



## AGENDA

### MILWAUKIE PLANNING COMMISSION Tuesday May 12, 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 March 24, 2009
- 3.0 **Information Items**
- 4.0 **Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda
- 5.0 **Public Hearings** – Public hearings will follow the procedure listed on reverse
- 6.0 **Worksession Items**
  - 6.1 Work Program Discussion  
Staff Person: Katie Mangle
- 7.0 **Planning Department Other Business/Updates**
  - 7.1 Code Tables – preview of proposed amendments
- 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:**
  - May 26, 2009 1. Public Hearing: ZA-09-03 Code Tables
  - June 9, 2009 1. Public Hearing: CSU-08-03 Trolley Trail *tentative*

### Milwaukie Planning Commission Statement

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

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

#### Public Hearing Procedure

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

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

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

#### **Milwaukie Planning Commission:**

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

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

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

**CITY OF MILWAUKIE  
PLANNING COMMISSION  
MINUTES  
Milwaukie City Hall  
10722 SE Main Street  
TUESDAY, March 24, 2009  
6:30 PM**

**COMMISSIONERS PRESENT**

Jeff Klein, Chair  
Dick Newman, Vice Chair  
Lisa Batey  
Teresa Bresaw  
Paulette Qutub

**STAFF PRESENT**

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

**COMMISSIONERS ABSENT**

Scott Churchill  
Chris Wilson

**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**

*Minutes continued from March 10, 2009 (see previous packet)*

2.1 January 13, 2009

**Commissioner Bresaw** moved to approve the January 13, 2009 meeting minutes as presented. **Vice Chair Newman** seconded the motion, which passed unanimously.

2.2 January 27, 2009

**Commissioner Bresaw** moved to approve the January 27, 2009 meeting minutes as presented. The motion was seconded by **Vice Chair Newman** and passed unanimously.

**3.0 Information Items**

**Ms. Mangle** confirmed which Commissioners needed the Parking Code material that was part of the prior meeting's packet.

43 **4.0 Audience Participation** –This is an opportunity for the public to comment on any  
44 item not on the agenda. There was none.

45

46 **5.0 Public Hearings** –None

47

48 **6.0 Worksession Items**

49 6.1 Joint Session with Design and Landmarks Committee (DLC)

50 A. Comprehensive Plan Update project briefing

51 Staff Person: Katie Mangle

52

53 **Design & Landmarks Committee Members Present:**

54 Chair Patty Wisner

Siri Bernard

55 Becky Ives

Greg Hemer

56 Sarah Knaup

57

58 **Katie Mangle, Planning Director**, stated the Municipal Code required the Planning  
59 Commission and DLC to meet two times per year. During the joint session, the DLC  
60 would describe the training they had undergone to improve the design review process.  
61 The hand off between the DLC and Planning Commission was improving, but there was  
62 always room for more improvements, which could be discussed.

63

64 [Introductions were made.]

65

66 **Ms. Mangle** explained that the State required periodic review of the Comprehensive  
67 Plan. However, the City found out Monday that funding for the review had been lost due  
68 to budget cuts. Milwaukie had not yet started the review process, so the review  
69 requirement and project deadline were being delayed for one to two years. Money  
70 currently available for the program would help cities that had already started the periodic  
71 review process complete the project.

- 72 • Since funding was no longer available, the project briefing would not be  
73 discussed. Instead, she would discuss what both groups should know about  
74 implementing the Comprehensive Plan. The Comprehensive Plan Update would  
75 be done, but not in the near future.

- 76 • She briefly described the components of the Comprehensive Plan, which was the  
77 guiding document for many aspects of how the City worked, especially at the staff  
78 level. The Comprehensive Plan included several ancillary documents, such as parks  
79 master plans and the downtown plan documents.
- 80 • She responded to comments and questions as follows:
- 81 • She explained that the Town Center Master Plan was originally named the  
82 Regional Center Master Plan, which referred to how Milwaukie was designated in  
83 Metro's Regional Map. She displayed the 2040 Diagram, Attachment 2 6.1A  
84 page 8, detailing the 2040 Vision for the entire region to further describe the  
85 difference. The vision for the Portland Metropolitan Area was to control sprawl,  
86 improve urban areas, and protect natural environment.
- 87 • Originally, the Regional Center designation for Milwaukie was bigger until  
88 Milwaukie lobbied to be a Town Center, which was motivated by different  
89 expectations and intensity of the type of growth for Milwaukie.
- 90 • Transportation funding decisions were made according to the Local Aspirations  
91 Diagram. She believed one concern about changing to a Town Center was that  
92 more transportation money was typically available to Regional Centers.

93

94 **Chair Klein** commented that if Milwaukie was designated a Town Center but had  
95 Regional Center transportation problems, then the City might have sold itself short. He  
96 understood density was a concern, but did not see the City tearing up whole  
97 neighborhoods and constructing high-density housing. Additional densification would be  
98 placed in logical areas anyway.

- 99 • **Ms. Mangle** said that the change happened under the previous Planning Director.  
100 Staff's concern at the time had been that the City would sell itself short as far as  
101 having access to some problem-solving tools.

102

103 **DLC Chair Wisner** added that the citizens were very concerned during the planning  
104 changes in the 1990s. The Regional Center boundaries were further out, quotas for  
105 adding density to Milwaukie were higher than Town Center status, and building height in  
106 downtown Milwaukie could increase to more than five stories. Milwaukie citizens at the  
107 time felt it was too ambitious and would ruin the small town feel. That drove the recall  
108 and then the new City Council members requested a scaling down to Town Center  
109 designation.

110

111 **Ms. Mangle** said other opportunities were available for funding that acknowledged the  
112 regional transportation routes on Hwy 99E and McLoughlin Blvd, among others.

113 • She utilized slides from a presentation for Neighborhood District Association (NDA)  
114 Land Use Committee (LUC) chairs, "Planning at Many Scales" to review the levels of  
115 planning at the city, state and federal levels.

116 • Staff spent most of their time implementing the Comprehensive Plan by working  
117 with zoning, approving permits, reviewing projects, etc. The overarching policy  
118 was important because it was not just about reacting to each redevelopment,  
119 although Community Service Uses (CSUs) required case-by-case review by the  
120 Planning Commission.

121 • The DLC members had a more direct connection with design review, which  
122 most directly implemented the downtown plans.

123 • When reviewing projects, Code amendments or interpreting Code, it was helpful  
124 to look to the Comprehensive Plan for guidance.

125 • She reviewed some sorely outdated Comprehensive Plan items that would be  
126 addressed as the project moved forward.

127

128 Questions and comments from the meeting panel were addressed as follows:

129

130 **Chair Klein:**

131 • Asked about the South Downtown first floor restrictions that required retail rather  
132 than office space. Some businesses that would have located in Milwaukie did not do  
133 so because they could not have first floor office space. He understood the logic and  
134 desire to have first floor retail, but perhaps the policy should be revisited. He believed  
135 it was ridiculous to have vacant space while businesses wanting to locate in  
136 Milwaukie were turned down; especially since office businesses would not  
137 necessarily have the parking issues of retail businesses. Perhaps downtown was  
138 supposed to be a business location, rather than retail, with residential above.

139 • **Ms. Mangle** replied that prohibiting office on the first floor was a good example of  
140 how the Code implemented the overarching goals that the City wanted, such as  
141 revitalizing downtown. If the Code was so specific that it did not allow good things  
142 to occur, then it could be said that the Code was not implementing the

- 143 Comprehensive Plan goals. A big policy shift would not be required, but a Code  
144 amendment would allow the use of a different tool and could be discussed.
- 145 • Other city planning directors were grappling with the same issue, trying to find  
146 the right mix of vision and market reality.
  - 147 • Planning tools change over time and zoning was not used today the same way it  
148 was 20 years ago, because of the changing market. Milwaukie could say they still  
149 wanted downtown to be private retail, but now the market was not there and may  
150 not be supportable for another 10 years. Some cities were saying the **base**  
151 should be designed with a height that allowed for retail, but perhaps should be  
152 more flexible regarding uses for the buildings. When the market was supportive,  
153 it would fill with retail because it was ready for retail use, an approach that the  
154 current Code did not allow.
  - 155 • Stated that existing non-retail businesses were throttled until the retail space became  
156 more viable and appealing to landowners who then might decide to switch out the  
157 occupants.

