

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, July 14, 2009
6:30 PM**

COMMISSIONERS PRESENT

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

STAFF PRESENT

Katie Mangle, Planning Director
Susan Shanks, Senior Planner
Brett Kelper, Associate Planner
Bill Monahan, City Attorney

COMMISSIONERS ABSENT

Chris Wilson
Dick Newman, Vice Chair

1.0 Call to Order – Procedural Matters

Chair Klein called the meeting to order at 6:35 p.m. and read the conduct of meeting format into the record.

2.0 Planning Commission Minutes

2.1 May 12, 2009

The following corrections were made to the minutes:

- On 2.1 Page 6, Line 196 was amended to state, “**Commissioner Klein commented that** a Code amendment should have been done for the site instead.”
- On 2.1 Page 11, in Lines 374, 376, 378 and 379, references to “Bella La Vina Farms” were replaced with “**Lovena** Farms.”
- On 2.1 Page 12, the second sentence of Line 427 was corrected to state, “It did not meet **need** a CSU...”

Commissioner Bresaw moved to approve the May 12, 2009, minutes as corrected. Commissioner Batey seconded the motion, which passed 4 to 0 to 1 with Commissioner Churchill abstaining.

2.2 May 26, 2009

Commissioner Bresaw moved to approve the May 26, 2009 minutes as presented. Commissioner Qutub seconded the motion, which passed 2 to 0 to 3 with Chair Klein, Commissioner Churchill, and Commissioner Batey abstaining.

3.0 Information Items

Katie Mangle, Planning Director, distributed the new Transportation Code Chapter 1400 and announced the amendments that would go into effect Thursday, July 16, 2009. The Transportation Code would now be impact-based, and not value-based.

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 Hearing

- 5.1 Summary: Milwaukie High School Parking Variance
Applicant/Owner: Garry Kryszak for North Clackamas School District #12
Address: 11300 SE 23rd Ave
File: VR-09-01
Staff Person: Brett Kelper

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

Brett Kelper, Associate Planner, cited the applicable approval criteria of the Milwaukie Municipal Code as found on 5.1 Page 8 of the staff report, 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. No Commissioners declared an actual or potential conflict of interest. Commissioners Klein, Bresaw, and Churchill visited the site but no Commissioners visiting the site spoke to anyone at the site or noted anything different from what was indicated in the staff report. No Commissioner's participation was challenged by any member of the audience.

Mr. Kelper presented the staff report via PowerPoint. He distributed 5.1A Addendum – Amended Findings and Proposed Conditions for VR-09-01 dated July 14, 2009, from staff. He stated staff recommended approval of the application given the amended findings and proposed conditions, and responded to questions from the Commission as follows:

- Staff provided Addendum 5.1A to the Commission. The addendum discussed that 28th Ave was not public right-of-way, but was on the school property itself. North Clackamas School District (School District) provided a private access easement to three property owners to allow them access off 28th Ave.
 - The older house on 28th Ave was on a bigger parcel until 1994, when a minor land partition was done to create the front parcel. A memo from the City Engineering Director at that time noted that 28th Ave was private property. The minor land partition was allowed with the understanding that a private access easement existed. This would not be done today because frontage on the public street would be required for both lots.
- The 120-day land use deadline was October 9, 2009, so time would not be an issue if the Commission needed to continue the hearing.
- The access on 28th Ave varied in width from 30 ft between curbs at the mouth, to an average width of 23 to 25 ft at the top. Limiting parking throughout the accessway was based on the City's off-street parking standards. The minimum drive aisle width required for 2-way traffic was 24 ft. Parking for one vehicle on one side of the street would start to restrict access, so both curbs would be painted yellow to prohibit parking.
- Evening school activities in winter would require students to return to the parking lot after dark. Staff had discussed lighting, but no strong opposition existed to installing lighting if the Commission decided it was important for security reasons. However, staff felt that requiring lighting was not proportional to the scale of the request.
- According to the current Code, the school should provide 472 parking spaces, but the school demonstrated that only 341 parking spaces were being provided. It was

acknowledged as a non-conforming parking situation as long as the school secured and recorded some of the shared parking agreements that had not been formalized in the past, and did not go below 341 parking spaces.

