



## AGENDA

### MILWAUKIE PLANNING COMMISSION Tuesday November 10, 2009, 6:30 PM

MILWAUKIE CITY HALL  
10722 SE MAIN STREET

- 1.0 Call to Order - Procedural Matters**
- 2.0 Planning Commission Minutes** – Motion Needed
  - 2.1 September 8, 2009
  - 2.2 September 22, 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 Summary: Planning Commission Bylaws review  
Staff Person: Katie Mangle
- 7.0 Planning Department Other Business/Updates**
- 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:**
  - November 24, 2009
    - 1. Public Hearing: CSU-09-11 4444 SE Lake Rd NCSD
    - 2. Public Hearing: ZC-09-01 Bowman St & Brae St
  - December 8, 2009
    - 1. Public Hearing: MLP-08-02 et al Howe St partition
    - 2. Public Hearing: DR-09-01 et al Riverfront Park *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, September 8, 2009  
6:30 PM

**COMMISSIONERS PRESENT**

**STAFF PRESENT**

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

Katie Mangle, Planning Director

**1.0 Call to Order – Procedural Matters**

**Chair Klein** called the meeting to order at 6:36 p.m. and read the conduct of meeting format into the record.

**2.0 Planning Commission Minutes**

2.1 July 28, 2009

**Commissioner Bresaw** corrected Line 65 on 2.1 Page 2 to read: "...Mark **Mart** Hughes...."

**Commissioner Bresaw** moved to approve the July 28, 2009, minutes as corrected.

**Commissioner Batey** seconded the motion, which passed 5 to 0 to 2 with Vice Chair Newman and Commissioner Qutub abstaining.

**3.0 Information Items—None**

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

**5.0 Public Hearings—None**

**6.0 Worksession Items**

6.1 Review of existing neighborhood and district plans in Milwaukie

Staff Person: Katie Mangle

**Katie Mangle, Planning Director**, summarized the ongoing review of Milwaukie's Zoning Code through the State-funded Smart Development Code Assessment project. Discussions at prior meetings included:

- 41 • Residential design standards and general defects that were fundamental to Milwaukie's
- 42 Code structure and improvement standards.
- 43 • Manufacturing and commercial Zones design standards.
- 44 • Policies regarding the existing commercial areas outside of downtown and how they could
- 45 contribute better to the surrounding residential neighborhoods. In the past, the emphasis
- 46 was on separating residential from commercial areas, but that was based on models of large
- 47 regional shopping centers that affected residential streets.
- 48 • Parking Code policies regarding parking areas that encourage neighborhood and pedestrian
- 49 friendly, small-scale commercial activity.

50

51 Via PowerPoint, she presented for discussion hypothetical developments on 3 existing  
52 Milwaukie sites in various zones and described how Milwaukie's Municipal Code negatively  
53 affected development.

54 Key discussion points included:

- 55 • Limited Commercial Zone (C-L) required 15% minimum landscaping but had no required
- 56 yard setbacks, and any new development would require a Transition Area Review by the
- 57 Planning Commission.
- 58 • For example, a hypothetical new development at 32<sup>nd</sup> Ave and Olsen St on a 10,000 sq ft lot
- 59 could include a 5,000 sq ft retail or office building with 15 to 20 parking spaces required per
- 60 Code on about half the site with 900 to 1,200 sq ft remaining. The remaining land was barely
- 61 over 10% of the total lot, so the 15% landscaping requirements would not be met. The
- 62 building and parking lot would have to be smaller.
  - 63 • On small commercial lots, parking would probably be located next to the building. The
  - 64 Code typically required that parking be located behind or to the side of a building. But on
  - 65 a small site, there was no area behind the building for parking, so it would be located
  - 66 along the sidewalk.
  - 67 • All zones had 35 to 40 ft height restrictions; however, on a small lot the actual restriction
  - 68 was parking because of the number of spaces required for a 2-story building.
    - 69 • In the example, 40 parking spaces would be required for a 2-story building, leaving
    - 70 no area for development unless structured parking was used. However, a multi-story
    - 71 building with structured parking would not be appropriate on a small commercial lot.
    - 72 • Current parking requirements were appropriate for larger shopping centers and sites,
    - 73 which generated more vehicle traffic.

