



**AGENDA**  
**\*REVISED**

**MILWAUKIE PLANNING COMMISSION**  
**Tuesday, February 10, 2009, 6:30 PM**

**MILWAUKIE CITY HALL**  
**10722 SE MAIN STREET**

- 1.0 Call to Order - Procedural Matters**
- 2.0 Planning Commission Minutes** – Motion Needed
  - 2.1 December 9, 2008
- 3.0 Information Items**
- 4.0 Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda
- 5.0 Extension Request**
  - 5.1 Extension of Conditional Use Mini Storage Development Approval  
Applicant/Owner: Frank Walker/Hans Thygeson  
Address: 6011 & 5900 SE Harmony Rd.  
File: CU-07-02; TPR-07-12; WQR-07-01; VR-07-06; TAR-07-01  
Staff Person: Susan Shanks
- 6.0 Worksession Items**
  - ~~6.1~~ **\*CANCELLED AND RESCHEDULED TO 2/24/09**  
South Ardenwald Master Plan - project briefing with staff from the Housing Authority of Clackamas County  
Staff Person: Katie Mangle
  - 6.2 Parking Code Update project briefing  
Staff Person: Ryan Marquardt
  - 6.3 Title 4 Metro Code Compliance briefing  
Staff Person: Katie Mangle
- 7.0 Other Business/Updates from Staff**
- 8.0 Planning Commission Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
  - February 24, 2009
    - 1. ZA-09-01 Public Hearing on Metro Code Compliance Title 4 – Industrial and Other Employment Areas
    - 2. HIE-08-04 Extension request for Home Improvement Exception Approval for 13115 SE Pennywood Court
    - 3. **\*South Ardenwald Master Plan - project briefing with staff from the Housing Authority of Clackamas County**
  - March 10, 2009
    - 1. ZA-09-02 Transportation Code Amendments – Public Hearing for Recommendation to City Council
    - 2. CSU-08-06 Community Service Use – Public hearing for Johnson Creek Blvd. facility modular office

### Milwaukee Planning Commission Statement

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

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

#### **Public Hearing Procedure**

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

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

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

#### **Milwaukee Planning Commission:**

Jeff Klein, Chair  
Dick Newman, Vice Chair  
Lisa Batey  
Teresa Bresaw  
Scott Churchill  
Paulette Qutub  
Vacant Position

#### **Planning Department Staff:**

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

**CITY OF MILWAUKIE**  
**PLANNING COMMISSION**  
**MINUTES**  
**Milwaukie City Hall**  
**10722 SE Main Street**  
**TUESDAY, December 9, 2008**  
**6:30 PM**

**COMMISSIONERS PRESENT**

Jeff Klein, Chair  
 Dick Newman, Vice-Chair  
 Scott Churchill  
 Teresa Bresaw  
 Paulette Qutub

**STAFF PRESENT**

Katie Mangle, Planning Director  
 Gary Parkin, Engineering Director  
 Susan Shanks, Senior Planner

**COMMISSIONERS ABSENT**

Lisa Batey

**1.0 CALL TO ORDER**

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

**2.0 PROCEDURAL MATTERS**

**3.0 PLANNING COMMISSION MINUTES—None**

Approved PC Minutes can be found on the City website at [www.cityofmilwaukie.org](http://www.cityofmilwaukie.org).

**4.0 INFORMATION ITEMS –City Council Minutes**

City Council Minutes can be found on the City website at [www.cityofmilwaukie.org](http://www.cityofmilwaukie.org).

**5.0 PUBLIC COMMENT—None**

**6.0 PUBLIC HEARINGS—None**

**7.0 WORKSESSION ITEMS**

7.1 Transportation Code Amendments (MMC Chapter 19.1400) project briefing  
 Staff Person: Susan Shanks.

**Susan Shanks, Senior Planner** reviewed a proposed flow chart illustrating the process for determining Transportation Facility Improvements that would be included in the Code amendments. Several prior applications were recounted to demonstrate how the flow chart would work.

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

- 44 • The current process was difficult to follow for both staff and applicants. The new flow  
45 chart was part of a new streamlined system that also provided a good explanation of  
46 the process.
- 47 • Nonhabitable space that was modified to be habitable would presumably come in as  
48 a tenant improvement (TI) and could be captured by the intensification of use trigger  
49 under the new Code.
  - 50 • Nonhabitable accessory structures smaller than 200 sq ft would not trigger  
51 transportation improvements. Closets were considered habitable space.
- 52 • Once permit fees are collected, no additional fees existed for frontage improvements  
53 triggered by impacts, though fees were associated with Planning review.
  - 54 • Currently a separate transportation review land use application, Transportation  
55 Plan Review (TPR), existed. Staff proposed calling the chapter Public Facility  
56 Improvements (PFI). TPR applications would still be processed as land use  
57 applications, but when a Transportation Impact Study (TIS) was proposed, a  
58 separate fee would be required with a separate land use application.
    - 59 • Staff still wanted to review TIS, but also receive a deposit from the applicant  
60 to pay the City's engineering consultant to review the study.
  - 61 • Staff's proposal would not require a separate land use application, but would  
62 change the fee schedule for land use applications to cover engineering costs.  
63 Some fees would shift into minor land partitions and subdivisions, for instance,  
64 causing those fees to increase, but only for the applications that always required  
65 a review for a PFI.
  - 66 • No changes to development permits were proposed. A State process existed that  
67 regulated what fees could be charged for System Development Charges (SDCs)  
68 and building permits.
- 69 • Currently, the building department used a standard formula that was based on use to  
70 determine costs; permit fees were then based on those costs. Code triggers for  
71 impacts were based on the building department fees; however, the cost-based  
72 triggers in the Code would disappear.
  - 73 • Under the old Code, finishing an existing habitable space was evaluated based  
74 on the cost of the improvements. Under the new Code, since no additional  
75 square footage was added, there would be no transportation impacts.
- 76 • The Planning department was not involved in triggering the assessor's office  
77 decision to increase taxes when an owner increased living area. It was standard

