

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, March 10, 2009
6:30 PM**

COMMISSIONERS PRESENT

Jeff Klein, Chair
Lisa Batey
Scott Churchill
Teresa Bresaw
Paulette Qutub
Chris Wilson

STAFF PRESENT

Katie Mangle, Planning Director
Susan Shanks, Senior Planner
Brett Kolver, Associate Planner
Li Alligood, Assistant Planner
Zach Weigel, Civil Engineer
Bill Monahan, City Attorney

COMMISSIONERS ABSENT

Dick Newman, Vice Chair

1.0 Call to Order – Procedural Matters

Chair Klein called the meeting to order at 6:39 p.m. and read the conduct of meeting format into the record.

2.0 Planning Commission Minutes

- 2.1 January 13, 2009
- 2.2 January 27, 2009

Commissioner Batey moved to continue approval of the January 13, 2009 and January 27, 2009 Planning Commission meeting minutes to March 24, 2009. Commissioner Bresaw seconded the motion, which passed 6 to 0.

3.0 Information Items

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

5.0 Public Hearings

- 5.1 Major Modification to Community Service Use – Johnson Creek Blvd.
Facility Modular Building
Applicant/Owner: Kenny Asher/City of Milwaukie
Address: 6101 SE Johnson Creek Blvd.
File: CSU-09-01
Staff Person: Brett Kolver

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

Brett Kelter, Associate Planner, cited the applicable approval criteria of the Milwaukie Municipal Code found on 5.1 page 5 of the packet, which was entered into the record. Copies of the report were made available at the sign-in table.

Chair Klein asked if any Commissioners had any ex parte contacts to declare. All Commissioners declared for the record that they had visited the site.

Commissioner Bresaw stated that while walking in her neighborhood, she met Mike Miller who mentioned he would attend tonight's meeting because of concerns about the cost of the trailer.

No Commissioners declared a conflict of interest, bias, or conclusion from a site visit; and no member of the audience challenged the jurisdiction of the Commission or the participation of any Commissioner.

Brett Kelter, Associate Planner, reviewed the staff report via PowerPoint, noting that while the Commission had heard the application as a minor modification to the existing Community Service Use (CSU) in November, staff was sensitive to public perception of how the City handled other CSUs, and believed it best to handle the application as a major modification to a CSU.

- The public benefits test was the key issue. The Community Development and Public Works Department provided a public benefit, establishing and servicing infrastructure, providing the permitting process for citizens, and working on long-term projects. The proposal would provide adequate workspace for current and new employees to serve functions of the community.
- The proposal was a responsible, affordable response to the difficulty of funding a building expansion. The trailer provided a temporary solution to the space needs.
- The benefits of the overall facility and proposed expansion would not be outweighed by any potential impacts of the facility changes. A traffic study showed the expansion added very few trips and it was unlikely that the community would realize that the building was there.
- He clarified that because of the type of occupancy, the building could not be close to the slope without a retaining wall.
- Pedestrian improvements and widening of Johnson Creek Blvd might be needed in the future, so a 20-ft wide dedication was being provided to the public right-of-way (ROW).
- Together, the JCB facility and Wichita Hardware adjacent to the site had two driveways located on Johnson Creek Blvd across from Wichita Ave that did not meet County access standards. A shared access agreement would be provided to Wichita Hardware so that during future significant development, one of the driveways would be closed and access to both sites realigned to improve safety. The City was providing the shared access and did not require anything from Wichita Hardware.
- He explained that a space planner was consulted to configure the existing building for more workable space, but after considering several possible configurations, little could be gained in terms of new workable workspace.
 - * Accommodating staff in the Operations building was not workable. Most of the planners were in one portion of the building and one planner was seated with the engineers, which hampered communication and was not ideal.

- Siting of the trailer was studied and the proposed location was determined to be best in terms of proximity to an entrance, location of utilities, and limiting visibility from the street.

Commissioner Bresaw asked if there had been financial discussions about the cost differences between a trailer and expanding the building.

- * **Katie Mangle, Planning Director**, responded that a significant cost difference existed between installing a modular office building versus expanding the building, which she clarified was a different project.

Commissioner Batey asked if expansion of the [Operations] building was on the drawing board.

Chair Klein confirmed that expansion of the building was not in the Capital Improvement Plan (CIP) and questioned whether it should be part of the CIP.

- * **Ms. Mangle** replied that the Planning Department would say yes. However, it was important to note the staff report stated that the modular office building was intended as a temporary building with the hope of a building expansion in the future.

Commissioner Batey noted Mr. Kelter had stated that the modular building was a 7-year trailer.

- * **Ms. Mangle** responded that the first delay was funding, because no money was currently available for a building expansion.

Chair Klein asked if it would be beneficial to put a sunset on the building and possibly an extension, or should it be left open-ended because it might be there for longer than seven years.

- * **Ms. Mangle** replied that staff hoped it would not be in place longer than seven years, but it was not something she could control. She did not feel a sunset would help get the building rebuilt or remodeled, but believed that was a more appropriate conversation for other committees at the City.

Chair Klein confirmed that no other correspondence had been received about the application. He then called for public testimony in favor of, opposed, and neutral to the application.

Mike Miller, 4206 SE Somewhere Dr, Milwaukie, OR, stated he served on the Budget Committee and after exchanging correspondence with Mr. Asher today, would not give his originally planned presentation. He asked what the building would cost the City.

- The cost of the modular building was not in the 2008-2009 budget and therefore not in the 2008-2009 CIP. However, it could be included in the CIP 2009-2010 budget, and as a Budget Committee member who had spoken with other Budget Committee members, he hoped it would.

Commissioner Churchill:

- Asked if the City had considered leasing space in downtown Milwaukie where the cost of leased office space was currently low, to utilize an operating instead of capital expense.

- * **Mr. Miller** replied that the project had not come before the Budget Committee. He hoped it would within the next two or three months because the 2009-2010 budget process was just starting.
- * He did not know where the funds [for the modular trailer] would come from. The Budget Committee was concerned about the economy and how the City could pay for the projects it wanted.
- Confirmed that the modular building would be leased, which would mean it was an operating expense, with capital improvements used for the building's installation.
- * **Mr. Miller** replied that was not something he was aware of and deferred to staff for the cost and related information.

Chair Klein noted his conversation with a Budget Committee member indicated the expense might be an operational expense.

Jeanne Garst, 13695 SE Briggs, Milwaukie, OR, stated that she worked in the Johnson Creek facility and favored the application. The existing building had been remodeled several times to make room for additional staff. However, this was no longer practical and the building was cramped. A remodel would be ideal, but was not an option in the City budget.