Ms. Mangle confirmed that no additional correspondence had been received other than what was included in the material.

Chair Klein called for testimony from the Applicant.

Garry Kryszak, Capital Project Manager, North Clackamas School District #12, 12451 SE Fuller Rd, Milwaukie, presented the Applicant's testimony as follows:

- The School District believed they had 101 parking spaces at St. John the Baptist Catholic Church (St. John's) and 42 at Saint Stephans Serbian Orthodox Church (Saint Stephans). However, when the agreements had to be formalized, St. John's said only 61 could be formalized due to funerals and other large events. Other alternatives were researched, including the Presbyterian Church and local businesses, but parking was not available from them.
- The School District's Board of Directors (School Board) required students to get a permit to bring their cars to school. In the last school year, 50 permits were issued at the high school for off-campus parking. Of the 50 permits, no more than 30 were in affect at one time. This was were the maximum spaces used at St. John's.
 - During the past school year, 29 spaces were unavailable on campus due to construction. In essence, 72 additional spaces would be available this year plus the 29 parking spaces on campus that would be available again. As an incentive to students, only carpools could park on campus. The high school did not have a history of providing on-site parking.
 - The request to use the Lake Rd field was so the criterion of the previous conditional use could be met. They did not anticipate utilizing the field for parking but if needed, they would actually prefer parking closer to the campus. Due to the ages of students, the number driving to school increased slightly toward spring, so the lot might be utilized some in spring when the weather was nice, but there was no history of needing the extra spaces.
 - The cost per parking space increased when the formal negotiation was done to lock in long-term parking agreements. St. John's and Saint Stephans had charged \$1 per space per month, but increased the cost to \$2 per space per day. The increase could not be recouped from the students because the School Board had a set cost for a parking permit.
- The School District had demonstrated they were trying to comply with the issues. The variance was requested so the Applicant could comply. Moreover, he was positive the school would not put additional parking into the community.
- Lighting of the Lake Rd field was not recommended because it would attract people to the parking lot at the wrong times of day.
- Regarding striping of the curb, signage, and walkway, he requested that the walkway not be required. Most football and soccer players walked up through the elementary school, so not many people walked along 28th Ave (driveway). Painting the curbs and a No Parking sign were good ideas, but unless it became a safety issue, a walkway was not needed and would further narrow the driveway area.

Commissioner Bresaw asked if the 4-ft wide walkway was to be striped the entire length of the driveway.

- **Mr. Kryszak** explained that the intent was to paint a walkway all along the driveway. If students had a permit and were caught parking in the community, the policy was to revoke the permit.

Chair Klein asked if the students would be encouraged to park and walk north to the elementary school and through the football field to the school, instead of walking on Lake Rd.

- **Mr. Kryszak** replied that was correct. The School District preferred that students not walk in and out of the driveway. However, that was based on the idea that the Lake Rd parking would be utilized, which he did not believe would be needed.

Commissioner Batey asked what incentive existed to make students get a permit.

- **Mr. Kryszak** replied that students were charged a \$52 penalty if they did not have a permit. In addition to City parking enforcement, a campus monitor enforced student parking rules.

Ms. Mangle clarified that the City had parking enforcement only in the downtown area, but she hoped that parking enforcement would extend to other areas in the future.

Commissioner Batey commented that it appeared the neighbors were not complaining about students parking on 27th Ave. But if neighbors did notice students parking on public streets, who at the school should be contacted to complain?

- **Mr. Kryszak** clarified that an assistant principal was in charge of parking, and students were involved in the Transportation Demand Management (TDM) plan, which was a Planning Commission recommendation that had been very effective.