- 74 • The second example was the small blue 2-story convenience store located at 30<sup>th</sup> Ave and  
75 Washington St in the Commercial Neighborhood (C-N) Zone. All existing uses in C-N zones  
76 were nonconforming, but grandfathered and allowed if continuously used.
- 77 • If retail use was discontinued for 6 months, any new retail use or development would  
78 have to request approval of a Conditional Use land use application from the Planning  
79 Commission. C-N development standards mimicked single-family residential standards  
80 with 20% landscaping, 15-ft setbacks, and 40% maximum lot coverage.
- 81 • A third example was the car lot at 42<sup>nd</sup> Ave and King Rd, which was a larger site than the  
82 first two examples and zoned General Commercial (C-G). For discussion purposes,  
83 complete redevelopment of the 12,000 sq ft lot was assumed. For a 1,000 sq ft building,  
84 retail or office uses would require 18 parking spaces; restaurant or personal services uses  
85 would require 24 parking spaces. The small site had room for 19 spaces, probably behind  
86 the building up against the street and requiring about half the site, so the use was limited.
- 87 • On the other side of the 7-Eleven was a pedestrian-friendly area with a tailor, realtor,  
88 used bookstore, and laundromat that all came to the street with parking behind the  
89 buildings.
- 90 • The canopy on the car lot was the covering for gas pumps that were no longer in place.  
91 The building was located to the back of the lot. Taco Del Mar was mentioned as a  
92 business that was successful in converting old gas stations to small restaurants. The  
93 same structure could be utilized, but as a car lot, the site did not encourage pedestrian  
94 access.
- 95 • In the first two examples, pedestrian-friendly access was possible, but the existing Code did  
96 not encourage it. Staff had shied away from major changes to the parking ratios because  
97 much of the Code did work. There had not been much development in the commercial  
98 zones, so parking issues had not been on staff's radar screen.
- 99 • To meet the existing Code, small sites would be 50% parking lot. Existing small  
100 neighborhood stores were nonconforming and could be regulated out of existence by the  
101 existing Code.
- 102 • Portland had no minimum parking requirements for sites located less than 500 ft from a  
103 high-frequency transit street. Any site that was subject to Portland's Parking Code had  
104 incentives, including substituting bicycle parking for up to 25% of required parking. Any  
105 parking provided was because the property owner needed and wanted to build it. It worked  
106 well for Portland because they had many transit lines

- 107       • Such requirements would work well for 32<sup>nd</sup> Ave in Milwaukie because TriMet's #75 bus  
108           line ran every 15 minutes, but would not help Washington St, which was not a transit  
109           street.
- 110       • The requirements would also apply to all sites in Milwaukie, not just small ones.
- 111       • In Denver, anything built before 1978 did not have to comply with current parking  
112           requirements, but this did not apply to demolition and replacement of buildings. It was  
113           another way of allowing old sites built before the pre-automobile environment to remain  
114           pedestrian oriented.
- 115       • Other tools could include a parking lot agreement with a business, such as Safeway, to  
116           allow for shared parking. This would allow for pedestrian access to smaller shops and  
117           encourage shopping at Safeway.
- 118       • Clackamas Town Center and Milwaukie Marketplace were examples of large retail  
119           developments designed to bring residents in to park and shop in multiple stores.  
120           Safeway could share their parking lot with the surrounding businesses and utilize them  
121           in a similar manner for one-stop shopping.
- 122       • There was no parking for any buildings in the Clinton area. To go to the movie theater or  
123           a restaurant there, parking was only available on the street in the residential area.
- 124       • In the River Rd area, businesses had enough parking for everything except when  
125           Portland Classic Guitar had its concert series on Saturdays during the school year or  
126           during the Oak Grove Choppers community party. The Milwaukie Grange Hall was more  
127           of a neighborhood impact with overflow parking during events. Portland Classic Guitar  
128           had 3 or 4 parking spaces in front, and customers did have trouble finding parking at  
129           times because there were no curbs for street parking. However, perpendicular spaces  
130           along Bluebird St were never filled.
- 131       • Papa Murphy's on 42<sup>nd</sup> Ave and Harrison St did not appear to meet parking standards,  
132           but people would not complain because they liked Papa Murphy's. People did not  
133           complain about parking problems at quality locations they wanted to frequent.
- 134       • General tools could be used to adjust parking requirements based on the percentage of  
135           business traffic that would come to a location by a certain mode.
- 136       • No one could have known how busy Bob's Red Mill would be, causing increased traffic  
137           on International Way. There was some controversy when it was developed, but it was a  
138           great business and brought other businesses to the area so the community did not care  
139           about the extra traffic.

- 140 • The problem with the sites on 42nd Ave was that the big main streets had no parking  
141 available. On 32nd Ave parking was available on the side streets. Street parking and  
142 how it was currently utilized should be factored into the balance.
- 143 • Returning to the car dealership site example on 42nd Ave, if the site was converted to a  
144 coffee shop there would be more parking than necessary on the site, even if the building  
145 was expanded. A coffee shop would encourage other retail use by bringing other people into  
146 the area for a cup of coffee and other shopping. If the site use was changed to an office  
147 building, parking would be critical.
- 148 • Parking was not allowed on King Rd once you turn east from 42<sup>nd</sup> Ave, however it was  
149 allowed in other locations.
- 150 • Time limits on parking could not be imposed on private property, but could be done on  
151 public streets along with permit parking. Enforcement was not currently available, but these  
152 were ideas for the future.
- 153 • There was limited parking along Hawthorne in Portland, most is on side streets, but it was a  
154 favorite location and seemed to work. The Commission debated about whether a similar  
155 location would work in Milwaukie or cause neighbors to complain about parking.
- 156 • Milwaukie residents were spoiled by being able to drive 1/2 mile and park in front of their  
157 destination instead of walking 1/2 mile.
- 158 • City Council members who were against projects like North Main or the proposed town  
159 center wanted smaller businesses like Cha Cha Cha, although it had no designated parking.
- 160 • Many smaller businesses did not have designated parking because it was not required  
161 or even possible. However, customers who really wanted to use certain businesses  
162 would search for parking.
- 163 • SE Woodstock Blvd was nice because it had services such as a hardware store and video  
164 store. The Woodstock neighborhood was not old buildings, but included a mix of styles that  
165 provided a balance.
- 166 • N Mississippi Ave had another example of a popular business, Amnesia Brewing; at which  
167 the parking lot was covered with picnic tables and an awning.
- 168 • Higher parking standards could be required for office than retail/restaurant use.
- 169 • A lower parking standard should encourage walk-up businesses such as coffee shops,  
170 restaurants, and delis in every neighborhood.
- 171 • NW 23rd Ave was not really a walk-up street because people drove from all over  
172 causing parking problems. Scale mattered.