- She believed that when she started working for the Planning Department, there were three planners and the Planning Director. She reviewed the number of staff within different departments over the years, adding that Community Development and Engineering were added [at the facility] at a later date and staff had been added through the years.

There was no further public testimony.

Chair Klein called for additional comments from staff.

Mr. Kelver suggested that the budget question was separate from the land use approval. He encouraged the Commission to focus on whether the application met the criteria for a major modification and the public benefits test, and if all possible impacts were covered. If something during the budget process changed the proposal as approved by the Commission, the application would return to the Commission for review.

Commissioner Batey said she did not see above-ground utilities and so assumed the utilities for the new building would also be underground.

- * **Mr. Kelver** replied he was not sure how power and computer connections would be installed to the building, but understood that the modular building could not block access to existing underground utilities. No plumbing was planned for the building; the main building would be used for kitchen and restroom facilities.

Chair Klein closed public testimony for the hearing for CSU-09-01; TPR-09-01.

Planning Commission Discussion

Commissioner Batey believed the applicant had met the public benefit test and minimized the impact on neighbors, who probably would not notice the modular building.

Commissioner Churchill stated that although a member of the Budget Committee was concerned, he assumed the process would receive full due diligence. As presented to the Planning Commission, he had no major issues with the application.

Chair Klein agreed that the application met the public benefit test and that staff worked in very tight quarters, so it was a necessary improvement.

Commissioner Bresaw moved to approve CSU-09-01 and adopt the attached findings and conditions. Commissioner Qutub seconded the motion, which passed 6 to 0.

Chair Klein read the rules of appeal into the record.

- 5.2 Transportation Code Amendments Hearing for Recommendation to City Council
Applicant: Katie Mangle/City of Milwaukie
File: ZA-09-02
Staff Person: Susan Shanks

Commissioner Batey moved to initiate the proposed amendment to the Milwaukie Municipal Code Titles 17 and 19. Commissioner Qutub seconded the motion, which passed 6 to 0.

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

Susan Shanks, Senior Planner, reviewed the staff report via PowerPoint, noting that Serah Overbeek of Angelo Planning Group, the consultant working with staff on the transportation amendments, was present for questions.

Zach Weigel, Civil Engineer, discussed how the impact-based approach provided consistency to downtown and nondowntown development.

- When a development permit or a land use application was issued, there were impacts to the transportation system including increased pedestrian, bicycle, and vehicle trips. Examples that increased impacts were increasing gross floor area, adding a dwelling unit, or changing to a more intense use.
- When transportation impacts were assessed, the required improvements had to be proportional to the impacts of the development. Using an impact-based approach, the street improvements were based on the impact that a development had on the transportation system.
- Proportionality was established by using the impact data provided by traffic studies or from the Institute of Transportation Engineers (ITE) Trip Generation Handbook.
- The impact-based approach was easier to use and met the required goals.

Commissioner Bresaw asked if a garage added to a single-family residence would trigger any impact-based improvements.

- * **Ms. Shanks** replied it would trigger a specific part of the Code relating to access but not with regard to full street improvements. [The trigger] was very narrow in scope when a garage was expanded or a new garage was built.

Commissioner Batey asked for clarification about the aerial photo of SE 19th Ave and Island Station where the homes encroached on the ROW. Her neighbor on the river side of the street, Carolyn Tomei, claimed that the ROW was almost at her front door and believed the very large elm trees were in the ROW and not on her property.

- * **Ms. Shanks** confirmed that the homes on the east side of 19th Ave, the uphill side, were almost on top of the ROW. The drop-off was to the west, so the driveways sloped in instead of going directly in, to allow for additional distance to deal with the grade change.
- * The elm trees were in the ROW, but on a slope. The Tomei house was farther from the ROW.

Chair Klein asked why no sidewalks or curbs were included in the slide showing collector streets.

- * **Ms. Shanks** explained that in some cases, such as a single-family expansion, full improvements would not be triggered, but only roadway widening; not curbs, sidewalks, landscape strips, et cetera. The displayed photo was of a CIP project and only used as an example.

Ms. Shanks continued with the staff report, noting that when it was not possible or feasible to require the construction of the improvements, the fees-in-lieu of construction (FILOC) program was utilized. Attachment 6 provided a table showing a current summary of all FILOC collected in different neighborhoods since 2002.

Chair Klein asked if there was a separation between Downtown Milwaukie and Historic Milwaukie.

- * **Ms. Shanks** replied yes, noting that the proposed new Code language would allow FILOC for downtown projects, but specifically said any monies collected in the downtown would stay in the downtown area. Similarly, any monies collected in the Historic Milwaukie area would stay in the Historic Milwaukie area. FILOC collected in Historic Milwaukie would not be used for downtown projects.
- * **Mr. Weigel** added that if the FILOC were split on the table in Attachment 6, then they were considered separate areas. Some overlapping might occur on the borders, such as when some Historic Milwaukie money was spent on 21st Ave.
- * **Bill Monahan, City Attorney**, clarified that staff was providing prior collection of FILOC money. If the Commission wanted to attach a statement to the recommendation of approval of the Code amendments, they could suggest that the funding collected for neighborhood improvements in Historic Milwaukie up through the date of adoption of the Code would be dedicated to Historic Milwaukie. He agreed with Mr. Weigel that there might be future projects where there was a split and money would have to come from more than one area, but staff would take that into consideration and make a fair assessment.

Commissioner Churchill:

- Pointed out that the Historic Milwaukie Neighborhood District Association (NDA) would prefer that the money stay in Historic Milwaukie and not be used for downtown. The City usually encouraged that public area improvements were developed in the downtown as opposed to using FILOC. The Historic Milwaukie NDA would fight to keep the \$83,000 from Attachment 6 in the neighborhood, even though it might overlap 21st Ave into the Downtown Zone (DZ) because the bulk of the property the fee was associated with fronted only on the DZ in Historic Milwaukie.

- * **Ms. Shanks** clarified that staff, with guidance from the City Attorney, proposed in the Code that whatever monies were spent had to benefit the properties that contributed the FILOC in some way. Money collected on a local street could not be utilized to build a project on another local street, unless it was a school safety route for example.
- * In general, the case could be made that FILOC spent on higher classification streets would benefit the contributing property because the owner would travel on collector and arterial streets to get to their property.
- * She agreed with Mr. Weigel that the money was often spent on overlapping areas at the edges because the arterials and collectors formed the boundaries of the neighborhoods.
- Asked if the money that funded the sidewalks on Logus Rd was an application of the standard and set precedence.

