consolidated staff, Planning Commission and/or City Attorney comments on Draft #1 Code (Procedures, Development Review, Variances, Nonconforming Situations, and related sections), consultant will prepare Draft #2 with associated commentary on proposed policy changes.

In addition to the primary sections noted above, Draft #2 will ensure that all changes are seamlessly integrated into the code and all code references are updated appropriately.

- 4.2 PC #2. Facilitate Planning Commission Work Session #2 and present an overview of Draft #2 code changes – with an emphasis on the Development Review section (if it is pursued) and changes to the Variance and Nonconforming Situations Chapters. Consultant will prepare brief meeting notes (no more than 2 pages) to summarize the Planning Commission work session and key recommendations and decision points.

City Tasks

- City staff will test proposed “Draft 2” amendments on case studies to determine the potential affects of the amended code.
- Schedule and coordinate with Consultant on agenda and presentation of Draft #2 at Planning Commission Work Session.
- Provide consolidated staff comments and direction to Consultant on Draft #2.
- Provide template and instructions to Consultant for formatting Draft #3 and inserting commentary to track code changes.

Task 5 – Draft #3 of Code Revisions for Public Hearing and Adoption Process

Consultant Tasks

- 5.1 Amendments Draft #3. Prepare draft code amendments using City formatting, of all draft amendments for public review. Amendments will be presented in underline/strikeout format for revisions, or clean format for replacement chapters.
- 5.2 Commentary Draft #3. Prepare code commentary for revised sections. This draft will include a level of detail sufficient to explain the proposed policy changes to the broader community.

City Tasks

- Prepare all required notices for public hearing(s) on proposed code revisions (DLCD, Measure 56, etc.)
- Take lead role on any additional stakeholder review meetings of Draft #3 with neighborhood groups, business community, etc.
- Prepare and present staff report and findings to the Planning Commission and City Council to support recommended code changes.
- Prepare and coordinate revisions to Draft #3 that result from the public hearing and adoption process.
- City attorney review of final draft prior to City Council adoption.
- Prepare all required notices of final local decision on code revisions.
- Take lead role on codifying final code changes with city's code publisher.

TOPIC 2 – RESIDENTIAL STANDARDS

Task 6 – Code Review and Research on Residential Standards

Consultant Tasks

- 6.1 Research and recommended approach memo. Review existing Title 19 base zone chapters that pertain to single-family zones (R-10, R-7 and R-5) and multi-family zones (R-3, R2.5, R-2 and R-1). Prepare memo (no more than 10 pages) that outlines:
 - 2-3 alternative approaches to consolidating and/or streamlining presentation of residential zones and uses and standards. At least one example will suggest consolidating single-family zones in one section and consolidating all multi-family zones in another section and presenting development standards in tables (similar to the approach used for the downtown zones).
 - 2-3 examples of clear and objective multi-family design standards and illustrations from the Model Code or other codes.
 - Pertinent existing code sections
 - Options to remove procedural and/or design barriers to ADU development.

City Tasks

- Prepare Code History Memo. Memo to outline specific code sections that should be preserved, summarize past community discussions of issues to be addressed by this task.
- Staff recommendation memo on SFR regulations. Staff to review 2009 Code Assessment report and provide guidance on recommended approach and best practices for improving SFR design standards. This memo will provide guidance to Consultant during subsequent tasks.
- Expand and share photo library of Milwaukie SFR and MFR housing stock with the Consultant.
- Analyze R-10 zones to identify case study sites (2) to test implications of potential SFR compatibility standards.
- Analyze MFR zones (outside of downtown) to identify case study sites (2) to test the implications of potential MFR design standards.
- Provide consolidated staff comments on Consultant Task 6.1 memo.

Task 7 – Illustrate Existing & Proposed Design Standards for Prototype Sites

Consultant Tasks

- 7.1 Prototype Site Illustrations. Consultant team (SERA) will prepare a maximum of 6 simple illustrations for 2-3 SF and 2-3 MF sites identified by staff. The illustrations are intended as a tool to communicate the scale and character of development possible under *existing* code standards (such as height, lot coverage, setbacks, SF design requirements, etc.). The illustrations will also be used as a tool to communicate the implications of potential *revised or new standards* (such as step-backs, garage location standards, MFR design standards, etc.)
- 7.2 Stakeholder Meetings. Consultant will facilitate up to 3 stakeholder meetings to review Task 7.1 illustrations and discuss existing and potential residential standards. We have assumed that two of the meetings will focus on the SFR case studies and one will focus on the MFR case studies. Each stakeholder meeting could involve 4-5 people with common interests (such as neighborhood representatives, SFR developers, apartment developers/managers, etc.). Consultant will prepare brief notes summarizing each stakeholder meeting.
- 7.3 PMT #4. Consultant will facilitate Meeting #4 with the PMT to review and discuss the Task 7.1 case study illustrations and feedback from the Task 7.2 stakeholder interviews. The agenda and format of the first work session with the Design & Landmarks Commission (DLC) will also be discussed at this PMT meeting. Consultant will prepare brief meeting notes (no more than 5 pages) to summarize the key decision points from PMT Meeting #4.
- 7.4 DLC Meeting #1. Consultant team (including SERA) will facilitate Work Session #1 with the DLC. This work session will include an overview of existing and potential approaches to SF and MF compatibility and design standards. SERA will present the findings of the case study illustrations. Consultant will also summarize the feedback from the stakeholder meetings. Consultant will prepare

brief meeting notes (no more than 2 pages) that summarize the input from the DLC.