- 78 practice for the tax assessor to pull building department square footage as a flag to  
79 reassess a property.
- 80 • Item B.2.a on page 11 of the packet should read, "For expansions of less than 400  
81 **200** square feet, no improvements are required."
  - 82 • Under the new Code, the cost to beautify one's house, no matter the cost,  
83 triggered no transportation requirements. However, if 200 sq ft were added at a  
84 rough cost of \$20,000 to \$30,000, some transportation improvements would be  
85 required.
  - 86 • Wording about adding 'square footage' was used instead of adding 'a room'  
87 to avoid confusion about improvements such as converting a large closet into  
88 a nursery. The addition of a room was linked to transportation impacts.
  - 89 • Item B.2 was based on the incremental approach to adding onto a house and the  
90 need for considering some impacts related to each phase. The City wanted to  
91 encourage improvement, but wanted some improvements applied to beautifying  
92 the community and sought to do that in as rational a way as possible.
  - 93 • Encouragement to install semipermeable pavers for driveways fell under public work  
94 standards.
  - 95 • Some Nature in Neighborhoods projects under Title 13 would be modeling  
96 semipermeable pavers in the spring as it applied in the Code.
  - 97 • Semipermeable pavers were more expensive to install, but might be cheaper  
98 overall if they counteracted having to do some detention.

99

100 Key points discussed by the Planning Commission and staff included the following:

- 101 • Concern about homeowners getting hit, and the City benefitting twice from a house  
102 remodel because of the upfront fees charged for the remodel and the increased tax  
103 revenue due to the value of the house increasing over time.
- 104 • Increasing a 1,500 sq ft house with four residents to 3,000 sq ft would not directly  
105 impact to the transportation system, but the remodel would potentially allow more  
106 people to live in the house. It was difficult to require transportation improvements  
107 knowing that the impact would not happen immediately, but the potential was  
108 there in the future. The Institute for Transportation Engineers (ITE) had a metric  
109 about larger houses having greater transportation impacts than small houses.
- 110 • Continuing to add fees for remodeling houses was a concern. Ultimately, the City  
111 wanted remodeling to occur and to capture the tax revenue at the end. The City  
112 should not place too much of a burden on an owner wanting to remodel their home.

- 113           • Paying \$10,000 or more in fees could price a Milwaukie homeowner out of a  
114           neighborhood and out of making an improvement. They could take the extra  
115           money and go buy the size of house they needed elsewhere.
- 116           • Homeowners might also balk at paying for improvements they felt should  
117           have been done by the City.
- 118   • Building a new house would require whatever the street needed for full frontage  
119   improvements, whereas remodeling an existing home would be proportionately  
120   based on the new square footage.
- 121           • Remodeling an existing home would add some trip capacity, but not as much as  
122           a new house. Generally, a larger house generates more trips, and though it might  
123           not immediately, the criteria were applied in a broad manner. The homeowner  
124           was charged for the potential, though it might never be used.
- 125   • The proposed 200 sq ft parameter was not arbitrary, but based on the 32 residential  
126   additions completed in the past two years.
- 127   • Improvements would be done according to the order listed in Chapter 19.1402  
128   (B)(3)(a-e), which followed the steps for constructing a street. Applicants would  
129   generally only be required to do one item. If the entire list was completed, then no  
130   requirements would be imposed.
- 131   • A suggestion was made to require something for public facility improvements.
- 132           • Fees for improvements were split into roughly \$3,000 to \$5,000 amounts,  
133           although potential variables existed. While the right of way (ROW) dedication  
134           might seem like the homeowner did not pay anything, a cost was actually  
135           associated with donating that property.
- 136   • Access improvements that bring access into conformance with City standards might  
137   include moving a corner lot's access from a higher to a lower classification street,  
138   though that might not always be possible. Shifting a driveway away from the  
139   property line or narrowing a wide driveway were other examples of access  
140   improvements.
- 141           • Any one of the required improvements could vary greatly, depending on the  
142           application and subject location.
- 143   • Staff wanted to ensure the Code made mention of existing improvements being  
144   brought up to current standards. Though not explicitly stated, the City currently  
145   required sidewalks to be brought up to current standards.
- 146           • Improvements to stormwater drainage systems and pipes would fall under public  
147           facilities, not transportation, and would not be triggered in this case.

- 148 • Public facilities was added to Chapter 1400 because it was not in a good place in  
149 the Code.
- 150 • Storm drainage facilities, like stormwater catch basins integrated at the curb,  
151 were included in 7.1, page 12, Chapter 19.1400 (B)(d).
- 152 • Once all standards were met, applicants are charged a fee in lieu of construction  
153 (FILOC), which is returned to the property owner after a ten-year period. By law the  
154 money could not be held indefinitely to meet requirements when more money was  
155 available later.
- 156 • A FILOC was tricky because the City stated that improvements were required  
157 because of impacts, but money was accepted without the improvements being  
158 completed. The City preferred that the applicant offer a FILOC contribution.
- 159 • Apprehension existed about FILOCs because money was accepted, but projects  
160 were not completed. Milwaukie had sections of streets without sidewalks or curbs  
161 because FILOC funds were not attributed to projects that needed to be done.
- 162 • A FILOC served its purpose if the potential to build a project existed, in which  
163 case the project should be completed instead of FILOCs being accepted.
- 164 • The new guidelines on page 14, Chapter 19.1406 Fee in Lieu of Construction,  
165 clearly stated that transportation improvements were required at the time of  
166 development. Though the Engineering Director may or may not approve their  
167 construction based on the guidelines, the City's practice and policy was to build  
168 the project.
- 169 • Cumulatively, FILOCs worked. Money had been collecting for about five years,  
170 so each neighborhood district had a small amount of money available. According  
171 to the City's Economic Development Specialist, the City would never have a  
172 problem spending FILOC money in 10 years. It is often used to match grant  
173 money.
- 174 • FILOCs were tracked and credited unless returned to the homeowner after 10  
175 years.
- 176 • Language in Item 3 about scheduling construction within 3 years provided a  
177 guideline for when funds would actually be accepted in lieu of a funded project that  
178 was an identified Capital Improvement Plan (CIP) project versus a project that might  
179 happen.
- 180 • FILOC funds had to be spent within the neighborhood boundaries so the money  
181 benefited the person providing the money. Funds were often spent on higher