- 173 • Safeway was losing business because they did not allow other businesses in the shopping  
174 center. If the City, Safeway, and the Dieringer's Properties could work together and  
175 encourage pedestrian and small business growth, it would benefit everyone.  
176 • Changes could happen, but they did take time and often there were several tenants before  
177 the right business was in the right site.

178

179 **Ms. Mangle** concluded, saying that her understanding of Milwaukie and other code and  
180 comprehensive plans was that historically, there was a real desire to separate commercial and  
181 residential to minimize impacts. She took that seriously and did not want to sway too far in the  
182 opposite direction.

183

184 **Commissioner Bresaw** stated that small businesses had small overhead and did not need as  
185 many customers, requiring much less parking. Ed Parecki's Main & Monroe building was  
186 considered redevelopment, but there was no required parking because there were no parking  
187 requirements in the Downtown Storefront Zone. However, if parking was required, Mr. Parecki's  
188 building would not be possible.

189

190 **Chair Klein** suggested that Planning staff could help redirect potential Milwaukie business  
191 owners limited by the Code to locate their businesses in areas that might encourage and create  
192 diversity.

193

194 **Ms. Mangle** noted one applicant had prompted staff to really look at the Limited Commercial  
195 Zone and they realized how limiting the code was and how much parking was actually required.

196

197 Key discussion items continued as follows:

- 198 • Businesses attracted to neighborhood areas were those with business plans to attract  
199 pedestrian traffic and would not care if there was parking. Businesses should not be  
200 prohibited from building parking spaces, but should also not be required to provide parking.  
201 It did have to be generalized in terms of regulating tools. A trigger had to be found to hook  
202 into such items as occupancy, site size, or types of uses.
- 203 • Bob's Red Mill was an example of a business that required parking because their items  
204 were sold in bulk, so no one would walk to their store. Bob's Red Mill provided an  
205 example of a site that pushed conformity, but was accepted because the desired  
206 impacts outweighed any negatives.

- 207 • Many businesses start out with a small business plan, but it was not possible to restrict a  
 208 business to selling only to local neighbors. If a business was successful, people would travel  
 209 just to utilize its services.
- 210 • A small business plan would not consider demolition and a new building, but would work  
 211 with what existed and make alterations.
- 212 • A brewpub, such as Amnesia Brewing, should probably have a parking lot because it was a  
 213 business that drew a large number of people at a certain hour for a long period of time.
- 214 • Parking requirements did not have to be all or nothing, and the Code could require half the  
 215 normal amount of parking, for example. Or a business could get 25% off the required  
 216 number of parking spaces for being on a high-frequency transit street, and another 25% off  
 217 if a business was expected to attract pedestrian or bicycle traffic, although it was difficult to  
 218 determine traffic type for a business.
- 219 • The idea was to identify the nodes and encourage neighborhood traffic, emphasizing  
 220 pedestrian, bicycle, and then vehicular traffic.
- 221 • A parking requirement was needed, but the Parking Code should increase use of the tools  
 222 that allowed for reducing the amount of parking required.
- 223 • If the plan was to have no parking requirement, a lot more was involved, including public  
 224 notice to all the neighbors so they could voice opinions.
- 225 • If specific desired businesses could be encouraged into nodes, parking would take care  
 226 of itself.
- 227 • Flexibility was key, and generally the Parking Code could encourage good behavior and  
 228 not require too much parking while managing the right amount of impacts. The Parking  
 229 Code was already in place to allow an applicant to challenge the parking ratios table.  
 230 Tools could also include by-right reductions and triggers, such as hours of operation.

231

232 **Ms. Mangle** stated she would work on the parking issue and return with suggestions for further  
 233 discussion.

234

235 6.2 Summary: Parking Code Amendments project briefing – Commercial Zone  
 236 requirements  
 237 Staff Person: Katie Mangle

238 **Ms. Mangle** stated she was not as prepared for this item, but distributed the handout *“Excerpts*  
 239 *from Milwaukie Comprehensive Plan Chapter 4: Land Use Policies related to neighborhood*  
 240 *commercial nodes & redevelopment, most adopted in 2000.”* The handout provided definitions

241 of commercial land use and old policy language that was the background for the Zoning Code.

242 • The handout included discussion of the neighborhood element, which were the  
243 neighborhood plans in the Comprehensive Plan completed in the late 1990s. Five  
244 neighborhoods were noted in the plans, but seven now existed. She believed the  
245 neighborhood plans could be improved during the periodic review of the Comprehensive  
246 Plan.

247 • Also included was the plan for the King Rd Neighborhood Center, which was included in  
248 Hector Campbell's Neighborhood Plan. A map indicated that the area was generally the  
249 General Commercial (C-G) area.

250

251 **Chair Klein** asked about the King Rd Development Plan completed in 1995. Gene Dieringer or  
252 John Gessner might be able to provide a copy.

253 • **Ms. Mangle** replied she was not familiar with the plan, but would look it up.

254

255 **Ms. Mangle** stated the Comprehensive Plan did provide good policy background and direction  
256 about what the Commission had discussed, such as higher neighborhood residential and  
257 commercial design standards. However, not much was included about how commercial should  
258 fit with residential.

