



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday August 11, 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
- 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
 - 5.1 Summary: Portland Parks Maintenance Building—*continued from July 28, 2009*
Applicant/Owner: Portland Parks & Recreation Department
Address: 8545 SE McLoughlin
File: CSU-09-02, TPR-09-02
Staff Person: Li Alligood
- 6.0 **Worksession Items**
 - 6.1 Summary: Smart Development Code Assessment project briefing part 2
Staff Person: Katie Mangle/Susan Shanks
- 7.0 **Planning Department Other Business/Updates**
 - 7.1 Design and Landmarks Committee work program
- 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:**
 - August 25, 2009
 - 1. Public Hearing: A-09-01 5885 SE Harmony Rd Office
 - 2. Worksession: Parking Code amendments
 - 3. Worksession: Smart Development Code Assessment Action Plan draft

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. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.cityofmilwaukie.org
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at 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.

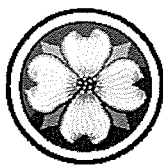
The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.

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



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Katie Mangle, Planning Director *KM*

From: Li Alligood, Assistant Planner

Date: August 4, 2009, for August 11, 2009, Public Hearing

Subject: File: CSU-09-02, TPR-09-02

Applicant: City of Portland Parks and Recreation Department

Owner(s): Summit Properties, Inc.

Address: 8545 SE McLoughlin Blvd

Legal Description (Map & Taxlot): 11E25BB00700

This hearing is a continuation of the July 28, 2009 public hearing on the City of Portland's application for a Community Service Use. For information about the application and staff's recommended findings and conditions, please refer to the packet for the June 23, 2009, hearing.

Overview

For the benefit of commissioners who were not able to attend the meeting on July 28, the following is a summary of the process thus far. Four commissioners were present at the July 28 hearing. One Commissioner indicated he would vote against the application based on the tax-exempt status of the applicant; two Commissioners indicated support of the application. Commissioner Batey requested additional information about the following items:

- Average employment per acre in the North Industrial Area;
- Employment per acre at two or three of the largest employers in the North Industrial Area;
- Employment per acre at other North Industrial Area buildings in the 2,000 to 3,000 sq ft range; and
- Employment levels at the two new businesses (Willamette Jetboat and D & R Masonry) located at the former Thomason site at 8890 SE McLoughlin.

Staff is researching Commissioner Batey's questions and will report the answers in a supplement to this packet prior to the meeting.

Public Benefits Test

The standard of review for a Community Service use is whether the public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood. At the July 28 meeting, some Planning Commissioners raised the question of whether the potential negative impact of the applicant's tax exempt status was sufficiently offset by the public benefits of the application. Staff recommends that the Commission consider the applicant's tax-exempt status as a state designation that is not directly related to the outcome of the land use decision.

Planning Commissioners are right to be concerned about the value of the North Industrial Area as the economic engine of the City. However, staff suggests that this economic power derives largely from the relatively high-wage jobs provided by industry rather than the tax status of specific businesses. Therefore, staff continues to recommend that the Commission approve the proposed Community Service Use application.



MILWAUKIE

Dogwood City of the West

To: Planning Commission

From: Katie Mangle, Planning Director *KM*
Susan P. Shanks, Senior Planner

Date: August 4, 2009 for August 11, 2009 Worksession

Subject: Smart Development Code Assessment Project

ACTION REQUESTED

None. This is the third in a series of briefings on the City's Smart Development Code Assessment Project. At the Commission's July 14 work session, the briefing focused on the Angelo Planning Group (APG) code evaluation memorandum that identified a number of code problems and some preliminary solutions (see Item 6.1 Attachment 1 of the July 14, 2009 Planning Commission packet). The specific focus of that briefing was on Sections 1 and 3 of the APG memo, namely Residential Design Standards and Downtown Zone Standards and Uses. The August 11 briefing will focus on Sections 2 and 4, namely Land Use Review Criteria and Procedures and Manufacturing Zone Standards and Uses

BACKGROUND INFORMATION

In 2009, the City was the recipient of a code assessment grant from the Oregon Transportation and Growth Management (TGM) Program, wherein the State hired APG to conduct an assessment of the City's zoning code (Title 19) that focused on the following four key areas:

1. Residential Design Standards
2. Land Use Review Criteria and Procedures
3. Downtown Zone Standards and Uses
4. Manufacturing Zone Standards and Uses

As stated above, Sections 1 and 3 were discussed at the July 14 Planning Commission meeting. A summary of the discussion at that meeting is attached (see Attachment 1). Sections 2 and 4 will be discussed at the August 11 meeting. Since the Commission has worked on a number of code amendment projects recently, staff thought it would be helpful to provide the Commission with a framework for understanding this code assessment project as it relates to other code sections and other code amendment projects. See Attachment 2 for an overview of all of the code sections that the Planning Department implements and the recent and current code amendment projects on which staff and the Commission have worked.