Chair Klein stated that he shared Commissioner Churchill's concerns, but the money was used for school safety and the overall safety on a residential street.

Commissioner Churchill:

- Noted they were talking about collectors versus secondary streets, which was why he thought precedence had been set.
 - * **Ms. Shanks** clarified that Logus Rd was a neighborhood route, and therefore a higher classified street than a local street.
- Stated his concern was that the \$83,000 would be spent on Lake Rd or 21st Ave as opposed to being spread out where the NDA would think was more appropriate should there be other safety concerns. Additional language in the section discussed heavy involvement of the NDA and he thought that was why Chair Klein's NDA was able to get Logus Rd improved. Other NDAs would look to have the ability to heavily influence an improvement.
 - * **Ms. Shanks** added that the new Code required the City to report annually and be more transparent about what monies were collected and where they were spent. Money was collected from properties, so the City had an obligation to spend it in a way that benefited the properties, but also an obligation to the community because when improvements were not actually built with the development, impacts went unmitigated.
 - * It needed to be clear to the community that it was unfeasible to build specific improvements, but that money was collected to be spent on another project. The City was legally obligated to build projects with FILOC that benefited the properties that contributed, so traffic calming on two local streets completely unrelated to the projects that contributed the FILOC could not be done. There was a narrow range within which the City could actually spend FILOC money in terms of location and types of projects.
- Believed that money spent on school routes was fairly gray, because there were many different routes to a school.

Chair Klein:

- Agreed and stated that his NDA had an agenda to accomplish and used their FILOC funds. However, he could also see how the funds could be used in a manner that might not necessarily benefit the neighborhood as the neighbors might want.

- * **Ms. Shanks** asked if the Commission wanted to request that monies already collected in the Historic Milwaukie neighborhood actually be kept and spent within the neighborhood.
- * **Ms. Mangle** interjected that perhaps more explicit language should be included that the monies should not be mixed and should be [spent] with the concurrence of the NDA.
- Agreed because there were things the NDA would like to see done if funds were available.
 - * **Ms. Mangle** added that she heard NDA members discuss concerns about Washington St and how it easily crosses the border with downtown. Being sure the NDA concurred with improvements would be an important step.
 - * **Mr. Weigel** clarified that the money had to be spent within a certain period of time. Staff would look to spend the money in big chunks to get the most impact for the amount spent. The Lake Rd improvement money had been collected for improvements the high school was required to do on Lake Rd.
 - * One reason they did not have to use FILOC on Washington St was because the improvements on Washington St fronting the high school already met the City's street cross-section requirements.

Commissioner Churchill stated that impacts do affect 21st Ave and Historic Milwaukie on Washington St.

Commissioner Batey:

- Understood that the "for specified improvement category" would not exist under the new rules.
 - * **Ms. Shanks** replied that was correct. FILOC would not be collected for a specified improvement, as occurred in the past. Staff had determined it was not an efficient way to collect the money.
- Stated that money already collected had to be used as per the agreement with the property owner, but no future money would be collected that way.
 - * **Mr. Weigel** added that the exception was if FILOC was collected for intersection improvements, such as at Linwood Elementary where FILOC was collected for the intersection of Linwood Ave and Harmony Rd. The \$61,000 collected was for a specified improvement. Some specified improvements could still be collected if related to an intersection.

Ms. Shanks distributed a letter from ODOT received earlier in the day, noting that it pertained to the notice in the coordinated review section of the Code that there was a new transportation plan provision requiring that ODOT and ODOT Rail be notified when there was a development within 25 ft of an ODOT rail line. ODOT Rail was the rail division of the Oregon Department of Transportation.

- She also distributed an addendum to the staff report, printed on goldenrod paper, about one additional sentence proposed for Title 17, clarifying an existing lot design standard, specifically lot access and how lot frontage would be measured. It would fix a problem that had been on the City's Code fix list for a number of years. A Commissioner brought it up and it seemed timely while proposed changes were made for that particular Code section. It made the intent of the Code more explicit to avoid making lots that looked or acted like flag lots in subdivisions.
 - * Staff did not believe it was a policy change. If comfortable, the Commission could approve the addendum; if not it would stay on the City's Code fix list and would

fall into the audit of the Code in the next year or so, depending on funding from the State's Transportation Growth Management (TGM) grant program.

Commissioner Batey agreed with the intent of the proposed sentence, but questioned the language stating, "...required frontage shall be measured along the street upon which the lot takes access..." She noted a case where access was taken from Lake Rd but the front of the house did not face Lake Rd. There were cases where the orientation of a house was to a street other than its access street. She felt it was desirable to have access and garages in the back of the house and did not want the amendment to constrain such a layout.

- **Ms. Shanks** explained that they were able to use Lake Rd to meet the frontage requirement. The frontage requirement was 35 ft and was minimal compared to the lot width requirement. For Commissioner Batey's example, the lot frontage was about 25 ft but they were able to use the Lake Rd frontage to meet the requirement, creating something that looked more like a flag lot than they otherwise would have been allowed.
- Corner lots could take access from either street.
- She clarified that the amendment was not about the house orientation but about lot design and meeting the frontage standard of 35 ft. This clarified that frontage would be measured along the front where the lot took access. It would be very unusual for a lot to be only 35-ft wide, so it was just a frontage requirement but did have impacts in terms of overall lot design and how it was measured.

Chair Klein asked if the decision that resulted in a 15-ft-wide house would have had an implication on an existing house because the original orientation of the house was to the street.

- * **Ms. Shanks** explained that the 15-ft-wide house on the corner lot was an existing lot that was divided and actually more than 35-ft wide. The original lot was still at least 50-ft wide and access to the existing home still fronted on Drake St, even though the house faced a different direction. It was an incremental kind of approach and both lots were pre-existing. The proposal was for new lot creation. Flag lots were currently prohibited when a new subdivision was created, but there were situations where a flag lot could meet the frontage requirement on a different frontage.
- * She clarified that frontage was defined in the Code as the property line upon which the lot abuts the public street. A property could have more than one frontage, such as corner lots and through lots.

Serah Overbeek, Project Planner, Angelo Planning Group, noted the letter of support submitted by Angelo Planning Group was in the packet as Attachment 9.1 on 5.2 page 337 and offered to answer questions.

- She stated she had served as the primary project planner and provided technical assistance to staff throughout the process, evaluating the existing Code and crafting new Code language to fix identified problems. Staff did a very thorough job in identifying and understanding issues in the existing Code and worked to create a customized approach to a solution that allowed the City to balance different needs, interests, and requirements. The resulting document was more understandable and user-friendly.

