

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, SEPTEMBER 11, 2012
6:30 PM**

COMMISSIONERS PRESENT

Lisa Batey, Chair
Clare Fuchs, Vice Chair
Scott Churchill
Shaun Lowcock
Wilda Parks
Chris Wilson

STAFF PRESENT

Scot Siegel, Interim Planning Director
Li Alligood, Associate Planner
Tim Ramis, City Attorney
Teri Bankhead, Assistant City Manager
Brad Albert, Civil Engineer
Steve Bartol, Police Captain

COMMISSIONERS ABSENT

Mark Gamba

1.0 Call to Order – Procedural Matters*

Chair Batey called the meeting to order at 6:30 p.m. and read the conduct of meeting format into the record.

***Note:** The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.ci.milwaukie.or.us/meetings>.*

2.0 Planning Commission Minutes—None

3.0 Information Items

Chair Batey introduced new **Commissioner Parks**, who spoke about her reasons for joining the Planning Commission.

3.1 Planning Commission Alternate Expectations and Guidelines

Scot Siegel, Interim Planning Director, reviewed the proposed guidelines.

Teri Bankhead, Assistant City Manager, provided background on the Alternate Guidelines. She asked for any input from the Planning Commissioners within one week.

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

- 5.1 Summary: City of Milwaukie Municipal Court Relocation
Applicant/Owner: Ed Murphy/City of Milwaukie, Teri Bankhead
Address: 3200 SE Harrison Street
File: CSU-12-11 and P-12-03
Staff: Li Alligood

Li Alligood, Associate Planner, presented the staff report. The proposal was to move court facilities from City Hall to the Public Safety Building. She addressed parking needs, including a proposed shared parking agreement with Providence Milwaukie Hospital. A parking

management plan would be developed. She also addressed potential public benefits. Staff recommendation was for approval with the proposed findings and conditions. Other options would be to modify conditions or continue the hearing.

Teri Bankhead, Assistant City Manager, spoke as the applicant. She introduced Ed Murphy, who was serving as the representative for the City. Mr. Murphy's company had done the parking analysis.

Ed Murphy, Ed Murphy and Associates, presented for the applicant. He addressed the CSU criteria, clear vision at intersections, signage, and the parking quantity analysis.

The Commission asked questions about a retaining wall obstructing clear vision; the court schedule as it affected the number of parking spaces and bike racks needed, especially at peak times; possible parking time limits; shared parking with Providence; parking signage and education; discouraging court attendees from using neighboring businesses' parking lots; street parking; impacts to pedestrians from increased traffic and possible building circling; setting up a complaint system; and the flow of people within the building.

Brad Albert, Civil Engineer, addressed clear vision and clarified that the application didn't trigger the public facility improvement section, MMC 19.700.

Police Captain Steve Bartol described the court schedule and explained the citation process and types of parking information that might be included with citations.

Ms. Alligood stated that, although the parking management plan isn't prepared yet, Planning staff would make sure that all the concerns raised here had been addressed as they reviewed the plan. She also noted that the plan would give staff tools to monitor and address any future issues that might arise.

Ms. Alligood identified errors to be corrected in the findings.

Ms. Bankhead rebutted for the applicant. She said that the City intended to be good neighbors through outreach, education, and signage. They would make the best parking management plan they could. She reiterated the original reasons for moving court, due to overcrowding and lack of security at City Hall. She said the shared parking agreement with Providence would include the ability to make any needed improvements.

Public testimony was closed and the Commission began its deliberation.

Commissioner Churchill declared that, while he didn't have an actual or potential conflict of interest, he had done prior consulting work for Providence. He further clarified that he had not had any involvement in this issue and had no bias.

The Commission proposed changes to the conditions:

- Add a second sentence to condition 3.B to read, "The plan shall also provide for periodic assessment of impacts on surrounding streets."
- Revise the last sentence of advisory note 3 to read, "The Engineering Department recommends that the driveway entrance be brought into conformance with the clear vision standards of MMC 12.24 in conjunction with ~~the building remodel~~ any development permits."

Ms. Alligood proposed revisions to the findings:

- For item 7.B.v, second paragraph, delete "as well as" at the end.
- For item 8.C.i.a, third paragraph:
 - Revise the last sentence to read, "Twenty-eight two on-site parking spaces are available at the PSB for public court use; at least 22 additional spaces are needed to meet the additional demand associated with locating court uses to the PSB, for a total of ~~40~~ 44 off-street parking spaces.
 - Add another paragraph to read, "Per MMC 19.605.3.D.5, the minimum amount of required parking may be reduced by one vehicle parking space for every six additional bicycle parking spaces. The applicant has proposed the installation of six bicycle parking spaces, reducing the number of required additional parking spaces to 21."

The Commission requested that Planning staff ensure that the parking management plan addressed directional signage and considered time limits, where appropriate, on certain spaces in the PSB lot.

Commissioner Churchill moved to approve CSU-12-11 and P-12-03, City of Milwaukie Municipal Court Relocation, with changes as noted. Commissioner Wilson seconded the motion, which passed unanimously.

6.0 Worksession Items—None

7.0 Planning Department Other Business/Updates

7.1 Planning Commission Notebook update pages

7.2 Planning Department Staffing

Mr. Siegel announced that the Planning Department would be fully staffed as of October 1. Stephen Butler, new Planning Director, would begin on September 17. Ryan Marquardt had been promoted to Senior Planner. Kari Svanstrom, new Associate Planner, would begin on October 1. The Commission thanked Mr. Siegel for serving as Interim Planning Director.

7.3 Tacoma Station Area Plan Meeting Schedule

Mr. Siegel said that there would be two meetings at the City Hall Conference Room on September 19: (1) an afternoon meeting of the Technical Advisory Committee (agency staff), and (2) a Stakeholders Advisory Committee meeting at 6:30 p.m. Additionally there would be a Community Meeting on September 24 at 6:30 p.m. at the Public Safety Building. Announcements had gone out last week, notifying all property owners and businesses in the area. Mr. Siegel would stay on as Project Manager through October 5, and then Planning staff would take over project management.

8.0 Planning Commission Discussion Items—None

9.0 Forecast for Future Meetings:

- | | |
|--------------------|--|
| September 25, 2012 | 1. Public Hearing: CSU-12-08 PMLR Substation Building
2. Public Hearing: ZA-12-01 Murals Program - Sign Code Amendments |
| October 9, 2012 | 1. TBD |

Meeting adjourned at approximately 8:45 p.m.