- 182 classification streets that often delineated neighborhood boundaries. Money might be  
183 pooled from two different neighborhoods to complete improvements.
- 184 • Funds were not necessarily used to build a specific sidewalk in front of a specific  
185 house.
  - 186 • FILOCs would not be accepted for just any reason; the improvements would be  
187 required.
  - 188 • With the street cross sections now designed in the new Code, staff would know  
189 the required improvements would fit and were logical for the whole block or  
190 blocks. When another project triggered an improvement, the next step toward  
191 that design would be required.
  - 192 • Design flexibility enabled the City to require that the improvements be built, while  
193 design uncertainty and rigidity had led to accepting FILOC.
  - 194 • Resources were not available to design a master street plan, so streets would be  
195 built over time based on TSP work.
  - 196 • The best way to ensure all the improvements were made in a neighborhood with  
197 unimproved infrastructure was through a local improvement district. Additional funds  
198 might also be available through grants, for instance, to contribute toward the local  
199 improvement district.
  - 200 • Concern was expressed about having a consistent measurement to determine  
201 transportation impacts. The Commission should refer to the ITE manual to avoid  
202 backing down from the potential use. For instance, a restaurant, whether good or  
203 bad, was attributed a certain number of trips in the ITE manual.
  - 204 • Impacts would change over time but only a snapshot in time existed to determine  
205 the potential for more impacts and require transportation improvements.
  - 206 • As far as being consistent regarding how intensification of use results in impacts,  
207 Chapter 19.1402 (A)(5)(b) and (c) on page 11 provided the opportunity to  
208 evaluate on a case-by-case basis because intensification of use related to gross  
209 living area or vehicle trips per day was difficult to determine.
  - 210 • An engineering evaluation of impacts was an important part of the flow chart.  
211 However, capturing some intensifications, such as the improved high school  
212 field, were difficult to know how to capture or quantify.
  - 213 • Ultimately the tools were imperfect, but best practices, good judgment, and  
214 knowledge about what the Milwaukie community wanted were considered for  
215 consistency in evaluating transportation impacts.

- 216 • Aspects of the single-family home improvements were unsettling. It seemed property  
217 tax increases should be used for improvements, but that was not working. The  
218 community wanted to look better and for people to make improvements, so  
219 roadblocks that kept people from improving their property should be eliminated.  
220 Urban renewal seemed like the only option.
- 221 • Most property taxes went to other services. Gas tax monies typically used for  
222 street improvements was a totally separate fund that barely kept up with the  
223 street maintenance program. Improving a property did provide some benefits  
224 over time. Property taxes were a slow way to get the overall system improved.  
225 Urban renewal would likely achieve improvement goals more rapidly.
- 226 • Because the downtown area requirements were so great, City Council agreed  
227 that staff could pursue studying urban renewal as an option so downtown  
228 developers would not have to pay for all the public area requirements. Council  
229 preferred urban renewal to reducing the downtown standards.
- 230 • The proposed amendments were much clearer and should not be shocking for most  
231 people planning a remodeling project. It was especially important to clearly state the  
232 requirements for single-family improvements so the expectations were very clear  
233 from the beginning. The 200 sq ft parameter set a clear standard. Someone wanting  
234 to expand could add 199 sq ft, which would be fine.

235

236 The Commission responded to staff's request for feedback regarding applicability,  
237 flexibility, and consistency as outlined on page 4 of the packet as follows:

- 238 • The Commission consented that 200 sq ft was a reasonable threshold.
- 239 • Support was expressed for deferring unusual situations about whether impacts would  
240 result from projected increases in square footage to the Engineering Director. New  
241 studies could be utilized to aid in making future determinations and court cases could  
242 also be considered.
- 243 • Specific to proportionality determination analysis and street design cross section  
244 determinations, a variance could be applied for per Chapter 19.700, or an appeal  
245 of the Engineering Director's determination could be made to the Planning  
246 Commission for those who disagreed with the Engineering Director.
- 247 • The clearer the standards the better. If the Commission felt that staff allowed too  
248 much discretion, they could request an annual report from the Engineering  
249 Director showing how the standards were applied. One or two examples could be  
250 reviewed and discussed, and the Commission could offer guidance. This would

- 251 also prevent anyone from taking advantage of their authority.
- 252 • Determining threshold numbers for transportation impacts were based on case  
253 histories for different situations in other areas as well as what made sense for  
254 Milwaukie. Specifics were factored into the analysis, but it was hard to state that one  
255 trip resulted in something exact, so flexibility was included in the numbers.
- 256 • Triggers in the applicability section were impact-based. Most applications were  
257 straightforward and would not be heard by the Commission, such as dividing  
258 property, adding a new dwelling unit, building a multifamily apartment building or  
259 new single-family house, etc. For more complicated applications, some tools were  
260 available along with Engineering's judgments and public discussion because no  
261 one right answer existed.
- 262 • Checks and balances were in place in the department to assure decisions were  
263 not made in a vacuum. Staff was aware of the potential for biased decisions and  
264 was trying to build guidelines into the new Code. Other things could be added to  
265 an annual report to ensure it was kept in check, but still allowed for common  
266 sense decisions.
- 267 • The Commission consented to equal treatment of downtown and nondowntown  
268 development with regard to Chapter 19.1400.

269

270 **Ms. Shanks** concluded that staff was still working to finalize the Code language. She  
271 would present the proposed amendments to downtown business owners and key  
272 stakeholders, and attend the Neighborhood District Association's (NDA) Leadership  
273 meeting in January to receive input about outreach to individual neighborhoods.

- 274 • The Code amendments were expected to be before the Commission in January. Any  
275 further comments were welcomed from the Commission after the entire draft was  
276 received.

277

## 278 **8.0 DISCUSSION ITEMS**

279

280 **Ms. Mangle** reminded about the Commission's desire for a debriefing about the  
281 Immovable Foundation Church hearings. Staff wanted to share some of their concerns  
282 on a wide range of issues, and also desired feedback about how staff might better help  
283 the Commission prepare for hearings.