158

159 **DLC Member Hemer** added that rented buildings bring in developers. Empty spaces  
160 made developers wonder why they should build a building that could not be rented. The  
161 reality was that full buildings would bring retailers in to sell to those occupants, and office  
162 space would be lost overtime.

163

164 **Commissioner Batey** believed getting people to live downtown was more important to  
165 help the transition. Filling the area with more doctors' offices, which were too numerous  
166 already, would not bring in more residents, and then restaurants, etc.

167

168 **Chair Klein** noted plenty of residents already lived in North Main, but no more would  
169 move to the area until residential structures were built.

170

171 **Ms. Mangle** said the City had received a State TGM grant for a Code audit. For the  
172 project, she highlighted checking on downtown standards to ensure the goals were  
173 being implemented. She had not yet heard about the grant funding status.

174

175 **DLC Chair Wisner** believed any changes should be approached cautiously.

- 176 • In 1970, the Code was changed to make downtown service-oriented, causing the  
177 area to become stagnant for 30 years. In the 1990s, as the NDAs became more  
178 viable, they wanted retail brought to downtown. Some retail had occurred, but she  
179 was hesitant to return to just service-oriented businesses because all the money,  
180 time, and volunteer hours that went to make downtown more mixed-use would be  
181 defeated.
- 182 • The last nine years had not been the kind of robust economic environment that  
183 would bring retail to Milwaukie. She did not feel a knee-jerk reaction of rezoning back  
184 to service-oriented businesses was the way to go and preferred blending or  
185 mitigating instead. The right fit was needed for the market to bring in the right  
186 businesses.

187

188 **DLC Member Bernard** asked if a variance was possible.

- 189 • **Ms. Mangle** explained that obtaining use variances in Milwaukie was very difficult  
190 and financial impact was not a consideration. She agreed different tools might be  
191 available, such as a special variance for downtown use exceptions, instead of  
192 wholesale Code changes.

193

194 **Chair Klein** stated that Clackamas Town Center caused businesses to pull out of the  
195 downtown district. People decided to shop there rather than supporting downtown  
196 businesses. Safeway failed in the downtown district because Albertson's became the  
197 new store where everyone shopped. The City had been trolling for fish a long time, and  
198 it seems that new lures were needed.

199

200 **Commissioner Batey** agreed this was not the market to judge [what type of business  
201 would work]. Several restaurants and shops came to downtown in the last few years and  
202 most had survived. Before further discussion about [Code amendments], she wanted to  
203 know what incentives existed for businesses because if property owners could get more  
204 per square foot for office use, that would drive out retail shops who could not afford  
205 higher rents. She noted the beauty shop on Main St recently closed.

206

207 B. DLC Update and Design Review coordination discussion

208 Staff Person: Brett Kelter

209

210 **Brett Kelper, Associate Planner**, stated the DLC now had a full committee and  
211 reviewed the discussion items outlined in his memorandum dated March 17, 2009.

212

213 **DLC Vice Chair Ives** presented the DLC's conclusions following the Committee's recent  
214 training from staff and Marcy McInelly of SERA Architects, and their efforts to improve  
215 the design review process as follows:

- 216 • Hold a worksession one week prior to the hearing, if possible, to allow for a site  
217 visit and to review possible questions and concerns.
- 218 • Implement a new (revised) checklist that included the name of the staff person  
219 who completed it. A blank copy would also be provided to each committee  
220 member.
- 221 • Staff was more familiar with and could check off items in Section A,  
222 Development and Design Standards, and then make recommendations in  
223 Section B. Design Guidelines to review with the DLC.
- 224 • Have a consistent meeting schedule. Meetings without applications to review  
225 would be used for training and working on DLC projects.
- 226 • For example, the DLC was involved in the wording of the Downtown Design  
227 Guidelines, but the photo examples of buildings and architecture inserted by  
228 the consultant were not reviewed by the Committee before being adopted by  
229 City Council. Subsequently, generic buildings were provided as examples to  
230 developers.
- 231 • The DLC would be comparing pictures of old and new construction to  
232 understand why some structures fit within an area while others did not. The  
233 Committee wanted to become more fluent at recognizing building styles  
234 presented to the Committee and develop documentation to pass on to future  
235 Committee members.
- 236 • Build a reputation for being consistent and fair when reviewing projects.
- 237 • The training had also enabled DLC members to feel empowered about making  
238 decisions.
- 239 • The DLC was excited about having a full committee, historical references, and staff  
240 to help the Committee do things better.
- 241 • The DLC was very happy with the professional experience and architectural interest  
242 of the Committee's members. Holding worksessions would be important to help  
243 clarify any unfamiliar terms, materials, etc.

244 • She noted that committee members had commented on the generic design of the  
245 Immovable Foundation Church (IFC), which had resulted in the IFC completely  
246 changing their plans.

247

248 **Ms. Mangle** clarified that the building permit had been approved for the IFC project  
249 subject to DLC review. However, the project was not yet funded and probably would not  
250 be built soon. Construction would be done in phases, but she did not recall which  
251 phases had been permitted.

252 • The IFC project was now at a staff level review because it was first approved as a  
253 Community Service Use (CSU) by the Planning Commission and then had to go to  
254 the DLC for design review as a condition of approval. In that instance, the DLC was  
255 advising the Planning Director, who was the decision maker at the building permit  
256 stage. The applicant feared the Planning Commission would deny the application, so  
257 volunteered to go through that process, which improved the quality of the building  
258 over what it otherwise would have been.

259

260 **DLC Chair Wisner** noted the Design Guidelines listed accepted or prohibited building  
261 materials to educate developers before they approached the planning department. If a  
262 project triggered a DLC design review, then staff's report informed the DLC if the  
263 developer was proposing prohibited materials or not. The DLC was committed to not  
264 allow prohibited materials. However, there were times when a variance was allowed, but  
265 only in downtown. She noted that Safeway was not reviewed by the DLC.

266

267 **Commissioner Batey** expressed concern that although Safeway looked good, no  
268 design guidelines existed for other areas of the City.

269

270 **DLC Chair Wisner** replied the DLC had discussed in the prior 2½ years whether the  
271 DLC should create design guidelines for other areas, such as smaller shopping centers  
272 and multifamily housing. The City should decide how to use the DLC and how far the  
273 scrutiny of design quality should go beyond the downtown area.

274

275 **DLC Vice Chair Ives** added that the DLC had also discussed fines and refusal of  
276 occupancy as possible consequences if a developer did not build an approved project as  
277 proposed to the DLC.

278

279 **Chair Klein:**

- 280 • Asked if Section B. Design Guidelines of the design review checklist were pass/fail  
281 items or if a particular scoring system was used.
- 282 • **Mr. Kelver** clarified that two parts of Section A, Development Standards and  
283 Design Standards, were more objective, concerning issues like whether  
284 prohibited materials were used or not. Section B. Design Guidelines were more  
285 subjective and required the expertise of the DLC to assess how those items met  
286 the guidelines and then make a recommendation to the Planning Commission.
- 287 • Applicants must present to the DLC how their project met the Design  
288 Guidelines. The DLC had to make subjective decisions regarding whether the  
289 applicant was using the best material possible, for example. The DLC's role  
290 of evaluating more subjective elements of the Design Guidelines was  
291 challenging because it was so subjective. The DLC could suggest to the  
292 Planning Commission that an application met all criteria, but could also  
293 recommend conditions of approval and leave the decision to the Planning  
294 Commission. The DLC needed to develop clear findings, particularly in  
295 controversial decisions.
- 296 • Asked if that approach had any teeth.
- 297 • **Bill Monahan, City Attorney**, believed it did. Staff would analyze and indicate  
298 whether or not an application met the Development Standards criteria. In the land  
299 use context, using prohibited or allowed materials was black and white. An  
300 application using prohibited materials could not be approved. However, the  
301 applicant must convince the DLC that the proposal met the Design Guidelines,  
302 such as enhancing the community's sense of place or using materials more  
303 acceptable to the DLC.
- 304 • Unless changed, the guidelines established by the City had to be applied. The  
305 DLC could inform staff about updating the list of prohibitive materials as the  
306 Committee learned of market changes through the review process.
- 307 • Questioned the subjective portion, such as, "reinforces Milwaukie's sense of place."  
308 • **Mr. Monahan** replied that was where the DLC had the opportunity to apply its  
309 area of expertise. The Planning Commission would review a recommendation  
310 from the DLC and give credibility to the DLC's determination. As the relationship

311 developed, the Planning Commission would trust the DLC to address the  
312 analysis.