259 • The Town Center Master Plan was still in effect for the area between Hwy 224 and  
260 downtown. She could provide more information at a later date.

261

## 262 **7.0 Planning Department Other Business/Updates**

263 7.1 Revised Public Hearing Notice template draft

264 **Ms. Mangle** stated a concern had been expressed previously that neighbors around properties  
265 were not properly notified for public hearings. Staff had prepared a better draft notice and  
266 requested feedback from the Commissioners. The goal was to be clear, providing information  
267 about the application and the process without being inflammatory.

268 Key discussion points were as follows:

- 269 • The draft was good. The test would be the information provided in the "Proposal" block  
270 because it would provide detail to the community.
- 271 • When the public meeting notice was sent out 20 days before the hearing, staff might not  
272 have the results of traffic impact and other reports.
- 273 • The public notice should indicate that a traffic impact study was being completed and  
274 would be presented at the public hearing.

275  
276 **Commissioner Batey** commented that differing views emerged from discussion a prior meeting  
277 with Susan Shanks about how much should be stated in a public notice, what was inflammatory,  
278 and what was too much. She emphasized that traffic impact was a big concern for  
279 neighborhoods that people would want to know about.

- 280 • Overall, she believed the new draft was more reader-friendly and she liked the idea of  
281 providing the Neighborhood District Association (NDA) contacts. Most NDA chairs have  
282 their numbers published in The Pilot.

283

284 Agenda Item 7.2 was added to the agenda.

285

286 7.2 Planning Department Update: Kellogg Creek Waste Treatment Plant

287 **Ms. Mangle** stated that she did not see today's Clackamas Review article about Kellogg Creek  
288 Waste Treatment Plant (the Plant) today, so asked Chair Klein to update the Commission. She  
289 distributed a letter she had sent Friday afternoon to Clackamas County.

290

291 **Chair Klein** recalled that the article written by Matthew Graham about the City being sued by  
292 the County. The County had had enough and the City was preventing them from making  
293 necessary efficiency improvements to the Plant so that sewage did not spew into the river.

294

295 **Commissioner Batey** noted that a recent editorial in the Clackamas Review took the County to  
296 task.

297

298 **Ms Mangle** clarified that a large project to improve the Plant was submitted in June 2008. A  
299 preapplication conference was done with the County, where staff stated the project was a major  
300 modification to a Community Service Use (CSU) land use approval and would require a land  
301 use application process and Planning Commission approval.

- 302 • The County provided a plan set in June 2009, and informed staff they were proceeding with  
303 the project. She sent the County a letter stating that the project would still require a land use  
304 review, and requesting that they come to talk with her for a preapplication hearing to  
305 evaluate any changes and provide additional information.
- 306 • Staff's concerns included impacts, if it would intensify the use of the site, increase the life of  
307 the plant, and if it was in the Willamette Greenway and Water Quality Resource Zones.
  - 308 • The site was very sensitive, located in a residential area and zoned for Downtown Office.

309 She has been asking the same questions since June, but the County had not provided  
310 answers. Instead, the project was scaled back and County now stated that they just  
311 wanted an electrical permit to replace the blowers, a rag compactor, and other items,  
312 promising to go through the land use permit process for the rest of it later.

- 313 • The electrical permit had not been issued because answers to her questions were not  
314 provided. The blowers were what made the plant work and she could not know whether  
315 replacing them was intensifying the use or whether it was the same work as originally  
316 proposed for the big project.
- 317 • She was also not sure she was the decision maker because she did not have enough  
318 information to tell the County what was required. She requested for the County to come  
319 talk to her and to put some of the information in writing so staff could figure out what  
320 permits were required to get it through the process. Staff was not saying anything would  
321 be denied, but that the County had to go through the land use process.
- 322 • The County had issued a writ of mandamus, asking the court to force the City to provide the  
323 permit.
- 324 • On Friday afternoon, she sent the County a letter stating that she had been asking for  
325 information to determine what kind of permit was needed and whether a land use review  
326 was required, but the information had not been provided.
- 327 • In light of the conflicting information staff had received, it appeared to be more than a  
328 building permit, and was therefore an incomplete land use application. The necessary  
329 material had not been submitted to allow for a decision.

330

331 **Commissioner Bresaw** stated that the Plant was at capacity and still being used. The County  
332 was keeping it working, which could mean intensification, but she wondered what else they  
333 would do.

334

335 **Ms. Mangle** reiterated that the City was not stating they would deny any of the permits. If the  
336 County had actually just submitted the information, it could have been completed a year ago.  
337 She believed much of it was political and about more than just the building permit. The County  
338 was afraid to come in front of the Planning Commission. [delete?]

