

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, FEBRUARY 13, 2007

COMMISSIONERS PRESENT

Jeff Klein, Chair
Dick Newman, Vice Chair
Lisa Batey
Teresa Bresaw
Catherine Brinkman
Scott Churchill
Paulette Qutub

STAFF PRESENT

Katie Mangle,
Planning Director
Ryan Marquardt
Assistant Planner
Bill Monahan,
Legal Counsel
Kate Badenoch
Temp. Hearings Reporter

COMMISSIONERS ABSENT

None

1.0 CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 CONSENT AGENDA -- None.

3.1 Planning Commission Minutes – November 14, 2006

Commissioner Bresaw moved to approve the minutes of November 14, 2006 as revised. Commissioner Newman seconded the motion.

Ayes: Batey, Bresaw, Churchill, Klein, Newman, Brinkman, Qutub

Nays: None

The motion carried 7-0.

4.0 INFORMATION ITEMS -- City Council Minutes

City Council minutes can be found on the City web site at www.cityofmilwaukie.org

5.0 PUBLIC COMMENT -- None.

6.0 Public Hearing - Continued

- 6.1 Applicant: Dancevolve LLC
Owner: Watumull Properties
Location: 4252 SE International Way, Suite H (1S2E31C 00712)
Proposal: Community Service Use to maintain existing location in BI Zone
File Number: CSU-06-06
NDA: N/A

Chair Klein re-opened the hearing on Community Service Use application for CSU-06-06, a Minor Quasi-Judicial hearing which will allow the organization to maintain their existing location in the Business Industrial zone. The criteria to be addressed can be found in the Milwaukie Zoning Ordinance Sections 19.321.6, Procedures for Reviewing a Community Service Use, 19.321.12, Specific Standards for Institutions – Public, Private, Religious and Other Facilities not covered by Other Standards and 19.324.6, Standards (for the Business Industrial zone).

Chair Klein asked if any member of the Planning Commission had any questions with regards to clarification of the testimony to this point.

Chair Klein asked the applicant if they had any rebuttal or any additional comments in response to the public testimony. **Chair Klein** then closed the public testimony portion of CSU-06-06.

STAFF REPORT

Mr. Marquardt stated that he would like to go over a couple of points of information and then outline the approval criteria at this point. He said that the continuation of the hearing new information items are that staff did post the sign on the site on January 22nd to make sure that it was posted at least 10 days prior to the hearing. He stated that additionally, there were no public comments received from anyone who may have seen the sign regarding the application. In summary, there were no public comments received to date.

Mr. Marquardt said that he wanted to go over a couple of approval criteria for Community Service Use. He said that the first two criteria standards were mostly not applicable because there is no development being proposed with this application. He said that the third criteria being the hours and levels of operation is compatible with the neighboring businesses and the provision that staff is recommending limiting the number of spaces to the number allowed by their lease until 5pm helps to make them compatible. **Mr. Marquardt** said that the public benefits test is the fourth criteria, as was talked about in the last hearing. He noted that it was felt that the public benefit in the City of Milwaukie was a positive impact upon students in the area, contributing to community

performances with the cooperation of local schools - they are a definite benefit to the arts and culture in Milwaukie and that Dancevolve's location in the Business Industrial zone does not crowd out other businesses that want to locate there. He said that lastly, the location is appropriate for the use.

Mr. Marquardt stated that staff is recommending approval with the recommended findings and conditions of approval that were in the original January 23rd staff report. He made note that the blue sheet only corrects a couple of typos in the original staff report and will become part of the record. He reiterated that this is the only way that Dancevolve can stay in the current location.

Chair Klein said that he will be voting in favor of this application but he said he does not necessarily think it meets the Community Service Use. However, he said that since this is the only way the business can stay there he feels that they are a value to the community. **Commissioner Churchill** asked Chair Klein why he felt this way. **Chair Klein** said his thinking on this issue is that though it is a dance school, he doesn't necessarily think of it as falling under an educational school, and he like to see them not there forever, and would rather see this business in the downtown area. **Chair Klein** said he would actually like to see the zoning changed rather than approved as a Community Service Use.

Commissioner Batey stated that she feels that this application meets the Public Benefits Test, but the problem she has is the idea of categorizing this as a school, and we always hear that our decisions are not precedent setting, but when a rifle range that teaches shooting classes wants to go in, how do we handle that? **Mr. Marquardt** said that the main point is that even if something could be considered a school it would still need to meet the public benefits test of the CSU chapter.