Respectfully submitted,

Marcia Hamley, Administrative Specialist II



Lisa Batey, Chair



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday September 11, 2012, 6:30 PM

**MILWAUKIE CITY HALL
10722 SE MAIN STREET**

1.0 Call to Order - Procedural Matters

2.0 Planning Commission Minutes – Motion Needed

3.0 Information Items

3.1 Planning Commission Alternate Expectations and Guidelines

4.0 Audience Participation – This is an opportunity for the public to comment on any item not on the agenda

5.0 Public Hearings – Public hearings will follow the procedure listed on reverse

5.1 Summary: City of Milwaukie Municipal Court Relocation
Applicant/Owner: Ed Murphy/City of Milwaukie, Teri Bankhead
Address: 3200 SE Harrison Street
File: CSU-12-11
Staff: Li Alligood

6.0 Worksession Items

7.0 Planning Department Other Business/Updates

7.1 Planning Commission Notebook Update Pages

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:

September 25, 2012	1. Public Hearing: CSU-12-08 PMLR Substation Building
	2. Public Hearing: ZA-12-01 Murals Program – Sign Code Amendments
October 9, 2012	1. TBD

Milwaukie Planning Commission Statement

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

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@ci.milwaukie.or.us. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.cityofmilwaukie.org
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.cityofmilwaukie.org
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **TIME 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:

Lisa Batey, Chair
Clare Fuchs, Vice Chair
Scott Churchill
Chris Wilson
Mark Gamba
Shaun Lowcock
Wilda Parks

Planning Department Staff:

Scot Siegel, Interim Planning Director
Ryan Marquardt, Senior Planner
Brett Kelver, Associate Planner
Li Alligood, Associate Planner
Alicia Martin, Administrative Specialist II

EXPECTATIONS AND GUIDELINES FOR BOARD, COMMISSION, COMMITTEE ALTERNATES

Alternates are able to provide an additional voice to a board, commission or committee. Serving as an alternate can help prepare a person to serve mid-term if a vacancy comes open as well as be fully knowledgeable of the issues at hand to fill a vacancy upon term expirations. This can help reduce learning curves and the time it takes for recruitment and appointments. Further, at times there are more qualified applicants than vacant positions on a board. Having a person serve as an alternate provides him or her with the opportunity to still participate and learn and be ready if a position unexpectedly does become vacant, as we have seen happen already.

Alternates should:

1. Attend meetings when possible
2. Review meeting materials beforehand
3. Participate in work session discussions, on the board's/commission's request, where input may be given and questions raised
4. Withhold comment during regular meetings or public hearings, specifically Planning Commission quasi-judicial hearings
5. Alternates will not participate in deliberations or vote on board issues as they are not officially appointed to the board
6. Alternates should not sit at the dais for Planning Commission or Budget hearings
7. For other boards, commissions and committees, it is at the discretion of the board/commission members whether an alternate should participate with the members during discussion and at the table

Voting

Alternates serve in a non-voting capacity. They need to be officially appointed by council via resolution to be a voting member.

Quorum

Because an alternate cannot vote, this precludes participating in an active role where a vote may be required due to a lack of quorum.

Work Sessions

Alternates may participate in work or study session conversations, on request of the board/commission, where they may provide their perspective and ask questions about topics under consideration.

Hearings and participation

During a quasi-judicial or legislative hearing, alternates may participate in the same capacity as citizens and not as an alternate board member. However, it is recommended that alternates not give public testimony during a hearing due to potential conflicts of interest as they may have participated in former work session discussions about a topic at hand.



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Scot Siegel, Interim Planning Director

From: Li Alligood, Associate Planner

Date: September 4, 2012, for September 11, 2012, Public Hearing

Subject: **File:** CSU-12-11, P-12-03
Applicant: Teri Bankhead for the City of Milwaukie
Owner(s): City of Milwaukie
Address: 3200 SE Harrison St
Legal Description (Map & Taxlot): 11E36AB 03700
NDA: Ardenwald

ACTION REQUESTED

Approve application CSU-12-11 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow the relocation of the City of Milwaukie's municipal court services and facilities to the Public Safety Building.

BACKGROUND INFORMATION

The applicant has requested approval to allow relocation of the City's municipal court services from City Hall to the Public Safety Building (PSB). The construction of the PSB was approved as a Community Service Use (CSU)¹ in 1992; the addition of court services to the site requires a major modification of the existing CSU. The PSB currently houses the City's Police, Fire, and Information Systems and Technology (IST) departments.

A. Site and Vicinity

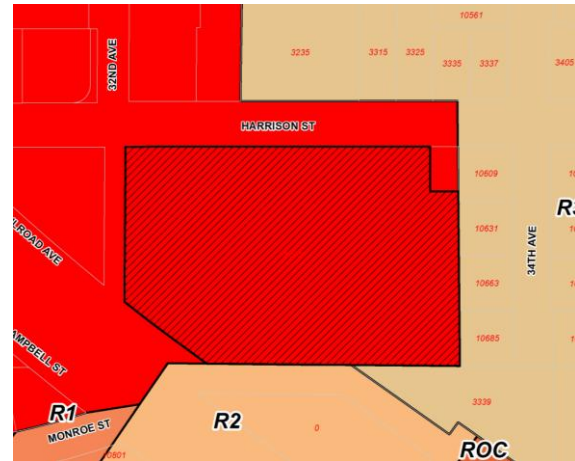
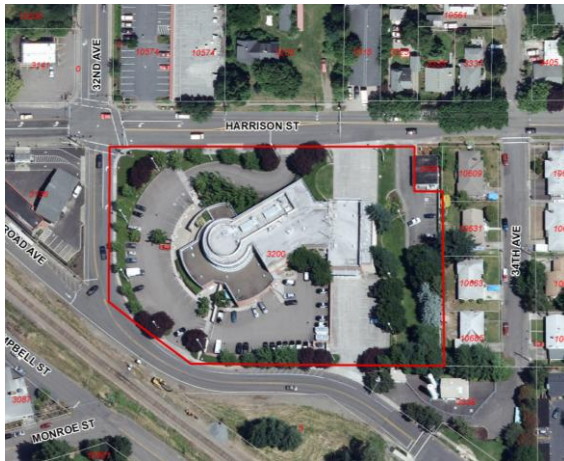
The site is located at 3200 SE Harrison St and is composed of a single tax lot of 99,475 sf (2.91 ac). The site contains the City's Public Safety Building, a parking area, and a small pocket park to the east. There is a small building to the east side of the facility that is privately owned but located on property owned by the City. The City has granted an

¹ Formerly Community Service Overlay (CSO).

easement for use of a small parking lot that serves the building. The site is accessed from Harrison St and Railroad Ave.