Chair Klein:

- Asked if safety had ever been an issue at the parking lot. He assumed the field was used during winter for soccer and football practice.
 - **Mr. Kryszak** replied the parking lot was only used during games and mostly on weekends, although there had been a decrease in the use of the fields. Neighbors did notice a lot of evening parking and parking that was not for the designated purposes.
- Expressed alarm that the churches increased the parking space rental to \$2 per day.
 - **Mr. Kryszak** responded that \$2 per day was the going rate, so no one was in the wrong. Now that the parking agreement was formalized, the churches realized that they really did not have the parking spaces on school days. It was not an enormous amount of money, but it did change the perspective.

Commissioner Batey recalled that during the CSU hearing, testimony indicated it was a reciprocal agreement because the churches used the school's lot on Sundays.

- **Mr. Kryszak** responded that it applied more to the use of the athletic facilities. During a football game, the church's parking lot was filled up, but that was a different situation. Parking was a problem during major events.

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

Armond Schweitzer, 2806 SE Lake Rd, commented that he lived across the street from the school on the corner of 28th Ave and Lake Rd and saw all the traffic. He favored

more parking, but expressed concern that the corner of the school property should have been utilized for diagonal parking for students along one side, leaving the other side for fire truck and ambulance access.

Chair Klein:

- Clarified that the application would not allow parking on both sides of the street.
 - **Mr. Schweitzer** stated that not allowing parking on both sides of the street would make the parking situation worse on baseball and football game days when 28th Ave was jammed.
- Confirmed that Mr. Schweitzer preferred that parking be allowed on that street.
 - **Mr. Schweitzer** affirmed that the more parking allowed on the school side of 28th Ave, the better. When that area was filled, people parked across the street on 28th Ave and drove up and down Lake Rd looking for a parking place. He also suggested that the tennis field could be used for additional parking.
- Clarified that for the current application, Mr. Schweitzer was concerned about parking for ball games year-round and wanted at least one side of the street available for parking.
 - **Mr. Schweitzer** added that Lake Rd was very well lit with streetlights.

Commissioner Batey commented that it seemed that people who might use the area for nefarious activities would move away from lights rather than toward them. She asked if Mr. Schweitzer was concerned about people hanging out in the parking area.

- **Mr. Schweitzer** responded no, and reiterated that lighting in the area was sufficient.

There were no additional comments from staff.

Chair Klein asked what staff recommended for striping the sidewalk because he believed it would deter parking, if parking were allowed there.

- **Mr. Kelper** stated that Mr. Schweitzer, Mr. Olson, and the Menelys, who lived at the intersection, expressed concern about traffic, congestion, and parking problems during after school and weekend activities.
- On one hand, the variance request did not regard parking for those activities, but parking related to the school's daytime needs.
 - Once staff understood 28th Ave was actually school property and recognized a finite width existed according to the off-street parking requirements for a drive aisle, staff then considered the potential of a greater demand for school time parking and what could be done to ensure pedestrian safety along that route.
- Staff recognized that a designated crosshatched or striped area for pedestrians would also restrict prohibited parking in the accessway, maintain a minimum drive aisle width, and help promote some pedestrian safety. This led to staff's condition to paint the walkway.

Commissioner Batey:

- Believed it would be safer for pedestrians to walk on the grass above the curb.
 - **Mr. Kelper** replied it might not be great when the grass was wet, and while an actual sidewalk would be ideal, it was disproportionate to the scale of the request for the application.
 - **Ms. Mangle** said staff did recommend including striping for the sidewalk, with the understanding that it was not public right-of-way.

- Asked if a variance was the correct tool, or if the School District should revisit the requirement of 341 parking spaces.
- Expressed concern about how parking for events impacted the neighbors, although that was not the focus of the discussion.

Chair Klein responded that what happened outside of school hours was a different issue. The application was for 341 parking spaces for students during school hours. After school activities did not dictate coming and going, otherwise parents coming to watch ball games would have to be issued parking permits as well. It was not public right-of-way, so the City could not dictate who could and could not park there. During football games, parking could line the area, which was not necessarily a great idea.