284

285 **Ms. Shanks** reviewed staff's concerns about the hearing as follows:

- 286 • The public benefits impact of a Community Service Use (CSU) is quite subjective  
287 and broad. With regard to consistency, had Commissioners considered other church  
288 CSUs when reviewing this CSU, applying the criteria the same as for any other  
289 church in any other location? Consistency was a concerning issue across many  
290 planning decisions.
- 291 • Could more structure be used to apply the more subjective criteria? Did the  
292 Commission want to discuss whether CSU impacts were evaluated as narrowly  
293 or broadly as possible.
- 294 • For example, the park deficiency of the Lake Road neighborhood was raised.  
295 • The community's concerns with the first Education Service District (ESD)  
296 application about not losing valuable open space were carried over to the IFC  
297 application. Would the Commission have applied the same analysis  
298 regarding a general park deficiency, whether or not a deficiency existed for  
299 other sites in other locations? Was this item appropriate to consider in  
300 reviewing a CSU?
- 301 • Another concern was the cut-through traffic aspect of the use, which was never on  
302 the table. If the modification was approved and went to City Council, staff was  
303 uncertain that they could defend the Commission's position. She did not know  
304 whether staff could have been clearer that cut-through traffic was never on the table  
305 before, so to put it on the table after the fact made staff uncomfortable.

306

307 Key discussion items among the Commission and staff included:

- 308 • The idea of preserving the park was obvious, but the difficulty was trying to  
309 understand what people were doing. The definition of how the community used the  
310 property and what the school had allowed got lost. There really was no rule, which  
311 was the difficult part.
- 312 • While staff was not clear in the beginning about how the community used the  
313 property, residents who testified that they did not want it to become a housing  
314 development were clearly negligent in not stating what their use of the property  
315 was at that time.
- 316 • The applicant did not know what they had agreed to when accepting the school's  
317 park rules.
- 318 • Though North Clackamas Park was not part of the Lake Road NDA, a pathway  
319 connected the park to the neighborhood. Neighbors also used the Christmas tree

- 320 farm in the neighborhood as open space. When including North Clackamas  
321 Park, the area probably had the most open space of any other neighborhood.
- 322 • While churches and schools allowed the public on their property, they also had the  
323 right to say no.
  - 324 • Unfortunately, it was never clear from the beginning that the neighborhood used and  
325 wanted to continue to use the site. Residents only discussed the park and the views.  
326 • It was never the applicant's understanding, but it was good of them to allow  
327 people to use the property as a pedestrian cut-through.
  - 328 • Some things were thrown wide open in a land use application, which was why  
329 staff tried to note the key issues to focus the discussion for the Commission.  
330 While staff might question whether they got the key issues right, hopefully the  
331 Commission would recognize when certain topics were not appropriate.
  - 332 • Holding a CSU refresher course was suggested. Church front lawns were used to  
333 play football and their parking lots for park and ride locations. A sort of an 'unwritten'  
334 perception of allowing community use of church grounds existed.
  - 335 • CSUs had to be considered differently for churches that were already established in  
336 a neighborhood versus those seeking a new location.  
337 • **Chair Klein** observed that the IFC drew people from other areas, not Milwaukie.  
338 Milwaukie needed a lot of infrastructure to make the church viable to the  
339 community, but the church was not doing anything for Milwaukie.
  - 340 • On the other hand, residents testified they did not want a housing development in  
341 place of the park and told the developer to find someone else who would use the  
342 structure in a manner that fit the area. It was frustrating.
  - 343 • **Commissioner Qutub** said that the Commission viewed the CSU differently than the  
344 applicant. Strong cultural differences existed which created conflict. Having a  
345 briefing about how to address culture and religious differences would have been  
346 helpful.
  - 347 • **Ms. Mangle** observed that the Willamette National Cemetery does not allow dogs or  
348 recreational public use. While culture might play a part, it was not a stretch to say  
349 that the owners considered the property somewhat sacred as a religious institutional  
350 property. Correctional facilities were also CSUs and often had rules that precluded  
351 overlying public access.
  - 352 • Staff tried to focus on the narrow issue of whether the CSU property owner  
353 should be able to define the use of their property in a way that for them was

- 354 religiously motivated. Though different than what the community expected, staff  
355 recommended that it was reasonable, given the type of use.
- 356 • Staff was uncomfortable that the scope of the issue kept getting broader, and  
357 then regarded views from the property, cut-through traffic, ADA issues, etc.
  - 358 • **Commissioner Qutub** did not believe staff had erred in explaining what was  
359 expected to the Commission. Everyone took it so personally that they deviated from  
360 what was to be reviewed. Staff did a good job keeping the Commission on target,  
361 but the Commissioners kept expanding the scope.
  - 362 • **Mr. Monahan** added that the applicant made a specific application request  
363 regarding what terms of the CSU they wanted to modify. Anything other than that  
364 took away the applicant's investment in their opportunity. A modification  
365 requested to a condition of approval on other land use applications did not open  
366 up the opportunity to modify other items. The Commission should focus on CSUs  
367 in the same manner.
  - 368 • **Commissioner Churchill** stated that the property owners took the existing large  
369 easement in a drastically different direction than where it was during the first  
370 application process.
  - 371 • **Chair Klein and Mr. Monahan** noted that ADA issues and ticketing people who  
372 walked their dogs on the property were not the Commission's responsibility and  
373 would pit the neighborhood against the church.
  - 374 • The CSU overlay was viewed as that originally approved for ESD. Making it a  
375 housing development made no difference, because neighbors walked dogs on the  
376 property anyway. The park was not actually a park, so that was not an issue.
  - 377 • **Commissioner Newman** felt that the decision was regrettable because the CSU  
378 that resulted did not seem even close to what was intended with ESD. The same  
379 thing could happen again where a CSU was written to allow something and then the  
380 property was sold, effectively and completely changing the original intent.
  - 381 • Once a CSU was allowed, it could not be reversed. Staff was smarter about the  
382 need to specify in the conditions of approval that a particular use with particular  
383 schedules and ancillary uses could not be changed without returning to Planning  
384 for review.
  - 385 • Discussion regarding Commissioner Qutub's participation included:
    - 386 • Though a quorum was needed for the second meeting, a lot is missed if  
387 meetings were not attended. It was difficult to get the details and the whole flavor  
388 of the meeting from the minutes.