- 313 • **Ms. Mangle** explained that many Oregon laws oversaw the land use process. A  
314 section of the ORS specifically allowed cities to do design review. Some limits  
315 existed, such as it could not be imposed on residential development above the  
316 ground floor, but the applicant could volunteer to undergo design review. It was  
317 an acknowledged part of development review in Oregon that provided an  
318 opportunity to influence design in the City. Much of the subjective nature of the  
319 guidelines was aimed at empowering the DLC to influence that design.
- 320 • **Mr. Monahan** added that while there was a lot of subjectivity, the DLC could  
321 enhance their ability to make decisions and communicate with applicants so they  
322 conform by being more specific regarding design expectations. As the Design  
323 Guidelines were developed, providing more information in the record,  
324 documents, and adopted bylaws about the DLC's expectations to applicants  
325 before they submitted their proposals would result in stronger DLC decisions that  
326 were more likely to be upheld.

327

328 **DLC Chair Wisner** recalled discussion in developing the Design Guidelines that a  
329 developer would have to meet at least 70% of the checklist or would be told to rework  
330 the plans.

331

332 **Mr. Kelper** did not believe such a Code standard existed.

333

334 **Chair Klein:**

- 335 • Commented that it seemed difficult as some checklist items were so subjective that  
336 70% could be scored and the project still might not meet the DLC's design ideas.
- 337 • **Ms. Mangle** clarified that the Code did not provide a numerical standard. The  
338 decision-making criteria strove for substantial compliance with the Design  
339 Guidelines; not a pass/fail test. The idea was to influence a project to be the best  
340 it could be in order to work best in the City. The DLC was empowered to push  
341 back if something did not work for Milwaukie, but hopefully it was more of a way  
342 to influence a project toward success, because design review was an important  
343 criterion for approval. Denial of the design review was denial of the project, which  
344 was not done lightly.

- 345 • Noted that two applicants could have the same number of positive check marks, but  
346 one could pass and one could fail because of the feeling that one seemed to meet  
347 the criteria and one did not.
- 348 • **Mr. Kelper** noted that an intricate system of checks and balances existed in the  
349 design review process. Developers wanted to receive project approval without  
350 delays, and therefore would normally be responsive to what they felt the DLC  
351 would require to meet the subjective guidelines. Most developers would  
352 acknowledge the City's desire for the nicest building, but might request a  
353 compromise due to limited budgets. The relationships amongst the developer,  
354 DLC, Planning Commission, and City Council influenced adjustments to projects  
355 during the approval process.
- 356 • Reviewing more projects would help the Committee develop consistency.
- 357 • Confirmed that DLC design reviews were on the 120-day land use clock.
- 358 • **Mr. Kelper** said the expectation was that after a hearing date was set with the  
359 Planning Commission, the DLC would review the application prior to that hearing  
360 date. He described how the 120-day clock worked.
- 361 • **Mr. Monahan** interjected that boards and committees were often concerned about  
362 the 120-day clock and viewed it was an absolute that removed flexibility. However, if  
363 an application did not meet criteria, the applicant could be told that more information  
364 was needed and asked to voluntarily extend the 120-day clock. The meeting could  
365 go into recess for the applicant to consult with staff or consultants, and then suggest  
366 how they would like to proceed.
- 367 • If the application simply did not meet criteria, it could be denied. The applicant could  
368 appeal and might be able to convince someone else it was approvable. A clear  
369 record had to be made regarding why the application was denied.
- 370
- 371 **Mr. Kelper** opened a discussion regarding Ed Parecki's application for improvements at  
372 2025 SE Jefferson St. The application was presented to the DLC in August 2008 and  
373 moved on to the Planning Commission, who discussed whether to return it to the DLC.  
374 He appreciated the Planning Commission's desire to work with the DLC and their  
375 concerns that a DLC member was not present at that Planning Commission meeting.
- 376
- 377 **Commissioner Batey** agreed, adding her concerns were driven by the fact that there  
378 seemed to have been a case of bait and switch. Mr. Parecki's drawing had been

379 reviewed by the DLC, but he presented a different drawing to the Planning Commission.  
380 Fortunately, the completed building was attractive, but the drawing was substantially  
381 different and she felt that what the DLC had approved was not what the Commission  
382 was asked to approve. She hoped it was not a recurring situation, and that applicants  
383 would be more pinned down about what was being submitted for approval.

384 • She noted that having a DLC member present to testify was useful in prior hearings.

385

386 **DLC Chair Wisner** stated that the DLC wanted to make it standard practice that one  
387 DLC member attend the Planning Commission meeting to answer questions regarding  
388 the DLC's recommendation.

389

390 **Commissioner Qutub** requested that the DLC also provide the Planning Commission a  
391 copy of the design approved and recommended by the DLC for comparison with the one  
392 presented to the Planning Commission by the applicant.

393

394 **Mr. Kelper** stated the DLC deliberated about whether to hold up the process and have  
395 Mr. Parecki return for a second hearing to provide more information or pass a  
396 recommendation to the Planning Commission with the condition that some elements  
397 needed to be clarified.

398

399 **Chair Klein** recalled that one drawing in Mr. Parecki's application was substantially  
400 different than the rendering shown in another area of the application. However, the DLC  
401 sent just three minor elements for the Planning Commission to consider, including the  
402 cornice material and color.

403

404 **Commissioner Batey** reiterated there was a major difference in details between the  
405 application approved by the DLC and what was presented to the Planning Commission.

406

407 **DLC Vice Chair Ives** stated the DLC struggled with whether to have Mr. Parecki return  
408 with more details, but finally asked that he bring samples to the Planning Commission. It  
409 was a learning curve item that showed the need for worksessions prior to the public  
410 hearing. The applicant and building tenants were present at the DLC meeting, asking  
411 that everything go smoothly. After the meeting, one Committee member pointed out that  
412 the upstairs apartments were shown as 6 small offices in the drawing.

413 • **Ms. Mangle** added that Mr. Parecki's application happened while she was on leave,  
414 but staff was also frustrated because they did not get what they wanted during staff  
415 review. Staff was not always able to obtain all information on behalf of the  
416 Commission and Committee, and having that conversation during a hearing was  
417 difficult. Worksessions would enable staff, the Commissioners, and the DLC to  
418 communicate openly about such information.

419

420 **Commissioner Batey** said she had suggested that staff reports contain the letters sent  
421 to the applicant regarding deficiencies or missing items.

422 • **Mr. Monahan** clarified that the applicant had the opportunity to refuse to provide  
423 more information and demand that the process proceed. Supplying the letters  
424 regarding deficiencies would provide evidence to show that staff might not be  
425 satisfied with the application. The aura was that if an application came to the  
426 Planning Commission, it must be approvable, but that was not necessarily the case  
427 and so the letter would be critical.

428

429 **Chair Klein** added it was also important to state that the applicant had requested that  
430 the application be deemed complete, but staff disagreed. He reiterated that in Mr.  
431 Parecki's application, there were just a few minute issues to deal with, including paint  
432 color and cornice material.

433

434 **Commissioner Batey** responded that the DLC told the applicant to bring minute items  
435 to the Commission, but reiterated that the drawing the DLC reviewed was not the  
436 drawing Mr. Parecki presented to the Planning Commission.

437

438 **Chair Klein** stated that the drawing presented to the DLC and the drawing in the  
439 submitted packet was the same.

440 • **Mr. Kelper** said one problem was that Mr. Parecki had multiple drawings in his  
441 original packet.

442

443 **Commissioner Qutub** asked if the Commission should specify color palettes to  
444 eliminate confusion. Were specific colors not acceptable?

445

446 **DLC Chair Wisner** replied that the Design Guidelines did not specify an approved  
447 palette for the downtown area. She was not against the idea, but the consultant did not  
448 stress that a palette was necessary. The DLC was concerned about the colors Mr.  
449 Parecki would choose and the lack of samples. After Mr. Parecki's project, the DLC  
450 communicated to staff that applicants should bring samples to the DLC and Planning  
451 Commission meetings.