339

340 **Chair Klein** read from the Clackamas Review's online story, quoting Mike Swanson:

341 [http://www.clackamasreview.com/news/story.php?story\\_id=125243441852060800](http://www.clackamasreview.com/news/story.php?story_id=125243441852060800)

342 "*Swanson said the city isn't seeking land use approval per se, but has to determine whether the*

343 *permit requires a land use approval. He said if the city were to go ahead and just waive the land*  
344 *use portion for the one permit, it may set a precedent and mar the city's ability to enforce land*  
345 *use oversight in the future.*

346 *Swanson said the city asked the county to come in and explain their plans, but the only meeting*  
347 *took place a year ago. The county recently dropped off a voluminous planning packet and the*  
348 *city said it received no explanation of its contents, which they want before approving the*  
349 *permits."*

350 • *The article also stated, "Fixing the blowers is part of a larger project to update the plant so it*  
351 *stops spewing sewage into the Willamette River during heavy rains. The district is under an*  
352 *order from the Department of Environmental Quality to remedy the spills by 2012.*

353 *The parts that need to be fixed are four blowers that shoot air into the sewage pipes,*  
354 *allowing bacteria that assist in breaking down sewage to grow. [Chris] Storey [the County's*  
355 *attorney] said the county went so far as to change the original plan, which was to update the*  
356 *system, and is only seeking a like-for-like replacement of the blowers."*

357

358 **Ms. Mangle** clarified that staff's question was whether the current plan was really the same as  
359 originally submitted because some of staff's technical analysis indicated it was not exactly the  
360 same. A written explanation was needed from the County.

361

362 **Commissioner Batey** asked that if it was really the same, why would the County not want to  
363 just prove it and get it all over with.

364

365 **Chair Klein** agreed that the County did not want to show their cards and state that they were  
366 not increasing capacity, but doing something else.

367

368 **Commissioner Bresaw** pointed out that the Plant had to increase capacity because it was  
369 already at capacity. The purpose of the project was to prevent the problems.

370

371 **Chair Klein** clarified that capacity could be increased depending on what was being done. The  
372 Plant was a 1977 plant, so many things could be done to increase the amount of sewage  
373 processed. There were ways to measure how much sewage was processed.

374

375 **Ms. Mangle** said she had toured the Plant on Monday, which was fascinating and smelly, but  
376 that was due to the chemicals.

377

378 **Chair Klein** said the Plant was County owned but within the City limits. The City would not allow  
379 someone to build a uranium plant in the City, so why should the County be allowed special  
380 circumstances.

381

382 **Ms. Mangle** stated that the zoning history of the Plant and how it was permitted merited a very  
383 careful analysis of how the proposal compared to its conditions of approval. It was a Conditional  
384 Use originally with some Community Service Overlays.

- 385 • The Plant was also in Downtown Office zoning as well as the Willamette Greenway Zone  
386 and next to the Water Quality Resource Zone.
- 387 • With CSUs, the City was trying to get into the practice of being very diligent about managing  
388 impacts on all sites.

389

390 **Chair Klein** believed it was important to manage the impacts diligently because it provided  
391 transparency to the public about what was inevitably happening. Many people would like to  
392 know what was going on. It was unfortunate that everything was coming to a head now.

- 393 • He quoted the Clackamas Review article again: "*The city has asserted that we have to go*  
394 *through their land use process – that's not consistent with the way we've done things in the*  
395 *past or with the way other jurisdictions have done things," said Chris Storey, the county's*  
396 *attorney. "Now, with time getting critical, we have to get those replaced."*
- 397 • He rephrased Mr. Storey's quote as basically saying that no one had ever paid attention and  
398 since the land use process had not been required in other areas, why should it have to be  
399 done in this case.

400

401 **Commissioner Bresaw** added that it sounded as though he was also saying that the City  
402 should trust the County.

403

404 **Ms. Mangle** said that the County originally came in to request a permit for an eyewash station  
405 and then something else. They later returned with the plans and blower replacement project.  
406 Some parts of the \$700 million package might not require trade permits, which was another  
407 reason for being careful. If the electrical permit was issued, it would be more difficult to track the  
408 other improvements being made. Code compliance could be done on them but why get the City  
409 into that position unnecessarily.

- 410 • She reiterated that she had asked the same simple questions for months and had not

411 received answers. The City did not want any environmental degradation.

412  
 413 **Commissioner Batey** stated that at the September 1<sup>st</sup> City Council meeting, Kenny Asher,  
 414 Community Development and Public Works Director, provided a briefing regarding the Kellogg  
 415 Waste Treatment Plant. The project had been behind closed doors for a year because of the  
 416 threat of litigation. Mr. Asher provided an excellent summary about the four different issues. The  
 417 Council meeting and Mr. Asher's PowerPoint presentation could be viewed online.

- 418 • Milwaukie residents did not understand that a \$20 per household rate increase was in the  
 419 future if the County had its way.

420  
 421 **Chair Klein** stated that many variables were involved, but a rate increase from the County was  
 422 inevitable because there had not been a rate increase in a long time. The City wanted a \$13  
 423 increase and County Commissioner Lynn Petersen wanted a \$25 increase, but the actual  
 424 number was closer to what the County wanted at \$19.66.

## 425 426 **8.0 Planning Commission Discussion Items**

427  
 428 **Chair Klein** was invited and hoped to attend to the trip Metro was organizing to Vancouver BC.

429  
 430 **Commissioner Batey** said she went to Vancouver last summer on vacation. She rode the rail  
 431 that came from the center of the city and did a big loop. Their mini city centers around the rail  
 432 stops were fascinating. Some city centers were high-rise, some lower, but with clear  
 433 densification around the rail stops and a comfortable atmosphere.