CODE ASSESSMENT FINDINGS

The APG code assessment memo (see Item 6.1 Attachment 1 of the July 14, 2009 Planning Commission packet) provides an in-depth evaluation of the four key code areas. The key findings from Sections 2 and 4 of this memo are summarized below:

Section 2: Land Use Review Processes and Procedures

- Milwaukie lacks a traditional "development review" chapter that allows the City to review new outright allowed development. Review in Milwaukie is triggered by a change of use or need for a building permit.
- The procedures associated with the different review types is convoluted and unclear.
- Some development proposals trigger a level of review that is excessive relative to the proposal.
- Many important approval criteria, such as for variances, include language that is vague and ill-defined.

Preliminary Solution: Consider adopting the review procedures section of the State's Model Code for Small Cities since many of the required review procedures are based in State law.

Section 4: Manufacturing Zone

- The existing code does not contain a clear description of permitted industrial uses or accessory industrial uses. As a result, the industrial community and the Planning Director often struggle with the challenge of determining if a specific proposed use fits the very broad and general list of uses allowed in the Manufacturing zone. This becomes even more challenging when a site contains multiple buildings and/or multiple businesses.
- Section 19.103 (Definitions) includes definitions for some, but not all, uses listed in the Milwaukie Zoning Ordinance. However, there are no definitions for industrial uses such as manufacturing, processing, fabrication, packaging, assembly, etc.

Preliminary Solution: Consider refining the existing use category approach and/or defining the permitted uses in more detail.

KEY QUESTIONS

The discussion at the July 14 meeting was very productive. Staff would like to structure this discussion in much the same way. Please consider the following questions as you review the APG memo from the previous briefing and the information in this staff report.

1. Does the memorandum accurately identify the problems associated with each key area?
Is anything missing?
2. Do you have a strong opinion about any of the potential solutions provided? Are there solutions that you like or dislike more than others?
3. Are there other potential solutions you would like staff to investigate?
4. What kinds of information would you like staff to provide at future meetings to help you understand the problems and solutions identified thus far?

NEXT STEPS

The final deliverable from APG during this phase of the code assessment project is an Action Plan. The Action Plan will identify and prioritize needed code amendments for the near term and will inform the scope of work for Phase II of this project, which is expected to be funded by another TGM grant during the 2009-10 fiscal year. Phase II will build on the work done during

the assessment phase and will include the drafting of new code language for those needed code amendments that have been identified as high priority on the Action Plan. Staff expects to present a draft version of the Action Plan to the Commission for review and discussion in September 2009.

Staff expects that Phase II of this project will likely include code amendments for new and/or revised design standards for commercial and residential development. Given that around the same time the Planning Commission will likely be reviewing other code amendments, i.e. Title 13 and Off-Street Parking, staff suggests that the Commission delegate formulation of amendments related to design standards to the Design and Landmarks Committee (DLC). Staff believes that this would be a good use of their skills and time and allow the Planning Commission to focus on development review and other code amendments. Staff is not attached to utilizing the DLC in this manner and would like to hear the Planning Commission's thoughts on this suggestion at the August 11 meeting.

Staff plans to use the Action Plan format developed during this code assessment project to develop a long-term code amendment Planning Department work plan. Staff plans to do this by augmenting this project's Action Plan with all the code amendment needs identified by Commissioners and staff over the past several years. As staff works on creating a more comprehensive and long-term code amendment Action Plan, staff will bring it to the Planning Commission for review and discussion.

ATTACHMENTS

1. Meeting Summary from July 14, 2009 Planning Commission Worksession Discussion
2. Code Section and Code Amendment Overview



MILWAUKIE

Dogwood City of the West

To: Planning Commission
From: Katie Mangle, Planning Director *KM*
Date: August 4, 2009, for August 11, 2009, Worksession
Subject: Design and Landmarks Committee Work Program

ACTION REQUESTED

None. Staff is providing This is a briefing for discussion only.

BACKGROUND INFORMATION

On August 18, the Design and Landmarks Committee (DLC) will hold its annual meeting with the City Council. In preparation for this meeting, staff worked with the DLC to prepare a work program for the rest of this fiscal year. Since the DLC is a subcommittee of the Planning Commission, staff is sharing the staff report provided to Council in preparation of this meeting, included as Attachment 1.

ATTACHMENTS

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

1. Design and Landmarks Committee Work Program 2009