- 452 • She recalled the North Main review that had a professional architectural staff.  
453 The developer brought sample boards at the appropriate time for the DLC to  
454 check colors and materials. She appreciated when that happened, and noted that  
455 it should happen consistently.
- 456 • She added the DLC did not really have anything to tangibly approve or  
457 disapprove in Mr. Parecki's application, so the DLC communicated to staff that  
458 applicants should always bring samples to the DLC and Planning Commission  
459 meetings.
- 460 • **Mr. Kelper** said that was part of the relationship building for better understanding  
461 between staff, the DLC, and Planning Commission. Staff could prepare an applicant  
462 regarding the need to provide samples to the DLC in order for the process to be less  
463 difficult. As more experience and consistency developed, staff would be able to do  
464 that, relying on the DLC to be predictable in positive ways. If the information was still  
465 not presented to the DLC, the applicant should not expect smooth sailing although  
466 they had provided enough information.

467

468 **Mr. Monahan** noted comments made about having a DLC representative come to the  
469 Planning Commission, which was acceptable. He did not know of anything in the Code  
470 that said an individual member could not come to another hearing. However, it was  
471 important that the person be designated by the Committee, so the Planning Commission  
472 knew who was representing the DLC as a whole and not be challenged. Once  
473 established, that process would build consistency, providing staff more direction to then  
474 give the applicant. The applicant could then decide whether or not to risk delay or denial  
475 by the DLC.

476

477 **DLC Member Hemer:**

- 478 • Said downtown developers might prefer having a list of items the DLC would want  
479 and an acceptable color palette for downtown to avoid having to fight through the  
480 process.
- 481 • **Mr. Kelper** stated that suggestion tied into a best practices idea to develop  
482 resources that would preserve the community's history by identifying landmarks  
483 no longer in the City and some elements of good buildings in the community that  
484 would provide developers direction. The looseness of the guidelines also allowed  
485 developers flexibility to meet the guidelines, but the DLC was considering how to  
486 provide a little more direction.
- 487 • Asked if an applicant could propose an idea to the DLC and request  
488 recommendations before submitting an application.
- 489 • **Ms. Mangle** responded that the Town Center project had begun in a similar  
490 manner. The City of Portland had a predesign review process that she liked. A  
491 partial fee was collected to cover some expenses and a meeting was scheduled  
492 for advisory design review, but no decisions were made.
- 493
- 494 **DLC Chair Wisner** recalled that Tom Kemper and the Myrhe Group, LLC were one of  
495 three applicants that showed designs at an open house for Town Center and North  
496 Main. She inquired whether City Council had to initiate a work plan item for a color  
497 palette.
- 498 • **Ms. Mangle** replied no, but a long list of good ideas existed for projects in Milwaukie  
499 that should be prioritized, including design review for areas outside of downtown,  
500 design standards for commercial buildings, and residential design standards.  
501 Material samples were required, so perhaps color was covered and just required  
502 clarification.
- 503
- 504 **Commissioner Batey** believed color was a subjective discussion. She would like Cha  
505 Cha Cha to be able to paint their building with similar bright colors of their other  
506 buildings, but they were unable to do so because it was an historic building.
- 507

508 **Chair Klein** stated that he did not want color to be a discussion at the Planning  
509 Commission level and preferred it be a discussion by the DLC.

510

511 **DLC Vice Chair Ives** confirmed that the Jefferson St building was not finished. She  
512 recalled that there was supposed to be tile, but the building was entirely stucco.

513

514 **Commissioner Batey** responded that was part of the bait and switch. She asked if the  
515 building would have awnings.

516

517 **DLC Chair Wisner** believed awnings would be hung.

518

519 **Chair Klein** clarified that to keep Planning Commission meetings on topic, decisions  
520 regarding cornices and color, for example, were best made by the DLC, not forwarded to  
521 the Commission. If an item required continuation, perhaps the applicant could be  
522 informed that the DLC needed the information. The DLC could approve an application,  
523 but require samples of the color and materials ahead of time, and perhaps comments  
524 could be sent by email and included in the Planning Commission's packet.

525

526 **DLC Vice Chair Ives** stated that after having the training, the DLC would work hard to  
527 avoid a situation similar to what occurred with the Jefferson St project. She added the  
528 Committee also felt pressured by the 120-day clock.

529

530 **Chair Klein** agreed the Planning Commission was up against the 120-day clock as well.  
531 He called for further comments from other Commissioners and Committee members.

532

533 **DLC Member Bernard** appreciated comments made about delegating tasks and agreed  
534 the DLC needed to make decisions about colors and other items before sending an  
535 application on to the Planning Commission.

536

537 **DLC Chair Wisner** noted that reinforced the desire that worksessions become normal  
538 practice for the DLC prior to hearings.

539

540 **DLC Member Knaup** agreed, stating a big question at recent DLC meetings was about  
541 what empowerment the DLC had when making a recommendation to the Planning

542 Commission. Knowing the Planning Commission was looking to support the DLC  
543 recommendations as much as possible was good to hear.

544

545 **Commissioner Batey** commented that if Chair Klein held to his comment, the  
546 Commission would be sending more applications back to the DLC.

547

548 **Vice Chair Newman** said he enjoyed the meeting. The Jefferson St application with two  
549 different pictures was a good example of a quandary both the Planning Commission and  
550 DLC were in. Under the circumstances, it was easy to see how that could happen.

551

552 **Chair Klein** added that having a DLC representative present was important because the  
553 Planning Commission was only allowed to review a few things and did not have the  
554 Committee's interpretation as to whether the DLC understood the bait and switch  
555 situation.

556

557 **DLC Member Knaup** responded that the Jefferson St application served a purpose as a  
558 great learning tool that prompted the Committee to study, revise, and improve the  
559 checklist, which had empowered the group as well.

560

561 **Mr. Monahan** noted a question about the legality of whether it looked right came down  
562 to the fact that there was not much specificity from the DLC to the Planning Commission  
563 that the real reviewers of whether it complied rested with the Planning Commission on  
564 that particular application. However, it appeared the DLC would be more specific in their  
565 decisions, so the Committee would be the final decision-makers on that in the future.

- 566 • If an applicant was not in compliance, occupancy permits would be held up until the  
567 obligations were met. No fine process currently existed.
- 568 • The DLC could hold worksessions but public hearing laws must be followed. Anyone  
569 could be invited to the worksessions, but there could be no deliberation toward a  
570 decision. However, direction and some consensus could be given, using phrases  
571 such as, "This looks like it could be approvable if it came back like this," or "We'd be  
572 inclined to..." or "It seems to meet our expectations," etc.

573

574 **DLC Chair Wisner** confirmed that the owner was also present at the hearing for the  
575 Jefferson St application.

576

577 The DLC and Planning Commission joint session ended and both groups continued their  
578 meetings separately. The Planning Commission reconvened at 8:30 p.m. and addressed  
579 Agenda Item 6.2 Parking Code Amendments.

580

581 C. Scheduling annual meetings with City Council

582 Staff Person: Katie Mangle

583

584 **Ms. Mangle** stated she would send an email with possible dates for both the Planning  
585 Commission and DLC to meet with City Council.

586

587 **Chair Klein** suggested that the meeting occur after the election.

588

589 6.2 Parking Code Amendments *continued from March 10, 2009 (see previous packet)*

590 Staff Person: Ryan Marquardt

591

592 **Ryan Marquardt, Associate Planner**, reviewed the minor policy changes of the Parking  
593 Code update presented in the meeting materials. He described the proposed  
594 amendments and provided examples of the changes using sites around the city.

595

596 The Commission and staff discussed elements of the policy changes as follows:

597 A) Parking ratio table:

- 598 • School parking ratios would be based on the number of classrooms rather than the  
599 number of students, which was more easily measured by staff. Staff would talk to the  
600 school district about the changes. The district knew that one school parking ratio was  
601 backward in the current table.
- 602 • While 1 space per classroom seemed low, #5 on 6.1 page 11 of the old Parking  
603 Code ratio table indicated school parking requirements for Portland, Clackamas,  
604 Metro, etc.
- 605 • Milwaukie High School did not have enough parking, which was why a shared  
606 parking agreement was needed with St. John the Baptist Church. The school  
607 would not be in conformance with the proposed amendments.
- 608 • MMC Section 19.502 Applicability of provisions of the Parking Code would be  
609 triggered by a development review, such as if the school was adding more

610 classrooms. Staff would then consider whether the school was in conformance. If  
611 no improvements were made, the schools would not have to comply based only  
612 on the change in numbers.

