

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, October 13, 2009
6:30 PM**

COMMISSIONERS PRESENT

Jeff Klein, Chair
Dick Newman, Vice Chair
Lisa Batey
Paulette Qutub
Teresa Bresaw
Chris Wilson (Arrived during Worksession)

STAFF PRESENT

Katie Mangle, Planning Director
Bill Monahan, City Attorney
Ryan Marquardt, Associate Planner

COMMISSIONERS ABSENT

Scott Churchill

1.0 Call to Order – Procedural Matters

Chair Klein called the meeting to order at 6:34 p.m. and read the conduct of meeting format into the record.

2.0 Planning Commission Minutes

2.1 August 25, 2009

Commissioner Batey corrected 2.1 Page 13, Line 414 to state, “redevelopment with light tail *rail* because...”

Chair Klein corrected 2.1 Page 13, Line 443 to state, “Parking standards were a key tool in ~~killi~~ng *negatively affecting* good village nodes.” He also amended Line 450 on 2.1 Page 14 to state, “On 42nd Ave north of King Rd, 50% *a good sum* of the lots were multi-family...”

Commissioner Batey moved to approve the August 25, 2009, Planning Commission minutes with the noted changes. Commissioner Bresaw seconded the motion, which passed 2 to 0 to 2 with Vice Chair Newman and Commissioner Qutub abstaining.

3.0 Information Items—None

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—None

6.0 Worksession Item

6.1 Summary: Parking Code Amendments
Staff Person: Ryan Marquardt

Katie Mangle, Planning Director, displayed and briefly reviewed a diagram illustrating the Milwaukie Municipal Code (MMC) Amendment action plan that she would be presenting to City Council with the following comments

- Phase 1 was funded by the Smart Development Code Assessment Grant and the City hoped to receive a grant for Phase 2. Staff was also working on the Natural Resources Overlay project, the Parking Code Amendments, and republishing the MMC to improve readability, which were all funded by City resources. Many Code issues still needed to be addressed.
- Mr. Marquardt would be reviewing the Parking Code Amendments, including key issues and suggestions made by the Commission. A draft of the Parking Code Amendments was also available for review online.

Commissioner Wilson arrived at this time.

Ms. Mangle responded to questions and comments as follows:

- Staff was only addressing about a third of the Code areas with Phase 1 because the grant source limited what the City could address regarding Smart Development Code issues, which she identified within the whole Code. Other grant sources were available for other issues, such as historic preservation.
- Funding and political will were both related factors in the Code amendment process. Funding was required to enable Staff, often with technical assistance, to articulate why the political will was needed to change a policy. For example, a grant for a residential single-family design could be obtained, but the political will still had to exist to increase the standards for all houses because many in the community might not want to do so. Although the money was available for a proposal, it did not mean the decision was easy to make.
- Code changes were only one part of staff's work program. The work could be completed in-house if staff had infinite patience and did not have other work such as building permits, Code compliance, land development, light rail, long range projects, etc. Consultants enabled staff to get more done in a shorter time period, although City staff were still the Code experts, and would never completely rely on consultants.

Ryan Marquardt, Associate Planner, reviewed the key issues regarding the draft Parking Code Amendments, which were distributed to the Commission.

Key discussion points by the Commission and staff included:

- The Parking Determination process enabled applicants, especially of large developments like schools, to request a modification from the table results when the table ratios were considered wrong. The City's philosophy was that the parking ratio table was an approximation, and as projects get bigger, any potential errors in the parking ratio table's assumptions were magnified, so a correction process was needed.
 - The correction process required a Type 2 review and another application, which staff and some consultants believed was an unnecessary process when the applicant might be able to proceed with a building permit. If the applicant believed the parking ratio was incorrect, a parking determination could still be requested.
 - The parking ratio table caused applicants to request either too few or too many parking spaces. For example, the parking ratio constrained schools, causing them to be over-parked, yet Harmony Rd Mini-Storage was required to have more spaces than really needed.
 - In response to a suggestion that parking could be evaluated later, staff was hesitant to reevaluate parking needs 6 to 24 months after occupancy, because nothing triggered such a review. A post-occupancy traffic study that included a parking study was required for Waldorf School, but it took a year to get the owner to comply because the original applicants had left by then. Anything that had to be done after occupancy was