Chair Klein called for public testimony in favor of, opposed, and neutral to the application.

David Aschenbrenner, 11505 SE Home Ave, Milwaukie, OR, spoke in support of the amendments.

- As Chair of the Hector Campbell NDA, he felt the amendments helped define items they looked for in the TSP, allowing for creativity in approaching street projects. He asked that the neighborhoods continue to be involved.
- As a member of the Budget Committee, he was happy to see FILOC addressed. He agreed there would be boundaries where money crossed over, but that was fine.
- He commended staff for all the work they had accomplished.

There was no further public testimony.

The Planning Commission took a brief recess, reconvening at 8:35 p.m.

Staff responded to comments and questions from the Commission as follows:

- Certain things, such as land division and new construction, triggered the existing Code outright and were being maintained and transferred to the proposed Code. Redevelopment under the existing Code had triggered the permit/value-based improvements, which were a problem.
- Chapter 17 was the Land Division Ordinance, so Chapter 17.32 Improvements on 5.2 page 313 of the packet only applied to land divisions. Thus subdivisions or partitions with street improvements were required to install utilities underground, but was not required for new house construction. The Linwood lot that was divided into four lots already had utilities underground.
- While the proposed amendments updating pieces of Chapters 19 and 17, they were two separate ordinances that addressed two separate things. Chapter 19 regarded the current development standards, while Chapter 17 addressed land division and the creation of new lots.
- The street design Code language was located on 5.2 page 226 of the packet.

Commissioner Batey:

- Believed the City should consider requiring underground utilities for all new construction.
- Was concerned about photos of curb-tight sidewalks shown during the staff report and believed that curb-tight sidewalks should be discouraged for safety and aesthetic reasons. Sidewalks with a planter strip were safer.

Chair Klein believed the safety and aesthetics of curb-tight sidewalks was an opinion, not a fact. The reality was that there would be certain circumstances when a street, neighborhood, or house would not be able to install a green strip and the limitation should not be imposed. He liked the flexibility that allowed neighborhoods and residents to choose.

- Buying ROW as also a concern and a funding mechanism was needed to get improvements. Obviously, these changes would help fund them. However, all houses in a neighborhood would not undergo remodeling that would trigger money for changing all the streets to one style. Sidewalks on a street were more important with regard to safety than having sidewalks and a planter strip on a street.

- He agreed that green strips in a new neighborhood were fine, but not for an existing neighborhood.

Commissioner Batey:

- Clarified that the requirement for green strips should go beyond a new neighborhood when feasible, although she understood that it was not always feasible. The existing Code allowed for green strips and she did not want to change that.
 - * **Mr. Weigel** said the fact that the streets needed shade, stormwater facilities, and vertical or horizontal separation for pedestrians meant green planter strips were required in any possible case. Under existing Code, staff could issue an adjustment to eliminate the landscape strip requirement without going to the Planning Commission. There was not a huge change between the existing Code and proposed Code changes. Staff would continue to advocate for landscape strips whenever feasible.
- Understood, but asked if the language was inherent in the Code so future planners and engineers would remain committed to landscape strips.
 - * **Ms. Shanks** clarified that the proposed Code was in some ways neutral regarding landscape strips because it was one element within the street. Landscape strips were considered in the context of the ROW and any constraints that might exist. If enough ROW existed with no constraints, none of the street elements would be eliminated because all would be appropriate if triggered and proportional.
 - * The TSP provided policy direction specific to the landscape strip issue. If anything had to be eliminated, the parking lane was the first to go. There was a hierarchy of what elements to eliminate, based on what the community wanted.
 - * Including the elements mentioned by Mr. Weigel, landscape strips did increase safety because of the separation.
 - * **Chair Klein** disagreed that landscape strips increased safety, though that was the perception. He commented that cemeteries and planter strips were a big waste of real estate. They were beautiful, but overdone.
- Noted studies existed to support that landscape strips did increase safety and were available online.
 - * **Ms. Shanks** added that perhaps there were conflicting studies, but there were multiple reasons why the community wanted landscape strips, including, literally, the additional landscaping. Streets that included a lot of hardscape and landscape strips provided many benefits. She reiterated that existing Code did not remove landscape strips first when elements had to be eliminated.
 - * The table on 5.2 page 226 of the packet indicated that the across-the-board requirement was for a 3-ft to 5-ft landscape strip. Existing Code stated 0-ft to 5-ft, so it could be eliminated very easily and often occurred when constraints existed because the Code directed it that way, simply by indicating 0-ft as an option.
 - * She reiterated that the TSP provided supporting documentation to guide the evaluation of an appropriate street cross-section and whether to include a landscape strip.
 - * **Mr. Weigel** added that Milwaukie did not have a piped stormwater system because there were no curbed streets with sidewalks. One requirement in the Public Works Standards was when building a new street, widening a street, or installing sidewalk, a green street was required to treat stormwater runoff. Only a few places existed to put stormwater runoff facilities, and that was in a

- landscaping strip or a bulb-out. DEQ requirements for treating stormwater runoff were continually becoming stricter. It was not a matter of his opinion because it was a requirement.
- Asked about references to manufactured homes in the TSP. The current economic times might make buying and installing a manufactured home more appealing. She was concerned about the design of manufactured homes.
 - * **Ms. Shanks** clarified that Chapter 19.406 Manufactured Dwelling Placement was part of the Supplementary Development Regulations and not new standards. They were moved for organizational purposes to make the chapter more usable, but were not specifically addressed because no substantive changes were made.
 - * Manufactured homes were subject to the same single-family design standards as a newly constructed house on a site. The design standards would be reviewed in the near future.

Chair Klein added that Milwaukie only had 7% buildable lots.

Ms. Shanks said that a number of manufactured homes existed in Milwaukie.

- She noted a slight change made to Chapter 19.1402.A.4 Applicability on 5.2 page 179. Item 4 in the prior version said, "New construction including redevelopment." Commissioner Batey questioned whether "all structures" was the correct phrase, and staff agreed that could be interpreted in different ways, so the language was changed to, "New construction including development on sites from which all previously existing buildings have been demolished."
 - * After further discussion with Mr. Weigel, staff agreed the initially proposed language was not correct. It was difficult because Item 5 caught things that intensified impacts to the transportation system. If everything on a site was demolished except for a small shed, then someone could say everything was not demolished and that [the project] was not new construction. However, Item 5 would capture anything that fell through the cracks of Item 4.
- Staff would determine exact language, but proposed something similar to, "In the event the development site has more than one structure and some of the structures are left remaining, or an existing structure is partly demolished, only the new building or new building area would be assessed as if the impacts were new. Any existing buildings or portions of buildings would be treated as existing impacts."
 - * Essentially new construction was new whether or not it was a completely undeveloped site or had existing, partly demolished, or completely demolished structures.
- The proposed language might be included in the definition of new construction instead of including it in the Applicability section because in Milwaukie, very few clean sites for buildings or subdivisions existed, so redevelopment had to be as clear as possible.
- The change would occur before the issue was taken to City Council. It was still consistent with the intent, so was considered more of a refinement.