- 613 • Because the schools were largely over-parked, the compromise was to allow the  
614 schools to replace parking spaces lost due to an expansion, but not to increase  
615 the number of spaces.
- 616 • The district could also conduct a parking determination study to establish  
617 minimum and maximum parking ratios for a specific development if they  
618 disagreed with the provided ratio.
- 619 • Gas Stations, #5 of Section E on 6.1 page 8 indicated no minimum parking  
620 requirement, but showed 1.25 spaces per 4 pumps; whether the term “pump”  
621 referred to the structures or nozzles was unknown and would be researched.
- 622 • The Safeway fuel station was the most recent implementation of the parking  
623 ratio. The Code did not differentiate gas stations with mini marts, though mini  
624 marts would be listed as convenience stores given the multiple uses.
- 625 • The Residential Uses section on 6.1 page 10 section indicated a flag lot needed 1  
626 less parking space than single-family or mobile homes, and was corrected to state,  
627 “2 parking spaces per dwelling unit.”

628

629 **Chair Klein** believed stand-alone gas stations needed parking spaces for their  
630 employees.

631

632 **Commissioner Bresaw** voiced concern about the 1 parking space maximum allowed  
633 per bed for residential, group, and assisted living homes, which might easily contain 5  
634 beds or more. If no off-street parking was available, group homes might pave the front  
635 yard to provide adequate parking. The Annie Ross House was a good example to study  
636 how many people and beds were in a group home.

- 637 • **Ms. Mangle** explained that having a maximum ensured enough parking was  
638 available for residents and employees.
- 639 • **Mr. Marquardt** stated that staff would provide updated definitions regarding the  
640 different types of care homes for clarity in the final draft. For example, the term  
641 "nursing home" was becoming obsolete.

642

643 B) Multiple uses on the same site:

644 • Parking would be reduced when a secondary use was on the same site to account  
645 for that shared use. The parking calculation method was described and was a  
646 common provision of codes in other jurisdictions.

647

648 C) Shared parking distance:

649 • Changes specified that shared parking be accessible via a pedestrian accessible  
650 route and that the distance be increased from 300 ft to  $\frac{1}{4}$  mi or 1,320 ft, a distance  
651 specified in other jurisdictions' code. Increasing the shared parking distance radius  
652 would increase the number of shared parking sites available. Shared parking was an  
653 important tool in reducing the amount of area that must be paved and effectively  
654 allowed development without requiring the construction of additional parking.

655 • Currently, the Code measured the distance from the entrance of the primary use  
656 on the site, which could remain unchanged if there were no objections.

657 • The distance change would be citywide, not just for downtown. The  $\frac{1}{4}$  mi  
658 suggestion was based on transit studies, which indicated a  $\frac{1}{4}$  mi was the upper  
659 distance people were willing to walk to a transit station or bus stop. The rule of  
660 thumb was  $\frac{1}{4}$  mi to a bus stop and  $\frac{1}{2}$  mi to light rail.

661 • In other jurisdictions,  $\frac{1}{4}$  mi or 1,000 ft was typical; some did not specify a  
662 maximum distance for shared parking.

663

664 **Chair Klein** did not have an issue expanding the distance, but believed the distance  
665 should be designated, whether as the crow flies, a radius, a logical pathway, etc.

666

667 **Commissioner Bresaw** believed it was the shortest legal route available to pedestrians.

668

669 **Commissioner Batey** believed the language should encourage a closer distance when  
670 feasible. The best distance would depend on the use and who was walking. Walking  $\frac{1}{4}$   
671 mi to a baseball field was probably fine, but  $\frac{1}{4}$  mi walk to church in high heels was too  
672 much.

673 • Distance was probably not a big issue in downtown where good pedestrian routes  
674 existed, but could be an issue in other areas. She suggested a condition that the  
675 distance be  $\frac{1}{4}$  mi when sidewalks existed.

676

677 The Commission consented that the increased distance was acceptable.

678

679 D) Parking Dimensions:

- 680 • Current Code allowed for up to half of a project's parking spaces to be compact  
681 spaces. The library might have installed only small parking spaces.
- 682 • The Commission agreed with eliminating compact parking spaces and only having  
683 regular size parking spaces.
- 684 • Drive aisle widths would decrease from 24 ft to 22 ft at widest, and narrow as parking  
685 angles increased.

686

687 E) Parking lot design:

- 688 • The proposed Code would require commercial and residential gates along higher  
689 classification streets to be set back at least 20 ft so cars could get out of traffic and  
690 avoid being a safety hazard.
- 691 • Bob's Red Mill gate might not be 20 ft back from the road.
- 692 • Staff was not as concerned about gates being opened by a motion detection  
693 system.
- 694 • Gates should not be located in the public right-of-way (ROW).
- 695 • The Code currently did not give authority to regulate or review parking lot design and  
696 circulation. The proposed Code would not provide specific design standards, but  
697 would grant broad authority to review how a parking lot should function and that it  
698 was constructed to operate accordingly, such as using striping to indicate circulation  
699 patterns or curbing to ensure traffic flow direction.
- 700 • Having driveway accesses adjacent to public ROWs encouraged extra wide paved  
701 surfaces at driveway entrances. Staff proposed that the pavement or driving surface  
702 on a site could not expand wider than the approved driveway width within 10 ft of the  
703 property line. The intent was to be sure owners were accessing the site correctly.
- 704 • All required maneuvering and standing areas for residential parking must be  
705 paved, but gravel really could not be prohibited.
- 706 • The proposed Code changes would only apply to new development and would not  
707 address existing situations.

708

709 F) Lighting standards:

- 710 • The proposed Code amendments would be more specific about directing light  
711 downward and limiting foot-candle levels of light trespass.

- 712 • Streetlights would not be addressed by these Code amendments.  
713
- 714 G) Loading spaces:
- 715 • If a developer thought only one loading dock was needed and the use later changed,  
716 the permit would be reviewed under MMC Chapter 19.502 Applicability of Provisions.  
717 The issue was less clear if the same business needed an extra truck. Addressing  
718 such changes would be important to consider.
- 719 • Current Code was very prescriptive and presumed one particular kind of freight  
720 loading. In the past, businesses used semi-trucks for deliveries. Today most  
721 deliveries were from a FedEx van, which did not require a separate loading space.  
722 Staff wanted something less regulatory that focused on making sure loading  
723 activities did not occur in the street.
- 724 • Disabled parking area compliance with ADA standards was reviewed by Tom  
725 Larsen, the Building Official. The number of spaces required was a ratio of the  
726 required spaces and based on federal law.
- 727 • The current Code exempted loading spaces downtown.
- 728 • If a residence had a change of use, there would be some building activity, so  
729 staff would review any parking changes.
- 730 • In the downtown area, if a business needed a loading space, the owner would  
731 need to talk with the City and apply to change the on-street signage to provide a  
732 loading zone on the street. There were currently 7 on-street loading spaces in  
733 downtown that were shared by nearby businesses.  
734
- 735 H) Boat/RV/Commercial parking in residential zones:
- 736 • Current Code language read, "On lots less than 1 acre, only 1 recreational vehicle or  
737 private pleasure craft, which is not located in an enclosed structure, such as a  
738 garage, shall be allowed per residential lot. Canoes and other crafts less than 12 ft in  
739 length shall be exempt from this requirement."
- 740 • Lots larger than 1 acre did not currently have a cap on the number of recreational  
741 vehicles stored. Tim suggested allowing one additional uncovered RV or boat for  
742 each ½ acre more than 1 acre. The change would not apply to many City  
743 properties because few were larger than 1 acre.
- 744 • The current Code regarding commercial vehicles was very strict and the proposed  
745 language loosened restrictions to a more reasonable level.

- 746       • The commercial vehicle definition was proposed to read as "Any vehicle  
747       designed to use primarily for commercial purposes that are over 9-ft tall and have  
748       a gross vehicle weight of 8,000 pounds or more shall not be permitted to be  
749       parked or stored in residential zones." The definition was worded to specify  
750       vehicles designed or used primarily for commercial purposes as well as imposing  
751       height and weight restrictions.
- 752       • Staff and Commissioners discussed various examples of commercial vehicles  
753       that would meet the height and weight restrictions. Staff would research and  
754       provide vehicle examples to help the Commission visualize and determine what  
755       commercial vehicles should be allowed to park in residential areas.
- 756       • It could be argued that any vehicle could have a family purpose.
- 757       • One suggested provision was that recreational vehicles not used for profit were  
758       not considered commercial vehicles. The intent of the proposed Code language  
759       was to address commercial vehicles, not personal vehicles occasionally used for  
760       business.