Commissioner Bresaw moved to approve the application for CSU-06-06, and adopt the recommended findings in support of approval authorizing Dancevolve as a Community Service Use with the changes noted in the staff report. **Commissioner Qutub** seconded the motion.

Ayes: Batey, Bresaw, Brinkman, Churchill, Newman, Qutub, Klein

Nays: None

The motion carried 7-0.

7.0 WORKSESSION ITEMS

- 7.1 **Ms. Mangle** said that she would like to start the conversation about the Planning Commission Work Plan for the next fiscal year (2007-2008). She said that two things she would like to accomplish tonight was to explain the responsibilities of the planning department and get your feedback on that, start some discussions about how to prioritize projects, and also agree upon a date we can plan a City Council and Planning Commission joint worksession.

Ms. Mangle told the Commission that she has learned a lot in the last year. She said that when she started in March she was handed the work plan last year. She said it seemed like a lot when she got it but 10 months later she felt like it was more like a laundry list of potential projects and needs and not as much of a work plan. She said that this year, what she really wanted to do, was set up a work plan that has some core priorities, knowing that some things will change and also acknowledge that we have limitations. The City has four planners and last year we had a budget of \$30,000 for consultants. She said we might get a little bit more money for consultants this year and we are definitely looking for grants. She noted that the question is how we can be most effective using available resources to address the long list of real needs, and real goals, and real desires for community improvements and projects.

Ms. Mangle said that what she did when going through the budget was try to outline the different parts of the work that we do. The department's work includes current planning, which includes the building permits, the land use permits and all the applications and the permitting work, the committee support, long range planning and the land use and development policy. She said that for current planning, we have outlined some of our primary duties that have to do with customer service and providing information to people but also the customer support that have as much to do with the future, the environment and the neighborhoods. She said that we have some things that we want to do to make that part of our service better. To improve our customer service at the front counter, we want to add a computer for the front counter at Johnson Creek Boulevard. **Ms. Mangle** said that her philosophy is a lot of what happened with Measure 37 was a lack of communication with the general public about what planning is all about – so it is very important for us to have really clear public information. She said with all of that, that is basically two and a half people just doing current planning. Current planning includes the fundamentals of what the department does, and for a long time that's what the focus was when there were only two planners and the Planning Director.

Ms. Mangle said that the committee's support/function includes supporting the work of the City Council, Planning Commission, Design and Landmarks Committee and also representing the City at Metro. She said one of the ideas that we have that we want to talk more about is using the Internet for e-packets for Planning Commission. She said that all the other committees in the City use electronic packets (CUAB, DLC). In addition we would like to improve information on our website so that the information would be all there. **Ms. Mangle** said that this is what she will be working towards.

Ms. Mangle directed the Commissioners attention then to last year's work plan. She told the Commission that she would like to address long range planning. She said that one thing that was not on last year's work plan was the TSP. The grant for the TSP kind of came out of nowhere and blew the rest of the work plan out of the water. She said for the next year she just wanted to be up front about this—

the TSP is going to really take up a lot of our time. **Ms. Mangle** stated that regarding the land use and development policy, which is where she thinks there is a lot of energetic sentiment for updating code and tackling issues, we are hoping to hire a consultant to do some of those projects. She stated that these are also probably the areas where we can get some grants from the State—that will help us get some of these done.

Ms. Mangle talked about the list of primary duties. She said that part of our job is to look at those code sections that are very confusing and contain inconsistent language. There is also the responsibility to improve the code in ways that there is a fairness and quality of design. She made note to some of the potential projects, some of which the Commission already discussed and some of which were on the list from last year.

Ms. Mangle briefly talked about the sections in the code that staff will be working on. **Chair Klein** noted that the sooner staff can deal with the code inconsistencies and revisions (that take so much of staff time) the sooner we can start saving staff time. **Ms. Mangle** told the Commissioners that the list of projects is not in any particular order.

Commissioner Batey asked about the TSP project – she thought it would be over by the end of summer – but it looks like it is on the list for all of next year. **Ms. Mangle** said that it will go longer – possibly through December. **Commissioner Batey** then asked when the work plan starts. **Ms. Mangle** said the work plan starts in July.

Ms. Mangle stated that the next item (Periodic Review) will be the next project in line. She clarified that it comes around about every 10 years; what it does is that's what keeps us in conformance with state regulations.

Commissioner Batey stated that last year when **Ms. Mangle** came on, there were big projects going on like North Main, Gramor, etc., but it seems like judging what comes in front of the Commission, the workload has slowed down a lot. **Ms. Mangle** stated that it has slowed down in some aspects, but there are a lot of things that don't come to the Planning Commission such as Director's Determinations, and Type II decisions. There was some discussion about the upcoming projects and the fact that service expectations in the community (including the NDA's) are very high.