Chair Klein closed the public testimony portion of the hearing for ZA-09-02.

Commissioner Bresaw appreciated the work completed by staff for the proposed changes, adding having the changes in red was especially helpful.

Chair Klein inquired whether the Commission wanted to add a recommendation for the Historic Milwaukie and Downtown areas.

Commissioner Churchill understood Ms. Mangle was proposing language that would provide a coordination feature.

Chair Klein said that it was important to have the language, but Mr. Weigel's point was that it was best to group items together for the most effective results, and a sunset existed on the FILOC. The neighborhood should be able to give input and direction, but ultimately the decision had to be made by Engineering and staff. In spite of his normal decision to side with the NDAs, there were bigger entities involved with money that might ultimately slip through.

- * **Ms. Mangle** pointed out that some of the NDAs did not meet during the summer, so although her instincts were that it was good to have the coordination required, setting it up had to be done carefully so that it did not preclude good things from happening.

Commissioner Churchill commented that Chair Klein's neighborhood took at least a 50% role in how those FILOC funds were spent.

Chair Klein stated he was surprised that all the FILOC in the neighborhood went toward the project.

Commissioner Churchill stated that Chair Klein's neighborhood worked together with Engineering and had significant influence. He opposed any language that would not have at least a mutual partnership. Engineering should not drive how FILOC funds were spent because Engineering staff often did not live in the neighborhoods. The neighborhood had to live with the results of the land use development that triggered a lot of the FILOC funds, adding they should have at least 50%.

Ms. Mangle suggested that the Commission provide direction to staff to prepare an addition to the amendments to Council and not commit to wording tonight. Staff could email a draft to the Commissioners after carefully crafting correct language.

Chair Klein agreed with Commissioner Churchill's comments.

Commissioner Batey commented that there were periods of time when NDAs sit dormant for longer periods of time, so she agreed that care had to be taken to not tie up the City's ability to make improvements.

Chair Klein added that public area requirements throughout the Historic Milwaukie neighborhood were all basically completed.

Mr. Weigel said that when capital projects were done, there was a lot of oversight and work with the neighborhoods. An example was the Lake Rd multimodal improvements, which was in planning stages. The Engineering Department worked closely with the neighborhood to determine how the projects were designed. When the money was spent on projects, he ensured that Engineering was already working with the neighborhoods.

Ms. Shanks added that although the FILOC looked like a lot of money, it really was not and so was typically spent in conjunction with other funding sources on bigger projects such as Logus Rd or Lake Rd, with a lot of oversight and public awareness.

- She emphasized that the discussion regarded FILOC money, which was unlike TSP money and was earmarked through the Pedestrian Safety and Traffic Management program.

Commissioner Churchill commented that he was not accusing anyone of hiding money. Mr. Aschenbrenner indicated that he worked hard to provide accountability for the funds. Prior to 2002, there was not a lot of tracking of the FILOC funds, which left the NDAs out of the process. The NDAs should be involved in the process with an equal voice.

Chair Klein clarified that the Commission would wait for staff to craft language that could be added as an amendment at a later date.

Ms. Mangle reiterated that direction was requested from the Commission and that the language could be prepared as part of the packet for City Council.

Ms. Shanks clarified that the requested direction regarding FILOC should make clear that monies already collected should stay in the neighborhood. The proposed Code would separate downtown Milwaukie ("downtown" as area or referring to NDA?*) from Historic Milwaukie, even though currently it was part of and would remain part of Historic Milwaukie technically. Funds collected in the future from downtown Milwaukie projects would stay in that geographic area.

Chair Klein said there was a separation now because there was the downtown* money versus Historic Milwaukie NDA money. Some gray areas existed in other neighborhoods, but the obvious thing was that as long as it was done in conjunction with the NDAs or their Land Use Committees (LUCs), it would give direction to the other neighborhoods and also the downtown* versus Historic Milwaukie distinction.

Ms. Mangle confirmed that the Commission wanted to track the money separately and if there was concurrence with the NDA, that would cover whether the money should be mixed or not. The FILOC money could then only be mixed with the concurrence of the Historic Milwaukie NDA.

Commissioner Churchill agreed, it was fine as long as it said, "...only blend it with concurrence of NDA."

Ms. Shanks asked for clarification whether the Commission supported the additional amendment regarding minimum frontage requirements.

The Commissioners consented support of the goldenrod attachment amendment.

Commissioner Batey moved to approve ZA-09-02 with the proposed addendum submitted March 10, 2009 on goldenrod, directing staff to incorporate language for new provisions on fees in lieu of construction as discussed by the Planning Commission. **Commissioner Bresaw** seconded the motion, which passed 6 to 0.

- 5.3 Code Amendments to 19.314 Manufacturing M Zone— 2nd Public Hearing
Applicant: Katie Mangle/City of Milwaukie
File: ZA-09-01
Staff Person: Li Alligood

Chair Klein confirmed he did not need to reopen this hearing because a motion had already been made.

Chair Klein confirmed that no Commissioners wished to abstain.

Li Alligood, Assistant Planner, first presented the staff report regarding needed revisions to the amendments previously passed by the Commission using PowerPoint slides.

- The hearing was being reopened to enable the Commission to review changes made due to an error discovered after the February 24, 2009, meeting. The amendments were scheduled for presentation at the next City Council meeting.
 - * The February 24, 2009, version of the amendment deleted Paragraph 19.314.C in its entirety. The March 10, 2009, version on 5.3 page 9 of the packet only deleted the phrase "or industrial" from that paragraph. The new language became paragraph D.
 - * The proposed revision left retail size restrictions in place for employment lands within the manufacturing zone, which were indicated on the displayed map in blue.
 - * The error would have removed retail restrictions from all employment or industrial lands and manufacturing zones, bringing them out of compliance with Title 4, which was an unintended omission.
 - * The proposed revisions would bring the employment zones and industrial area back into compliance.
- She next presented the supplemental staff report via PowerPoint to address questions from the Commissioners at the February 24, 2009, meeting regarding Title 4 of Metro's Functional Plan, its purpose, how lands are designated, and implications for the City of Milwaukie.
 - * She confirmed that the small slivers of Title 4 land in Milwaukie were adjacent to Title 4 lands in Portland's city limits.
 - * The City of Portland restricted retail development to 3,000 sq ft for individual retail space and up to 12,000 sq ft for multiple; as opposed to the proposed restriction of Milwaukie retail development to 5,000 sq ft for individual stores and up to 20,000 sq ft for multiple, which met Metro's baseline requirements.
 - * Portland had an Industrial Sanctuary designation. Much of the Regionally Significant Industrial Land was located along the Columbia and Willamette Rivers, requiring greater protections, both that are required and optional.