761

762 I) Downtown Parking:

- 763       • If a supermarket was constructed in downtown Milwaukie, the 2.5 maximum parking  
764       spaces allowed per 1,000 sq ft of commercial floor area would be the applied  
765       standard. If the applicant or staff believed a business should be required to have  
766       more parking, a special site specific use study could be required.
- 767       • Traffic studies in the downtown area had to assume a higher mode split than in  
768       other areas. If everyone drove to a supermarket downtown, traffic studies would  
769       fail.
- 770       • If the same number of parking stalls were required downtown as for the King  
771       Road Shopping Center, 2 blocks of development would have to be cleared for  
772       parking lots. The downtown parking policy was about reinforcing the building  
773       form policy for downtown, so if a development required that much parking, it  
774       probably did not belong downtown.
- 775       • Grocery stores for downtown should be appropriately scaled and smaller, such  
776       as a Trader Joe's that required 30 or 50 parking spaces, not 150 to 200. A larger  
777       grocery store could also be in a mixed-use development so parking was in a  
778       structure with no restrictions.

779

780 **Chair Klein** understood that if a public parking structure were built downtown with  
781 residential above, the number of parking spaces on that site would be limited to 2  
782 spaces per unit maximum.

783

784 J) Parking Structures:

- 785 • Current Code criteria would remain, but parking structures would require a Planning  
786 Commission review, as would any structures proposed in downtown. The proposed  
787 amendment would include structures outside of the downtown area.
- 788 • A size threshold for parking lots or number of spaces could be included.

789

790 **Mr. Marquardt** stated that this was the last worksession for Parking Code Amendments.  
791 The application for the Code amendments would probably come before the Commission  
792 in late spring/early summer. Meanwhile, more public outreach and a City Council  
793 worksession were planned.

794

## 795 **7.0 Planning Department Other Business/Updates**

796 7.1 Transportation Code Amendments: Fees In Lieu of Construction (FILOC)  
797 Revisions

798 Staff Person: Katie Mangle (for Susan Shanks)

799

800 **Ms. Mangle** stated the key comment about the Transportation Code Amendments  
801 regarded adding more detail about how the City tracked the FILOC collected in the  
802 historic neighborhood and downtown.

- 803 • Attachment 1 showed the changes staff had crafted in response to questions and  
804 comments received from the Commission and was the language proposed to forward  
805 to City Council.
- 806 • She had not heard any feedback from Commissioner Churchill, but would check with  
807 him.

808

809 **Chair Klein** said he was comfortable with the changes, but did not know if  
810 Commissioner Churchill would feel the same. He had tried to contact Commissioner  
811 Churchill regarding the changes.

812

813 **Ms. Mangle** stated the overall Code amendment package, except for the revised  
814 language included in Attachment 1, was sent to all NDA and LUC chairs, but no  
815 comments had been received.

- 816 • She would check with Commissioner Churchill and share the newly revised language  
817 of Attachment 1 with him.

818

819 The Commission consented that the language was acceptable.

820

821 **8.0 Planning Commission Discussion Items** – This is an opportunity for comment  
822 or discussion for items not on the agenda.

823

824 **Commissioner Bresaw** asked if the \$3.5 million Southgate Transit Center was moving  
825 forward.

- 826 • **Ms. Mangle** replied yes, as approved by the Planning Commission and City  
827 Council. Kenny Asher, Community Development & Public Works Director, was  
828 sending a memorandum to the community to address the many questions  
829 regarding the project, including layovers, and how the project related to the  
830 Jackson St Improvement Project (Jackson St). The Planning Commission would  
831 also receive a copy of the memorandum.

832

833 **Chair Klein:**

- 834 • Asked for clarification regarding the stimulus money involved.
  - 835 • **Ms. Mangle** explained there were different packages. TriMet submitted the  
836 Jackson St funding package to Metro for Metro's funding portion. Southgate was  
837 TriMet's proposal to Oregon Department of Transportation (ODOT) and involved  
838 ODOT's second round of stimulus funding.
    - 839 • Staff was more certain the Jackson St project would be funded, but had been  
840 quite unsure that the park and ride would be funded by ODOT, although it  
841 had competed well and had to go out to bid by June 15, 2009.
    - 842 • A bathroom could not be added to the facility without the Planning Commission's  
843 approval. A break room would have been part of the layover facility, which the  
844 NDAs and City Council liked, but would have required a major modification to the  
845 Community Service Use (CSU).
    - 846 • The City's requirement was that a security camera be added within a year, but

847 the camera would be included immediately because TriMet was committed to  
 848 increasing the level of security to what the City originally asked, but not required.

- 849 • She would bring information regarding both projects to the next meeting.
- 850 • Reported that he and Ms. Mangle attended a meeting for the South Ardenwald  
 851 Master Plan with the NDA and Housing Authority of Clackamas County (HACC),  
 852 along with community members as well as a County Commissioner. An open  
 853 process was currently occurring with considerable outreach to the NDA. He  
 854 reminded that he had been very critical of South Ardenwald and was skeptical  
 855 regarding the timeline and the transparency to this point, but believed there was an  
 856 understanding about what the neighborhood and City wanted, so he was cautiously  
 857 optimistic.

858

859 **Commissioner Batey** restated her email request about doing something on urban  
 860 renewal as soon as possible.

- 861 • **Ms. Mangle** responded that Chair Klein had also requested more on urban renewal.  
 862 She would not be working on the project until the Planning Commission did, but Alex  
 863 Campbell, Resource & Economic Development Specialist, Li Alligood, and Kenny  
 864 Asher wanted the consultant to come to Planning Commission for discussion. She  
 865 hoped for a meeting in April, but it might be early May.

866

867 **9.0 Forecast for Future Meetings:**

868 April 14, 2009 1. Worksession: NE Milwaukie Sewer Extension project  
 869 briefing

870 2. Worksession: Planning Commission Bylaws review

871 April 28, 2009 1. ZA-09-02 Transportation Code Amendments – Public  
 872 Hearing for Recommendation to City Council

873 2. CSU-08-06 Community Service Use – Public hearing  
 874 for Johnson Creek Blvd. facility modular office

875

876 **Ms. Mangle** reviewed upcoming meeting topics, adding that she would also be providing  
 877 some project updates.

878

879 Meeting adjourned at 10:00 p.m.

880

881

882

Respectfully submitted,

883

884

885

886

887

Paula Pinyerd, ABC Transcription for

888

Alicia Stoutenburg, Administrative Specialist II

889

890

891

892

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893 Jeff Klein, Chair



# MILWAUKIE

*Dogwood City of the West*

**To:** Planning Commission  
**From:** Katie Mangle, Planning Director *KM*  
**Date:** May 4, 2009, for May 12, 2009, Worksession  
**Subject:** Agenda for May 12 Meeting

---

## **ACTION REQUESTED**

None. This is a briefing for discussion only. Schedule the Commission's annual meeting with City Council.

## **BACKGROUND INFORMATION**

Staff is working on a variety of projects, including several applications and code amendments that will eventually be heard by the Commission and some long-range and community development projects. I was hoping to have two projects ready for discussion with the Commission at the May 12 meeting, but the staff analysis will not be ready in time for the meeting. Instead, this meeting will be a rare opportunity for the Commission to talk with staff in an informal way about the coming year and projects underway.

I propose the following agenda to guide our discussion:

1. Review the past year, including how the commission functioned internally and externally.
2. Discuss the Commission's multiple responsibilities, and how to best prepare commissioners to meet these roles.
3. Discuss the draft work program for the upcoming year.

This will also be a time for commissioners to ask questions and learn from each other. For background, I am providing the official statement of the Commission's responsibilities (Attachment 1), the draft work program for the Planning Department for the coming fiscal year (Attachment 2) and the list of Code Revision Projects recently prepared for Council (Attachment 3).

Dinner will be provided.

## **ATTACHMENTS**

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

1. Planning Commission
2. Draft work program for the Planning Department
2. Code Revision Projects

2.16.010

**Chapter 2.16****PLANNING COMMISSION\*****Sections:**

- 2.16.010**      **Established—Purpose.**  
**2.16.020**      **Membership—**  
                         **Qualifications.**  
**2.16.030**      **Statement of economic**  
                         **interest.**

\* Prior ordinance history: Ords. 1606 and 1726.