The Commissioners had some discussion regarding prioritizing the list and the pros and cons to which projects should happen first.

Commissioner Brinkman asked what the chance was of going to the City for more money. She understands that we need to prioritize with regards to where our obligations fall. She said that looking back over the last couple of years, we always been saying that we need to get the code in line because we are always

behind. She asked if we were going to be proactive or are we going to be reactive. She said she realizes that money is tight and it's hard to come by. **Ms. Mangle** said that she is happy to make the argument for more staff. She stated that we need to come up with a work plan, having a priority list – knowing that we will not get to everything, but this will help her to make the case either for an additional planner or more of a consultant budget.

There was some discussion about the history of some of the projects on the list. It was noted that some of the projects on the list would take much less time than others. **Ms. Mangle** went through each project on the list – explaining the meaning of each. The Commission discussed prioritizing the outlined projects as well as gathering input on each of the topics.

Chair Klein asked Ms. Mangle to get back to them with her opinion of which ones she considers as small, medium and large projects, and the things that are presently taking a large amount of staff time—pulling them away from other projects. **Ms. Mangle** said that they will address this issue in the next few meetings.

8.0 DISCUSSION ITEMS

Commissioner Batey said that she had a couple of items to bring up. She said that she just noticed the Rowe Jr. High sign is going up and also the Safeway is opening soon. **Chair Klein** noted that David Aschenbrenner would be the contact person to answer specific questions about Safeway since he knows the “ins and outs” of the project “front and back”.

Commissioner Batey referred to an application that is coming into her neighborhood. The applicant told her that staff suggested that he should get the neighborhood association's support or approval. When she received a phone call from the applicant, she told them that they were welcome to talk at the NDA meeting, but she thought that until the Land Use Committee gets the package, it would be premature to provide support. **Chair Klein** stated that in the past, there have been applicants coming to the NDA to inform and give them information about what's going on. He said that obviously, the land use committee board will make their recommendation. **Commissioner Batey** told the applicant that the NDA would not vote to support an application – however, the LUC might submit comments.

Commissioner Brinkman said that since she will be leaving the Commission soon, she would like to express her concerns about The Labor Works building that has 6 enormous signs on it – located on 99E, on the left. She said it's got a double-faced cabinet interior lit sign, two neon signs, a banner sign and a wood sign. She said she would like to see this issue addressed since the City has been working so hard on this issue to make the city look right. **Ms. Mangle** and **Mr.**

Marquardt commented that the signs all comply with the code. The concerns should be addressed when the Commission reviews the sign code again.

Chair Klein told the Commission that he is now on the Community Oversight Committee for the North Clackamas School Bond. He said that this is the largest bond measure ever passed in the State of Oregon (\$229,000,000) – to be spent in four years. The monies will include building a new high school, a new middle school, purchasing the land, etc. He shared that one of the things that he wanted to bring to the Commission's attention is that there will be a number of projects that will be occurring in the Milwaukie area. One of the things that will be looked at is Ardenwald School – there could be a total rebuild from scratch, using existing portions of the building (exterior). He said that Milwaukie High School will be putting in a new field – changing to a field turf, instead of grass. He also said that Rowe Middle School actually bought one of the houses next to the school – they are looking at that because of the parking constraints – it's tough to get a bus in and out of there, so there is a possibility of removing one of the houses. He said that he will keep the Commission informed on what's happening.

Commissioner Batey asked about the State Farm building sign, off Hwy 224 and Freeman. She said she noticed that their pole sign is still there, and she thought that the conditions of approval were that they couldn't use that sign; that any sign had to be a monument sign as well as no internally lit signs. **Ms. Mangle** said that Susan Shanks was involved with the application and would get back to the commission with an answer.