Commissioner Batey acknowledged it was a different question that also went to the issue of shared use of the fields by North Clackamas Parks District, et cetera.

- **Mr. Kelper** responded that the ball fields were approved as a CSU. If the City had the ability to revisit a CSU, they might be able to reevaluate the current standing of their public benefits versus impacts, and determine if the activities outside of school hours were within the original intent of the CSU.

Bill Monahan, City Attorney, agreed the parking standards did not address after hour activities, but the CSU overlay allowed for a revisiting to see if the conditions were adequate.

Mr. Kelper responded that it was up to the Applicant to evaluate whether 341 parking spaces were adequate. At this time, the Applicant had decided not to pursue that avenue. If the Commissioners wanted to revisit a past CSU, a more detailed analysis could be completed regarding whether the school was meeting Code requirements versus what they had provided historically and what the school's current performance was with regard to their TDM program.

- Staff believed changing the parking requirement was another option, but the school wanted to resolve the parking issue to allow for full use of all the improvements in a timely fashion. He agreed it was something to revisit in the future, but did not know if it had to be initiated by the school, staff, or the City. The current demand did not require the 341 spaces, but it was best to leave the number as is than reduce it and later require all the spaces. However, it could be revisited at a later date.

Ms. Mangle added that approving the variance did not preclude further actions on parking management, parking supply, or requirements, which could still be considered in the future.

Mr. Kelper drew a diagram to clarify the intended yellow crosshatched walkway.

Chair Klein closed the public testimony portion for VR-09-01.

Planning Commission Discussion

Commissioner Batey stated she was inclined to vote in favor of the application, including the crosshatched walkway, and ask the City to follow up on the event parking though it was a different issue than the application currently before the Commission.

Chair Klein commented that Mr. Schweitzer wanted more parking built between the driveway and fence, and that it was unusual to have someone ask for more pavement in place of open space. Leaving the entranceway as it was worked best, but with the crosshatch lines and no parking across the street, the amount of parking on that street would be limited. The school, not the City, would be enforcing the parking as they chose.

Ms. Mangle clarified that the school would be violating the condition of approval for the permit if parking restrictions were not enforced. The City would not enforce the parking; it would be a zoning compliance/enforcement issue.

Commissioner Batey asked if staff would want to revisit allowing parking on one side of the street with no parking on the other side.

Commissioner Qutub asked how many parking spaces would result.

Chair Klein replied 6 parking spaces might result.

Commissioner Churchill commented that he had walked that drive many times and agreed there was an event parking issue. There was some merit to having a striped walkway for pedestrian safety. People were not driving recklessly, but sometimes the focus was on getting to the corner and turning around, so drivers were not aware of pedestrian access.

- There were seasonal issues with walking on the grass. He supported a striped walkway. Additional parking on the street would narrow the drive aisle width, and the drive apron did not align with the curb, so people cut through.
- Perhaps No Parking signs would be better than crosshatch lines to ensure people did not park there. He supported no parking on either side of the street, but the walkway was necessary.
- He understood Mr. Schweitzer's concerns about overflow parking, but did not think adding 4 or 6 parking spaces would help. Installing additional parking spaces would actually cause more congestion and create potential hazards for pedestrians given the 30-ft width of 28th Ave.

Mr. Kelper clarified that the mouth of 28th Ave was 30 ft wide curb to curb at Lake Rd, but the street narrowed to an average of 23 to 25 ft.

Chair Klein understood Mr. Schweitzer's concerns about parking in the area, but agreed parking should not be located along one side of the street. Once the spaces on Lake Rd and 28th Ave were filled, the 6 to 10 cars would park on 29th Ave. He preferred having the pedestrian access, although he did not think it would be used for a long time.

- Keeping the requirement at 341 parking spaces was good, because even if all the spaces were not currently needed, school populations did fluctuate and more spaces might be needed.