- 389           • Arguments addressed at the second meeting were pretty much the same as  
390           the first meeting. The applicant's needs did not change from the first to the  
391           second meeting.
- 392           • Another element was that Mr. Monahan had not asked Commissioner Qutub to  
393           step down before she was involved in some of the conversations at the second  
394           meeting. At first her questions were obtaining good information for the audience,  
395           but then she seemed to indicate a direction in which she was going.
- 396           • If Commissioner Qutub had not participated, but sat in the audience. She  
397           could have participated in the third meeting, although rebuilding would have  
398           required a lot of work in listening to the first meeting of the hearing.
- 399           • When she participated at the third meeting, Mr. Monahan was concerned  
400           someone would think there was a bias. Someone could appeal to City  
401           Council and discredit the Commission.
- 402           • Mr. Monahan might have covered his procedural irregularity by introducing a  
403           worksession prior to the meeting to review the agenda and confirm who  
404           would be participating to avoid embarrassing anyone.
- 405           • No one had prepared Commissioner Qutub about whether she could  
406           participate or not. She would not have addressed anything if she had  
407           been told. She did understand the issue after reading the minutes and  
408           attending the second and third meetings, and felt prepared to make a  
409           decision. She asked if her participation caused problems for the decision.
- 410           • The appeal deadline was December 11, 2008 and no appeal had yet been  
411           received. It was okay that Commissioner Qutub participated.
- 412           • Mr. Monahan would have felt better if she had not participated at all in the  
413           second hearing, but he did not think anyone would challenge the  
414           decision. If someone did, City Council was the final decision maker. The  
415           concern was that it put a bad light on the Planning Commission.
- 416           • Not having Commissioner Qutub's vote could have changed the outcome of  
417           the application, sending it on to City Council for the decision.
- 418           • The Commission had to police themselves and the audience was asked  
419           about challenging any Commissioner's participation, not other  
420           Commissioners. Participation was a personal choice because everyone  
421           learned differently in rebuilding from the written or audio record.
- 422           • Chair Klein did the right things at the third hearing by giving the audience  
423           the opportunity to challenge Commissioner Qutub's participation. Several

424 people in the audience were at the prior meeting, so they did not have the  
425 concern.

- 426 • It was important that the public did not perceive that the Planning  
427 Commission talked to each other about issues. In this case, an audience  
428 member could have decided that someone was brought in because of the  
429 tied vote to ensure the vote went a particular way.
- 430 • **Ms. Mangle** stated that staff did not know if a quorum would be present for the  
431 second meeting, so it was important that Commissioners let staff know if they  
432 would attend. Legally, Commissioners were allowed to participate in situations  
433 where the need was evident.
  - 434 • If it served the public interest to participate for quorum reasons or otherwise,  
435 staff could provide the tapes, supporting materials, and minutes to help  
436 Commissioners prepare for continued hearings.
- 437 • Information was requested about what the tax implications would have been if the  
438 original CSU application had been developed into homes.
- 439 • Because churches were mobile, information about where the church's congregation  
440 came from was also requested. Was the church building community or just finding a  
441 central location?
  - 442 • Such information helped to determine community service use, though some  
443 Commissioners believed the request was biased.
  - 444 • Regarding traffic impacts, the analysis did not care if the cars came from  
445 Sherwood or Ardenwald; they were all cars.
    - 446 • It would make a difference if the attendees all came from Milwaukie because  
447 some would be pedestrians.
    - 448 • Having local congregational members helped centralize revenues within the  
449 city since local residents paid property taxes and did business in the area.  
450 The same issue came up with the Sweet Pea Daycare.
    - 451 • The impacts could go either way because local people would benefit from out  
452 of town people coming on Sundays and shopping locally without worrying  
453 about educating their school children.
- 454 • Holding a worksession 15 to 20 minutes prior to scheduled Commission meetings  
455 would help prepare for and save time in hearings. Worksessions would be public  
456 meetings and would provide a chance to clarify the staff report material, how the  
457 process would work, who would participate, any problems with exhibits, etc.

- 458 • Participants might monitor the worksession to be sure no discussions were  
459 [inaudible].
- 460 • Premeeting worksessions were pretty open, but also allowed the opportunity for  
461 executive session, which would be closed to the public. Regular land use  
462 applications would not generally qualify for an executive session. A premeeting  
463 could also clarify any expectations of Commissioners.
- 464 • RLUIPA could have been discussed in an executive session, which would have  
465 been beneficial at meetings two and three.
- 466 • The Commission consented to discuss premeeting worksessions further when  
467 Commissioner Batey was present and the Commission's vacant position was  
468 filled.

469

470 **9.0 OLD BUSINESS** -- None.

471

472 **10.0 OTHER BUSINESS/UPDATES**

473 10.1 Code and Comprehensive Plan update pages

474

475 **Ms. Mangle** noted the Code updates were included in the meeting packet and then  
476 updated the Commission about the following:

- 477 • The Thomason sites were being developed, and included Willamette Jet Boat and  
478 the administration offices of a tile manufacturing company from Portland.
- 479 • The sites would be industrial uses and met the minimum jobs requirement.
- 480 • No potential impacts existed for light rail because the site was on the Tillamook  
481 branch not Main St.
- 482 • The project was under the cost threshold for doing all the public improvements  
483 under the current Code, so some street trees would be planted, but not full public  
484 improvements.
- 485 • She thanked the Commission for agreeing that the JCB trailer met the minor  
486 modification standards, but the City decided that the project was close enough to the  
487 upper limit that it was wise to return to the Planning Commission in a public hearing  
488 for a major modification to a CSU. Staff wanted to ensure they were in no way doing  
489 anything different than would be asked of other applicants.

490

491 **Mr. Monahan** agreed that the initial analysis was good, but it was an opportunity to  
492 define the City's commitment to the process.

