

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, FEBRUARY 27, 2007
6:30 PM**

COMMISSIONERS PRESENT

Jeff Klein, Chair
Dick Newman, Vice Chair
Lisa Batey
Teresa Bresaw
Scott Churchill

STAFF PRESENT

Katie Mangle, Planning Director

COMMISSIONERS ABSENT

Paulette Qutub
Catherine Brinkman

1.0 CALL TO ORDER

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

2.0 PROCEDURAL MATTERS - None.

3.0 PLANNING COMMISSION MINUTES

The minutes of January 23, 2007, were held over to the next meeting.

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 HEARINGS - None.

7.0 WORKSESSION ITEMS

7.1 PC Work Plan Discussion

Katie Mangle, Planning Director said that her goal was to come up with a work plan that would allow the planning staff to be most effective – to be doing what really needs to be done. She also said that she would like to discuss the priorities for the code fixes and long term planning projects.

Commissioner Batey asked for clarification regarding one of the Code fixes – Section 1400 – Threshold for traffic impact studies for Conditional Uses is too low. She asked if this meant that we are actually making people do traffic studies that we think we shouldn't.

- **Ms. Mangle** confirmed that there are traffic studies required if someone has a home business, for example, on Harrison St, but something that requires no other review and is a very simple Type II review. She said that the biggest issue with Section

1400 is that there is zero flexibility for allowances – therefore we are hit all the time with things that don't make sense.

Commissioner Batey asked about a code fix regarding the Public Area Requirements.

- **Ms. Mangle** said that she was concerned about the requirement turning people away from doing good projects downtown. She said at the very least we might want to rewrite some of the policy – providing more clarification. She said that there is an opportunity for the City to take advantage of some grant help as well.

Commissioner Bresaw asked about the possibility of allowing town houses in the city of Milwaukie. There was discussion among the Commissioners about their feelings on the possibility of facilitating small groups of townhouses (as opposed to duplexes).

- **Ms. Mangle** told the Commission that she heard that Portland has a standard specifically for townhouses on corners.
- **Mr. Aschenbrenner** shared his feelings that his neighborhood doesn't welcome townhouses. It was agreed that having townhouses in the R-5 zone was less of an issue than having them included in the R-7 zone neighborhood. All agreed that discussing this topic at a future worksession -- investigating housing types (having the criteria) that will fit into the neighborhoods, etc. and bringing some examples to the table would be a good start.

Mr. Aschenbrenner asked for an easy to understand process for annexation – even something that could be handed out at the Farmer's Market – where he has had numerous inquiries. He would like to propose that there was some kind of documentation available to the general public.

- **Ms. Mangle** said that with the increasing annexation interest among unincorporated Clackamas County residents, the City would need to think about having some public information forum meetings to address this subject.

Ms. Mangle shared the fact that a tremendous amount of time is currently being spent on working with the TSP. She said that the one thing that would be easy to pick up along the way is some of the Section 1400 updates – at least those issues that are related. She noted that we could keep moving forward with the help of our consultant. She also said we need to do an assessment on how we are doing and that there are some things that we can get some grants for – which will help with our workload. She talked about the goal to have a joint City Council worksession to discuss next years work plan. Also that the need for Section 1400 (regular Code fixes) updates/corrections requires going before Planning Commission as well as City Council and is definitely a priority for planning staff.

Commissioner Newman said he would like to see the triangle re-zoning become a priority as well. Everyone agreed how important it is for both Planning Commission and City Council to work together – something that is in everyone's best interest in planning the city's future. The Commission felt there should be more joint work sessions – allowing City Council the opportunity to provide Planning Commission their feedback (what they see as priorities). It was questioned how to have enough time at a City Council worksession (usually only an hour is allotted) to touch base on many issues that could be discussed.

Commissioner Batey said that she felt like the sign code is an issue to be dealt with as soon as possible – she would like to see it listed as a higher priority.

7.2 Hwy 224 Triangle Re-zoning Discussion

Ms. Mangle distributed copies of Mary Dorman, City consultant's memo. Ms. Dorman was asked to do some background research and education – there had been some problems with the ROC (Residential/Office/Commercial) zones. It was hoped that this information would get [the Commission] thinking about what [they] need to know, what [they] need to be thinking about and what are some strategies for accomplishing that kind of change.

Ms. Mangle said that Ms. Dorman's main conclusion regarding the Myrtle St re-zoning, was if one wanted to see better re-zoning and see commercial development there, the City initiating re-zoning in and of itself would probably not do that. She also said that [the City] really needs to be working with property owners, talking to Gramor or other developers, that may be thinking about assembling the properties and then showing a willingness to initiate it when the time is right. Therefore, it is not really a zoning problem – maybe more of an outreach and economic development project. She said she felt that this might be more of an issue for Alex Campbell and JoAnn Herrigel to take a look at.

Chair Klein said that he feels that part of the problem is the fact that some good ideas can be brought forward and then public comment and public outpour end up killing a good idea before it gets off the ground. He said that particularly with this site. When a site has limitations coming into it, the person has to overcome all these objections ahead of time instead of having the City saying we are willing to work on this. He also said that it would be nice to see [the City] make an effort to say this is what [the City] would like to see there – now let's bring ideas forward – instead of saying bring us ideas and then we will send it through our normal process to try and get it approved.

- **Ms. Mangle** said that this is the sentiment that would probably reflect all three properties – that, and the desire for quality design.

There was a brief discussion about the history of the three sites including their zoning history.

Commissioner Batey wondered whether or not the City should bare the costs of the traffic studies, etc. as opposed to letting the next developer bare those costs.

- **Chair Klein** stated that a lot of the sites have been sitting there (with the exception of Myrtle St) for a while and they haven't been used – it isn't a matter of [the City] selling those projects, it's a matter of no one coming forward.

Ms. Mangle said that regarding the two sites (not Myrtle St) she feels that in some ways the Residential/Office/Commercial Zone sites are actually something [the City] can start doing something about. It has been recommended that [the City] need to amend the Residential/Office/Commercial Zone to add in some of the Design Standards that are now in the Mixed Use Zone, but then get rid of the Mixed Use Zone – which basically leaves [the City] with a zone that allows mixed use, encourages pedestrian oriented development, that has a kind of transition between the neighborhood and the commercial area but isn't as auto-oriented as it is right now. She said that this process would take time – and maybe at the end of it, that's the zoning that [the City] really wants on Myrtle St (maybe not General Commercial). She stated that it's not just a straightforward project to amend the zoning regulations, but there is also a need to take a step back and not just change the zoning but also look at the design framework. She said that this would be a bigger planning project – she welcomes the Commission's feedback on this issue.