There are 85 off-street parking spaces on the site; 45 of these spaces are secured for use by the Police Departments and Clackamas County Fire District #1, 10 are reserved for PSB staff, and 30 are available to the general public (28 regular and 2 ADA spaces).

The surrounding area is zoned Residential Zone R-1 to the south, General Commercial Zone CG to the north and west, and Residential Commercial Zone R-3 to the east. Railroad Avenue and Union Pacific Railroad separate the site from areas to the south, which are developed with a mix of single-family, multifamily, and commercial uses. The area to the east is developed with single-family uses, and the areas to the west and north are development with commercial uses.



B. Zoning Designation

General Commercial Zone CG

C. Comprehensive Plan Designation

Commercial C

D. Land Use History

- **January 31, 1992:** CSO-91-05² approved construction of a public safety facility within the General Commercial Zone CG to house the City's police and fire departments.
- **January 6, 1994:** Minor modification of CSO-91-05 to approve the addition of an emergency antennae array to the roof of the apparatus bay.

² The Community Service Use (CSU) designation replaced the Community Service Overlay (CSO) in 2006. However, the City considers facilities that were properly permitted through the CSU process and meet the definition of CSU provided in MMC 19.904.2.A to be de facto CSUs.

E. Proposal

The applicant is seeking land use approvals for a major modification to CSO-91-05. See Attachment 3 for details. The proposal includes the following:

1. Relocation of the City's municipal court facilities from City Hall to the Public Safety Building
2. Determination of the minimum number of parking spaces required to accommodate court users

The project requires approval of the following applications:

1. CSU-12-11: The addition of municipal court facilities to the site requires a major modification of CSO-91-05.
2. P-12-03: "Court services" is not a listed parking category. A parking quantity determination is required to determine the minimum and maximum number of off-street parking spaces required for court activities.

KEY ISSUES

Summary

Staff has identified the following key issues for the Planning Commission's deliberation. Aspects of the proposal not listed below are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion by the Commission.

- A. What are the appropriate off-street parking ratios for the uses on the site?
- B. With the addition of court services, does the Public Safety Building continue to meet the public benefits test?

Analysis

A. What are the appropriate off-street parking ratios for the uses on the site?

The applicant has requested a Parking Quantity Determination to establish minimum and maximum off-street parking ratios for the Public Safety Building (PSB). The applicant's parking analysis indicates that at least 40 off-street parking spaces are needed for the addition of municipal court facilities to the PSB. See Attachments 3B and 3C.

Staff has evaluated the applicant's materials and compliance with the approval criteria of MMC 19.605.2.C, and has determined that the proposal meets the approval criteria.

The Ardenwald NDA has expressed concern about increased parking demands due to relocation of court services to the PSB. Per MMC 19.904.5, the City may impose suitable conditions which assure compatibility of the use with other uses in the vicinity.

B. With the addition of court services, does the Public Safety Building continue to meet the public benefits test?

The Public Safety Building (PSB) was originally approved as a Community Service Use (CSU) in 1992, and continues to meet the approval criteria for a CSU. However, court

services were not included in the original approval, and relocation of court services to this site is a major modification of the existing CSU approval. The key approval criterion for approval of a CSU is whether the public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood – the public benefits test.

The City has identified the PSB as the best site for relocation of court services, although staff has had informal discussions with Council about other community facilities. City Hall staff has stated that the location of court services at City Hall is problematic due to overcrowding on court days; lack of adequate security for non-court employees and departments; adverse impact on the working environment; and unprofessional court decorum related to the lack of dedicated court facilities and inefficient processing. See Attachment 3D for a memo outlining the existing problems and alternatives related to providing court services at City Hall.

In 2007, the City contracted with an architectural firm to conduct a space assessment for the court facility; the resulting memo concluded that the PSB was the best location for court services, as it was the most centrally located public building and the most efficient use of space and City finances. Court services will use the existing Community Room and lobby area at PSB, and will not require a lease or purchase option or substantial interior remodeling. Court services will not require permanent furnishings, and the existing PSB lobby will be configured to allow for a waiting area and a payment area.

Potential public benefits resulting from the relocation of court services from City Hall to PSB include: improved customer service for court patrons due to more space and efficient movement; improved customer service for visitors to City Hall; additional security due to the colocation of the court services and Police Department on site; improved environment for court patrons and City Hall staff; minimal cost for setup; and convenience and reduced travel time for officers attending court, which allows more time for law enforcement activities.

Potential negative impacts include increased off-street parking needs on days when court is in session. Fewer transit options to the PSB site, as compared to City Hall, could result in increased on-street parking in adjacent residential areas if off-street parking is not available.

The applicant has proposed to mitigate potential parking impacts through a shared parking agreement with Providence Hospital for use of a nearby parking lot. Per a parking analysis conducted in June 2012, at least 22 additional off-street parking spaces are needed to accommodate visitors to PSB on court days. This shared parking agreement would provide 23 additional spaces. A parking management plan and on-site signage directing court patrons to park in the dedicated parking lots rather than in the surrounding neighborhood would also mitigate off-street parking impacts.

Staff has proposed a condition of approval to ensure these mitigating actions. Staff believes that, as conditioned, the use continues to meet the public benefits test.

CONCLUSIONS

A. Staff recommendation to the Planning Commission is as follows:

1. Approve the Community Service Use application for the addition of municipal court services to the existing services at the Public Safety Building. This will result in relocation of the City's municipal court services from City Hall to PSB.
2. Approve the Parking Quantity Determination application for establishment of a minimum and maximum off-street parking ratio for the addition of municipal court services on the site.
3. Adopt the attached Findings and Conditions of Approval.

B. Staff recommends the following key conditions of approval (see Attachment 2 for the full list of Conditions of Approval):

- Submittal of a shared parking agreement for at least 23 off-street parking spaces
- Preparation of a parking monitoring and management plan

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Zoning Ordinance, which is Title 19 of the Milwaukie Municipal Code (MMC).