- less effective and became more work for staff.
- Minimum and maximum parking standards existed, but the adjustment was about the minimum standard the City required of an applicant. A developer could always add more parking, up to the maximum standard.
 - Staff leaned toward keeping the automatic trigger of 100 spaces as a requirement for a determination process. The Waldorf School was a Community Service Use (CSU) and did a parking study. The mix of uses on the Waldorf campus was unique and the applicant successfully argued that they could not just apply the normal parking standards.
 - A project with too many spaces just had extra asphalt, but one with too few spaces resulted in parking in residential areas. A smaller applicant requiring less than 100 parking spaces could still request a determination process.
 - Very few applications a year would require 100 parking spaces without triggering some other type of land use application.
 - **Chair Klein** was not opposed to keeping the trigger for a determination process, since it would only be a small component of applications large enough to do so.
 - The definition of the availability of on-street parking depended not only on whether surrounding streets allowed parking, but also how much parking was already being utilized. An applicant could do a parking study to determine if there was ample space for on-street parking that was not being used. There was no reason to make a property owner build more parking just to satisfy the ratios.
 - Identifying parking availability where retail abutted a neighborhood was interesting because the number of on-street spaces being used by the neighborhood had to be determined.
 - Residential-friendly, walk-up businesses should be encouraged, although it was impossible to regulate which businesses move in. In the Mississippi Ave area in North Portland, people who parked on the streets utilized the Rebuilding Center and a lot of that retail district. As one neared the corners, where people flowed down into the residential areas, many of the businesses were brewpubs that were very successful. Those frequenting the day use businesses were not parking in residential areas.
 - The availability and use of the on-street parking section allowed an applicant to include it in their argument, but did not mean the City had to approve their argument or lock the City into a certain outcome. The use of on-street parking should be allowed for flexibility; but it was a sensitive issue in the community.
 - The Commission agreed to retain consideration of on-street parking.
 - Commercial nodes were Milwaukie's neighborhood-focused commercial areas where business sites were typically small. A staff analysis showed that with the current parking requirements, parking would take up half the site in most cases, which would probably not result in small, walk-up businesses like coffee shops. Different approaches were discussed previously, but staff was interested in feedback about allowing a 50% reduction of the parking ratio on properties zoned Limited Commercial (C-L), General Commercial (C-G), or Commercial Neighborhood (C-N).
 - The basis for considering a parking reduction in neighborhood commercial nodes was that a lot of traffic to the site might be from the local neighborhood and was more likely to be pedestrian or biking traffic. In Portland, any sites within 500 ft of a transit line were exempted from any parking requirements. However, not all of the most obvious Milwaukie sites were close to bus lines, for example the smaller storefront business at Washington St and 28th Ave.
 - The commercial zones, General Commercial (C-G), Commercial Neighborhood (C-N), and Commercial Limited (C-L), were all retail-oriented; some were more limited while

others allowed more offices. The proposed Code amendment was more about building form and parking management than what type of business were allowed. Creating businesses that people would come to was important, whether it was classic retail or personal services. Neighbors would have no reason to walk to a business that just did office work.

- In the C-N Zone, everything was permitted conditionally rather than outright and appeared to focus on neighborhood-oriented businesses that people would walk to, including small corner stores.
- The C-G Zone allowed for almost any type of business, including automobile sales, car washes, and carpenters.
- The C-L Zone, such as 32nd Ave, was more permissive and allowed for offices, retail trade establishments, and personal services.
- The Code amendments would serve to preserve the commercial nodes, particularly in the C-N Zones. Theoretically, if a mini-mart changed to a restaurant, the current Code could require additional parking on the small business lot or limit what could be done on the property because not enough room was available for parking.
- The goal behind the proposed parking requirements was to enhance the commercial node areas for residential use rather than to establish a commercial location utilized outside of the residential area.
- The list in the C-L Zone was very broad and had the potential to burden a neighborhood with more parking on residential streets. It made sense to encourage businesses that residents might use. A trade association or editorial office would not be used by the neighborhood, so burdening the neighborhood with added parking seemed unreasonable.
- Perhaps the proximity of the areas should be reviewed to understand and identify the residential reach. On-street parking was not allowed on 32nd Ave so off-site parking was needed. A higher density ring existed around the King Rd area that prevented parking through the neighborhood. Parking was not very accessible for the little store in the Hector Campbell neighborhood on Monroe St.
- **Commissioner Qutub** asked if businesses are allowed to have drive-through access, and if that changed the amount of parking required.
- Much of the reason for the proposed parking reduction was not only about impacts, but about creating pedestrian streets. Along 32nd Ave and part of 40th Ave had an urban form of buildings close to the street with windows and sidewalks, making the area comfortable for pedestrians. If the sites were redeveloped and half of each lot was converted to parking lot, the pedestrian feel would be lost.
- The Clinton neighborhood around 21st Ave and Clinton St in Portland was a good example of a small-scale, fine-grained neighborhood center with buildings, not parking lots. The proposed Code amendment would remove the City requirement to build parking if a business did not need it, but would not prevent a business from building additional parking if necessary. The trade-off was that without on-site parking, some off-site parking would occur.
- **Chair Klein** noted that a business owner would want to have the right amount of parking available for customers. He was not opposed to the proposed reduction. The current parking situation was not working, and the change would provide an opportunity that could benefit the City. If adverse effects arose, the changes could be adjusted as needed.
- **Commissioner Batey** believed giving the 50% reduction to businesses in the C-N Zone sounded good, but the other zones encouraged businesses that did not benefit neighborhoods. It would be good to tie the parking reduction to businesses that would