**2.16.010**      **Established—Purpose.**

A. The planning commission is lawfully established for the purpose of reviewing and advising on matters of planning and zoning according to the provisions of the comprehensive plan, zoning ordinance, and other planning implementation documents. The commission shall be responsible for, but is not limited to, the following activities:

1. Keeping current the comprehensive plan and implementing ordinances for the city and urban growth boundary as applicable;
2. Preparing as necessary legislation that will implement the purposes of the comprehensive plan;
3. Recommending to the city council plans for regulating future growth, development and beautification of the city, and to review and recommend on regional issues and concerns;
4. Recommending and making suggestions to the council concerning:
  - a. The laying out, widening, extending, and locating of public thoroughfares, parking of vehicles and relief of traffic congestion,
  - b. Betterment of housing and sanitation conditions,
  - c. Establishment of districts for limiting the use, height, area, bulk, and other charac-

teristics of buildings and structures related to land development,

d. Protection and assurance of access to incident solar radiation, and

e. Protection and assurance of access to wind for potential future electrical generation or mechanical application;

5. Recommending to the city council plans for regulating the future growth, development and beautification of the city in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the city in order to secure to the city and its inhabitants' sanitation, proper service of public utilities and telecommunications utilities, including appropriate public incentives for overall energy conservation and harbor, shipping and transportation facilities;

6. Recommending to the city council plans for promotion, development and regulation of industrial and economic needs of the community with respect to business and industrial pursuits;

7. Considering and conducting public hearings on the comprehensive plans and zoning ordinances and similar matters which may include, but are not limited to, zone changes, conditional uses, subdivisions and partitions;

8. Performing all other acts and things necessary to properly carry out the provisions of ORS Chapter 227 that are not specifically addressed by local ordinances and procedures;

9. The commission shall be responsible for the following historic preservation activities:

a. Carry out the duties described for it in this section and otherwise assist the city council on historic preservation matters,

b. Review and make recommendations on all partitions and subdivisions of historic properties designated in comprehensive plan

## 2.16.010

Appendix 1—Historic Resources Property List,

c. Disseminate information to educate the public as to state and federal laws protecting antiquities and historic places,

d. Act as a coordinator for local preservation groups such as the Milwaukie historical society, educational workshops, signing and monumentation projects, and other similar programs,

e. Assist the Milwaukie historical society in advising interest groups, agencies, boards, commissions and citizens on matters relating to historic preservation within the city,

f. Review and make recommendation on all applications requesting designation or deletion of a landmark and placement or removal on the cultural resources inventory, as provided under zoning ordinance subsection 19.323.5,

g. Review and make recommendation on all applications requesting designation or deletion of an historic district as provided under zoning ordinance subsection 19.323.5,

h. Review all development which proposes to alter a landmark, subject to the procedures and criteria set forth in this section,

i. Review all demolition permits affecting landmarks, as provided under zoning ordinance subsection 19.323.8,

j. Review and make recommendation on all conditional use applications related to landmarks,

k. Maintain an historic and cultural resources inventory and map of landmarks,

l. Develop regulations for the protection of landmarks, such as design guidelines for adoption by the city council;

10. Reviewing the historic resources element of the comprehensive plan;

11. Providing decisions and/or recommendations to the city council regarding compliance with applicable design guidelines for

development projects subject to design review under the zoning ordinance;

12. Reviewing and recommending appropriate design guidelines and design review processes and procedures to the city council; and

13. Such other activities as the council may assign.

B. Coordination with the Design and Landmarks Committee. The planning commission shall meet at least twice annually with the design and landmarks committee for reviewing prospective work program tasks related to urban design, architecture and design guidelines, historic preservation and other areas of responsibility assigned to the committee in Section 2.18.010(A). (Ord. 1936 § 2 (Exh. 1) (part), 2004: Ord. 1802 § 1 (part), 1996)

#### **2.16.020 Membership— Qualifications.**

A. The commission shall consist of seven members appointed by the council, no more than two of whom may be nonresidents. No more than two members shall be engaged in the same kind of occupation, business, trade or profession.

B. No more than two voting members of the commission may engage principally in the buying, selling or developing of real estate for profit as individual, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling or developing of real estate for profit. (Ord. 1802 § 1 (part), 1996)

#### **2.16.030 Statement of economic interest.**

Commissioners are required to file annual statements of economic interest as required by ORS 244.050 with the Oregon Government Standards and Practices Commission. (Ord. 1802 § 1 (part), 1996)

Responsibilities and Projects	Current Level of Service	Estimated Workload	Key Projects 2008-9	Key Projects 2009-10	Desired Improvements and Projects to Maintain Level of Service 2009-10	Wish List
<b>CURRENT PLANNING / PERMITTING</b>						
Public Information, Counter, & Phones	<p>Provide timely, accurate, and reliable information and service to internal and external customers.</p> <p>Return incoming phone calls within 24 hours.</p> <p>Provide a time-certain to customers for requests that cannot be handled by the next day of the request.</p>	<p>5 calls and 5 counter visits per day</p> <p>Planner on Duty available 32 hours each week.</p>			<ul style="list-style-type: none"> <li>Continually increase staff knowledge of Code.</li> <li>Improve handouts, application checklists, and public information.</li> </ul>	
Sign & Building Permit Review & Inspections	<p>Thoroughly review plans for compliance with code and/or land use decision.</p> <p>Approve 80% of complete building permits within 10 workdays.</p> <p>Approve 100% of complete permits within 15 workdays.</p> <p>Same-day inspection for small projects. Ongoing monitoring of large projects under construction.</p>	<p>Review 5 small permit applications/ week, 1 large application / month.</p> <p>Small project = 1-4 hrs.</p> <p>Large project = 20+ hrs.</p>				
Tree Removal Permits	<p>Process permits for removal or major pruning of trees in the right of way.</p> <p>Issue approval or denial of a permit application within 14 days (MMC 16.32.020.B.7)</p>	<p>Average one permit requested per month.</p> <p>Each takes 4 hours.</p>				Change code to allow City to require replanting when a tree is removed.
Code Compliance	<p>Respond to complaints about code compliance. Work with Code Compliance Officer to resolve issue through voluntary compliance.</p> <p>Monitor land divisions processed with the County Surveyor to ensure that all were properly processed with the City.</p> <p>Resolve zoning complaints within 2 weeks of receipt of the complaint. For the purpose of this objective, "resolve" means to confirm the complaint and take the first action.</p>	<p>Average one complaint per month. Resolution takes 1-12 hrs.</p>				
Pre-application Assistance	<p>Assist customers during pre-application conference. Explain process and regulations, advise on project decisions.</p> <p>Pre-application conference is held on Thursday, 2 weeks from date of request.</p> <p>Staff notes due 2 weeks after meeting.</p>	<p>Average one pre-application conference per month. 10 hrs of staff time each.</p>			<ul style="list-style-type: none"> <li>Reduce staff time spent preparing meeting notes for applicant by improving pre-application notes database.</li> <li>Develop 1-page pre-application FAQ handout to better prepare applicants.</li> </ul>	

Responsibilities and Projects	Current Level of Service	Estimated Workload	Key Projects 2008-9	Key Projects 2009-10	Desired Improvements and Projects to Maintain Level of Service	Wish List
Land Use Application Review	Work with applicant to comply with code, complete application. Prepare staff report and decision documents that are complete and defensible. Provide notice to neighbors and NDAs. Type I Application: Decision within 10 days. Type II Application: Decision within 14 days. MQJ Application: <ul style="list-style-type: none"> <li>Decision 60 days from completeness.</li> <li>Council appeals decided within 120-day clock.</li> </ul>	Estimated # of applications processed in 2008, and staff time required  Type I: 10; 4 hrs Type II: 6; 10 hrs MQJ: 17; 10-40 hrs			2009-10	
Records Management	Maintain records on applications. Maintain historic records to facilitate records searches.					
<b>LAND USE/ DEVELOPMENT POLICY</b>						
Code Housekeeping	Maintain an ongoing "Paramedic Code Fix List" for the Planning Commission Correct inconsistent and confusing code language.	6 month process	<ul style="list-style-type: none"> <li>Housekeeping code revisions</li> <li>Standardization of Tables</li> </ul>	<ul style="list-style-type: none"> <li>Re-publish code into 1-column format</li> <li>Code audit to identify inefficiencies and inconsistencies.</li> </ul>		
Policy Modifications	6 month process		<ul style="list-style-type: none"> <li>Complete update of Section 1400 – Transportation Planning Design Guidelines and Procedures</li> <li>Residential Facilities definitions</li> <li>Section 500 – Update parking standards</li> </ul>	<ul style="list-style-type: none"> <li>Identify code amendments need to comply with Title 13 - Nature in Neighborhoods.</li> <li>Residential Design Standards</li> </ul>		<ul style="list-style-type: none"> <li>Complete amendments to R-O-C/MU zones – amend to simplify, improve development readiness</li> <li>Strengthen annexation policy/code regarding extensions of public utilities.</li> <li>Sign Code – Design Standards for Commercial Areas, and address sign design</li> <li>Complete amendments to R-O-C/MU zones – amend to simplify, improve development</li> <li>Create design review or standards for commercial projects.</li> </ul>

Responsibilities and Projects	Current Level of Service	Estimated Workload	Key Projects 2008-9	Key Projects 2009-10	Desired Improvements and Projects to Maintain Level of Service 2009-10	Wish List
						· Fix the non-conforming uses code.