## 434 435 **9.0 Forecast for Future Meetings:**

- |     |                    |  |
|-----|--------------------|--|
| 436 | September 22, 2009 | 1. Joint Session with Riverfront Board: Kellogg Plant restoration<br>design UO project |
| 437 |                    | 2. Worksession: Parking Code Amendments project briefing II                            |
| 438 | October 13, 2009   | 1. TBD   |
| 439 | October 27, 2009   | 1. Public Hearing: MLP-08-02 et al 4033 SE Howe St                                     |
| 440 |                    | 2. Public Hearing: ZC-09-01 SE Bowman St & SE Brae St -                                |
| 441 |                    | <i>tentative</i>   |
| 442 |                    |  |

443 **Ms. Mangle** reviewed the items for future meetings.

- 444 • The September 22 meeting would involve an academic presentation of a study completed  
445 by University of Oregon architecture students on theoretically redeveloping the Kellogg  
446 Waste Treatment Plant in a habitat-friendly way. This was not related at all to the prior  
447 Kellogg Plant conversation. Metro helped the students with the study and believed the  
448 results were very inspiring and creative ideas that needed to be shared with the community.  
449 She invited the Commissioners to come early to attend the open house at City Hall.
- 450 • The minutes could be bumped to the following meeting so the Commissioners could just  
451 come for the student presentation.
- 452 • Parking Code Amendments would not be ready for the next meeting, but perhaps staff could  
453 briefly talk about what was discussed tonight.
- 454 • For the October 27<sup>th</sup> meeting, the first item was a Minor Land Partition hearing; the second  
455 was a Zone Change application from R10 to R7 for the big lot on Bowman St and Brae St.

456

457 Meeting adjourned at 8:27 p.m.

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Respectfully submitted,

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

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472 \_\_\_\_\_  
Jeff Klein, Chair

**CITY OF MILWAUKIE**  
**PLANNING COMMISSION**  
**MINUTES**  
**Milwaukie City Hall**  
**10722 SE Main Street**  
**TUESDAY, September 22, 2009**  
**6:30 PM**

**COMMISSIONERS PRESENT**

Jeff Klein, Chair  
 Lisa Batey  
 Scott Churchill  
 Teresa Bresaw  
 Chris Wilson

**STAFF PRESENT**

Katie Mangle, Planning Director  
 Kenny Asher, Community  
     Development Director  
 Brett Kelder, Associate Planner  
 Nicole West, Community  
     Development Intern  
 JoAnn Herrigel, Community Services  
     Director

**COMMISSIONERS ABSENT**

Dick Newman, Vice Chair  
 Paulette Qutub

**1.0 Call to Order – Procedural Matters**

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

**JS Joint Session with Riverfront Board**

JS.1 Summary: Presentation of University of Oregon Architecture Studio  
     Projects by Nature in Neighborhoods staff

Riverfront Board members present: JoAnn Herrigel, Dave Green, Shane St. Clair, and Jason Loomis.

**Katie Mangle, Planning Director**, stated that to protect open space and habitat, the City was working on Code amendments aimed specifically at when land was being developed. The requirements were part of Metro's Title 13 and a certain part of the Nature in Neighborhoods (NIN) program. Tonight's presentation provided an opportunity to think big about integrating habitat into development and, coincidentally, on a prime Milwaukie site on the Willamette River.

**Corey Harlan, Coordinator, Nature in Neighborhoods Program**, briefly overviewed the NIN program via PowerPoint, reviewing the ecosystem monitoring and reporting required by Metro, grant funding, technical assistance, and conservation education, including the design competition that led to the Milwaukie Riverfront Studio. She

43 responded to questions and comments as follows:

- 44 • It would be ideal to preserve 100% of the undeveloped floodplain, but preserving  
45 90% was an attempt to be realistic while allowing for important partnerships, such as  
46 that with the Home Builders Association (HBA). Some development would occur, so  
47 achieving a happy balance was best. That percentage could be reconsidered in  
48 2015.
- 49 • Feature Analyst, a Light Detection and Ranging (LIDAR) technology, was used to  
50 provide a floodplain and specific habitat baseline for 2008. Advancing technology  
51 presented challenges, and determining finer points such as identifying existing plants  
52 was challenging on a regional scale.
- 53 • She was uncertain whether the FEMA or Clackamas County UTM was being used as  
54 the baseline for the floodplain. The NIN tracked 6 different things, and the new  
55 LIDAR technology was being used at this point. She offered to provide further  
56 information about how designations such as Habitat of Concern and Habitat  
57 Conservation Areas (HCAs) were determined.

58

59 **Commissioner Churchill** noted some items from Metro were canopy related rather than  
60 a balanced approach, so additional information would be helpful.

61

62 **Ms. Harlan** introduced the Milwaukie Riverfront Studio, a creative design problem for  
63 University of Oregon (UO) students. Milwaukie's riverfront was chosen because it had  
64 habitat and industrial reuse issues. The conceptual plans created by the UO students  
65 were displayed throughout the meeting room.

66

67 UO architecture students Janna Green, Jackie Kingen, and Ron Spencer, described the  
68 Milwaukie Riverfront Studio project and shared their learning experiences. The students  
69 explored several ideas on the site including water resources, ecostadiums with very  
70 dense development, and how time interacts with buildings, forestry and woodland  
71 habitat. The architecture studio pushed toward a greener, more park-like and communal  
72 setting, incorporating residential and commercial aspects. The students met with  
73 biologists, ecologists, environmental designers, planners, developers, and others who  
74 provided interesting questions to explore.