benefit neighborhoods, although it was a very subjective test. She agreed to language allowing any uses in the other commercial zones as conditional uses in the C-N zone, which would tie the parking reduction to the allowed uses.

- **Commissioner Wilson** believed the changes would keep the culture of the neighborhoods and encourage what already existed to remain, which was good.
- It was important to not confuse the parking changes with the uses, which might be reworked later.
- So far, no businesses were turned away or negatively impacted due to the parking requirements, but it was only a matter of time before the issue would come up. Some areas on 32nd Ave were ripe for redevelopment, so flexibility in parking requirements could encourage other businesses to come in.
 - In Island Station, much of the parking for the commercial node was probably in the right-of-way.
- It was important to keep the neighborhood feel and not allow businesses that did not fit, but at the same time promote something new.
- The new definition for a parking structure was located on page 65 of the proposed amendments, "A structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure...", which captured the Freeman Way Center with a parking structure of less than 20 spaces.
 - Parking structures with fewer than 20 spaces would go through a Type II review, which went out for public comment in the neighborhood because of subjective criteria, such as having to be compatible with the surrounding neighborhood. A staff report was written and mailed to properties within 300 ft for a 2-week comment period.
 - New improvements expected in the next few years, including the transit system, hospital, etc., would likely come before the Planning Commission.
 - In a bigger sense, structured parking should be encouraged if done well because it uses less land. Larger structures needed to be carefully reviewed, and would come to the Commission.
 - A minimum of 75% of the length of any parking structure's façade facing a street was required to be commercial space to encourage pedestrian-friendly streets. Large big box-looking parking structures did not provide a desirable street interface.
 - The proposed Parking Code changes did include the downtown, which was also subject to Design Review and more restrictive guidelines.
 - If a site wanted structured parking close to the street, the City wanted to be sure there was an active use on the street. New parking structures had not been proposed in a while, so it was not a problem in the Code fix list, but was included as part of updating the chapter. The current standard was not clear, and staff wanted to address the intent regarding active uses on the street as opposed to parking along the street with the building set back from the street. The change should be easier for staff to implement and applicants to understand.
 - The definition strictly regarded commercial area businesses outside the downtown district, such as at the hospital, or the building on Freeman Way.
- Regarding commercial vehicles on residential property, the new proposed commercial vehicle definition now included a 9-ft height limit. A tow truck with a long flatbed would be allowed, but a dump truck would be taller than 9 ft. The issue arose when people complained about commercial trucks parked in a residential area.
 - A huge truck parked on the street was a detriment because it took up a lot of space, but a very long driveway would keep large vehicles off the street.
 - Perhaps it was acceptable to allow one commercial vehicle parked at a residence if it was off the street and not close to the sidewalk. The issue was complaint-driven so if no

one complained, it was not an issue.