9.0 OLD BUSINESS -- None.

10.0 OTHER BUSINESS / UPDATES

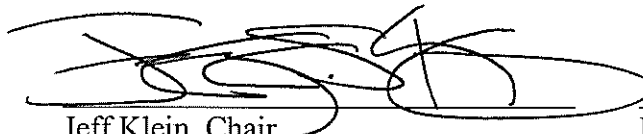
10.1 Design and Landmarks Committee (DLC)

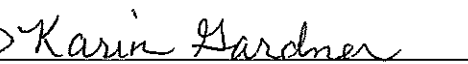
Ms. Mangle told the commissioners that she wanted to let them know that she has been talking with Patty Wisner for a while about her wanting to update the historic property photographs. She said that Patty ended up working on it with the DCL. **Ms. Mangle** said that the DLC met about two weeks ago and decided to take pictures of the City's historic properties over the next few months. The City's historic properties are listed as either significant historic, contributing historic or unranked historic properties. **Ms. Mangle** explained the difference between these categories to the commissioners, providing some background on each of them. She said that the city has hired a consultant to do an evaluation on the Bertman House property as well as the other 5 properties that are unranked at this time. **Ms. Mangle** stated by the end of the month we will have the information to rank all 6 of the currently unranked properties. She said we will not be going through the process of having to do a zoning change for all of them until we are asked to.

11.0 NEXT MEETING -- February 27, 2007

Commissioner Bresaw moved to adjourn the meeting of February 13, 2007.
Commissioner Qutub seconded the motion. MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 8:30 p.m.


Jeff Klein, Chair


Karin Gardner, Transcriber

MILWAUKIE CITY HALL
10722 SE MAIN STREET

TUESDAY, February 13, 2007
6:30 PM

		ACTION REQUIRED
1.0	Call to Order	
2.0	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. Thank You.	
3.0	Planning Commission Minutes Approved PC Minutes can be found on the City web site at: www.cityofmilwaukie.org	Motion Needed
4.0	Information Items – City Council Minutes City Council Minutes can be found on the City web site at: www.cityofmilwaukie.org	Information Only
5.0	Public Comment This is an opportunity for the public to comment on any item not on the agenda	
6.0	Public Hearings – continued from 1/23/07 Type of Hearing: Minor Quasi-Judicial Applicant: DancEvolve LLC Owner: Watumull Properties Location: 4252 SE International Way, Suite H (TL 1 2E 31C 00712) Proposal: Community Service Use to maintain existing location in BI Zone File Number: CSU-06-06 NDA: n/a Staff Person: Ryan Marquardt	Discussion and Motion Needed For These Items
7.0 7.1	Worksession Items Planning Commission Work Plan	
8.0	Discussion Items This is an opportunity for comment or discussion by the Planning Commission for items not on the agenda.	Review and Decision
9.0	Old Business	
10.0 10.1	Other Business/Updates Design and Landmarks Committee	Discussion Only
11.0	Next Meeting: February 27, 2007 – Worksession – PC Work Plan & TSP Project Update The above items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.	

Best for Future Meetings:

March 13, 2007

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 city, 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

Public Hearing Procedure

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.** The staff report is followed by any verbal or written correspondence that has been received since the Commission was presented with its packets.
3. **APPLICANT'S PRESENTATION.** We will then have the applicant make a presentation, followed by:
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **COMMENTS OR QUESTIONS.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** We will then take testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** When you testify, we will ask you to come to the front podium and give your name and address for the recorded minutes. Please remain at the podium until the Chairperson has asked if there are any questions for you from the Commissioners.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all testimony, we will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. We will then enter into deliberation among the Planning Commissioners. From this point in the hearing we will not receive any additional testimony from the audience, but we may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION/ACTION.** It is our intention to make a decision this evening on each issue before us. Decisions of the Planning Commission may be appealed to the City Council. If you desire to appeal a decision, please contact the Planning Department during normal office hours for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** The Planning Commission may, if requested by any party, allow a continuance or leave the record open for the presentation of additional evidence, testimony or argument. Any such continuance or extension requested by the applicant shall result in an extension of the 120-day time period for making a decision.
12. **TIME LIMIT POLICY.** All meetings will end at 10:00pm. The Planning Commission will pause hearings/agenda items at 9:45pm to discuss options of either continuing the agenda item to a future date or finishing the agenda item.

The Planning Commission's decision on these matters may be subject to further review or may be appealed to the City Council. For further information, contact the Milwaukie Planning Department office at 786-7600.

Milwaukie Planning Commission:

Jeff Klein, Chair
Dick Newman, Vice Chair
Lisa Batey
Teresa Bresaw
Catherine Brinkman
Scott Churchill
Fatima Qutub

Planning Department Staff:

Katie Mangle, Planning Director
Susan Shanks, Associate Planner
Brett Kelter, Assistant Planner
Ryan Marquardt, Assistant Planner
Jeanne Garst, Office Supervisor
Karin Gardner, Administrative Assistant
Marcia Hamley, Administrative Assistant
Kate Badenoch, Hearings Reporter



To: Planning Commission
From: Ryan Marquardt, Assistant Planner
Through: Katie Mangle, Planning Director
Date: February 13, 2007
Subject: Changes to Dancevolve LLC (File# CSU-06-06) Staff Report of January 23, 2007

Staff has made the following changes to the staff report for Dancevolve LLC (File# CSU-06-06), dated January 23, 2007. Additions are underlined, and deletions are in ~~strikeout~~.