493

494 **Chair Klein** opened a discussion regarding the Commission's part in permitting and  
495 Code amendments related to the sewer treatment facility. The Commission had wanted  
496 to put some teeth in Kellogg Treatment Facility and when sent to Council, the discussion  
497 was repeatedly tabled. Mr. Knapp of the Clackamas County Service District (CSD)  
498 stated in a *Clackamas Review* article that it was worthless and the Commission had  
499 nothing to stand on.

- 500 • **Mr. Monahan** explained that the reason it was held off was because it created some  
501 strategic leverage. A special committee was created by the County when the Council  
502 put it on hold. He believed Mr. Knapp's comment saying it was nothing, meant it did  
503 mean something. Much was occurring behind the scenes and hopefully some  
504 resolution was close.
- 505 • Concern was expressed about the Code language presently before the Council,  
506 which needed refreshing after having been continued.

507

508 **Ms. Mangle** confirmed that no one had come to City Council with any complaints about  
509 the Planning Commission, though complaints about staff were heard from Ed Parecki.

510

511 **Chair Klein** noted that he had written an endorsement for the mayor in *The Clackamas*  
512 *Review* as a citizen, but the newspaper website had referred to him as Planning  
513 Commissioner. He wanted to assure the endorsement was intended as Jeff Klein,  
514 resident of Milwaukie; he was not speaking on behalf of the Planning Commission.

515

516 **Mr. Monahan** explained such references were common practice. He advised making it  
517 very clear when submitting letters and then following up with a call when the mistake is  
518 made to provide documentation in case a complaint is lodged.

519

520 **11.0 NEXT MEETING:** January 13, 2009 (no meeting December 23, 2008)

521 11.1 CSU-08-04 Bridge City Community Church Sign Review

522 11.2 CSU-08-05 Pond House Application–Booktique bookstore/other Lending Library  
523 Uses

524 11.3 Officer Elections

525

526 **Ms. Mangle** noted that staff hoped to have a briefing on the South Downtown Concept  
527 Plan Project, which would include the consultants from the Center for Environmental

528 Structure and possibly Christopher Alexander, himself. She would be in contact if the  
529 meeting was scheduled to begin earlier.

530

531 **Forecast for Future Meetings:**

532 January 27, 2009 –Parking Code Update briefing – *tentative*

533

534 Meeting adjourned at 9:53 p.m.

535

536

537

Respectfully submitted,

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541

542

Paula Pinyerd, ABC Transcription for

543

Alicia Stoutenburg, Administrative Specialist II

544

545

546

547

548 \_\_\_\_\_  
Jeff Klein, Chair



# MILWAUKIE

*Dogwood City of the West*

**To:** Planning Commission

**Through:** Katie Mangle, Planning Director *KM*

**From:** Susan P. Shanks, Senior Planner

**Date:** February 3, 2009 for February 10, 2009 Meeting

**Subject:** **Files:** CU-07-02 Conditional Use, WQR-07-01 Water Quality Resource, TPR-07-12 Transportation Plan Review, VR-07-06 Variance, and TAR-07-01 Transition Area Review

**Applicant:** HT Investment Properties

**Owner(s):** Hans Thygeson

**Address:** 5900 and 6011 SE Harmony Road

**Legal ID:** Map 1S2E 31D, TLID 1800, 1900, and 1990

**NDA:** Adjacent to Lake Rd NDA, Linwood NDA, and N. Clackamas Citizen Association

## **ACTION REQUESTED**

Approve a one year extension to the land use approval for CU-07-02, which would allow the applicant until February 27, 2010 to complete substantial construction of the approved mini-storage facility.

## **BACKGROUND INFORMATION**

The Planning Commission issued a Notice of Decision approving CU-07-02 on August 27, 2008. The decision approved the proposed mini-storage facility, which is a conditional use in the BI Zone, after the Planning Commission found that it met all the approval criteria for a conditional use contained in Milwaukie Municipal Code (MMC) Chapter 19.600. The decision required the applicant to "complete substantial construction of the proposed development within six months of this approval" (Condition of Approval 9A) because MMC Section 19.1013 states that "authorization of actions covered by Chapters 19.600, 19.700, and 19.800 shall be void after six (6) months unless substantial construction pursuant thereto has taken place." The six-month deadline for completing substantial construction in this case is February 27, 2009.

The Planning Commission, however, may extend the authorization for an additional one (1) year upon request. A one-year extension would give the applicant until February 27, 2009 to complete substantial construction.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission grant the one year extension. The approved development is a complex development project, and six months is an unrealistic time frame within which to complete substantial construction as required by the code.

Staff does not believe that the intent of MMC Section 19.1013 would be violated by granting the approval. The uses listed in MMC 19.1013 all require some analysis of the project site and the existing surrounding land uses and structures in the approval criteria. It is likely the intent of MMC 19.1013 is to ensure that such uses are constructed while the circumstances under which they were approved still exist. The existing land uses and development patterns of that area are not likely to change to any great degree, and it is unlikely that they would change to a degree that would affect the approvability of the mini-storage facility.

**ATTACHMENT**

Applicant's Extension Request Letter (dated January 29, 2009)

**HT Investment Properties, LLC & Affiliate Companies**  
**Property Development & Construction**  
**825 Harritt Dr NW**  
**Salem, OR 97304**  
**Phone: 503-485-1836 Fax: 503-364-9496**

City of Milwaukie  
Planning Commission  
6101 SE Johnson Creek Blvd  
Milwaukie, OR 97206

January 29, 2009

To whom it may concern;

Please regard this letter as a formal request of extension on our Harmony Road Mini-Storage project.

We are requesting a one (1) year extension per MMC Section 19.1013.(2) due to the amount of time it has taken to get the engineering for this project site completed. We have just received a complete set of plans.

We do not want to start any site grading during these winter months due to the sensitive nature of the project site.

We plan to start work on the project in the spring of this year once we have obtained all the permits for the project and plan to complete the project by winter of 2009.

Thank you for your cooperation and understanding.