Chair Klein said that, going back to Brent Carter's statement - that taking "downtown" out of the Downtown Design Standards and making it Milwaukie Design Standard – there is a lot to be said about that. He said 42nd and King Rd is a big issue for his neighborhood as well as Dave Aschenbrenner's NDA.

Mr. Aschenbrenner said that he agrees about not having the City taking on the cost of doing the change. He thinks that [the City] wants to make it very clear that [the City] would like that to be turned over to some type of Commercial/Residential Use – after taking a look at the whole thing – and thinking about what [the City] would like that area developed into. He said that streamlining the process is great, but what does [the city] really see when it comes to the impact of those streets/roads particularly when it comes to traffic. He also stated that simply changing the zoning to Commercial is not going to solve the overall issues and the bigger problems that [the city] is going to see there. He said that he felt that a study might be worth looking into – especially if [the City] can get some State funding.

Commissioner Newman said that looking back at the Gramor project, several things happened; first of all, there were a lot of meetings for Gramor and their attorney to come to – eventually winding up with what [the City] got. He said that he felt that it is very important to have design standards in place.

- **Ms. Mangle** said that there could be a range of things that we can do – for example, adding some design standards to the General Commercial Zone.
- **Mr. Aschenbrenner** talked about the possibility of doing something to Harrison St and Hwy 224 – to get a left turn lane like we have now at Oak St. He said that in order to do that, Mike's Drive-In would have to go and the whole intersection would need to be changed. He said that is why he thinks [the City] needs to step back and take a look at the entire area and decide how [the City] wants this section to flow.

Mr. Aschenbrenner asked how [Milwaukie] could get good quality development in this area without the City putting a lot of money into it.

Commissioner Batey asked Ms. Mangle what kinds of things have developers been interested in doing in the triangular site area.

- **Ms. Mangle** told the Commission that the Planning Department has had a couple of ideas put forth. She told them that a pre-application conference had taken place for a condominium project that basically would have brought two and a half story town homes – which never went any further than the conference. She said that the only other person that has showed interest was Bob Dant – who is representing the property owner and has been more seriously working with the hospital to do a Providence related credit union headquarter office. She noted that there has not been a pre-application conference.

Chair Klein said that he thinks that the key to that site – any residential coming into that area is going to be directly connected to the hospital. He stated that those areas are very good areas for seniors. He said that with seniors there would be limited trips in and out of there. He said that with the hospital being so close, there is the possibility of the hospital putting in a care facility as well.

- **Mr. Aschenbrenner** said that at one time there was talk regarding both of the sites – the one behind Albertson's would be more for people who have a more independent type of facility and the Murphy Plywood site would be for people who would require more care.

Commissioner Batey stated that she would vote for checking into having a study done.

Commissioner Newman shared information about Clackamas County's Sunnybrook project – behind Toys R Us – which would put all the traffic onto Harmony Rd.

- **Ms. Mangle** said that this project would make the City deal with upgrading Railroad Ave.
- **Mr. Aschenbrenner** said that this project would entail raising the intersections above the railroad tracks at Linwood Rd, Lake Rd, Harmony Rd/Railroad Ave and that traffic would be funneled down Harmony Rd, onto Lake Rd, and on to Hwy 224. It was noted that there are businesses in that area that would be greatly impacted. He would encourage having an overall study of the area to help determine what can be done to make it user friendly so that we can actually have discussions with people who want to come in and do something [to make it sellable.]

There was discussion among the Commissioners – many of them sharing their thoughts and ideas about the area as well as surrounding areas.

Ms. Mangle stated that with the TSP, [the City] will be looking at growth of traffic over time on Hwy 224 and what [the City] will do in the meantime – but also bike and pedestrian connections across the area. She said that she thinks that putting it all together with development, including the extra study, might be the way to go – she fears that without a study, [the City] will feel disappointed in not seeing the whole picture.

- **Mr. Aschenbrenner** said that he feels that the study would help to give [the City] a vision for that area – allowing [the City] to make good decisions for the future.

8.0 DISCUSSION ITEMS - None.

9.0 OLD BUSINESS - None.

10.0 OTHER BUSINESS / UPDATES

Ms. Mangle told the Commission that there will be a Town Center Open House on March 13th – at the PSB building from 7:00pm-9:00pm. She noted that the agenda for the next PC meeting will be short – she was hoping anyone who is interested would be able to attend. She also mentioned that there would be a Light Rail Open House on the current light rail project on March 5th at PSB in the evening. She encouraged everyone to attend – telling them that this is the public kick off of the new phase of the light rail study.

Ms. Mangle told the Commission that the Lake Rd Street Improvement Project will be briefing the NDA to further refine the design of the project. She said that she has asked Engineering Director, Gary Parkin to come to the April PC meeting to brief Planning Commission on the project.

Commissioner Batey asked Ms. Mangle about the plan for removal of the Kellogg Treatment Plant on the Community Development long range planning projects.

- **Ms. Mangle** told her that the proposed Kellogg Plant code amendments that the Planning Commission approved [that would make the plant a non-conforming use] came back to City Council this past week and Mike Swanson's intention was to continue the

hearing to August because of all the other ongoing issues. She said that Council has requested this be on the agenda the second meeting of every month.

11.0 NEXT MEETING - March 13, 2007 – Bertman House Historic Review Hearing

Commissioner Newman moved to adjourn the meeting of February 27, 2007. **Commissioner Bresaw** seconded the motion. MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 8:32 p.m.



Jeff Klein, Chair

Karin Gardner, Transcriber



Dick Newman, Vice-Chair

MILWAUKIE PLANNING COMMISSION

MILWAUKIE CITY HALL
10722 SE MAIN STREET

AGENDA TUESDAY, February 27, 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 3.1	Planning Commission Minutes January 23, 2007 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	
	Public Hearings - None	Discussion and Motion Needed For These Items
7.0 7.1 7.2	Worksession Items PC Work Plan discussion Hwy 224 Triangle Re-zoning discussion	
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	Other Business/Updates	Information Only Review and Comment
11.0	Next Meeting: March 13, 2007 – Bertman House Historic Review Hearing The above items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.	
Forecast for Future Meetings: March 27, 2007 – Worksession		

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

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.
- 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
te Qutub

Planning Department Staff:

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

**FY 2006-2007
DRAFT Budget Narrative**

Fund: 110 General Fund

Department: 511 Planning

Mission Statement: Advance the community's vision of Milwaukie as a livable city, in collaboration with other City departments and citizen stakeholders. Provide timely and reliable information and assistance to customers. Promote safety, livability and vitality through high quality development review and long-range planning services.