- The issue was not a huge concern, but was in the proposal because it was in the existing Code. Historically, zoning and planning discussions in the community were about preserving neighborhood character. In that context, the proposal made sense.
- Milwaukie was a blue-collar town with owner/operators who had flat beds and dump trucks. On the other hand, the issue was about conforming to the neighborhood.
- Examples were provided of the detrimental effects of owner/operator practices in a residential area, even with the vehicles parked fully in the driveways.
- Code Enforcement and the police department regulated on-street parking in another title of the Code. The subject Code provision addressed what was on the property behind the right-of-way line.
- Staff understood Milwaukie was a blue-collar town. The proposed changes were more permissive than the existing Code, which defined an F350 pickup truck as a commercial vehicle and was not technically allowed in a residential area. Crafting regulations involved a balance between allowing reasonable commercial vehicles for a home-based business versus commercial vehicles that were onerous on the neighborhood. Staff was open to other definitions.
 - Perhaps the definition should include parking in an area that did not impede pedestrians on the walkway and be based on how the person accommodated the vehicle on their own property. However, it would be difficult to hide commercial vehicles, unless they were some distance from the road.
- **Chair Klein** believed that while the needs of blue-collar Milwaukie should be respected, the city was not necessarily all blue-collar. It was time to expect more from citizens.
- Limiting vehicles higher than 9 ft or with more capacity than 6 ft by 9 ft was a good gauge.
- **Commissioner Wilson** believed the Code was onerous. Perhaps the neighbors could go through their Neighborhood District Associations (NDA) to resolve neighborhood disputes rather than calling the City.
- Staff agreed it was a good point, and prompted questions about the role of government. The community looked to the City to impose some standards in the interest of preserving neighborhood character; however, there were times that maybe the City did not need to be involved.
 - In an argument between neighbors, only one party would ever be happy.
 - Having the definition was good because differences existed between a business vehicle used for commuting and a business vehicle purely used for business, like a tow truck. Contractors used their vehicles as a mode of transportation and as family vehicles, taking children to school and taking it camping for example. As long as the vehicle was less than 9 ft high, it was fine.
- The issue was up for debate and out for public review. Staff would talk to NDA leaders, the school district, and Providence about how the proposed amendments would affect them.
- Businesses that would potentially park commercial vehicles in neighborhoods could be tracked through the City's business registration system to see how many would be affected by the new definition and the potential economic impact on the City. People living and contributing to the community might have to go to another city if the Code was enforced against their vehicles.
 - Pictures could be taken to illustrate the types of vehicles causing complaints. Business vehicles usually displayed the business name.
 - Tow trucks were owner/operator vehicles that would cause an economic impact if not allowed to park in residential areas. They parked their tow truck at home while

waiting for a call, and then returned home afterward.

- Tow trucks in general might not be taller than 9 ft, except for the larger semi truck styles. It would be interesting to know how many tow truck owner/operators lived in Milwaukie whose vehicles would not conform to the 9-ft height requirement.
- Recreational vehicles were allowed, but some large motor homes took up more space than a commercial vehicle.
- In response to the extensive front yard paving at the Columbia Care Services Balfour House, the proposed Parking Code limited the amount of uncovered parking area to 40% of the front yard from the face of the house to the street. An allowance was included to allow at least one 9 ft by 18 ft space to compensate for narrow lots.
 - Parking area was defined on page 47 as, "For purposes of this standard, the uncovered off-street parking area is defined as the sum of all areas meeting the standard of basic..." referring to pavement essentially, "...upon which a vehicle can park or maneuver to park." Paved parking did not include paved walkways.
 - This issue concerned development review at the building permit level, unlike the commercial vehicle subject, which was more about Code enforcement. Staff wanted to limit the creation of parking lots on residential properties in a residential zone as currently no limitation existed.
 - The residential care facility on Lake Rd had a very big driveway but most of the parking was actually within the garage. It was a big, unfinished building, but that aspect was not what people complained about.
 - **Ms. Mangle** clarified that this standard was not related to public area requirements, but about what happened on the property. The Code currently said nothing about where parking could be located in new construction. Most houses have a driveway and garage, which was not an issue. The Balfour House proposed a 24-car parking lot in the front yard, causing the community to ask why no standards existed. Residential neighborhoods should not look like strip malls. The intent was not to eliminate 4- or 5-vehicle parking, but to limit large parking lots. Staff believed this proposal to be the most defensible and implementable.
 - The front door of the building on the corner lot at Lake Rd and Vernie Ave was on Lake Rd with the driveway access off Vernie Ave. The paved parking measurement would be on the Vernie Ave side because that was technically the front.
 - The proposal did not discourage flag lots because the pole portion of the lot did not really count toward the front yard area. The front yard of many flag lots were paved; they did not have a restriction.