Commissioner Batey requested clarification regarding Zone M and the Title 4 map (5.3 page 10). 5.3 page 9 indicated 60,000 sq ft retail restriction, while the supplemental report indicated there was no restriction on the size of retail and commercial uses in most of the M Zone.

- * **Ms. Alligood** replied that the M Zone included all Milwaukie's manufacturing land. The blue areas on the west and northeast corners of the map were Milwaukie Title 4 lands.

- * She clarified that the restriction on 5.3 page 9 applied only to employment lands in the M Zone. Parcels in the M Zone other than those designated employment lands or gray on the Title 4 map did not have a size restriction.
- * **Ms. Mangle** explained that the two gray areas within the blue areas on the map were Title 4 employment lands as well as M Zone and were restricted to 60,000 sq ft retail. Paragraph C only applied to the two gray areas, and Paragraph D only applied to the red areas.
- * **Ms. Alligood** stated that the proposed amendment focused on the areas indicated in red on the displayed Title 4 map, but as initially written, it would have removed the restrictions on those employment lands and so was being corrected.

Chair Klein inquired how WalMart could have considered locating in one of the gray areas within the City of Portland with the restrictions that the City had.

- * **Ms. Mangle** did not believe that portion north of the Springwater Corridor was part of Portland's industrial land.
- * **Ms. Alligood** reminded that the purpose of Title 4 was to restrict big box retail uses. Employment lands obviously had a larger retail threshold than industrial lands did currently. Metro designated the employment lands with the recommendation of the City Planning Director at that time.

Commissioner Batey questioned whether the City should delete the language, "in mapped employment" so that retail uses greater than 60,000 gross sq ft would be barred in all M Zones.

Ms. Mangle responded that could be considered, though proper notification had not been given to property owners for that type of Code change. The Transportation and Growth Management (TGM) Code project would provide the opportunity to discuss such changes.

Chair Klein hoped that Sellwood could be included in that discussion so they might reciprocate and could work with Portland to rezone the area north of the Johnson Creek area and remove the threat of having WalMart move in.

- Milwaukie never considered having big box retail throughout the City and outreach should be done. The downtown retail district would probably be supportive.
- He agreed that the designation should be removed and put over the entire City.

Chair Klein called for public testimony.

Tyson Tehaar, representing Precision Cast Parts, 4600 SE Harney Dr, Portland, OR stated that Precision Cast Parts (PCP) favored the amendment, noting that half of the PCP factory was already zoned Title 4. He wanted to ensure a representative was present for questions.

There was no further public testimony and no additional comments from staff.

Chair Klein closed the public testimony for the hearing for ZA-09-01.

Commissioner Wilson moved to approve the proposed amendments to Section 19.314 of the Milwaukie Municipal Code, ZA-09-01. **Commissioner Qutub** seconded the motion, which passed 6 to 0.

6.0 Worksession Items

- 6.2 Parking Code Amendments (*if time allows*)
Staff Person: Ryan Marquardt

Chair Klein noted that the worksession would be moved to the March 24, 2009, meeting.

7.0 Other Business/Updates from Staff

- 7.1 Transportation Growth Management (TGM) Code Assistance Grant Update
Staff Person: Katie Mangle

Ms. Mangle announced that the City had received a \$15,000 grant to do Smart Growth Code revisions. The City would not receive the money directly; the State would hire the consultant directly. That consultant was Angelo Planning Group, who helped the City with the TCA project so they were very familiar with the City's issues and Code.

- She reviewed the staff report, noting that the first phase of the update would be similar to an audit. The entire Code would be reviewed with a focus on a few key issues, primarily residential design standards to ensure the proper controls were being used on single-family residential and because no controls currently existed on multi-family residential design.
 - * Another issue regarded the Manufacturing Zone M. Clearly the Code's intent regarded what Ms. Alligood had discussed during the earlier hearing. However, the criteria for approval and measures to determine whether that intent was being met was not clear, putting staff in the position of being gatekeepers for what was allowed in that zone.
 - * The Downtown Development Standard would also be reviewed to make implementation easier and acknowledge Milwaukie's changing market. The Code currently required retail use, and as a result four office applicants had been turned away from using space at North Main Village.
 - * The project only entailed asking questions and getting advice from an outside consultant. Heavy worksessions were expected, with grant money anticipated over the next couple years for the implementation of the TGM Code changes.
- The program's objective was to encourage smart growth in its most encompassing way, including good land use processes, strong neighborhoods, and multimodal transportation, which were similar to Milwaukie's goals and Comprehensive Plan. Streamlining processes that resulted in smart growth and smart development met the objectives of the Smart Growth Program. Some recommendations might not be value-neutral, so the City was not necessarily committing to the recommendation, but there was time to process the ideas and decide how to proceed.

8.0 Planning Commission Discussion Items

Ms. Mangle stated that a supplemental packet was provided to each Commissioner in response to a request from the February 24, 2009, meeting regarding Housing Authority Clackamas County's (HACC) Feasibility Analysis for the South Ardenwald Master Plan (Master Plan), including the vacant Murphy site. She asked Trell Anderson, Executive Director, to prepare the cover memo to explain the document from his point of view and how it related to the current planning process. The executive summary was included, but

the entire document filled a 3-inch binder, so was provided on the blue CD.

Chair Klein believed the 1:1 housing presented by Mr. Anderson might have been misinterpreted. Looking through the documentation, although 1:1 housing involved selling off various chunks of property belonging to the HACC and relocating them at another location, four feasibility plans were done. Three included placing higher density housing into the Milwaukie area, which was not explained well. It was important to go to the website he had provided to better understand the numbers regarding the development plans for the area.