Primary duties of the department:

- Support City Council, Planning Commission, and Design & Landmarks Committee in achieving the community's vision.
- Administer City Zoning, Sign, and Land Division Ordinances, and state and federal laws regulating development within the City.
- Provide information to customers about the City's regulations and development process, and assist applicants with the permitting process.
- Support the Director of Community Development and Public Works in long-range planning projects.
- Promote livability and protect property and natural resources by seeking compliance with City regulations.

Significant accomplishments in 2006-2007:

- Transitioned Planning Department to a state of stability and competence after a 100% turnover in staff.
- Review and approval of approximately 30 land use applications.
- Awarded grant and began project to update Transportation System Plan.
- Adoption of amendments to improve the Community Service Use zoning code section.
- Adoption of amendments to address unconstitutional regulations in the City Sign Code.

Primary goals for 2006-2007:

- Complete the Transportation System Plan update for Council adoption.
- Complete Zoning code revision projects to address confusing, inconsistent and ineffective language in the City's land use regulations.
- Increase use of the internet and "E-packets" to facilitate public communication and reduce the cost of paper packet distribution.
- Complete a Work Plan for Periodic Review of compliance with state planning requirements.

Critical issues facing the department:

- Lack of financial resources to adequately address problems created by an overly complex and inconsistent Zoning code.
- Sub-standard office space for Planning staff to perform development review duties.

Planning Department Zoning Code Fix Top 10 List

Proposed Priority	Category	Problem to Solve	Level of Difficulty	Level of Pain
1	Section 1400 - Transportation	More flexibility in ROW design, adjust adequacy requirements, fix table 1409.3, authorize Type I adjustments with building permits. Threshold for traffic impact studies for Conditional Uses is too low.	Medium	High
2	Section 500 – parking standards	Update parking table - many uses are not listed. Also create consistency with permitted uses in zones between definitions, use zones, and parking standards.	Low	Medium
3	Sign code	Sign illumination standards, need for higher design standards in commercial areas.	Medium	Medium
4	Downtown public area requirements	Trigger for development exaction is not clear, and may not be consistent with overall goals for downtown redevelopment.	Medium	Medium
5	Update R-O-C & Mixed Use zones	Add design standards to R-O-C, delete MU zone . Encourage pedestrian-friendly, mixed use development.	High	Medium
6	Correct inconsistent code language	Time limit on guesthouses, accessory structures, interior lots and zero lot lines, expiration of approval time limits, etc.	Low	Medium-High
7	Design review for commercial outside of downtown	Concern about poor urban design in commercial and multifamily residential projects outside of downtown.	High	Medium
8	Fix CSO Cell Tower language	Give Planning commission more flexibility in decision-making process.	?	?
9	Non-conforming uses	?	?	?
10	Strengthen annexation policy	Regarding extensions of public utilities...	Medium	Low

Responsibilities and Projects	Current Level of Service	Estimated '06-'07 Workload	Desired Improvements and Projects to Maintain Level of Service		'07-'08 Budget Required to Perform Work	Wish List
			2006-7	2007-8		
CURRENT PLANNING / PERMITTING					2.5 FTE Consultant assistance: \$7,000	
Public Information, Counter, & Phones	Provide timely, accurate, and reliable information and service to internal and external customers. Return incoming phone calls within 24 hours. Provide a time-certain to customers for requests that cannot be handled by the next day of the request.	5 calls and 5 counter visits per day Planner on Duty available 32 hours each week.	<ul style="list-style-type: none">Continually increase staff knowledge of Code.Improve handouts, application checklists, and public information.	<ul style="list-style-type: none">Continually increase staff knowledge of Code.Improve handouts, application checklists, and public information.Install computer at JCB counter for staff and customer use.	.6 FTE	
Sign & Building Permit Review & Inspections	Thoroughly review plans for compliance with code and/or land use decision. Approve 80% of complete building permits within 10 workdays. Complete 100% of complete permits within 15 workdays. Same-day inspection.	Review 5 small permit applications/ week, 1 large application / month. Small project = 1-4 hrs. Large project = 20 hrs.			.2 FTE Consultant assistance for wetland and other inspections: \$7,000	
Tree Removal Permits	Process permits for removal or major pruning of trees in the right of way. Issue approval or denial of a permit application within 14 days (MMC 16.32.020.B.7)	Average one permit requested per month. Each takes 4 hours.	<ul style="list-style-type: none">Revise permit application to require more information from applicant. (Shift burden from staff to			
Code Compliance	Respond to complaints about code compliance. Work with Code Compliance Officer to resolve issue through voluntary compliance. Resolve zoning complaints within 2 weeks of receipt of the complaint. For the purpose of this objective, "resolve" means to confirm the complaint and take the first action.	Average one complaint per month. Resolution takes 1-12 hrs.	<ul style="list-style-type: none">Develop Code Enforcement Tracker to track and prioritize complaints and track resolution.		.1 FTE	
Pre-application Assistance	Assist customers during pre-application conference. Explain process and regulations, advise on project decisions. Pre-application conference is held on Thursday, 2 weeks from date of request. Staff notes due 2 weeks after meeting.	Average one pre-application conference per month. 10 hrs of staff time each.	<ul style="list-style-type: none">Develop 1-page pre-application FAQ handout to better prepare applicants.	<ul style="list-style-type: none">Reduce staff time spent preparing meeting notes for applicant by improving pre-application notes database.	.5 FTE	
Land Use Application Review	Work with applicant to comply with code, complete application. Prepare staff report and decision documents that are complete and defensible. Provide notice to neighbors and NDAs. Type I Application: Decision within 10 days. Type II Application: Decision within 14 days. MQJ Application: <ul style="list-style-type: none">Decision 60 days from completeness.Council appeals decided within 120-day clock.	Estimated # of applications processed in 2006, and staff time required Type I: 10; 4 hrs Type II: 6; 10 hrs MQJ: 17; 10-40 hrs	<ul style="list-style-type: none">Create staff report template.	<ul style="list-style-type: none">Provide electronic packets for Planning Commission.	1 FTE	