Mr. Marquardt concluded that the proposals would be tightened up before sending the draft out for public review. The outreach strategy included targeting developers, schools, churches, and the hospital for feedback. Relevant key changes would be compiled for each group to aid in explaining the proposed amendments without having to review the entire document. The Code would be linked in the distributed material so people could specifically review it, if desired. Residential changes would be highlighted and sent out to NDA leaderships.

- The Planning Commission had staunchly rejected staff's previous proposal to reduce the minimum required parking spaces per residential unit to 1, so the Code would continue to require a minimum of 2 off-street parking spaces for new development or redevelopment. The issue could be revisited for townhouses.
- The covered parking space requirement was removed, as was the requirement for a parking space for an accessory dwelling unit (ADU), which was a development, not a Code enforcement issue.

7.0 Planning Department Other Business/Updates

Ms. Mangle updated that Portland Parks and Recreation had purchased a different site near Flavel St and 92nd Ave in Portland. The new building would require renovation, which would take until the end of the lease period for the McLoughlin Blvd site. Portland Parks and Recreation would be moving late summer 2010. In the meantime, they planned to put a 500 sq ft trailer inside the huge existing building to accommodate staff.

Commissioner Batey:

- Asked for an update on the mini-storage project.
 - **Ms. Mangle** replied that Susan Shanks had checked with the owner, but nothing was happening. She supposed it was a victim of the financial crunch.
- Noted the Harmony Park Apartments installed a classy stone sign with the name etched into the stone.
- Asked if prior discussion about food carts was due to some interest being expressed.
 - **Ms. Mangle** responded the first cart application was about 1 year ago by a locksmith who was basically turned away because the Code did not address it. Another applicant was a hot dog vendor during the summer. Upon reviewing 3 parts of the Code, staff determined that if the use was allowed at the ground floor level and the cart had wheels, then it was not a structure and was not subject to design review and other criteria. Most of the permitting happened at the County level with the Health Department. The City would not allow outdoor seating, but food carts were allowed as long as they were vehicles that could be driven or towed away.

8.0 Planning Commission Discussion Items

Chair Klein shared that the University of Arizona had a parking structure that included bicycle parking stalls and shower facilities, including towels, available for a monthly fee. Portland was one of the top 5 bicycle-friendly cities in the world, having more designated bike areas than most other cities. Businesses like dry cleaning and work clothes storage could also be incorporated into such sites to also encourage bicyclists. A short YouTube video was shown that promoted the university facility.

Ms. Mangle stated that the City was really pushing bike access and bike infrastructure at all 3 light rail stations of influence, namely Tacoma St, Downtown Milwaukie, and Park Ave. Milwaukie has a catchment area of people biking in from inner Clackamas County. She believed the City would try to make the most of all 3 stations.

Commissioner Qutub asked if a business with a drive-through was required to have a parking lot or could they just use on-street parking.

- **Mr. Marquardt** responded that the business would be subject to the same parking standards as any other business. If located in a commercial neighborhood zone, they could get a reduction of the required parking spaces. The applicant could also go through the Director's Determination process and note other drive-through businesses in the area that operated with 1 or no parking spaces and request the minimum, so options were available.

The Commission viewed a short YouTube video titled, "Piano Stairs" that demonstrated how incorporating fun or entertainment into daily activities could facilitate healthful choices and actions.

9.0 Forecast for Future Meetings:

October 27, 2009 1. TBD

November 10, 2009 1. TBD

Ms. Mangle stated was nothing on the agenda for October 27th or November 10th, although more Parking Code feedback might be available for the November 10th meeting for further discussion.

- Four hearings were scheduled for the following two meetings: Riverfront Park, a Zone Change, a Minor Land Partition, and a Community Service Use.

The Commission chose to cancel the October 27, 2009, meeting.

Commissioner Wilson asked if staff quantified the cost of providing additional information requested by the Commission. Was overtime or extra staff required for such research?

Ms. Mangle responded that such requests were part of staff's regular workload unless she notified the Commission otherwise. Staff's job was to provide information to the Commissioners, including follow-up on applications, education, and other information. If she was not sure staff could handle a request because of workload or lack of expertise, she would let the Commission know. Otherwise, staff did their best to address questions from the Commission.

Chair Klein noted the Commission met to make the best decisions, and if getting information from staff aided in making those decisions, then that was what staff was there for. Staff was not asked to move mountains, but if something was missing, the Commissioners needed to make that request.

Meeting adjourned at 8:40 p.m.

Respectfully submitted,

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


Jeff Klein, Chair