- He did not believe increasing the density on the area was negative. The area could be better utilized, but should be done through an open process with an understanding of what ultimately should be on the site. The statements made at the meeting were factually true, but misleading. Mr. Anderson should have included the plans that he thought best for the area.
- Some feasibility studies also suggested selling off some of the Milwaukie site, which was a concern. Considering that the whole property was zoned R-3 offered a different perspective than only having Hillside Manor portion zoned R-3. Full R-3 development by the HACC was one thing, but the City would feel differently if a developer purchased the property and built according to R-3 zoning.
- He had suggested to the Mayor and others that the City consider rezoning the property to R-7. The feasibility reports indicated that to develop the property as Mr. Anderson discussed would require rezoning the property anyway. He preferred to be ahead of the curve and prevent any possible developer to have free reign at R-3.
- He suggested that the Commission move to rezone the property, even if it turned out to be unnecessary. After listening to the concerns of the adjoining neighbors and because the surrounding properties were zoned R-7, he believed an R-7 zoning was best, which might increase the density of the existing area.
- Questions and concerns would be worked out in the process of potential rezoning.

Commissioner Churchill stated he would support a worksession study of the site to understand the details from the website. He shared similar concerns that the best intentions of a representative did not always match with the end result. Worst case scenarios had to be studied regarding appropriate implications and studied on a case-by-case basis.

- If the applicant returned with a reasonable proposal, then adjustments could be studied. However, if the applicant sold the property and the new density was inappropriate for adjacent neighborhoods, he would not be supportive and by then the Commission would not be controlling the process.

Ms. Mangle clarified that changing to R-7 zoning would involve a Comprehensive Plan change. The Master Plan targeted the area as being a good location for denser residential development. Rezoning to R-7 would be a dramatic policy shift that would require in-depth analysis of the impacts to the rest of the City and the ability to accommodate growth.

- She did not recommend rezoning to R-7 without substantial community involvement. Even a simple zone change took a minimum of 6 months or longer without the close involvement of the property owner. She felt the expressed concerns were legitimate and recommended that the place to voice the concerns was during the Master Plan process that would be starting soon.

- The point of the Master Plan project was to explore what would work best on the site from the community's point of view. The HACC had their requirements and expectations, but she recommended including that explicit request and studying what would result if the property was rezoned R-7 or stayed R-3. Reviewing the different scenarios and deciding what was best for the community was what she wanted for the project.

Chair Klein stated he was concerned that Mr. Anderson's contacts with Senator Merkley, who was on the HUD Senate Board, would result in a HOPE VI grant, which would remove the Planning Commission from making any input or decisions. The Master Plan being reviewed by the consultant group should take the R-7 zoning into consideration instead of R-3. Outreach could be done, and a quick consensus obtained from the neighborhoods, Planning Commission, and City Council. Although currently zoned R-3, he believed most people would think implementing the R-3 zone was an oversight or mistake when implemented in 1968.

Ms. Mangle added that the parcel across the street was also zoned R-3, which was reconfirmed 1997 during the Regional Center Master Plan. While the posed questions were fair, she did not believe it correct to say the R-3 zoning had been a mistake or oversight based on her research. She agreed with Commissioner Churchill's suggestion to have a worksession.

Commissioner Churchill said that zoning was not always well thought out, so he was not against a Comprehensive Plan adjustment if appropriate. The adjacent Historic Milwaukie NDA would certainly have a reaction to being trapped between a series of downtown TODs and high density on the other side of Hwy 224 and squeezed out. It was worth looking at the overall Historic Milwaukie NDA model for potential long-term growth and density for the next 15 to 20 years to determine if it was appropriate. It would also be beneficial look at the subject site to determine the transition between the density heading toward the Historic Milwaukie NDA and the hospital. A worksession was a good starting point.

- He reiterated that he shared Chair Klein's concerns regarding an assumed direction about development on the site that might not be consistent with what the City and residents really wanted.

Chair Klein added that although the zoning was reviewed in 1997, many things were reviewed that year. Even though the area was part of the Comprehensive Plan, it was not necessarily the direction of concern in 1997; the Downtown Plan was the concern. The subject site might not have had the scrutiny, nor did the current option come up for consideration. He was not saying that R-3 was not the right zoning, but R-7 appeared more logical at the present time.

Commissioner Batey:

- Asked about the mention of possible subdivisions or lot partitions at the last meeting, which shocked her; it was not what she expected. Some of the alarmism was understandable because of the secure residential treatment facility on Balfour St (Balfour House) situation. However, looking ahead 18 months, after the HOPE VI money was obtained, the zoning remained R-3, and the applicant planned to build 300 units, what did the City have in place to provide any leverage or control? Would 300 houses fit on the property under current zoning?

- * **Ms. Mangle** believed that was a fair question. The answer depended on exactly how many units would be allowed under R-3. Duplexes could be built, but not a continuous row of townhouses. Because it was one lot, any development would be done as a subdivision with Planning Commission approval. Some scenarios in the feasibility study would be allowed, but all would require City approval of some sort.
- Wanted to clarify that even without changing the zoning, the applicant could not make a dramatic increase in the number of units.

Chair Klein:

- Asked if the Balfour House situation could happen with the Hillside property because the Planning Commission had no oversight and would have no say about what was there due to what existed in the Code, which had taken advantage of by Columbia Care Services with the Balfour House.
 - * **Ms. Mangle** agreed every house at Hillside could be turned into a residential facility, just as could every house in Milwaukie. Zoning the property R-7 would not address the problem.
- Stated that R-7 zoning would address the implications of the density being studied in the feasibility study.
 - * **Ms. Mangle** clarified it was necessary to have clear understanding of the problems to be solved. She recognized the complications because of the many different problems requiring solutions, and encouraged the Commission not to be reactive.
 - * She hesitated to support rezoning because it was not a quick process. The Master Plan process would take 6 to 8 months before there was something tangible to discuss. The zoning change would also take 6 to 8 months, so the better place to put community and staff efforts was to work collaboratively with the HACC.
 - * Many people were skeptical, but Hack's stated intent was to develop something that met its programmatic needs and worked better for the community. City Council affirmed that this was the direction staff should be going. The measure of success would be how well the neighborhood felt it was their plan. Looking at lower density and R-7 zoning options should be part of the review.
- Stated if that approach was taken, then they had to consider that the information the decision was based on was misleading information. After reviewing the documentation, his believed that Mr. Anderson misrepresented the 1:1 idea. Whenever he was asked, his answer was that it was HACC's desire to do a 1:1 replacement. Even at City Council, when Councilor Deborah Barnes stated to Mr. Anderson that did not sound right and asked what the issue was, his response was it was HACC's desire to do a 1:1 replacement.
 - * A citizen had even stated that it was more than just a 1:1 replacement and Ms. Mangle had corrected, saying, "No, that is not what he is saying."
 - * Only when pushed into a corner did Mr. Anderson break from the mantra of 1:1 replacement. The Commission had been misled from the very beginning and was making decisions based on misleading information.