City Tasks

- Provide input to Consultant on key design standards to highlight in the case studies.
- Identify and contact parties for three stakeholder interviews. Coordinate the schedule and meeting place.
- Participate in the stakeholder meetings.
- Provide input to Consultant on the agenda and work session with the DLC.

Task 8 – Draft #1 of Code Revisions for Residential

Consultant Tasks

- 8.1 SFR Zones Baseline Chapter Draft #1. Draft baseline chapter(s) for SFR zones (R-10, R-7 and R-5). This draft will reflect primarily any proposals to streamline and reformat base zone regulations, and will be the basis for discussing policy changes in subsequent tasks. Draft to include proposed consolidation, reformatting, and new tables. Draft will include underline and strikeout or replacement pages to show proposed amendments, include commentary to explain key policy changes, and cross-references to the new Procedures and Development Review chapters.
- 8.2 SFR Design Standards Draft #1. Draft revised SFR design standards to increase the number of required features and/or provide additional compatibility standards for the R-10, 7, and 5 zones. The document completed in Task 8.1 is the basis for the code drafted in this task. Provide 3 simple code graphics to illustrate the standards.
- 8.3 MFR Zones Baseline Chapter Draft #1. Draft baseline chapter(s) for MFR zones (R-1, R-2, R-2.5 and R-3). This draft will reflect primarily any proposals to streamline and reformat base zone regulations, and will be the basis for discussing policy changes in subsequent tasks. Draft to include proposed consolidation, reformatting, and new tables. Draft will include underline and strikeout or replacement pages to show proposed amendments, include commentary to explain key policy changes, and cross-references to the new Procedures and Development Review chapters.
- 8.4 MFR Design Standards Draft #1. Draft new section with clear and objective design standards for MFR development. Aspects of design to be addressed include transition to lower density neighborhoods, urban design, and massing. Provide 3 simple code graphics to illustrate the standards. The document completed in Task 8.3 is the basis for the code drafted in this task.

- 8.5 PMT #5. Facilitate PMT Meeting #5 and walk through Drafts #1. Discuss the agenda and presentation for the second DLC work session. Prepare brief meeting notes (no more than 5 pages) to summarize the highlights of the PMT meeting and key decision points.
- 8.6 DLC #2. Consultant team (including SERA) will facilitate Work Session #2 with the DLC. This meeting will include an overview of the proposed code revisions and provide the opportunity for DLC input for revisions to Draft #1. Consultant shall prepare brief notes (no more than 2 pages) to summarize the DLC work session.

City Tasks

- Provide direction to consultant on code structure, particularly whether to include the MFR design standards in the base zone(s) or in another section of the code.
- Take lead role on any additional meeting or public outreach for review of Draft #1 Residential Standards and confirm the schedule for Draft #2.
- Provide consolidated staff comments on Draft #1.

Task 9 – Draft #2 of Code Revisions for Residential

Consultant Tasks

- 9.1 Amendments Draft #2. Prepare Draft #2, with associated commentary on proposed policy changes, based on consolidated staff comments and DLC input on Draft #1.
- 9.2 PMT #6. Facilitate PMT Meeting #6 and walk through Draft #2. Prepare brief meeting notes (no more than 5 pages) to summarize the highlights of the PMT meeting and key decision points.

City Tasks

- City staff will test proposed “Draft 2” amendments on case studies to determine the potential affects of the amended code.
- Take lead role on any additional meeting or public outreach for review of Draft #3 Residential Standards and confirm the schedule for delivery of Public Hearing Draft #3.
- Provide consolidated staff comments on Draft #2.
- Provide template and instructions to Consultant for formatting Draft #3 and inserting commentary to track code changes.
- Coordinate City Attorney review of new and/or revised Residential Standards for compliance with ORS (particularly the requirements for clear & objective standards for needed housing.

Task 10 – Draft #3 for Public Hearing and Adoption Process (Residential Standards)

Consultant Tasks

- 10.1 Amendments Draft #3. Prepare draft code amendments of all draft amendments for public review. Amendments will be presented in underline/strikeout format for revisions, or clean format for replacement chapters.
- 10.2 Commentary Draft #3. Prepare code commentary for revised sections. This draft will include a level of detail sufficient to explain the proposed policy changes to the broader community.

City Tasks

- Prepare all required notices for public hearing(s) on proposed code revisions (DLCD, Measure 56, etc.)
- Take lead role on any additional stakeholder review meetings of Draft #3 with neighborhood groups, residential developers, etc.
- Prepare and present staff report and findings to the Planning Commission and City Council to support recommended code changes.
- Prepare and coordinate revisions to Draft #3 that result from the public hearing and adoption process.
- City attorney review of final draft prior to City Council adoption.
- Prepare all required notices of final local decision on code revisions.
- Take lead role on codifying final code changes with city's code publisher.