- Section 19.313 General Commercial Zone CG
- Subsection 19.504.6 Transition Area Measures
- Section 19.600 Off-Street Parking and Loading
- Section 19.904 Community Service Uses
- Chapter 19.1006 Type III Review

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Commission has 5 decision-making options as follows:

- A. Approve the application upon finding that all approval criteria have been met.
- B. Approve the application subject to the recommended Findings and Conditions of Approval.
- C. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- D. Deny the application upon finding that it does not meet approval criteria, and draft Findings of Denial.
- E. Continue the hearing.

The final decision on these applications, which includes any appeals to the City Council, must be made by November 23, 2012, in accordance with the Oregon Revised Statutes and the

Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Community Development, Building and Engineering Departments; Ardenwald and Historic Milwaukie Neighborhood District Associations (NDAs); Clackamas County Fire District #1; Clackamas County; and TriMet. The following is a summary of the comments received by the City. See Attachment 5 for further details.

- **Tom Larsen, Building Official:** No comments.
- **Brad Albert, Engineering Department:** The southwest driveway has a clear vision obstruction. The Engineering Department recommends that the driveway entrance be brought into conformance with clear vision standards per MMC 12.24 in conjunction with the building remodel.
- **Lisa Gunion-Rinker, Land Use Chair, Ardenwald NDA:** Concerns about the data used to determine the number of additional off-street parking spaces needed to accommodate court patrons.

Staff Response: The appropriate number of off-street parking spaces will be evaluated through the Parking Quantity Determination application (P-12-03) and determined by the Planning Commission.

ATTACHMENTS

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

1. Recommended Findings in Support of Approval (attached)
2. Recommended Conditions of Approval (attached)
3. Applicant's Narrative and Supporting Documentation dated June 28 and July 27, 2012 (attached) (*This information was provided to the Planning Commission on August 22 2012.*)
 - A. Narrative
 - B. Exhibit 10 – Milwaukie Municipal Court Parking Analysis
 - C. Exhibit 11 – Shared Parking Map
 - D. Exhibit 13 – Memo from Teri Bankhead, Assistant to the City Manager, to Bill Monahan, City Manager, dated August 11, 2012
4. Comments Received (attached)
5. List of Materials in the Record

Recommended Findings in Support of Approval

1. The applicant, Ed Murphy, Ed Murphy & Associates, for the City of Milwaukie, submitted two land use applications (the “application”) for approval of relocation of the City’s municipal court services from City Hall to the Public Safety Building (PSB). The applicant requests approval for a major modification of CSO-91-05, which approved construction of the PSB, and a determination of the minimum number of off-street parking spaces required to accommodate court activities. The application has been assigned the following file numbers and consists of the following application types:
 - CSU-12-11: Community Service Use
 - P-12-03: Parking Quantity Determination
2. The application materials were submitted on June 28 and July 27, 2012. The City deemed the application complete on July 27, 2012. The City has until November 23, 2012, to issue a final decision on the application.
3. The site is 3200 SE Harrison St, Tax Lot 11E36AB 03700. The site is currently developed with the Public Safety Building, surface parking, and a “pocket park” to the east. The site takes access from Harrison St and Railroad Ave. The surrounding development is a combination of commercial uses to the west and north, and residential uses to the south and east. The site is separated from the residential uses to the south by Railroad Ave and freight rail tracks.
4. The Public Safety Building site has a base zone designation of General Commercial (CG), and was approved with a Community Service Overlay (CSO) in 1992. As proposed, addition of the court services use is a major modification of the CSO, and is subject to Community Service Use and Parking Quantity Determination review.
5. The application is subject to the following provisions of the Milwaukie Zoning Ordinance, which is Title 19 of the Milwaukie Municipal Code (MMC):
 - Section 19.313 General Commercial Zone CG
 - Subsection 19.504.6 Transition Area Measures
 - Section 19.600 Off-Street Parking and Loading
 - Section 19.904 Community Service Uses
 - Chapter 19.1006 Type III Review

Provisions not addressed in these findings are found to be not applicable to the decision on the application.
6. The application has been reviewed in compliance with the Type III review process described in MMC 19.1006.
 - A. The applicant attended a pre-application conference with the City on March 29, 2012.
 - B. The application materials were submitted on June 28 and July 27, 2012, and the application was deemed complete on July 27, 2012.
 - C. As required by MMC 19.1006.3.C, the application was referred to the City of Milwaukie Building, Engineering, and Community Development departments; Ardenwald and Historic Milwaukie neighborhood district associations (NDAs);

Clackamas County Fire District #1; Clackamas County; and TriMet on August 2, 2012, within 7 days after the application was deemed complete.

- D. As required by MMC 19.1006.3.D, mailed notice was mailed to surrounding property owners within 300 ft of the site on August 22, 2012, 20 days before the public hearing on the application.
 - E. As required by MMC 19.1006.3.D.E, public notice was posted on the subject property on August 28, 2012, 14 days before the public hearing on the application.
 - F. The Planning Commission evaluated the entire application at a public hearing on September 11, 2012.
7. MC 19.904 contains the criteria and standards for Community Service Uses.
- A. MMC 19.904.2 Applicability

The proposal is a major modification to the uses of a government office building. This use is identified as an Institution and is subject to the provisions of this chapter.

The Planning Commission finds that the proposal is subject to the criteria and standards of MMC 19.904.
 - B. MMC 19.904.4 Approval Criteria
 - i) The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed in the CSU, the standards of the underlying zone are met.

The PSB building meets the standards of the CG zone. An existing transition area (the "pocket park") and 6 ft wall minimizes impacts to the adjacent residential areas to the east. The proposal does not include any exterior alterations to the building or site.

Applicant has proposed the relocation of court services to the PSB, and has requested a Parking Quantity Determination to identify the number of necessary off-street parking spaces. See Finding #8 for a discussion of this request.
 - ii) Specific standards for the proposed uses as found in MMC 19.904.7-11 are met.

The applicant is not proposing any changes in location, access, height, lighting, noise generation equipment, or hours of operation of the site. These standards are not applicable.
 - iii) The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses.

The surrounding uses are a mixture of commercial uses to the north and west, vacant property to the south, and residential uses to the east. Currently, the PSB is in use during business hours as well as for regular evening meetings. The existing hours of operation are compatible with surrounding uses and will not be extended with the addition of court services to the site.

The proposal includes the following activities:

- *Court will be held one day a week, with trials in the mornings and arraignments in the afternoon. Generally, court is held on three out of four Wednesday each month, except when there is a fifth Wednesday, in which case a fourth court is held.*
- *During the school year, truancy court is held on Monday evenings from 6:00pm to 8:00pm.*
- *Year round, trials will be held on Wednesday mornings from 9:00am until noon, and arraignments are held in the afternoon between 2:00pm and 4:00pm.*

In the future, the applicant may opt to divide court between two weekdays or change the regular court day to another day of the week.