Responsibilities and Projects	Current Level of Service	Estimated '06-'07 Workload	Desired Improvements and Projects to Maintain Level of Service		'07-'08 Budget Required to Perform Work	Wish List
			2006-7	2007-8		
LAND USE/ DEVELOPMENT POLICY					.5 FTE	
					Consultant assistance: \$30,000	
Code Housekeeping	Maintain an ongoing "Paramedic Code Fix List" for the Planning Commission Correct inconsistent and confusing code language.	3-6 month process		<ul style="list-style-type: none">Housekeeping code revisionsFix downtown public area requirements.Section 500 – Update parking standards	.5 FTE each	Fix CSO Cell Tower language Fix the non-conforming uses code. Code audit to identify inefficiencies and inconsistencies.
Policy Modifications		6 month process	<ul style="list-style-type: none">Initiate update of Section 1400 – Transportation Planning Design Guidelines and Procedures	<ul style="list-style-type: none">Complete update of Section 1400 – Transportation Planning Design Guidelines and ProceduresComplete amendments to R-O C/MU zones – amend to simplify, improve development readinessSign Code – Design Standards for Commercial Areas, and address sign designApply for assistance grants.	.5 FTE each Consultant assistance: \$30,000	Create design review or standards for commercial projects. Strengthen annexation policy/code regarding extensions of public utilities.
COMMITTEES					.3 FTE	
					Consultant budget: \$7,000	
Planning Commission	Provide staff support to empower commissioners to make defensible decisions that implement the community vision. Organize trainings. Provide sound, understandable information. Meet twice a month. Recommend code and Comp Plan changes to protect and improve the community.	Prepare packet, attend meetings, prepare minutes. 12 hrs/month	<ul style="list-style-type: none">Create and maintain worksession notebooks.Hwy. 224 Triangle Rezone/Redevelopment Support	<ul style="list-style-type: none">Hwy. 224 Triangle Rezone/Redevelopment SupportPublic Area Requirement Update/Refinement	.3 FTE Hearings Officer: \$7,000	
Design and Landmarks Committee	Support DLC's mission to advise the Planning Commission and City Council on urban design, architectural, and historic preservation activities. Organize quarterly meetings.	Prepare packet, attend meetings, prepare minutes.	Update historic property photo records. Review downtown and historic project applications as required.	Review downtown and historic project applications as required. Advise planning commission on creation of design review criteria for commercial projects.		

Responsibilities and Projects	Current Level of Service	Estimated '06-'07 Workload	Desired Improvements and Projects to Maintain Level of Service		'07-'08 Budget Required to Perform Work	Wish List
			2006-7	2007-8		
Metro Technical Advisory Committee	Attend 50% of MTAC meetings to maintain understanding of regional programs and requirements.	4 hrs/ month				
LONG-RANGE PLANNING PROJECTS					1 FTE	
					Consultant budget: \$13,000	
Community Development	Ongoing support to CD/PW Director on regional projects.	Provide technical and management support as requested.		<ul style="list-style-type: none"> Support Light Rail SDEIS Plan for removal of Kellogg Treatment Plant Annexation policy and project support 	.2 FTE	
Downtown Parking Plan Implementation	Plan for parking system that supports a healthy downtown.			<ul style="list-style-type: none"> Periodic parking inventory. Implement parking management changes. Plan for future development. 	.2 FTE Consultant assistance: \$5,000	
Transportation System Plan	Adoption by City Council in August 2007.	40 hours/ week		Manage technical work by consultants. Manage and implement public outreach process. Brief Planning Commission and City Council. Prepare for adoption.	1 FTE Consultant assistance: \$7,000	
Periodic Review	Milwaukie is required to go through Periodic Review process in 2007-9.			Prepare plan to identify work necessary for City to comply with Statewide Planning Goals. Apply for assistance grants.	.5 FTE beginning 9/07	
Metro Functional Plan Compliance	Comply with new regulations within 2 years.			Identify code amendments need to comply with Title 13 - Nature in Neighborhoods.	Unknown	



To: Planning Commission

Through: Katie Mangle , Planning Director *KM*

Subject: Highway 224 Commercial Triangle Re-zoning Study

Date: February 20, 2007 for February 27 2007 Work Session

Action Requested

None. This is for information and discussion only.

Background

On December 19, 2006, the Planning Commission held a work session discussion of the City's goals and needs related to potential re-zoning of some areas in the "Highway 224 triangle." The City's land use consultant, Mary Dorman, has prepared the attached memorandum to advise the City of alternative strategies for pursuing the goals we discussed. In the memorandum she outlines several recommendations and considerations, including:

Regarding rezoning Area A, Myrtle Street, to a commercial zone:

"If the City initiates a rezoning of Area A, the City will bear the costs associated with the effort. A City-initiated effort will not necessarily result in redevelopment of the block, particularly if land prices escalate dramatically and/or individual property owners refuse to sell. The City could also support property owner and/or developer efforts to aggregate and rezone the block. As one option, the City could wait to see if the parcels could be aggregated by a developer, and then step forward to initiate a legislative zone change."

Regarding zoning changes to Areas B & C, the Murphy & McFarland sites:

"I recommend that the Mixed Use Overlay be deleted and the base ROC zone revised to better position these sites for development. However, similar to the changes to the Downtown Zones, changes to the zoning text should not be completed in a vacuum. The zoning is more likely to enable and even facilitate the type of development the City wants if it is linked with an urban design framework."

Planning Commission Staff Report – Hwy 224 Triangle Re-zoning Study
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Please review the attached memorandum and come ready to discuss what the City's strategy should be, and how it could fold into next year's work plan.

Attachments

1. Final Memo and Recommendations – Highway 224/Oak Street Study Area(s)
2. Study Area zoning map (PC only)



Memorandum

Date: January 24, 2007
To: Katie Mangle, Planning Director
From: Mary Dorman, AICP
cc:
Re: Final Memo and Recommendations – Highway 224/Oak Street Study Area(s)

This memorandum describes the existing characteristics, issues, opportunities and constraints associated with potential zoning text and/or map changes in the Highway 224/Oak Street study area(s). The memo also summarizes my review of existing policies and ordinance provisions that are applicable to the study area(s) and input from the Planning Commission work session held on December 12, 2006.