E. GENERAL PROVISIONS

For all tasks, City to provide existing code document for Consultant's use in preparing and formatting draft amendments and related commentary.

City will provide written guidance on format, style, and editing guidelines for drafting the code and commentary documents. Consultant must follow these guidelines to the extent feasible within the allowed budget.

Deliverables

The following notes apply unless specified otherwise in the task description.

1. Previewing Materials
 - a. Consultant shall provide materials for PMT meetings at least one week prior to the meeting.
 - b. Consultant shall provide materials that are intended for public release at least two weeks prior to the scheduled release.
 - c. Comments will be provided to Consultant within two weeks of receipt of draft materials.
 - d. Consultant shall make minor revisions and corrections to materials based on comments received at least one week prior to release. Consultant is not required

to make major or extensive revisions without an approved contract amendment. This provision does not limit the right of the State to require correction of deliverables that do not meet the requirements of this SOW.

2. Graphics

- a. As needed for this project, presentation graphics for meetings or work sessions are to be delivered as hard copies of each plan/section, approximately 2-foot by 3-foot (not required to be mounted and laminated)
- b. All graphics must also be delivered as computer files in the native format (e.g., AutoCAD, ArcGIS, JPEG, Photoshop, PowerPoint, etc.) and in an open universally readable format (e.g., PDF).

3. Text memorandums, reports and code text

- a. All memorandums, presentation handouts, and reports are to be formatted for 8 ½-inch by 11-inch paper, unless otherwise agreed upon.
- b. All memorandums and reports are to be delivered to City and TGM program as computer files in the native format (e.g. Word, Publisher, PageMaker, etc.) and in an open universally readable format (e.g. PDF).
- c. City shall provide Consultant with template to use for code revisions, along with formatting instructions.

4. Meetings

- a. City will provide support for all meetings include published and mailed notice as appropriate, meeting space and collecting feedback after the meeting.
- b. Meeting notes must, at a minimum, certify that Consultant conducted or attended the meeting required. Meeting notes are a brief (generally not exceeding one-page) summary of the attendees, topics discussed and decisions reached. Handwritten notes taken during the meeting are acceptable.

Key Personnel

Consultant acknowledges and agrees that Agency selected Consultant, and is entering into this WOC, because of the special qualifications of Consultant's key people. In particular, Agency through this WOC is engaging the expertise, experience, judgment, and personal attention of Mary Dorman ("Key Personnel"). Consultant's Key Personnel shall not delegate performance of the management powers and responsibilities he/she is required to provide under this WOC to another (other) Consultant employee(s) without first obtaining the written consent of Agency. Further, Consultant shall not re-assign or transfer the Key Personnel to other duties or positions such that the Key Personnel is no longer available to provide Agency with his/her expertise, experience, judgment, and personal attentions, without first obtaining Agency's prior written consent to such re-assignment or transfer. In the event Consultant requests that Agency approve a re-assignment or transfer of the Key Personnel, Agency shall have the right to interview, review the qualifications of, and approve or disapprove the proposed replacement(s) for the Key Personnel. Any approved substitute or replacement for Key Personnel shall be deemed Key Personnel under this WOC.

Project Cooperation

This statement of work describes the responsibilities of all entities involved in this cooperative project. In this WOC Consultant shall only be responsible for those responsibilities and deliverables identified as being assigned to Consultant in this WOC and the statement of work. All work assigned to other entities is not subject to this WOC. References to work to be performed or responsibilities of any other entities in this statement of work other than references to Consultant are merely for informational purposes and are in no way binding. Neither are these other entities parties to this WOC. Any tasks or deliverables assigned to a sub-contractor shall be construed as being the responsibility of Consultant.

Any Consultant tasks or deliverables which are contingent upon receiving information, resources, assistance, or cooperation in any way from another entity as described in this statement of work shall be subject to the following guidelines:

- a. At the first indication of non-cooperation, Consultant shall provide written notice (email acceptable) to Agency Contract Administrator of the specific acts or inaction indicating non-cooperation and of any deliverables that may be delayed due to such lack of cooperation by other entities referenced in the statement of work.
- b. Agency Contract Administrator shall contact the non-cooperative entities to discuss the matter and attempt to correct the problem and/or expedite items determined to be delaying the project.
- c. If Consultant has followed the notification process described in item A, and delinquency or delay of any deliverable is found to be a result of the failure of other referenced entities to provide information, resources, assistance, or cooperation, as described in the statement of work, Consultant will not be found in breach or default of contract; nor shall Consultant be assessed or liable for any damages. Neither shall Agency be responsible or liable for any damages to Consultant as the result of such non-cooperation by other entities. The Agency Contract Administrator will negotiate with Consultant in the best interest of the State, and may revise the delivery schedule to allow for delinquencies beyond the control of Consultant. Revised delivery date beyond the expiration date requires an amendment to this WOC.