- iv) The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood.

The City has identified PSB as the best site for relocation of court services. City Hall staff has stated that the location of court services at City Hall is problematic due to overcrowding on court days; lack of adequate security; adverse impact on the working environment; and unprofessional court decorum related to the lack of dedicated court facilities.

The City considered other locations for the court services, including the Wichita Elementary School building, the North Clackamas School District building at 4444 SE Lake Rd, and the fire bay at City Hall. The City contracted with an architectural firm to conduct a space assessment for the court facility; the resulting memo concluded that the PSB was the best location for court services, as it was the best location and most efficient use of space and City finances.

The court services will use the existing Community Room at PSB and will not require permanent furnishings. The existing PSB lobby will be configured to allow for a waiting area and a payment area.

The public benefits resulting from the relocation of court services from City Hall to PSB include: improved customer service for court patrons due to more space and efficient movement; additional security due to the colocation of the court services and Police Department on site; improved environment for court patrons and City Hall staff; minimal cost for setup; and convenience and reduced travel time for officers attending court.

Potential negative impacts include increased off-street parking needs on days when court is in session, which could be further exacerbated by more limited transit options for court patrons. This could result in increased on-street parking in adjacent residential areas, as well as illegal on-street parking in the Union Pacific Railroad right-of-way along Railroad Ave. The applicant has proposed to mitigate these impacts through a shared parking agreement with Providence Hospital for use of a nearby parking lot; the voluntary installation of an additional 6 bicycle parking spaces on site; and monitoring and management of off-street parking demands on court days. This shared parking agreement would provide 23

additional off-street parking spaces for use on court days. The applicant has stated that the shared parking lot is generally empty; additional parking utilization data will be required upon submittal of a Type I Shared Parking Agreement application. Per Finding #8, this number of vehicle and bicycle spaces is adequate for court services. A condition has been established to ensure these mitigating actions.

- v) The location is appropriate for the type of use proposed.

The Public Safety Building is located in a central location at the intersection of SE Harrison St, an arterial street with bus service, and 32nd and Railroad avenues, collector streets with convenient access to Hwy 224. It is currently occupied by Police and Fire Departments; City staff has identified the PSB as the ideal location for court services due to the proximity to the Police Department, as well as

As conditioned, the Planning Commission finds that the proposal meets the criteria of MMC 19.904.4.

The Planning Commission finds that the proposal meets the criteria of MMC 19.904.

8. MMC 19.600 Off-Street Parking and Loading

- A. MMC 19.605 establishes off-street parking requirements for development based on anticipated parking needs. MMC 19.605.1 establishes minimum off-street parking requirements for listed uses. The proposed use, a court, is not a listed use, and off-street parking standards for a similar use cannot be applied. The request is eligible for a Parking Quantity Determination per MMC 19.605.2.A.
- B. MMC 19.605.2.B establishes review processes for Parking Quantity Determinations. The request is subject to Type II review per MMC 19.1005. Per MMC 19.1001.6.B.1, applications processed concurrently shall be processed according to the highest number review type. This application is being processed concurrently with a Type III application and is therefore subject to Type III review per MMC 19.1006.
- C. MMC 19.605.2.C establishes approval criteria for Parking Quantity Determination requests. Specifically, MMC 19.605.2.C.1 provides the following approval criterion for Parking Quantity Determinations:

- i) All modifications and determinations must demonstrate that the proposed parking quantities are reasonable based on:

- a) Existing parking demand for similar use in other locations

The existing use of the PSB site is a "government building." The addition of court services to the uses on the site will not change the use of the building. The court services will occupy approximately 1,000 sq ft of the building.

The applicant conducted a parking demand study at City Hall, where the municipal court services are currently provided, and identified the need for a total of 44 parking spaces on days when court was in session. Twenty-eight on-site parking spaces are available at the PSB for public use; at least 22 additional spaces are needed to meet the additional demand associated with

locating court uses to the PSB, for a total of 40 off-street parking spaces.

In order to provide the additional spaces, the applicant has proposed a shared parking agreement with Providence Hospital, which would provide an additional 23 off-street parking spaces on court days. In addition, the applicant proposes to install a new bicycle rack at the Harrison St entrance, which will provide 6 additional bicycle parking spaces. Finally, City staff will monitor and manage the PSB parking lot on court days in order to maximize the amount of on-site parking available for public use.

A condition has been established to ensure that at least 23 additional shared parking spaces and 6 bicycle spaces are provided, and that City staff monitor and manage the PSB off-street parking areas on court days.

- b) Parking quantity requirements for the use in other jurisdictions

The applicant reviewed the parking standards for several cities in Oregon, including Portland, Gresham, Beaverton, Tigard, Wilsonville, Oregon City, Salem, Eugene, Hillsboro, and Bend. None of the parking standards included "court" as a use.

- c) Professional literature about the parking demands of the proposed use

Relevant professional literature includes the Institute of Transportation Engineers (ITE) Trip Generation Manual, State of Oregon "Model Development and User's Guide for Small Cities" (Model Code) and American Planning Association (APA) "Shared Parking" publication.

The ITE manual assigns the use of "government building" to the site, and does not recognize an increase in parking demands with the addition of court services. The Model Code does not list "court" as a use. The APA Shared Parking publication does not list courtrooms or meeting rooms in the detailed table of contents.

The Planning Commission finds that the approval criterion for a Parking Quantity Determination, as provided in MMC 19.605.2.C.1, is met.

The Planning Commission finds that the proposed minimum off-street vehicle parking ratio of 0.4:1 and bicycle parking provision of 6 additional spaces, in combination with monitoring and management of off-street parking on court days, is appropriate per the standards of MMC 19.605.

9. Pursuant to MMC 19.1001.7.E.2, the time period within which the applicant must obtain any development permits for the court relocation is 2 years, and the time period within which the applicant must pass all final inspections is 4 years, from the date of the land use decision on this application.