Commissioner Batey noted Mr. Anderson finally said it was a 1:1 portfolio-wide.

Commissioner Churchill stated that doing such a development was similar to a negotiation. One wanted to negotiate from a position of strength and a level of trust

needed for good negotiations. From the beginning, good trust had not been shown in this situation, and bordered on being near deception on Mr. Anderson's part through him redirecting language to avoid questions asked. He only responded when pressured.

- He was also uncomfortable due to his lack of trust. HACCC needed to show good faith that they were moving forward in the right direction and listening to the neighborhood, which was not their history based on the Balfour House situation.

Commissioner Qutub stated she was absent from the February 24, 2009, meeting and asked Ms. Mangle for her opinion regarding what the Commissioners were saying about Mr. Anderson's presentation.

- * **Ms. Mangle** said that Mr. Anderson did his best to articulate the direction he was given, allowing for change as the process moved forward. Portfolio wide was 1:1 replacement, which then translated to implied 1:1 replacement on the Milwaukie site. The question was whether that meant he was committing to only replacing 1:1 or that more units would be added.
- * She believed Mr. Anderson tried to explain that was what the process was about, but the feasibility study showed a lot more than 1:1. However, the purpose of a feasibility study was to determine whether to fund a project and if it was feasible, which was different from the master planning about to begin.
- * The Commission would be presented with information at each step of the Master Plan to help in their decisions. The process was being outlined and staff was meeting with the Ardenwald NDA to discuss the scope of work.
 - * A project advisory committee would be formed, consisting of representatives from neighborhood property owners and Hillside residents. Open houses would be held and the in-depth charrette process would consist of 4-5 days of intense community work as explained in emails to the Commission. More information would be presented as clearly as possible.
- * The process was to ask the Planning Commission to adopt the Master Plan prior to any proposed Code amendments. Planning Commission and City Council were the decision-makers.

Commissioner Churchill:

- Asked if staff could be directed to begin scheduling a worksession to address the site so the Commission could be ahead regarding available options.
- Was concerned about Mr. Anderson's talk of selling off individual houses scattered around the County because they were inefficient and difficult to manage, as Commissioner Churchill believed they were a great integration method into neighborhoods.
 - * Balfour House was an example of the wrong way to go, but clusters of high-density public housing projects did not incorporate into the fabric of a neighborhood and required care to prevent an isolated zone. He wanted to look at a number of options.
 - * **Ms. Mangle** responded that was what the planning process would do with consultants to help visually understand what the centers would look like. She wanted to be clear about the purpose of a worksession. Once a consultant was hired, there would be more access to having productive conversations.
- Clarified that he viewed a worksession as an opportunity to review options to increase the Commission's position of strength.

Chair Klein added that a worksession about what the feasibility report actually

contained would be helpful, because that outlined the applicant's goal. The four options of the feasibility study outlined exactly what the applicant wanted to achieve. Mr. Anderson had misrepresented the project to the public and the Planning Commission.

Commissioner Batey suggested that the Commissioners visit New Columbia that Commissioner Bresaw mentioned.

Chair Klein clarified that he was not against the density, but if that was the goal, it should have been mentioned up front. Mr. Anderson represented that 100 units in Hillside were to be replaced by 100 units. A visit to New Columbia would show both the successful and unsuccessful aspects of the project. The Commission needed to consider what ultimate goal Mr. Anderson wanted to accomplish.

Commissioner Qutub asked if the concern was that Mr. Anderson was so far ahead in the process that the Commission would be unable to stop the process unless a zone change was implemented.

Chair Klein reiterated that because Mr. Anderson was two years into the process, and the information was misleading, his associations made him confident that the HOPE VI grant would be accomplished. His fear was that if a project was shovel-ready, stimulus money was available and the project would be pushed through.

Commissioner Batey commented that the project was a long way from being shovel-ready. Lots still had to be subdivided before the project could continue.

Chair Klein said that if the project was that far away, then there was time to rezone the parcel.

Commissioner Churchill commented that often a carrot-and-stick worked well in negotiations, the stick being the rezone and the carrot as doing it right the first time.

Chair Klein asked about how the Jackson St Improvement Project (Jackson St) was chosen to receive stimulus funds.

- * **Ms. Mangle** replied that three projects qualified for stimulus funding money: Jackson St to complement TriMet's bus stop improvements, resurfacing of Linwood Ave, or resurfacing of River Rd.
 - * Resurfacing of the Springwater Corridor was a project from Portland, which would also receive stimulus money and help Milwaukie.
- * Getting rid of the Milwaukie transit center was one of the top priorities on the TSP projects list. This involved removing the bus layovers on 21st Ave and improving 2 bus stops in the vicinity to provide large shelters, community information, lighting, trash cans, benches, and a better amenity for the patrons and community than the existing small bus stops.
- * Currently 4 bus stops existed on 21st Ave and Jackson St. These would be consolidated to Jackson St, and 21st Ave would return to on-street parking. Bus service from downtown was important and lighting was a big concern.
- * A public open house to review the design was planned for Monday, March 16, 2009. The project was directed by City Council and should be a very attractive improvement. TriMet funded the bus stop with the street improvements funded by stimulus money.

Commissioner Churchill expressed concerns about trust and transparency regarding the project, citing the TriMet's prior application not meeting landscaping requirements. He agreed consolidating the scattered bus stops was a step in the right direction.

Commissioner Batey asked about Attachment 5, 5.1 page 46, in CSU-09-01 Johnson Creek Blvd modular building, which provided Ms. Mangle's interpretation of CSUs and lapsing approvals.

- **Ms. Mangle** responded that discussion should be done in a worksession because it was complicated and warranted an explanation, since it would come up again in future applications. It would help staff with old CSUs that may or may not be permitted.
- She noted that if such Planning Director's Interpretations were required, then the Code should probably be changed.

9.0 Forecast for Future Meetings:

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| March 24, 2009 | 1. Joint Session with Design and Landmarks Committee |
| | 2. Comprehensive Plan Update project briefing |
| April 14, 2009 | 1. ZA-09-02 TCA Project public hearing – tentative |
| | 2. Staff Presentation of Comprehensive Plan Evaluation worksession |
| | 3. NE Milwaukie Sewer Extension project briefing |

Meeting adjourned at 10:24 p.m.

Respectfully submitted,

Paula Pinyerd, ABC Transcription for
Alicia Stoutenburg, Administrative Specialist II


Jeff Klein, Chair