Existing Characteristics

A map of the general study area is shown in Figure 1 on the following page. As outlined in the figure, three discrete areas are included within the study area boundary and are referenced as follows:

- ❖ Area A – Myrtle Street
- ❖ Area B – Murphy & Providence
- ❖ Area C – McFarland

Figure 1 - Map of Study Area(s)

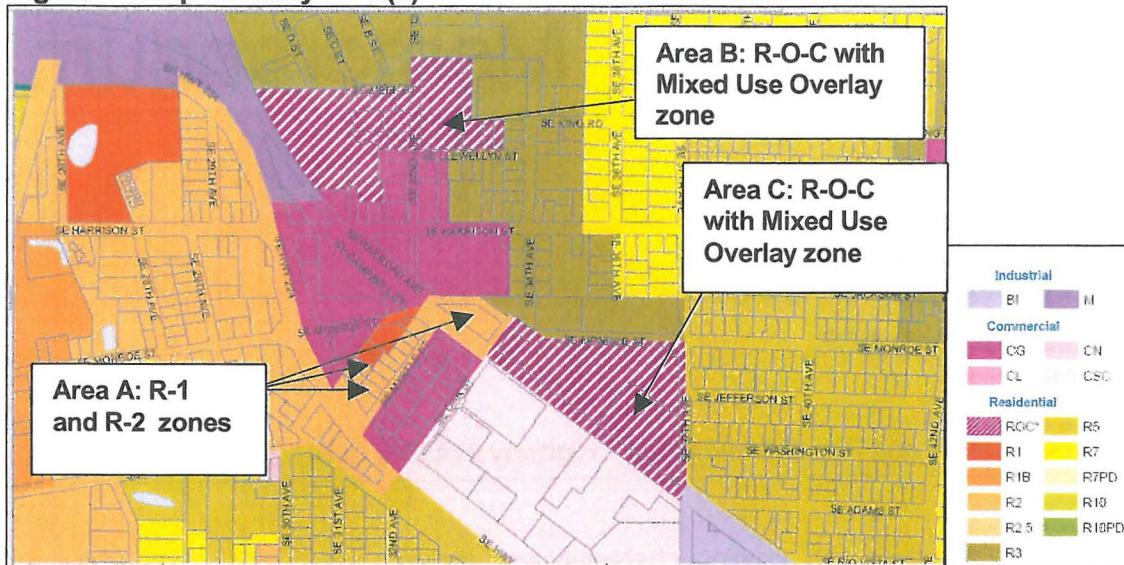


Table 1 highlights key planning characteristics for each of the three study areas, including existing plan designations and zoning, approximate acreage, number of parcels, number of owners and existing development.

Table 1 – Study Area Characteristics

Planning Characteristics	Area A Myrtle Street	Area B Murphy / Providence	Area C McFarland
Comprehensive Plan Designation	High Density Residential (HDR)	Town Center (TC)	Town Center (TC)
Zoning	R2 and R1	ROC with Mixed Use Overlay	ROC with Mixed Use Overlay
Town Center Master Plan	Sub Area 4-2 (Mixed-Use Commercial/Medium)	Sub Area 2 (Multi-Family Residential/High)	Sub Area 4-1 (Mixed-Use Residential/High)
Approximate Acres	2.67 acres	9.21 acres (Murphy – 6.22 acres; Providence – 2.99 acres)	7.3 acres
# Parcels	14	12 (Murphy – 8 parcels; Providence – 4 parcels)	3
# Owners	14	2	2
Existing Development	Single family dwellings	Murphy – vacant Providence – Medical Office Building	Vacant

Planning History

Milwaukie planning staff compiled a brief zoning history for the study areas. As summarized below, the city has initiated several changes to the zoning for Areas B and C.

1968 With the City's first zoning Code, Area B was zoned Manufacturing General (MG) and Area C was zoned Higher Density Residential (A2), with an area of Manufacturing Limited (ML) along the southern boundary line.

1975 The ROC zone was added to the zoning code. Area B was zoned MG and Area C was zoned ML.

- 1985 Zoning of both Areas B and C was changed to Manufacturing (M).
- 1995 Area C was rezoned High Density Residential (R2).
- 1997 Town Center Master Plan adopted (originally the Regional Center Master Plan). Mixed Use Overlay was added to the zoning ordinance. Comprehensive Plan designation for Areas B and C was changed to Town Center and the zoning for both areas was changed to ROC with the Mixed Use Overlay.

The zoning of Area A has not been subject to as many changes. However, in 2005, the City approved a developer-initiated plan map amendment and zone change from High Density Residential (R2) to Commercial (CG) affecting the 2.7-acre block between Myrtle and Oak Streets and adjacent to Area A.

Area A - Existing Policy Framework, Objectives and Zoning Provisions

A brief summary of existing policies and objectives from the Town Center Master Plan, the Milwaukie Comprehensive Plan and Zoning Ordinance that apply to Area A (Myrtle Street) is provided below.

1. The Town Center Master Plan notes that the parcels between Highway 224 and the railroad may be more appropriate for employment uses (page 73).
2. The Town Center Master Plan outlines the potential for about 400 new jobs in the area bounded by Monroe, Oak, Campbell and Highway 224 (page 78).
3. The Comprehensive Plan Map designation for this area is High Density Residential (21.2 to 24.0 units/net acre).
4. The Comprehensive Plan text includes the following location objectives and other policies for High Density Residential (Chapter 4, Objectives 2, 3 & 4).
 - a. The predominant housing types will be multifamily units
 - b. High Density Residential areas shall be located either adjacent to or within close proximity to the downtown or district shopping centers, employment concentrations and/or major transit centers or transfer areas.
 - c. Access to High Density areas should be primarily by major or minor arterials. High Density projects shall not cause traffic to move through adjacent lower density designated areas.
 - d. Within High Density areas, clearance and new construction will be allowed, as will construction on currently vacant lands.
 - e. When feasible, a Design Review function will be incorporated into the City's development review process to interpret and enforce Residential Land Use: Design and Neighborhood Conservation policies.
5. The majority of Area A is zoned R2, with a smaller area of R1 zoning. The zoning provisions of the two zones are quite similar, as summarized in the following table.

Table 2 - Summary of Key R1 and R2 Zone Standards

Standard	R1 Zone (Section 19.308)	R2 Zone (Section 19.306)
Permitted Uses	SF detached, attached, multi-family condominiums, apartments, congregate housing, senior and retirement housing	SF detached, attached, multi-family condominiums, apartments, congregate housing
Conditional Uses	Boarding, lodging or rooming house Office, studios, or clinics of a professional nature whose activities generate a minimal amount of traffic Hotel or motel	Senior and retirement housing, boarding, lodging or rooming house Office, studios or clinics of a professional nature whose activities generate a minimal amount of traffic Hotel or motel
Lot Size/Density	Minimum lot size of 5000 SF for the first dwelling; not less than 1400 SF for each dwelling unit over one.	Minimum lot size of 5000 SF for the first dwelling; not less than an average of 2500 SF for each dwelling unit over one.
Maximum Height	3 stories or 45 feet, whichever is less	3 stories or 45 feet, whichever is less
Maximum Lot Coverage	45% of total area of lot	45% of total area of lot
Minimum Density	25 to 32 units/net acre (for proposals subject to Minor Quasi-Judicial Review)	11.6 to 17.4 units/net acre (for proposals subject to Minor Quasi-Judicial Review)