Commissioner Batey said she was not concerned with football because there were not many home football games per year, but the City should monitor the parking usage during other seasons and summer events.

Chair Klein suggested sporting events could be monitored if parking enforcement was expanded.

Commissioner Bresaw agreed with Commissioner Churchill's comments about the driveway, and added it would be nice to consider a different striping design for the pedestrian walkway, although safety was the important issue.

Commissioner Churchill suggested a single line with wording such as "Walkway" of "Pedestrian Walkway", and "Stop" to avoid having the walkway look like a loading zone or creating a big painting project for the Applicant.

Ms. Mangle suggested that removing the word "crosshatched" from the Finding 8b, the fourth paragraph on 5.1 Page 16 and in Condition 1, 5.1A would allow enough flexibility for staff to work with the Applicant.

Chair Klein summarized that the variance and signage were acceptable with no parking on either side of the street and a single walkway strip would be designated with a "to be determined" pedestrian-friendly logo.

Commissioner Batey moved to adopt VR-09-01 with the amendments to the findings and conditions of approval on Addendum 5.1A submitted by staff and deleting "crosshatched" from Condition 1, and Finding 8b. Commissioner Qutub seconded the motion, which passed unanimously.

Chair Klein read the rules of appeal into the record.

6.0 Worksession Items

- 6.1 Summary: Transportation Growth Management Code Assessment project briefing
Staff Person: Katie Mangle

Katie Mangle, Planning Director, stated the City had received the Transportation Growth Management (TGM) Code Assessment Grant and had begun work on the project. She introduced the worksession topic with the following comments:

- The Code Assessment project would focused on four general areas:
 - The City's Residential Design Standards were not high enough according to comments from the community indicating that more should be required.
 - The Downtown Plan requirements were generally good, but very specific standards existed for the form and use of buildings, especially for the ground floor. The question was whether it was realistic in today's market in that the City was getting uses and activities downtown, not just buildings.
 - The Manufacturing (M) and Business Industrial (BI) Zones would be reviewed to ensure the Code was achieving what the Comprehensive Plan intended.
 - The Code's Administrative section, including variance criteria, nonconforming uses, etc., would also be examined to determine if there was a better way of doing and organizing things, since the Code was so old.
- The memorandum from the City's consultant Mary Dorman was very thorough. Due to Ms. Dorman's presence, the worksession would focus on Residential Design and Downtown Standards. The other two issues would be addressed by staff at a later date.
- She sought input from the Commission because residential building design was not usually discussed at Planning Commission. Building permit decisions were made by

staff and based on fair and objective criteria. The Commission did not review building design of single-family homes but the lot creation, variance, etc.

- She showed examples of good and bad single-family home construction and remodels in Milwaukie via PowerPoint. The poorly constructed examples had met standards and went through proper channels, but did not produce desirable results.

Key discussion points regarding the presented examples were as follows:

- Good taste is hard to legislate; however, diverse housing styles existed in Milwaukie and housing design should honor that diversity.
- Quality of materials and integrity of design were important in residential construction.
- The City had very strict requirements for retail on Main St, so several potential tenants for the North Main Building had been turned down. A tongue in cheek interpretation was that the Downtown Zoning Code preferred vacancies to activities. There were reasons why the Code was written as it was and the Downtown Plan and Code were not being questioned, but some flexibility might be needed considering the current market in Milwaukie.

Mary Dorman, Angelo Planning Group, Inc., reviewed the information provided in her memorandum with key items displayed via PowerPoint. She requested the Commission's input about whether the right problems had been captured, what options were preferred or disliked, and what other solutions should be investigated further.

- Angelo Planning Group was familiar with approaches used in other jurisdictions and could identify problems and gaps in the existing Code and review other codes as examples. The State's model development Code used best practices for smart development. Options and possible solutions could be identified and combined with direction from Planning Commission and City Council.
- A handout was distributed to the Commission reflecting the current Residential Design Standards that applied to the new construction of single-family dwellings and duplexes, which was also reviewed.