75

76 **Ms. Harlan** explained that conservation education was important from a Metro and NIN

- 77 perspective because of the opportunity to work with and positively influence future  
78 design professionals. She responded to questions and comments as follows:
- 79 • Milwaukie Presbyterian Church on Lake Rd did a small-scale restoration project  
80 coupled with a design for contemplation of that restored area, including a garden and  
81 a sitting or reflection area, for a healthier visual of the landscape.
  - 82 • **JoAnn Herrigel, Community Services Director**, further described the project,  
83 which involved clearing blackberries close to the edge of Kellogg Lake, creating a  
84 nice open area, pathways, and a stairway to connect to the trails.
  - 85 • Lovena Farms received a water quality focused grant that centered on a green  
86 infrastructure component, treating stormwater onsite from a pervious parking lot and  
87 bioswale.
  - 88 • Some students had retained the sewer plant with significant reuse, but those visuals  
89 were not displayed because the studio's objective had not been met, which was to  
90 respond to an aggressive, dense development program paired with an ecological  
91 program.
  - 92 • The tendency for Metro was to encourage pervious surfaces as often as possible;  
93 however, the guidelines were generally left open-ended because a design studio  
94 scenario allowed for creative opportunity.

95

96 **Ms. Mangle** asked the studio participants for their observations about balancing  
97 development and restoration on such a sensitive site. Responses included:

- 98 • The Island Station neighborhood was a small comfortable neighborhood and it was  
99 challenging to bring people from downtown to the water without disrupting Island  
100 Station residents.
- 101 • A piece seemed to be missing from a larger fragmented network. McLoughlin Blvd  
102 was a fast road with gaps in bike routes, natural habitats, etc. The riverfront site  
103 could ultimately provide an opportunity for reconnection between downtown and the  
104 Island Station neighborhood.
- 105 • The site was also a prime place to give back flood plain, considering the Willamette  
106 River, the creeks, and the fact that parts of the site flooded in 1996.
- 107 • The 1996 flood plain was challenging, causing the students to wonder if any build out  
108 should occur on the riverfront site at all.

109

110 **Ms. Harlan** concluded the presentation was more about showing the opportunities

111 available with NIN to create healthy homes for people, fish, and wildlife. She encouraged  
112 everyone to contact her with questions or comments.

113

114 **Ms. Mangle** reiterated the City was beginning a Natural Resources Overlay Zone project  
115 to address water quality and habitat protection. A Natural Resources Advisory group was  
116 being formed and the first meeting was scheduled for next Tuesday, September 29<sup>th</sup>.

117 The group would meet 4 to 5 times to advise the Planning Commission on crafting the  
118 Code and mapping procedures for development on sensitive lands.

119

120 **Chair Klein** stated that he attended a Mayors' Institute on City Design session. A  
121 presentation by architect Bill Wenk involved a decommissioned sewer treatment plant.  
122 The empty facility and surrounding areas were converted to green livable space. Several  
123 pictures were displayed of Mr. Wenk's completed project while he explained some of the  
124 project's features and the potential of such a project at the Kellogg treatment plant.

125

126 **Ms. Mangle** stated the Riverfront project would go before the Design and Landmarks  
127 Committee (DLC) on October 28<sup>th</sup> and the Planning Commission on November 24<sup>th</sup>.

128

129 The Riverfront Board members adjourned to their own meeting.

130

## 131 **2.0 Planning Commission Minutes**

132 2.1 August 11, 2009

133 **Commissioner Batey** corrected Line 96 on Page 3 to read: "...**OLCC was a nonprofit**  
134 **governmental use on a large site...**"

135

136 **Commissioner Batey moved to approve the August 11, 2009, Planning**  
137 **Commission meeting minutes as corrected. Commissioner Bresaw seconded the**  
138 **motion, which passed 3 to 0 to 2 with Commissioners Churchill and Wilson**  
139 **abstaining.**

140

141 **3.0 Information Items—None**

142

143 **4.0 Audience Participation** –This is an opportunity for the public to comment on any  
144 item not on the agenda. There was none.

145

146 **5.0 Public Hearings** – None

147

148 **6.0 Worksession Items** – None

149

150 **7.0 Planning Department Other Business/Updates**

151 **Ms. Mangle** stated in response to an earlier question from Commissioner Churchill  
152 regarding Title 13 maps, that Brett Kelter, Associate Planner, had presented information  
153 about Metro's Title 13 mapping assumptions to the Commission about a month ago. He  
154 was welcome to contact her or Mr. Kelter with further questions. Staff would walk  
155 through the mapping process with the Natural Resources Advisory Group as well.

156

157 **Commissioner Churchill** noted the aerial survey mapping and canopy-related  
158 methodology was how the orchard planting at the Waldorf School showed up as a  
159 protected zone 5 years ago.

160

161 **Ms. Mangle** explained that before the Milwaukie local maps were adopted, a qualitative  
162 analysis would be completed to ensure the areas passed the straight-face test. Some  
163 things were obvious mistakes because an area was actually pavement. Some areas, like  
164 the Waldorf School, would require other tools. There was no budget for access to  
165 LIDAR.

166 • She announced that several light rail station planning workshops were scheduled  
167 soon and she encouraged Planning Commissioners and DLC members to attend  
168 and provide feedback. It was important that the City pay close attention to how the  
169 project was designed, so now was the time to contribute to the plan because budgets  
170 and decisions were being set and made.