Recommended Conditions of Approval

1. Final work shall be in substantial conformance with the plans and materials reviewed by the Planning Commission (PC) and date stamped by the City on June 28 and July 27, 2012. The plans shall be modified only as described in these conditions of approval or through a subsequent formal modification process.
2. Prior to issuance of any development permits for the court relocation, the applicant shall complete the following:
 - A. Submit a Type I Shared Parking Agreement for at least 23 additional parking off-street parking spaces for use on court days. The shared parking agreement shall meet the standards of MMC 19.605.4.B.
3. Prior to final inspection of the court facilities, the applicant shall complete the following items to the satisfaction of the Planning Director:
 - A. Install 6 bicycle spaces at the Harrison St entrance.
 - B. Provide a plan to monitor and manage the Public Safety Building parking lot and shared parking areas on court days, including signage, visitor education, and/or other methods of management.
4. Pursuant to Subsection 19.1001.7.E.2, the time period within which the applicant must obtain any development permits for the court relocation is 2 years, and the time period within which the applicant must pass all final inspections is 4 years, from the date of the land use decision on this application.

Advisory Notes

1. Any signs on-site must comply with the standards of MMC 14.08.090 Conditional and Community Service Use Signs and MMC 14.12 Signs Prohibited or Exempt. Permanent or daily display signs require sign permits; permanent signs may require land use review.
2. The Planning Director can require that a nonconforming parking area be brought into conformance, or closer into conformance, with code standards, as per MMC 19.602.5, before it may be used for shared parking. Per MMC 19.602.5, these requirements could include paving and striping of parking areas, landscaping, or other requirements.
3. The Engineering Department finds that the southwest driveway (access from Railroad Ave) has a clear vision obstruction per MMC 12.24. A large retaining wall is obstructing the sight line from the driveway entrance looking east. The application does not trigger MMC 19.700, which would require bringing the driveway entrance into conformance with the City's clear vision standards, but it is identified as a safety issue and is currently noncompliant with City standards. The Engineering Department recommends that the driveway entrance be brought into conformance with the clear vision standards of MMC 12.24 in conjunction with the building remodel.

ATTACHMENT 3A

June 27, 2012

I. KEY INFORMATION

PROJECT NAME:	Milwaukie Municipal Court Services
PROPERTY OWNER:	City of Milwaukie
APPLICANT:	Teri Bankhead, Assistant to the City Manager 10722 SE Main St. Milwaukie, OR 97222 503-786-7573 BankheadT@ci.milwaukie.or.us
APPLICANT'S REPRESENTATIVE:	Ed Murphy, AICP, Principal Ed Murphy & Associates 9875 SW Murdock Street Tigard, Oregon 97224 Phone: 503-624-4625
SITE ADDRESS:	3200 SE Harrison Street
SITE LOCATION:	Between SE Harrison Street and SE Railroad Avenue, east of SE 32 nd Avenue.
LEGAL DESCRIPTION:	Tax Lot 11E36AB03700, Clackamas County
PARCEL SIZE:	2.91 acres
PLAN DISTRICT:	Commercial
CURRENT ZONING:	C-G, General Commercial
SURROUNDING ZONING:	R-1 to the south, C-G to the north and west, and R-3 to the east.
SUMMARY OF REQUEST:	Community Service Use (CSU) approval to allow municipal court services in the existing Public Safety Building. The initial land use approval for the PSB (CSO-91-05) did not include court services.
RELATED APPLICATIONS:	The City is also applying for approval of a parking determination with this CSU application.

II. APPLICABLE REGULATIONS

A. City of Milwaukie Municipal Code

Title 12 – Clear Vision at Intersections

Section 12.24.030 Requirements

Title 14 - Signs

Section 14.090 Conditional and Community Service Use sign

Title 19 - Zoning

Section 19.313 General Commercial Zone

Section 19.504.6 Transition Area Measures

Section 19.605.2 Quantity Modifications and Required Parking Determinations

Section 19.904 Community Service Uses

Section 19.904.4 Approval Criteria

Section 19.904.9 Specific Standards for Institutions

III. AFFECTED JURISDICTIONS

Sewer: City of Milwaukie

Domestic Water: City of Milwaukie

Streets: City of Milwaukie

Storm Water Drainage: City of Milwaukie

Parks: City of Milwaukie

Police Protection: City of Milwaukie

Fire Protection: City of Milwaukie

IV. BACKGROUND INFORMATION

Site: The Public Safety Building (PSB) is located between SE Harrison Street and SE Railroad Avenue, just east of SE 32nd Avenue. The site is made up of one tax lot, which has frontage on SE Harrison Street, SE Railroad Avenue, and SE 32nd Avenue. See Exhibit '1', Tax Assessors Map. The site and the surrounding land uses are shown on Exhibit '2', Vicinity Map. The existing improvements to the site, including the building, the parking lot and the driveways, are shown on Exhibit '3', Location Map. The site is 2.91 acres in size, and is fully improved with the building, the parking lot, a little pocket park, and landscaping. Improvements to the adjacent streets were made when the PSB was built in 1992, and include sidewalks. There is also a pedestrian path connecting SE Harrison Street and SE Railroad Avenue through the pocket park. There are no floodplains or known environmental constraints on the site.

Existing Comprehensive Plan Map and Zoning Map designations: The parcel is designated "Commercial" on the Milwaukie Comprehensive Plan Land Use Map. See Exhibit '4', Comprehensive Plan Map. It is zoned General Commercial (C-G). See Exhibit '5', Zoning Map. The C-G zone allows Community Service uses. The use of the PSB for court would fall under Section 19.904.2.A. "Institutions – Public/Private and Other Public Facilities", and more specifically, under subsection 2, "Government office buildings for local, state, or federal government such as a City hall, courthouse, police station, or other similar buildings".

Vicinity: The PSB site is surrounded by a variety of land uses, including single-family detached homes to the east; commercial to the west (Classic Memories Motor Cars and Purdey's Pit Stop); the railroad tracks and then single-family detached homes and some offices to the south; and commercial to the north/northwest (Kimmy's Market to the northwest and a little strip commercial center to the north). There is also a small building adjacent to the PSB on the east side that is owned by Clackamas Dental Professionals. However, the land on which the building sits is owned by the City, which granted an easement to the dental business for use of the parking lot. The site borders SE Harrison Street on the north and SE 32nd Avenue/Railroad Avenue to the west and south. The site and the vicinity are shown in photographs attached as Exhibit '6'. TriMet provides bus service along SE Harrison Street, with stops in both directions very close by. The bus routes provided include 28, 31 and 75.

Land Use History: The PSB was approved and built in 1992. It has been serving as a combination police and fire services building ever since. There were only a few conditions of approval placed upon the application at the time. The conditions of approval are shown in Exhibit '7'.