**COMMITTEES**

Planning Commission	Provide staff support to empower commissioners to make defensible decisions that implement the community vision. Organize trainings. Provide sound, understandable information.  Meet twice a month.  Recommend code and Comp Plan changes to protect and improve the community.	Prepare packet, attend meetings, prepare minutes.  12 hrs/month			Develop standards and templates for staff reports.	
Design and Landmarks Committee	Support DLC's mission to advise the Planning Commission and City Council on urban design, architectural, and historic preservation activities.  Organize bi-monthly meetings.	Prepare packet, attend meetings, prepare minutes.	Historic property photo project.	· Review downtown and historic project applications as required.  · Advise planning commission on creation of design review criteria for commercial projects.		
Design Review Team	Facilitate inter-departmental review team to coordinate on pre-application meetings, permit review.	1 hr per week for all staff.				
Metro Technical Advisory Committee	Attend 60% of MTAC meetings to maintain understanding of regional programs and requirements.	8 hrs/ month				

**LONG-RANGE PLANNING PROJECTS**

Land Use and Transportation Planning	Special projects as funding is available.		Bicycle Wayfinding Signage Plan			· Hwy. 224 Triangle Rezone/Redevelopment Support
Community Development	Ongoing support to CD/PW Director on regional projects.	Provide technical and management support as requested.		<ul style="list-style-type: none"> <li>• Support Downtown Urban Renewal study.</li> <li>• Assist with effort to remove Kellogg</li> <li>• Support Downtown Main Street Initiative.</li> </ul>		
Metro Planning Projects	Attend 1 3hr meeting per month.			<ul style="list-style-type: none"> <li>· Local Aspirations</li> <li>· Urban and Rural Reserves TAC committee</li> </ul>		

Responsibilities and Projects	Current Level of Service	Estimated Workload	Key Projects 2008-9	Key Projects 2009-10	Desired Improvements and Projects to Maintain Level of Service	Wish List
<b>CAPITAL PROJECT IMPLEMENTATION PLANNING</b>	Attend project team meetings, inter-agency meetings. 10 hrs/ week of work			<ul style="list-style-type: none"> <li>Support Light Rail permitting and design.</li> </ul>	<b>2009-10</b>	
	Attend project team meetings, plus 4 hrs/ week of work.			<ul style="list-style-type: none"> <li>Support NE Milwaukie sewer extension project. Includes planning for annexation of 250 properties.</li> </ul>		
	Attend project team meetings.			<ul style="list-style-type: none"> <li>Support Jackson Street bus stops project.</li> </ul>		

**Current Work Plan for Planning Department Code Improvement Projects  
April 2009**

Project Title	Project description	Code sections Affected	Primary Objectives	Due Date for Staff	Effective Date (Estimate)
<b>Code Improvement Projects In the Adoption Process</b>					
<b>Transportation Code Amendments</b>	Implement TSP policies, change process and standards for exacting improvements from development.	19.1400 - Transportation Planning, 19.400 - Supplementary Regulations, 19.321 - Downtown Zones, Title 17 - Land Division, Title 12 - Sidewalks	Resolve issues related to proportionality, flexible street design, difficult review processes, and FILOC.	Apr-09	
<b>Community Service Use - Major Utilities</b>	Makes major utility facilities a nonconforming use.	19.321 - Community Service Uses	Allows the City to control the location and impacts of a major utility facility.	Jul-09	pending approval (TBD)
<b>Standardization of Tables</b>	Corrections to numbering and placement of Tables. Related to Code Republishing project (see below).	Titles 14 - Signage, 19 - Zoning, and 17 - Land Division	Consistent numbering of Tables and in-text references to tables. Requires Council adoption by ordinance.	Jun-09	Nov-09
<b>Code Improvement Projects Getting Ready for Adoption / Implementation</b>					
<b>Parking standards</b>	Developing a new parking chapter to replace the existing outdated one.	19.500 - Off-Street Parking, 19.321 - Downtown Zones	Revise parking requirements for downtown development, refine standards for residential areas, and revise parking ratios and design standards. Restrict parking in front yards of residential lots.	Jun-09	Aug-09
<b>Residential Facilities</b>	Revise definitions for residential homes and facilities.	19.100, 19.300	Update how the City regulates residential homes and facilities to ensure compliance with Federal Fair Housing Act but provide appropriate regulation.	May-09	Aug-09
<b>Code re-publishing</b>	Working with QCP, the company that publishes the Milwaukee Municipal Ordinance, to republish the entire code.	All	Covert text to one-column format, apply updated style guide. Will dramatically improve legibility, usability for the public, consistent grammar and formatting, and one column format. No content changes, therefore adoption by Council is not necessary.	Jun-09	Nov-09
<b>Code Improvement Projects In Development</b>					
<b>Zoning Code Assessment (TGM grant project)</b>	Assessment of targeted sections of the code to evaluate for best practices, opportunities to streamline review, and develop standards that more effectively help the community manage change.	19.400 - Supplementary Regulations, 19.425 - Design standards for single-family housing, 19.301 - 308 - Residential zones	<ul style="list-style-type: none"> <li>▪ Evaluate the existing Residential Design Standards and recommend code options that would address multi-family standards, supplement the current single family standards, and encourage a greater variety of housing types in residential and mixed use zones. Develop tools to ensure infill development is built at a scale that fits with existing neighborhoods.</li> </ul>	Aug-09	N/A - assessment only
		19.700 - Variances, 19.800 - Nonconforming Uses, 19.900 - Amendments, 19.1000 - Administrative Provisions,	<ul style="list-style-type: none"> <li>▪ Evaluate the Zoning and Land Division ordinances (Chapters 19 and 17 of the Milwaukee Municipal Code) and develop recommendations to refine City's standards, approval criteria and review procedures. Provide recommendations for improving the organization of the Zoning Code and improving the efficiency and effectiveness of the City's approval processes.</li> </ul>		
		19.314 - Manufacturing zone	<ul style="list-style-type: none"> <li>▪ Evaluate City's Manufacturing (M) zone, which regulates uses in the North Industrial Area and provide recommendations to clarify approval standards and improve implementation of existing City Policy Objectives</li> </ul>		
		19.312 - Downtown zones	<ul style="list-style-type: none"> <li>▪ Review the Downtown Standards in chapter 19.312 to assess how the policies may affect implementation of the Downtown and Riverfront Plan. The review will include identifying opportunities for added flexibility in the standards to address the evolving development/real estate market.</li> </ul>		
<b>Habitat Conservation Areas (Title 13 compliance)</b>	Adopt maps and standards to restrict development in regionally-identified high value habitat areas.	19.322 - Water Quality Resources	Required to comply with Title 13 of the Metro Regional Functional Plan. Part of the City's goal to protect habitat and encourage sustainable approaches to development.	Jul-09	Sep-09

**Current Work Plan for Planning Department Code Improvement Projects  
April 2009**

<b>Future Code Improvement Projects</b>					
<b>Strengthen Sign Code</b>	Propose new sign design standards for Commercial areas.	Title 14	Address sign lighting and size limitations.		
<b>Illegal Lots</b>	Develop process for dealing with illegally created lots.	TBD	Develop policy to allow staff to resolve situations in which lots were created illegally. In response to 2007 ORS revision.		
<b>Strengthen CSU Code</b>	Address how City permits modifications to uses not originally permitted as CSUs.	19.321			
<b>Strengthen Historic Resources Code</b>	Criteria, standards, and review process are outdated and confusing.				
<b>Ongoing Code fix list</b>	Staff maintains a list of code problems, now numbered at 300 items.		Correct inconsistent code language, track problems as they are identified.	ongoing	