6. As shown on Figure 1, Area A is bounded by commercial zoning (CG) on two sides. Milwaukie Marketplace is located on Highway 224 between Oak and 37th Streets and is zoned as the city's only community shopping center (C-CS).
7. Chapter 4 (Objective #6) of the Milwaukie Comprehensive Plan describes six categories of commercial centers:
 - a. Regional Shopping Centers – none located within Milwaukie. The City supports Clackamas Town Center as the primary regional shopping center serving the Milwaukie area.
 - b. Community Center – a commercial shopping center serving about 90,000 people on 15-30 acres and containing at least 200,000 square feet of leasable space. The center should contain a department store, a drug/variety or discount store, a supermarket, retail shops, and related uses. The City currently has one site located at Highway 224 and Oak Street.
 - c. District Center – a commercial site or area serving about 6-10,000 people on 5-15 acres for regular shopping needs. A district center would likely contain a supermarket, drug and variety store, bank, gas station, etc. Examples include Food Warehouse, SE 82nd Avenue/King Road, Oak Grove Fred Meyer, and the Wichita Town Center.

- d. Local Convenience Center – A commercial facility to provide for frequent, convenient shopping needs. Local convenience centers serve from 2-4,000 people on ¼ to ½ acre individual sites or may be adjacent in a strip. Typical uses may include a quick-stop grocery, laundry, fast-food restaurant, etc.
 - e. Highway Oriented Center – A commercial node or strip development dependent upon street traffic for businesses. Highway oriented centers are normally located along freeways or expressways at interchanges or along major or minor arterials and are generally service-oriented, providing for limited needs of nearby residents or people driving through the area. Examples include McLoughlin Boulevard and Harrison Street at Highway 224.
 - f. Town Center Areas – The downtown Milwaukie area is a unique mixed use and commercial center. It provides area-wide services as well as limited neighborhood services. Commercial uses are primarily office, service and retail providing financial, personal, business, governmental and cultural services.
8. Milwaukie's existing commercial zones (CG, CCS, CL and CN) do not perfectly match the categories of commercial centers described above in the Comprehensive Plan. In particular, the CG zone is applied to both District Centers and Highway Oriented Centers. Excerpts of key provisions of the CG and CCS zones (applicable to larger sites) are highlighted in Table 3 on the following page.

Table 3 - Summary of Key CG and CCS Zone Standards

Standard	CG Zone (Section 19.313)	CCS Zone (Section 19.315)
Permitted Uses	Professional, administrative, financial, governmental offices Retail trade selling primarily from shelf-goods inventory (food store, drug store, hardware store, etc.) Personal service businesses Auto, boat, trailer or other vehicle sales and service Building materials supply Repair garage, service station	Shall include at least 3 out of the 4 following uses: (1) department store; (2) drug and/or variety store; (3) food supermarket; (4) retail specialty shops. May include eating and drinking establishments; banks; entertainment (theater); personal service businesses Offices and clinics (limited to 15% of total floor space of the center)
Conditional Uses	Contractor's storage yard Drinking establishment High-impact commercial	-
Prohibited Uses	Adult entertainment business	Industrial, warehousing, vehicular sales or service, motels, adult entertainment business, machinery sales or repair; contractor's office, and similar uses determined by the Planning Commission
Minimum Lot Size	None	Minimum 200,000 gross leasable square feet
Maximum Height	3 stories or 45 feet, whichever is less	3 stories or 45 feet, whichever is less
Maximum Lot Coverage	85% of total area of lot	80% (20% landscaping required)
Drive-through Allowed	Yes	Not specified
Housing Allowed	No	Not listed as permitted or prohibited
Design Standards or Design Review	No	Some general standards

Area A Issues, Opportunities & Constraints

- Area A is an isolated pocket of High Density Residential zoning that is bounded by commercial zoning and development on two sides and by major transportation facilities on the other two sides (Highway 224 and Railroad).

2. The Town Center Master Plan concluded that this area may be more appropriate for employment rather than housing. As noted earlier, Table 17 of the Town Center Master Plan targeted development of up to 400 new jobs in the area bounded by Monroe, Oak, Campbell and Highway 224. However, unlike Areas B & C, no changes to the plan/zoning designations for Area A were adopted as part of the Town Center Master Plan.
3. The market analysis prepared for the Gramor zone change application identified a market need for up to 10 acres of commercially zoned land. Less than 3 acres between Myrtle and Oak Streets were rezoned to CG with approval of the Gramor application.
4. The block is highly parcelized, with multiple owners and dwellings. No direct access is available to Highway 224. Coordinated redevelopment may be difficult unless the parcels are aggregated and developed as a unit.
5. The existing CG zone does not include design standards or require design review. Without changing the text of the CG zone (which is also applied to other sites in Milwaukie), it could be difficult to limit particular uses or impose design review requirements as a condition of amending the plan and zoning designations from High Density Residential to Commercial.
6. Chapter 19.1400 of the Zoning Ordinance (Transportation Planning & Design Standards) includes requirements for public sidewalks, on-site walkways and circulation, bike lanes and building orientation to transit facilities that apply to all new multifamily, commercial, office, and institutional development within 500 feet of an existing or planned transit route. TriMet maps show that transit service is currently provided along SE 32nd, SE Harrison, Highway 224, and along a section of SE Oak and through Milwaukie Marketplace.

Areas B & C – Existing Policy Framework, Objectives and Zoning Provisions

A brief summary of existing policies and objectives from the Town Center Master Plan, the Milwaukie Comprehensive Plan and Zoning Ordinance that are applicable to Area B (Murphy/Providence) and Area C (McFarland) is provided below.

1. The Town Center Master Plan identifies Area B as a priority location for higher density office development with an institutional emphasis (page 53). Support uses to the hospital (e.g., medical office, congregate care) should be encouraged in this area. Additionally, the Town Center Master Plan encourages a Main Street character along 32nd Avenue with a diverse mix of uses and buildings close to the sidewalk (page 54).
2. Table 11 of the Town Center Master Plan identifies the potential for about 650 new jobs in Area B.
3. The Town Center Master Plan identifies Area C as a key opportunity site for high residential densities (up to 50 units per acre) that could be oriented to a LRT station. Opportunities for master planning and joint development should be explored (p. 73).
4. Table 17 of the Town Center Master Plan identifies the potential for about 250 new dwelling units in Area C.