Description of Proposal: The City is proposing to move municipal court services from the City Hall Building to the Public Safety Building. The applicant is not planning on making any improvements to the site. Further, the City is planning on utilizing the existing space inside the building substantially as it exists today; that is, the City is not intending to construct a permanent bench or witness stand, and will bring in chairs and tables to set up in the conference room while court is in session. The lobby will be used for a waiting room. The City staff will just need to create a little space where people can check in and pay fines. (Tom Larsen, the City Building Official, reviewed the proposal and concluded that there was no need to have an architect prepare a code summary for the interior space.) The main entrance and exit will be through the doors that face SE Harrison Street. The City may need to add some directional signage outside to guide visitors to the entry door.

The current plan is to operate court services similarly to the way they are provided now in City Hall, which is to have court one day/week on most weeks, with trials in the mornings and arraignments in the afternoon. More specifically, trials are held on Wednesday mornings from 9:00 AM until noon, and

arraignments are held on Wednesday afternoons between 2:00 and 4:00 PM. Court services are usually provided on three out of four Wednesdays, except when there is a fifth Wednesday, in which case a fourth court day is held. Truancy court is held on Monday evenings, from 6:00 PM until about 8:00 PM.

The relocation is not intended to accommodate an additional volume of “customers”, nor does it reflect a change in the number, type or size of trial cases. Community Service Use (CSU) approval is required to allow municipal court services in the existing Public Safety Building because the proposed use is more intensive than the existing use, and the initial land use approval for the PSB (CSO-91-05) did not specifically include court services.

In order to provide an adequate amount of off-street parking to meet the peak demand on Wednesday afternoons, the City will enter into an agreement with Providence Health & Services – Oregon (“Providence”) to utilize the existing parking lot at the southeast corner of SE 32nd Avenue and SE Llewellyn Street for court-related parking on Wednesdays. This 24-space parking lot is only 430 feet away from the PSB site, and is connected to the PSB site by a sidewalk along SE 32nd Avenue. A parking quantity determination application is included with this CSU application.

Neighborhood Review: District representatives met with the Historic Milwaukie Neighborhood District Association (NDA) on April 9th, and the Ardenwald-Johnson Creek NDA on April 10th. Minutes from the meetings are attached as Exhibit ‘8’.

V. RESPONSE TO APPROVAL CRITERIA - CSU

Title 12 – Clear Vision at Intersections Section 12.24.030

A. No person shall maintain, or allow to exist on property which they own or which is in their possession or control, trees, shrubs, hedges, or other vegetation or projecting overhanging limbs thereof, which obstruct the view necessary for safe operation of motor vehicles or otherwise cause danger to the public in the use of City streets. It shall be the duty of the person who owns, possesses, or controls the property to remove or trim and keep trimmed any obstructions to the view.

B. A clear vision area shall be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection as provided by Section 12.24.040.

C. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction, except for an occasional utility pole or tree, exceeding three (3) feet in height, measured from the top of the curb, or where no curb exists, from the street centerline grade. Trees exceeding this height may be located in this area; provided, all branches and foliage are removed to the height of eight (8) feet above the grade. Open wire fencing that does not obscure sight more than ten percent (10 %) is allowed to a maximum height of six (6) feet.

RESPONSE: There is a masonry wall along the east side of the south exit from the PSB parking lot that partially obstructs the view of vehicles moving west on Railroad Avenue. This wall, which was apparently built when the Public Safety Building was constructed in 1992, is needed to help secure the police parking lot. But the corner of the wall hinders the view of vehicles coming from the east, so

drivers exiting the parking lot have to pull forward a little to clearly see on-coming vehicles. While this situation may not technically comply with the current clear vision clearance standards, it has been this way for 20 years, and apparently has not been considered a safety problem.

Title 14 – Signs

Section 14.08.090 Conditional and Community Service Use signs

A. Signs for conditional and community service uses shall be limited to those allowed in the underlying zone, except as allowed by Subsections 14.08.090.B and C.

B. The standards of the underlying zone may be increased to the standards in Table 14.08.090.B, pursuant to a Type I review.

C. The standards of the underlying zone may be increased to the standards in Table 14.08.090.C per Section 19.1006 Type III Review.

In reviewing an application for a sign to meet the standards of Table 14.08.090.C, the Planning Commission will consider the proximity of the sign to residences, the functional classification of adjacent streets, and the scale of surrounding development.

RESPONSE: The only signs proposed are some temporary signs that will be posted on court days. These types of signs are exempt, as per Section 14.12.010.B.

Title 19 – Zoning

The following section responds to the criteria for reviewing a Community Service Use. A response is provided for each criterion or standard.

CHAPTER 19.300 USE ZONES

19.321.5 Standards for Community Service Uses.

A. An application for a community service use may be allowed if the following criteria are met:

CRITERION #1

1. The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed in the CSU, the standards of the underlying zone are met;

In a C-G Zone the following standards shall apply:

A. Lot size. None. Lot width shall be at least 50 ft. Average lot depth shall be at least 80 ft.

B. Front yard. None, except as provided in Subsections 19.313.3.E and 19.501.2.A.

C. Side yard. None, except as provided in Subsections 19.313.3.E and 19.501.2.A.

D. Rear yard. None, except as provided in Subsections 19.313.3.E and 19.501.2.A.

E. **Transition area.** A transition area shall be maintained according to Subsection 19.504.6.

F. **Frontage requirements.** Every lot shall abut a public street other than an alley for at least 35 ft.

G. **Off-street parking and loading.** As specified in Chapter 19.600.

H. **Height restriction.** Maximum height of a structure shall be 3 stories or 45 ft, whichever is less.

I. **Lot coverage.** Maximum area that may be covered by buildings and structures shall not exceed 85 % of the total area of the lot.

J. **Open use.** A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone, or which would be visible from a public street, shall be screened with a sight-obscuring fence not less than 6 ft high.

K. **Minimum vegetation.** Minimum area that must be left or planted in trees, grass, shrubs, bark dust for planting beds, etc., shall be 15 % of the total area of the lot.

L. **Transportation requirements and standards.** As specified in Chapter 19.700.

RESPONSE: When the PSB was approved in 1992, the underlying zone was C-G, the same as it is now. The building met the standards of the underlying zone in 1992. No significant changes have been made to the building or the site since it was approved. The 1992 Site Plan and Landscape Plan are attached as Exhibit '9'.