171 • The first public workshop on the Downtown Station was scheduled for October 5<sup>th</sup>  
172 from 6:00 to 8:00 p.m. at the Bridge City Community Church. Though the area  
173 was small compared to other stations, it had tricky pedestrian access.

174 • The Tacoma Station meeting would be held October 12<sup>th</sup> at Ardenwald School.

175 • The Park Avenue Station meeting was scheduled for the following week.

176 • Because Commissioners would likely be attending the workshops, it was important to  
177 understand that parts of the project would come before the Planning Commission for  
178 land use approvals.

- 179 • The process would be different because a State Land Use Final Order gave the  
180 project land use approval to exist as a project in the corridor. The City could not  
181 actually approve or deny the land use applications as required at the local level,  
182 but the Commission could still review and shape the project.
- 183 • There would be applications for Water Quality Resource, Willamette Greenway  
184 for the bridge over Kellogg Creek, Design Review for the station, et cetera. Staff  
185 had spent time pondering different elements of the project, which was probably  
186 about one year away, to identify what would require a building permit, a right-of-  
187 way permit, et cetera.
- 188 • When the Planning Commission hearings began, the Commissioners would have to  
189 disclose their level of participation in the project, which would come before the  
190 Commission as a minor quasi-judicial hearing.
- 191 • Shaping of the project through land use hearings could consist of whether it was in  
192 the right place, the right height, and whether it complied as much as possible with the  
193 City's Design Guidelines. The Willamette Greenway would go through other State  
194 and federal review processes regarding impacts to waterways.
- 195 • Although the land use applications could not be denied, the City could add  
196 additional conditions of approval to the project.
- 197 • She would explain what the Commission could do under the State Land Use  
198 Final Order prior to the public hearings. For example, the project could not be  
199 denied or overly burdened with requirements that made the project unfeasible.
- 200 • Bill Monahan, City Attorney, would provide guidance regarding the  
201 Commissioners' disclosure of participation and making unbiased decisions.
- 202 • A series of 5 or 6 applications was expected. It was very important for the  
203 community to shape the project. Staff would manage the process in a manner  
204 that followed the law and was best for the citizens, but they did not want the  
205 process to keep the Commissioners from participating in other aspects of the  
206 projects.
- 207 • She responded to questions as follows:
- 208 • The timeline of the overall State and federal funding cycle was not yet available,  
209 but she could provide that in the future.
- 210 • TriMet was the applicant and would pay application fees and hire consultants to  
211 do the application.
- 212 • The decisions made by the Planning Commission would not go to City Council.

213 • Design Review would involve the DLC.

214

215 **Chair Klein** commented that many hypotheticals existed, so until facts were actually  
216 known, it was good for Commissioners to monitor their comments and the meetings they  
217 attend regarding the project. It was important to stay active with the project, but know  
218 that it would come before the Commission.

219

220 **Commissioner Batey** agreed the Commissioners needed to keep track of what they  
221 were doing so they could disclose it.

222

223 **Ms. Mangle** concluded that she would provide specific details about the upcoming  
224 planning workshops via email.

225

## 226 **8.0 Planning Commission Discussion Items**

### 227 **Commissioner Batey:**

- 228 • Asked about Portland Parks and Recreation because nothing was being done at the  
229 site, although they had been anxious to receive approval.
- 230 • **Ms. Mangle** replied that she would get back to the Commission with the  
231 information. She had heard they might be looking at a different site in Portland.
- 232 • Noted that a wine bar was coming to Main St.
- 233 • **Ms. Mangle** replied Milwaukie was going gangbusters; staff was receiving many  
234 calls about new businesses. Ohana Hawaiian Café and a Thai restaurant were  
235 opening, and a call was received from someone wanting to open a yarn shop on  
236 Main St.
- 237 • The renovation of the Chopsticks Express building exterior was still uncertain.  
238 The project had been inactive for a long time. Staff had not approved a right-of-  
239 way permit because the work might require Design Review. The owner had been  
240 very nonresponsive.
- 241 • Noted that the permit in the window of the wine bar building indicated Mr. Dietrich  
242 was the applicant. Ms. Mangle confirmed that Mr. Dietrich owned the building and  
243 was constructing the wine bar. The wine bar was fully permitted and so was  
244 unaffected by the exterior remodel, which may involve prohibited materials. She  
245 hoped the issues could be resolved, so the owner could finish the work.

246

247 **9.0 Forecast for Future Meetings:**

248           October 13, 2009     1. Parking Code – Draft for public review

249

250           October 27, 2009     1. TBD

251 **Ms. Mangle** noted the October 13<sup>th</sup> meeting would include the full Parking Code draft  
252 and that commercial parking ideas would be presented for feedback. The entire draft  
253 Parking Code would be posted on the City's website and public comments would start  
254 being gathered.

- 255 • No public hearings were scheduled until November.

256

257 Meeting adjourned at 7:52 p.m.

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Respectfully submitted,

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

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Jeff Klein, Chair



**To:** Planning Commission  
**From:** Katie Mangle, Planning Director  
**Date:** November 3, 2009, for November 10, 2009, Worksession  
**Subject:** Planning Commission Bylaws

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**ACTION REQUESTED**

None. This is a briefing for discussion only. The City Attorney's office is preparing a revised set of Planning Commission bylaws, based on the Commission's discussion of this topic in April 2009. Staff will send this draft to the Commissioners for review prior to the meeting.