Sincerely,

Aaron D. Young  
Project Manager



# MILWAUKIE

*Dogwood City of the West*

**To:** Planning Commission

**Through:** Katie Mangle, Planning Director *KMM*

**From:** Ryan Marquardt, Associate Planner

**Date:** February 3, 2009, for February 10, 2009, Worksession

**Subject:** Off-Street Parking Chapter Amendments

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## **ACTION REQUESTED**

None. This is a briefing for discussion only on the status of the City's Parking Code Amendment project. It is the first of a two-part briefing to the Commission on proposed policy changes related to parking. Staff seeks the Planning Commission's feedback on policy recommendations. The amendments discussed at the worksession will eventually be heard by the Planning Commission in late spring of 2009. At this time the Commission will make an adoption recommendation to the City Council.

## **BACKGROUND INFORMATION**

The off-street parking chapter amendments are part of the Planning Department's ongoing effort to improve the Zoning Ordinance.

### **A. History of Prior Actions and Discussions**

- **February, 2008:** Staff discussed the off-street parking chapter amendments scope of work with the Planning Commission.

### **B. Project Purpose**

There are three basic reasons the City is revising the off-street parking chapter:

- **Frequency of Use:** the off-street parking chapter regulations impact a large majority of the development permits and land use cases that the Planning Department receives. The regulations are, by reference, a part of nearly every base zone in the city.
- **Impact of Parking Regulations:** the parking regulations require nearly all properties to devote a portion of their area to parking. Over 31% of the total area of property outside the right-of-way within Milwaukie is paved. While not all of this paved area is used for

parking, it is reasonable to assume that most of this area is used for maneuvering and parking automobiles. The parking regulations are important because they dictate the size and appearance of a significant portion of the land area in Milwaukie.

- Deficiencies in the Current Regulations: There are problems with the existing code, including vague regulations, poor organization, superfluous parking use categories, and unclear modification and determination procedures.

Given these circumstances, staff has adopted the following goals for the amendments to the parking chapter:

- Make the regulations more environmentally friendly: By reducing the overall amount of land required for parking, and allowing the incorporation of more natural storm water management features in parking areas, the regulations can help reduce stormwater runoff and the heat island effect.
- Make the code easier to implement: By reorganizing the chapter, clarifying certain regulations and procedures, and simplifying the ratio table, the regulations will be easier to use for citizens, developers, and staff.
- Implement the 2007 TSP Policies: The revisions will allow the City to codify the policies related to off-street parking that were adopted in the 2007 TSP update.
- Correct problems in the code: The revisions will include regulations to cover gaps and loopholes in the City's ability to regulate some aspects of off-street parking.

Staff believes that the result of this comprehensive revision of the off-street parking chapter will be regulations that reflect the best practices of off-street parking regulation, are clear and easy to implement, and that further Milwaukie's livability.

## **SUMMARY OF PROPOSED POLICY CHANGES**

The parking chapter amendments are extensive, and will revise nearly every section in the chapter. Some highlights of the amendments include:

- An updated and streamlined parking ratio requirements table
- An improved process for evaluating parking needs and requirements for large and multi-use sites
- Reorganization of the chapter to make it easier to use and implement

Some of the changes proposed by staff have substantive policy implications that require direction from the Commission. The feedback staff receives from the Commission on these potential policy changes will help staff decide if they are acceptable as proposed, would be acceptable with revisions, or are not acceptable and should be removed from consideration. The major policy changes are described below.

## **MAJOR POLICY CHANGES**

The following amendments are significant additions and/or changes from the current regulations of the parking chapter.

### **A. Required Parking for Single Family Attached and Detached Dwellings**

- Existing: Require two off-street parking spaces, one of which must be covered.
- Proposed: Require one off-street parking space that does not need to be covered. Homeowners and developers may provide more if they so choose.
- Questions for the Commission: Should the City reduce the minimum parking requirement for single family dwellings or continue to require more than the regional standard? Should the City continue to require a covered parking space?

#### Problem/Issue

Milwaukie appears to be the only jurisdiction in Metro region that requires more than one space per dwelling unit. The Metro Urban Growth Management Functional Plan also stipulates that jurisdictions may not require more than one off street parking space per dwelling unit<sup>1</sup>. Given the requirements within the Metro region and the goal to reduce carbon emissions by reducing reliance on automobile transportation, staff believes that requiring two off-street parking spaces for each single family dwelling is excessive.

The covered parking requirement poses problems when a homeowner wants to convert a garage into habitable space. Often in these situations, a covered parking space must be constructed elsewhere on the property to replace the space(s) lost, resulting in the construction of a car port in the front or side yard.

#### Solution

Staff believes that Milwaukie should match other jurisdictions and the Metro Functional Plan by requiring only one parking space per dwelling unit. Staff also believes that removing the requirement for covered parking would be beneficial for Milwaukie homeowners and for the appearance of Milwaukie neighborhoods. Staff encounters a handful of property owners each year who seek to convert their garage into living space.

It could be argued that the City's covered parking requirement has the benefit of making automobiles less conspicuous by putting them in a structure. However, staff believes that this requirement is ineffective for this purpose because the City cannot require that an automobile actually be parked in the covered space, nor would it have the resources to enforce such a provision.

### **B. Parking for Accessory Dwelling Units**

- Existing: Require one off-street parking space for an accessory dwelling unit.
- Proposed: No off-street parking space required for an accessory dwelling unit.
- Question for the Commission: Is it necessary that a parking space be required for the creation of an accessory dwelling unit? Does the Commission believe that reducing the additional parking space requirement is appropriate for encouraging the creation of accessory dwelling units?

#### Problem/Issue

An accessory dwelling unit (ADU) is an addition to or conversion of an existing dwelling to add a second dwelling unit. Creation of ADUs are generally allowed through a Type II

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<sup>1</sup> Metro Code, Title III, Planning, Chapter 3.07, Urban Growth Management Functional Plan, Title 2, Regional Parking Policy

review in all residential zones. Requiring an off-street parking space for an ADU may be a disincentive to creating ADUs in Milwaukie by adding costs for the property owner or making the creation of an ADU infeasible if there is not space for additional parking.

#### Solution

The City can encourage the creation of ADUs by removing the requirement for adding a parking space when an ADU is created. This code change would not prevent a property owner from providing an extra parking space(s) if they do create an ADU.