Key discussion points were as follows:

- The Residential Design Standards only apply to new construction, not major expansions. A major expansion could have no windows, for example, because that was not addressed by Code. Many jurisdictions have similar types of Design Standards for single-family. For example, Portland's only applied to new construction; Canby's applied if the existing footprint was expanded by 50%, as did the DLCDC model code.
- It was common for city codes to use a menu approach, allowing builders to choose 3 items from among 12 options, for example. Most jurisdictions addressed garages, but Milwaukie did not currently have standards relating to the size of a garage or the percentage of frontage that could be for a garage. The City currently gave builders points in the menu option for attached garages, but in older Milwaukie neighborhoods, detached set back garages were more common.
- **Bill Monahan, City Attorney**, had not seen any home size limitations placed in zones compared to neighboring homes, though Banks considered sizing differences.
- **Commissioner Churchill** suggested researching Mill Valley and Corte Madera, CA, and Bellevue and Kirkland, WA, as good examples for bulk and mass design requirements. In San Francisco, height limitation was based on the midline of adjacent roof ridges.

- **Susan Shanks, Senior Planner**, noted Milwaukie's Code currently required an average for front yard setbacks, so there were ways to use averages to fit more appropriately into an existing development. Milwaukie did not have size limitations based on zoning, but tools for making appropriate requirements for single-family construction should be researched.
- Floor area ratios (FAR) were also used by other jurisdictions, restricting sizes to 45% FAR for example, where the total of all livable space of the building could not be more than 45% of the overall size of the lot. Exceptions could be made above that, but a very good case had to be made. It created a base level for size; almost anything could be done if the improvement was within the base level, but above that, more scrutiny was put on design review.
- Design review in Milwaukie was currently addressed through the building permit review process. Some communities tried to address design review for certain neighborhoods through code requirements. For example, by requiring plans to show existing dwellings on either side, and whether the new construction was within a percentage of their height. This complicated the process. Someone looking at a vacant property in Milwaukie could look at the zoning Code and know the height limits, setbacks, massing, etc., and what could be constructed.
- Currently in Milwaukie, floor area requirements, or footprint, also included attached or detached garage area and storage buildings, which could be up to 30% maximum lot coverage.
- Milwaukie has large lots, so FARs might not be an effective tool, as illustrated by the Columbia Care Services, Inc.'s Balfour House project. A very large building could still be under the FAR. Ideally, the structure should be representative of the surrounding houses.
 - With FAR, builders could do what they wanted, but it did not necessarily mean the structure would fit within the existing neighborhood structures. As a neighborhood develops and the averages begin to increase, then a remodel could take place, which could be a downfall. Guidelines were needed to avoid placing a McMansion next to a cracker box house.
 - FAR worked well when lot sizes were consistent, but did not help with a double lot. FAR worked better for infill conditions.
- View corridor regulations for tall buildings and trees obstructing views were not currently in the Code, but perhaps were implementable. The goal was to develop a smart Code that resulted in smart development. Smart Code consisted of requirements that could be implemented effectively and followed.
 - The Willamette Greenway (WG) zone was the only place with view controls. It was difficult to identify the view that needed preserving and who it was important to. View corridor regulations in other jurisdictions were a nightmare to deal with.

The Commission discussed and suggested that the following also be considered for the City's Residential Design Standards:

- The menu could be expanded beyond the main entry and window requirements or could require more than 3 elements, making it possible to have more uniformity among homes.
 - **Commissioner Batey** noted manufactured homes were a concern as was the necessity of making houses not look like manufactured homes. More than 3 menu element requirements might be important to avoid the manufactured home look.