1. Change Paragraph B on Page 15 to: "MMC Subsection 19.324.6. J prohibits outdoor storage on SE International Way. The applicant indicates that screened outdoor storage exists on site. As conditioned, the Planning Commission finds this standard is met."
2. Change Paragraph C on Page 15 to: "MMC Subsection 19.324.6. L requires that uses in the zone do not create nuisances incompatible with surrounding uses. As discussed in Finding 6(F)(v), Dancevolve is not expected to have impacts that are nuisances to surrounding uses. As conditioned, the Planning Commission finds this standard is met."
3. Change Condition of Approval 4 on Page 16 to: "Outdoor storage adjacent to SE International Way, as described in MMC Subsection 19.324.6(J), is prohibited. Outdoor storage in side or rear yards is allowed if enclosed by a sight obscuring fence or vegetative screen."



To: Mayor and City Council

Through: Kenneth Asher, Director of Community Development and Public Works
Mike Swanson, City Manager

From: Alice Rouyer, Interim Planning Director

Subject: 2006 Planning Commission Work Plan

Date: February 24, 2006 for the March 7, 2006 Work Session

Action Requested

City Council review and discussion of the 2006 Planning Commission Work Program

Background

On February 9, the Planning Commission held a special meeting to discuss its annual work program. At the meeting, staff outlined draft work program priorities for the Commission's consideration. The Commission provided feedback to staff for inclusion in the Council joint work session. The following is a compilation of the Planning Commission and Planning staff priorities for 2006. The Commission will be prepared to discuss this draft list and Council priorities at the work session:

1. **Transition and Community Orientation for the new Planning Director**
2. **Downtown Parking and Traffic Management Plan**
3. **Transportation/Transit Priority**
 - a. **Hwy. 224 Triangle Rezone/Redevelopment Support**
 - b. **North Industrial Transportation, Transit and Area Planning**
4. **Downtown Plan Update – “The Look”**
 - a. **Public Area Requirement Update/Refinement**
5. **Code “Fix” Projects**
 - a. **Top 10 List (see draft list attached – Attachment A)**
 - b. **Maintain an ongoing “Paramedic Code Fix List” for the Planning Commission**

6. Metro Functional Plan Compliance – Ongoing
 - a. Nature in Neighborhoods Program
 - b. Other?
7. Ongoing Support to CD/PW Director on regional projects

Concurrence

The Planning Commission and Director of Community Development and Public Works have reviewed and concur with the draft work program.

Fiscal Impact

The work program will require a commitment of fiscal and staff resources. The proposed budget for FY 2006/2007 provides budget resources to support the work program. Approximately \$50,000 is currently proposed for the consulting services budget line item.

ATTACHMENT "A"

DRAFT PLANNING DEPARTMENT
ZONING CODE FIX "TOP 10" LIST

-
1. Section 1400 – Transportation Planning Design Guidelines and Procedures
 - a. More flexibility in right-of-way design, authorizing interim fixes when safety is issue, or when it just doesn't make sense. Tough to apply uniform code to everything, need flexibility.
 - b. Fix Table 1409.3 to include more reasonable dimensions.
 - c. Fix process, to authorize Type I adjustments with building permits (currently all adjustments must be done as Type II, which slows BP process).
 2. Fix CSO Cell Tower language- to give Planning Commission more flexibility in decision-making process. Should Staff be making Type II decisions, when there is a high chance of appeal?
 3. Correct inconsistent and confusing code language.
 - a. Time limit on guesthouses
 - b. Accessory structures.
 - c. Interior lots and zero lot lines.
 - d. Expiration of approval time limits.
 4. Section 500 – Update parking standards, many uses are not listed in the parking table, and also create consistency with permitted uses in zones between definitions, use zones, and parking standards.
 5. Fix the non-conforming uses code.
 6. Fix inconsistencies in sign code (definitions do not match and some language is not consistent). Revise sign code to take out content based approval criteria.
 7. Fix downtown public area requirements.
 8. Create design review criteria for commercial projects.
 9. Strengthen annexation policy/code regarding extensions of public utilities.
 10. Strengthen Community Service Overlay application triggers to better define "Minor Modifications" to existing CSO uses.