### **C. Parking Spaces in the Front Yards for Residential Uses**

- Existing: No maximum number of spaces for single family dwellings, and minimal limitations on location
- Proposed: No maximum number of spaces for single family dwellings, but a limitation on the number of uncovered spaces in the front yard.
- Question for the Commission: Should the City limit the number of parking spaces on residential lots or limit their placement?

#### Problem/Issue

Residential facilities and congregate housing facilities to house up to 15 people are considered to be single family residences. Because there is no maximum number of spaces allowed, these and other facilities that are allowed outright in residential zones would be allowed to construct a 16 space parking lot in the front of the house. Such a large parking lot in a front yard is incompatible with a residential neighborhood.

#### Solution

The proposed solution is not to limit the number of spaces for residential uses, but to limit their placement. The limitation would apply to all single family dwellings. Staff is giving consideration to what would constitute an uncovered parking space, and would add appropriate code language or definitions. Staff is also open to considering alternate approaches to address this problem.

### **D. Parking Quantity Determinations and Modifications**

- Existing: Modifications to the parking ratio table are governed by a process that is difficult to understand. Determinations for uses not listed in the table are handled in a separate section, and the process is vague.
- Proposed: Modifications and determinations will be handled similarly by a single section of the code. The new section will have clearer application requirements and decision criteria. Developments that require relatively large amounts of parking may opt or may be required to have a parking quantity determination.
- Question for the Commission: Is the application and review process for modifications and determinations understandable? Does it contain the correct criteria? Is it appropriate to require larger developments to conduct a parking determination?

#### Problem/Issue

The existing code allows for modifications to the parking ratio table on a case-by-case basis. It also allows for a required parking determination where a use is not listed in the

table. Both of these processes are beneficial, but the requirements for these requests and their approval criteria are vague.

#### Solution

The proposed amendment will combine these processes into one section of code with similar application requirements and approval criteria. In addition, the approval process for modifications and determinations is proposed to change from a Type I administrative review to a Type II administrative review because the approval criteria for these requests are discretionary. It is appropriate for the review of such criteria to receive some public notice.

Another important aspect of this regulation change is that large developments can opt or may be required to conduct a site-specific parking demand analysis. Analyzing the specific parking needs of a development will better serve the citizens and the developer, and may help reduce the over-supply of parking where it is not needed. See Attachment 1 for the draft code language (19.505.2).

### **E. Redevelopment Projects with Non-Conforming Parking Areas**

- Existing: The existing code requires that non-conforming parking areas come closer to conformance when a remodeling or change in use takes place. No additional guidance is given regarding implementing this section.
- Proposed: The new code will require non-conforming parking areas to come closer to conformance when a remodel or change of use occurs. It will prioritize which non-conformities should be addressed, and limit expenditures on parking lot non-conformities to 10% of the development permit value.
- Question for the Commission: Is it fair to require that up to 10% of a development permit value be spent on upgrading off-street parking areas? Does the Commission have any feedback on the order and content of the areas that should be brought into conformance?

#### Problem/Issue

The applicability section of the parking chapter is vague as applied to existing parking lots. The specific language is, "The standards and procedures of this section shall also apply to uses with nonconforming parking and loading facilities, in an attempt to bring them into conformance with current standards when remodeling or change in use occurs." This language does not give staff or an applicant any guidance about the scope or type of the requirements that will satisfy this requirement.

#### Solution

The proposed amendment would cap the amount that the City can require a developer to spend on parking area upgrades at 10% of the development permit value. This would help ensure that required upgrades are in line with the scale of the improvements being built on the site. The proposed amendment also gives staff guidance about which should receive priority for being brought into conformance. See Attachment 1 for a draft of the proposed text in this section (19.502).

## **NEXT STEPS**

The draft proposal includes policy changes that staff characterizes as “moderate.” A list of these changes can be found in Attachment 2. Staff will return at the February 24 Planning Commission meeting to continue discussion of policy changes.

Staff will refer the proposed amendments for review by staff, residents, stakeholders, and decision makers. Staff expects the final draft proposal to be complete in April 2009. At that time, staff will continue its outreach efforts to stakeholders, including, but not limited to, local developers, neighborhood district associations, and downtown business owners. By May 2009, staff expects to begin the formal code amendment adoption process.

## **ATTACHMENTS**

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

1. Draft Code Amendments – selected sections
2. Moderate Policy Changes



# MILWAUKIE

*Dogwood City of the West*

**To:** Planning Commission

**Through:** Katie Mangle, Planning Director *KM*

**From:** Li Alligood, Assistant Planner

**Date:** February 2, 2009, for February 10, 2009, Worksession

**Subject:** MMC Title 19 Amendments

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## **ACTION REQUESTED**

None. This is a briefing for discussion only. The Planning Commission hearing for these amendments has been scheduled for February 24, 2009.

## **BACKGROUND INFORMATION**

### **Why is the City amending the Zoning Code?**

The City is adopting amendments to the Zoning Code to ensure that the City's industrial regulations and zoning code comply with Title 4 of Metro's Urban Growth Management Functional Plan.

Title 4 limits development within Regionally Significant Industrial Areas, Industrial Areas, and Employment Areas. Some designated Industrial Areas and Employment Areas are located in Milwaukie. Milwaukie's zoning for your property does not currently comply with Metro's restrictions on Industrial Areas. The proposed amendment will bring Milwaukie's zoning ordinance into compliance with Metro's requirements.

### **What does this mean for properties in Industrial Areas?**

Currently, retail uses greater than 60,000 sq ft gross floor area are prohibited within mapped "Industrial" areas in Milwaukie. The proposed revised policy would limit individual retail trade uses within mapped "Industrial" areas to no more than 5,000 sq ft gross floor area, and multiple retail trade uses on the same site to no more than 20,000 sq ft gross floor area.

What this means for your property is that if you would like to build a retail store, such as a gift shop, or a branch of an office, such as a bank, it would need to be smaller than 5,000 sq ft gross floor area. If you wanted to build a project with several retail uses, such as a mini-mall, all

of the retail stores or branches together would need to be equal less than 20,000 sq ft gross floor area.

The purpose of the proposed change is to protect the value and integrity of regionally significant industrial land.

## **ATTACHMENTS**

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

1. Map of affected Title 4 Industrial Areas