- A 12% window requirement was very minimal and should be increased. Under the current Code, the required windows could include garage windows, which was a pet peeve of staff.
- Requiring buried power lines and preventing metal garages were added to the list.
- Housing variety was confusing in the existing Code, with many different layers of regulation and processes that did not clearly describe what was allowed.
 - Current Code standards for Accessory Dwelling Units (ADUs) are very confusing and often conflicting. Staff received many inquiries about ADUs to house extended family members. Often the reaction was that ADUs were a densification tool that should be controlled, which was a valid concern.
 - Housing variety must be considered as families evolve and the population aged. How can the City accommodate people so they can stay in Milwaukie? That was the tone staff wanted to present to the community.
 - Having a regular kitchen facility was the key factor in designating an ADU. Milwaukie's stringent ADU construction standards, such as a 15 ft height maximum requirement, helped prevent ADUs above garages.
- 3? or 4 attached units should be allowed in other zones. Because of design changes required to fit 2 duplexes on a lot, as shown in a displayed photo, having 4 townhouses would have looked better.
 - **Commissioner Batey** cited Norm Scott's original application to build 3 attached units. He was told he could build 2 townhouses, but not 3 attached units because it was one lot and the zoning did not allow multifamily structures.
 - Townhouses could not be built in R7 zoning.
 - The only way to construct 3 attached units was through a Planned Unit Development.
 - Multifamily was allowed in many zones but townhouses were not allowed. Some flexibility was needed to reintroduce townhouses as a construction element.
 - A duplex could look like a townhouse but both units would be on one lot, so it was strange that the Code allowed a duplex, but not 2 attached houses on their own lots.
- Staff clarified that multifamily design was allowed in some zones, and defined as 3 or more units on the same lot, regardless of ownership. A 4-plex could not be constructed with separate land ownership. The City allowed 4-, 5-, or 6-plexes on one lot with separated land ownerships in the appropriate zone, but no 4-plexes or larger could be built without separate land ownership for the residents.

Ms. Dorman reviewed the challenges of the City's Downtown zones, uses, and standards via PowerPoint and as outlined in her memorandum.

Ms. Mangle noted Attachment 3 was an assessment of nonconforming uses in the downtown area. Of 153 businesses in the downtown area, 18% of the properties appeared to be in Downtown residential zoning and nonconforming with regard to use. In the Downtown Office Zone, closer to 90% of the uses were nonconforming. The number for structural nonconformities was much higher.

- The Code was very strict about what buildings in nonconforming uses could do. The question was how to push toward compliance with the vision without being so prescriptive that vacancies were encouraged. The vision was important, so standards were necessary, but it might be a few years before Milwaukie could warrant the rents that would allow for multiunit, multistory redevelopment of nonconforming sites.

The following discussion ensued, including suggestions for changes to the Downtown Plan:

- Inquiries had been made regarding minor changes to some nonconforming uses downtown. For example, Clackamas Credit Union wanted to lease some space for offices, but as a nonconforming use they were limited and that use could not be expanded. The bowling alley would be a bowling alley until it was completely redeveloped.
 - The Bernard property south of the garage came before the Commission for a Use Exception because the existing building was not designed to accommodate an outright allowed use.
- **Commissioner Batey** believed more flexibility was desirable in some aspects, but the ground floor retail was still an important aspect for downtown. North Main Village was sitting vacant, but before allowing an office in the building, she wanted to know the differences in rent between offices versus retail.
- Filled buildings were important, but it was also important to fill with the most desirable businesses and not just rent it as office space. It was important to help Milwaukie's market get to the point where it would support the kind of development in the vision. Some could argue that filled storefronts would improve the rents, property values, the level of activity, and the desirability of Milwaukie as a place over time, and attract businesses that would benefit from the foot traffic.
 - Buildings sitting empty for several more years would not help the City reach the vision. Perhaps sunsetting some of the businesses would be the answer, allowing offices to utilize the new spaces for a specified period of time. The Code was written for the purpose of addressing such concerns.
- **Mr. Monahan** said the implications of [allowing offices to use downtown space for a specific time period] were very negative or very costly. If something had to be changed within a time period, a reasonable amortization period must be created based on the useful life.
 - A 5-year amortization period would be needed for either a new or existing space, so it could take a long time to get cured.
- Filled buildings would promote the downtown area, but it was not desirable to give up and allow nonretail when the economy was bad and light rail was 6 or 7 years away. The City could be stuck with office uses that could not be extracted.
- **Ms. Dorman** said that as some incremental improvements were made and land values increased, higher rents could be commanded and restaurants and retail that could pay more for the space would move in. New buildings had to be designed right to work for retail. It was not wise to let a bank come in and construct a building that would always be an office. Adapting existing buildings was difficult in terms of what to allow that would encourage gradual change.
- **Commissioner Bresaw** noted that nonconforming itself was not bad, except for perhaps remodeling, which could be challenging. Having residential near or in downtown was very important and should not be changed.
- The Commission agreed that allowing ADUs as attached units was fine as long as the design was nice, fit on the lot, and looked good. Currently, the Code required that ADUs be attached.
 - Remodels of ADUs or homes were not subject to Residential Design Standards. The ADU review process should be streamlined and have more clear and objective standards.