5. The job and housing targets for Areas A, B & C (see Tables 11 & 17) were based in large part on designation of Milwaukie as a "Regional Center" in Metro's 2040 Growth Concept and plans for southerly extension of light rail to and through Milwaukie. At the city's request, Milwaukie is now designated a "Town Center" in the 2040 Growth Concept and the Hwy 224 light rail corridor has been deleted from the Regional Transportation Plan. Therefore, the availability of nearby light rail service to support higher density development in these areas is no longer planned and it may be appropriate to revisit the job and housing targets.
6. Areas B & C are both designated "Town Center" on the Milwaukie Comprehensive Plan Map. These two areas are the only parcels outside of the downtown with a Town Center designation.
7. The Comprehensive Plan text includes the following objectives and policies for Town Center areas outside of the downtown (Chapter 4, Objectives 2, 12)
 - a. A mixed use zone will be applied to designated Town Center Areas as an interim tool to implement the Town Center Master Plan (emphasis added).
 - b. Outside of the Downtown and Riverfront Land Use Framework Plan area, the Residential Office Commercial (ROC) Zone is the most appropriate zone for the Town Center Area.
 - c. Residential densities in the portion of the Town Center outside of Downtown are in the range of 25 to 50 units per acre.
 - d. Objective #12 – Town Center, does not specifically reference Areas B & C, but instead focuses on the downtown and riverfront areas.
8. As noted earlier in this memo, Areas B & C have a complex zoning history. Both areas were zoned for manufacturing through mid -1990. Area C was rezoned for High Density Residential (R2) in 1995. In 1997, the zoning of both areas was changed to ROC with the Mixed Use Overlay.
9. The Mixed Use Overlay was initially applied over a much larger area of downtown Milwaukie. However, the Mixed Use Overlay was deleted from the downtown and riverfront areas with adoption of specific downtown zones. These two sites are the only areas in Milwaukie that retain the Mixed Use Overlay.
10. The regulations applicable to Areas B & C are complicated by the overlapping nature of the ROC zone and the Mixed Use Overlay. Staff has found it difficult to interpret and implement the overlapping regulations. Excerpts of key provisions of the base zone and the overlay are highlighted in Table 4 on the following page.

Table 4 – Summary of Key ROC and Mixed Use Overlay Standards

Standard	ROC Zone (Section 19.309)	Mixed Use Overlay Zone (Section 19.318)
Permitted Uses	<p>SF detached, attached, MF condominiums, apartments, congregate housing, senior and retirement housing</p> <p>Office uses; banks</p> <p>Retail trade such as food store, drug store, hardware store selling primarily from a shelf-goods inventory</p> <p>Personal service businesses</p> <p>Commercial recreation (theater)</p> <p>Eating establishment; hotel or motel;</p>	<p>Same range of uses listed in the ROC Zone is permitted the Mixed Use Overlay.</p> <p>The following additional uses are listed in the MU Overlay: (1) brew pub which serves food (2) service station without mini-mart (3) farmers market (4) public park or community meeting area (5) youth center</p> <p>Uses allowed in the Business Industrial (BI) zone are permitted and do not have to comply with design standards.</p>
Conditional Uses	Boarding, lodging or rooming house	-
Use Restrictions	At least 50% of the floor area within a project shall be used for residential purposes	Auto-oriented and drive-in uses (except service stations with approved conditional use)
Lot Size/Density	<p>Minimum lot size of 5000 SF for first dwelling; not less than 1400 SF for each dwelling unit over one.</p> <p>Setbacks and other standards don't address non-residential uses</p>	Opportunity for residential densities between 25-50 units/acre.
Maximum Height	3 stories or 45 feet, whichever is less	Not clear
Maximum Lot Coverage	50% of total area of lot	None – replaced with site design review
Minimum Density	<p>25 to 32 units/net acre (for proposals subject to Minor Quasi-Judicial Review);</p> <p>No minimum FAR specified for non-residential uses</p>	Not clear if minimum density requirements of the ROC zone apply; opportunity for residential densities up to 50 units/acre
Development Review/Design Standards	No	Yes – Planning Commission review of site plan; standards for location of parking, building orientation, ground floor windows, design features

Areas B & C – Issues, Opportunities & Constraints

1. Areas B & C have been identified as key “opportunity” sites for more than 10 years, yet no development has occurred.
2. The existing zoning regulations applied to these two sites are unnecessarily complex. Because the ROC zone and Mixed Use Overlay is only applied to these two areas of Milwaukie, amending the text of the zoning would not affect other properties.
3. The code requirement that at least 50% of the “floor area within a project” shall be used for residential purposes is not clear. Allowing mixed use is good, but mandating mixed use for each “project” may be inhibiting development.
4. Allowing business industrial uses on these sites provides additional flexibility in terms of uses along with the opportunity to avoid Measure 37 claims.
5. Some of the design requirements of the Mixed Use Overlay (60% ground floor windows) were appropriate as an interim tool in the downtown, but may be unduly restrictive for these sites.
6. The location, size, and limited number of owners in these two areas are relatively unique in an urban setting in proximity to downtown Milwaukie. Any amendments to zoning regulations should allow/encourage mixed use and assure high quality/cohesive design.

Alternative Approaches and Next Steps

Area A – Myrtle Street

- ❖ Existing policies and objectives in the Town Center Plan and Comprehensive Plan provide adequate support to rezone Area A from High Density Residential (R1 & R2) to Commercial (CG or CCS).
- ❖ The market study supporting the Gramor zone change application identified a “need” for additional commercial zoning in Milwaukie and implied that the Myrtle Street block would likely be rezoned at a future date. However, the larger area of CG zoning to the northwest of Area A is currently underutilized. The City may want to encourage intensification of commercial uses in that area before expanding the inventory of CG zoning.
- ❖ ODOT and other agencies (Metro, DLCD) did not oppose the previous zone change.
- ❖ If the city initiates a rezoning of Area A, the city will bear the costs associated with the effort (transportation assessment, public outreach, staff analysis and findings, etc.). A city-initiated effort will not necessarily result in redevelopment of the block, particularly if land prices escalate dramatically and/or individual property owners refuse to sell.
- ❖ The city could also support property owner and/or developer efforts to aggregate and rezone the block. As one option, the city could wait to see if the parcels could be aggregated by a developer, and then step forward to initiate a legislative zone change.

- ❖ The City Attorney should be consulted to determine if conditions of approval can be attached to a zone change to limit particular uses (such as drive-through facilities) or impose site design review that is not otherwise required in the CG zone.
- ❖ As another option, the city may want to consider whether a revised ROC zone (suggested for Areas B & C) might also be appropriate for Area A.