- The Commission agreed that addressing Residential Design Standards should take priority over multifamily or the Downtown Zone Standards

Ms. Mangle stated that the next step was to talk with City Council on August 4. Ms Dorman would then develop an action plan, utilizing feedback from the Commission and staff to determine the plan of action if additional money was available.

6.2 Summary: Title 13 Habitat Conservation Areas project briefing
Staff Person: Katie Mangle and Brett Kelter

Ms. Mangle said she wanted the Title 13 material in the Commissioners' hands to demonstrate that the City had started to implement Metro's model code. However, it was more important to figure out Milwaukie's version of the Habitat Conservation Areas (HCAs). She and Mr. Kelter had worked on the Title 13 project over the past year, but due to lack of time tonight, she would follow up at the next meeting with more details regarding what compliance with what the HCAs would mean for Milwaukie.

7.0 Planning Department Other Business/Updates

Ms. Mangle updated that because Mr. Parecki had changed his project and did not do the expansion off the back of his Jefferson St project, it would not have triggered Design Review except to ensure that prohibited materials were not used. Though the completed project was not exactly as approved by the Commission, it was acceptable and a nice project.

- She confirmed no prohibited materials were used for the awnings. Awnings shown in the proposal were similar to those ultimately installed, but they were in a different configuration, so it was a little confusing. The plans had changed week by week. One proposal had shown a similar awning over the upper floors as well.

Commissioner Qutub announced that she was leaving Monday for Africa and the Middle East for about 6 weeks. She did not know how much that would impact the Commission.

- **Ms. Mangle** responded that the Portland Parks and Recreation Maintenance Building hearing was scheduled for the next meeting, so staff would be sure to have a quorum present.

Commissioner Churchill commented that the Milwaukie Candy Company tenant indicated they had been treated harshly regarding the painting of the Dietrich Building façade and the entire process was being held up.

- **Ms. Mangle** replied staff had contacted the contractor, not the tenant. The Milwaukie Candy Company was a tenant, but the whole building was involved. The Main St side was being painted, but the exterior north and back siding was being replaced, triggering a Type II Design Review. No permits had been requested, but the contractor did request a right-of-way permit to close the sidewalk to do some work, which was denied because of the required Type II Design Review.
- Staff talked to the contractor several times, who was not able to reach Mr. Dietrich, the property owner, so Mr. Dietrich may not be aware of it at this point. Staff had tried to get the project moving for several weeks without response from the property owner. She understood it was a hassle for the tenants and was working to bring the owner into the office to try to move things forward as quickly as possible.

8.0 Planning Commission Discussion Items – This is an opportunity for comment or discussion for items not on the agenda. There were none.

9.0 Forecast for Future Meetings:

- July 28, 2009
1. Public Hearing Continued: CSU-09-02 Portland Parks Maintenance Building
 2. Worksession: Title 13 Habitat Conservation Areas project briefing.

Meeting adjourned at 9:09 p.m.

Respectfully submitted,

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



Jeff Klein, Chair