Areas B & C – Murphy Plywood & McFarland Sites

- ❖ A broad variety of land uses is allowed on these two sites, but the overlapping requirements of the ROC zone and the Mixed Use Overlay are overly complex.
- ❖ Because the ROC zone and Mixed Use Overlay only applies in these two areas, initiating a legislative change to the text of the zoning ordinance is less complicated because it would affect a limited number of property owners.
- ❖ The Planning Commission appeared interested in greater flexibility and fewer requirements on the mix of uses, combined with greater attention to design elements such as building orientation, location of parking, etc.
- ❖ The city might have an option to apply for TGM funding to complete more detailed urban design planning for this area. In particular, Area C could be a good candidate for “Quick Response” funding with a pending development proposal (credit union). For information on the program, contact Eric Jacobson by e-mail at Eric.Jacobson@state.or.us or by phone at (503) 373-0050, ext. 265.
- ❖ Outreach to the property owners, potential developers, surrounding neighborhoods and other stakeholders will be critical to any effort to change the text of the ROC zone.
- ❖ I recommend that the Mixed Use Overlay be deleted and the base ROC zone revised to better position these sites for development. However, similar to the changes to the Downtown Zones, changes to the zoning text should not be completed in a vacuum. The zoning is more likely to enable and even facilitate the type of development the city wants if it is linked with an urban design framework.

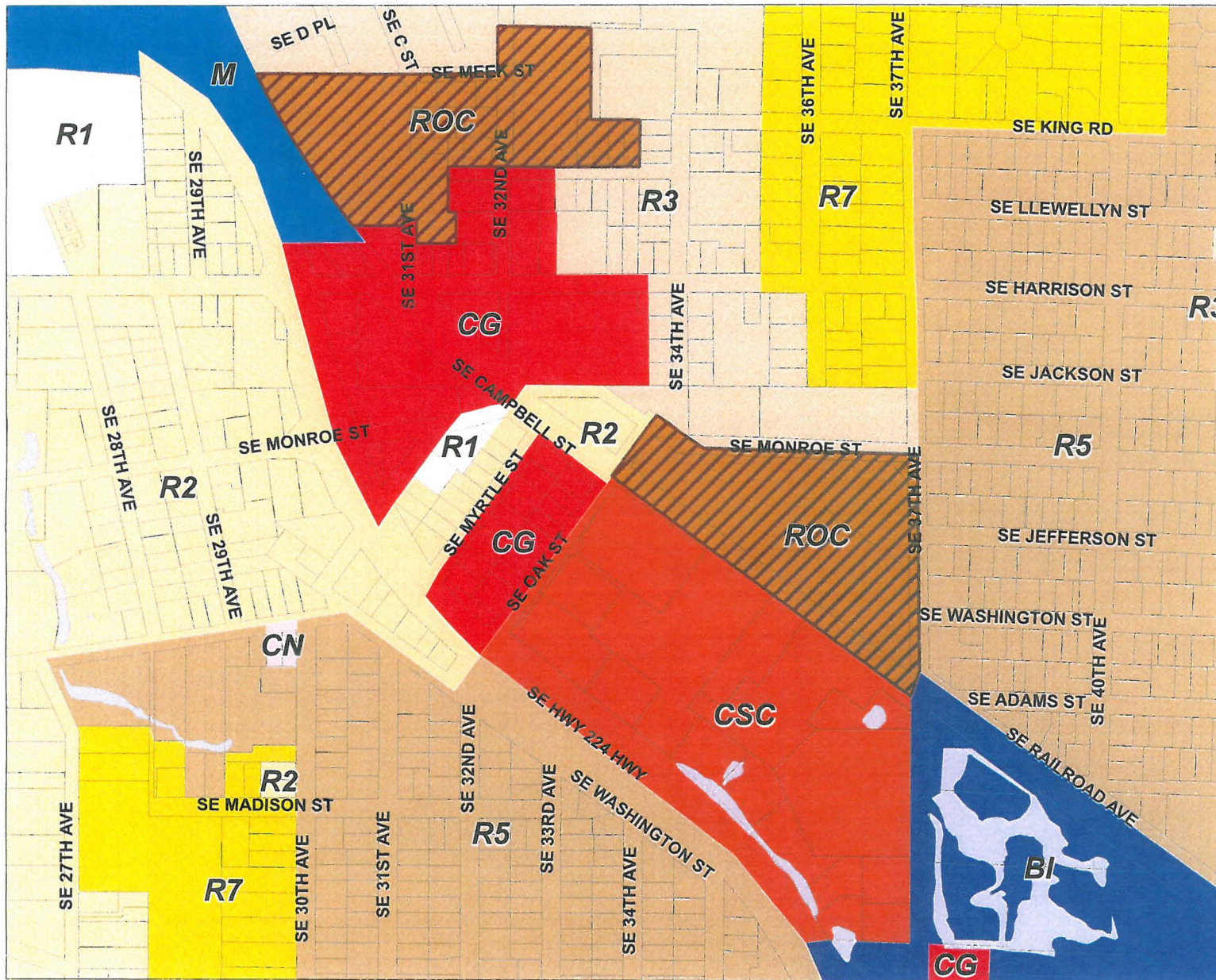
Additional Recommendations for Staff

1. Schedule meetings with the Dept. of Land Conservation & Development and Metro staff to discuss the changes in circumstances for these areas (particularly related to the change from a “regional” to a “town center” and final recommendations on light rail). Revisit the housing and job targets and explore opportunities for changes to the zoning text and/or map to facilitate development.
2. Contact the owner and potential developer of a portion of Area C to see if they might be interested in pursuing a “Quick Response” grant for urban design assistance. This is a voluntary program that is only available if the owner/developer and city are all willing to participate.



3. As part of the pending TSP update, identify potential options for connecting the local street grid in these opportunity areas.
4. As part of the upcoming periodic review, explore options to implement clear & objective design standards and/or discretionary design review outside of the downtown area – with a particular emphasis on commercial zones.

Highway 224 Commercial Area Milwaukie, OR



- Riparian Buffer
- Wetland Buffer
- Mixed Use Overlay
- Water Body
- Tax lots, August 2006

Zoning

- CG
- CL
- CN
- CSC
- BI
- M
- ROC
- R1
- R1B
- R2
- R3
- R5
- R7



Source: City of Milwaukie GIS; Clatsop County GIS; RUS
Date: November, 2016
Author: City of Milwaukie