Therefore, it presumably still meets those standards - unless the standards have changed. If the standards have changed, it would create non-conforming situations. Typically, the City would not require an applicant to meet all the current standards as a condition of an application to modify a CSU.

There are two sections of the Code that apply, which are 19.504.6 "Transition Area Measures", and 19.605.2 "Quantity Modifications and Required Parking Determinations". These are discussed below:

19.504.6 Transition Area Measures

Where multifamily, commercial, or industrial development is proposed adjacent to properties zoned for lower-density residential uses, the following transition measures shall be required. These additional requirements are intended to minimize impacts on lower-density residential uses. The downtown zones are exempt from this subsection.

A. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be at least as wide as the required front yard width of the adjacent lower-density zone. This additional yard requirement shall supersede the base zone yard requirements for the development property where applicable.

B. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be maintained as open space. Natural vegetation, landscaping, or fencing shall be provided to the 6-ft level to screen lower-density residential uses from direct view across the open space.

RESPONSE: The pocket park that abuts the lower-density residential zone to the east of the PSB ranges from about 25 feet wide on the north to about 90 feet wide on the south, which is more than the minimum 15 foot front yard setback required in the R-3 Zone. The pocket park is landscaped with trees, shrubs and ground cover, and maintained by the City of Milwaukie. There is a 6'-high masonry wall along the east side of the park. The pocket park and the wall minimize the impacts on the lower-density uses adjacent to the PSB.

19.605.2 Quantity Modifications and Required Parking Determinations

Subsection 19.605.2 allows for the modification of minimum and maximum parking ratios from Table 19.605.1 as well as the determination of minimum and maximum parking requirements. Parking determinations shall be made when the proposed use is not listed in Table 19.605.1 and for developments with large parking demands.

RESPONSE: The applicant has submitted a Parking Quantity Determination application along with the CSU application (see page 12). The City retained Kittelson & Associates, Inc. to help determine the appropriate amount of off-street parking for this use. The traffic consultant's Parking Analysis report is attached as Exhibit '10'. The City will meet the suggested minimum parking requirements making the 24-space parking lot owned by Providence available for court-related public and staff parking. A map showing the location of this parking lot relative to the PSB building is attached as Exhibit '11'. A draft agreement with Providence is attached as Exhibit '12'.

CRITERION #2

19.321.5.A.2. Specific standards for the proposed uses as found in Subsections 19.904.7-11 are met;

RESPONSE: The specific standards are as follows:

19.904.9 Specific Standards for Institutions—Public, Private, Religious, and Other Facilities not Covered by Other Standards

A. Utilities, streets, or other improvements necessary for the public facility or institutional use shall be provided by the agency constructing the use.

RESPONSE: The necessary streets, utilities and other improvements were constructed when the PSB was constructed in 1992.

B. When located in or adjacent to a residential zone, access should be located on a collector street if practicable. If access is to a local residential street, consideration of a request shall include an analysis of the projected average daily trips to be generated by the proposed use and their distribution pattern, and the impact of the traffic on the capacity of the street system which would serve the use. Uses which are estimated to generate fewer than 20 trips per day are exempted from this subsection.

RESPONSE: The PSB is located adjacent to a residential zone on the south and east. The primary access is on a collector street. The adjacent streets are SE Harrison Street, SE 32nd Avenue, and SE Rail Road Avenue. SE Harrison Street is designated as an arterial in the Transportation System Plan, and SE Railroad Avenue and SE 32nd Avenue are both designated as collector streets.

C. When located in a residential zone, lot area shall be sufficient to allow required setbacks that are equal to a minimum of $\frac{2}{3}$ the height of the principal structure. As the size of the structure increases, the depth of the setback must also increase to provide adequate buffering.

RESPONSE: The PSB is not located in a residential zone. This criterion is not applicable.

D. The height limitation of a zone may be exceeded to a maximum height of 50 ft provided Subsection 19.904.9.C of this subsection is met.

RESPONSE: The height limitation was not exceeded.

E. Noise-generating equipment shall be sound-buffered when adjacent to residential areas.

RESPONSE: There will be no noise-generating equipment used by municipal court services in this location. When the property was developed, the City constructed a 6-foot high masonry wall along the east property line, just east of the fire station. This wall, and the little pocket park adjacent to it, provides buffering for the four homes to the east of the PSB property. There is a small, 0.37-acre area to the south of the PSB site, on the south side of Railroad Avenue, which is zoned R-1, but it is not developed (and doesn't appear to be developable). There is also a residential area nearby, south of Campbell Street, between Penzance Street and Myrtle Street. But this area is not really "adjacent", since it is located on the other side of the railroad tracks and two streets. There should not be any noise impact on these nearby residential uses as a result of moving court operations to this site.

F. Lighting shall be designed to avoid glare on adjacent residential uses and public streets.

RESPONSE: Lighting was addressed when the PSB was constructed. There is no glare on adjacent residential areas or the adjacent public streets. In any case, no additional parking lot or exterior building lighting, nor any illuminated signage, is proposed in conjunction with this application.

G. Where possible, hours and levels of operation shall be adjusted to make the use compatible with adjacent uses.

RESPONSE: There are two aspects of court services, as currently managed. The first involves trials on Wednesday mornings from 9:00 AM until noon, and the second involves arraignments on Wednesday afternoons between 2:00 and 4:00 PM. Court services are usually provided on three out of four Wednesdays, except when there is a fifth Wednesday, in which case a fourth court day is held. Truancy court is held on Monday evenings, from 6:00 PM until about 8:00 PM. Court services is a government use that is quite compatible with the adjacent commercial uses. With the hours of operation limited mostly to day use, and then only on a few days per month, the residential uses to the east should not be significantly impacted. Further, those residential uses are separated from the court activities by the fire station, a dental office and park, and a masonry fence.

The other adjacent uses are commercial uses, and municipal court services are compatible with those uses. In fact, some of those nearby uses, such as the gas station, the quick market and the fast food restaurant, may benefit from the addition of potential customers to the neighborhood.

H. A spire on a religious institution may exceed the maximum height limitation. For purposes of this subsection, "spire" means a small portion of a structure that extends above the rest of the roofline, or a separate structure that is substantially smaller than the

main structure and extends above the roofline of the main structure. "Spire" includes but is not limited to ornamental spires, bell towers, other towers, minarets, and other similar structures or projections. The number of spires on a religious institution property is not limited, so long as the spires remain only a small portion of the area of the structures.

RESPONSE: This criterion is not applicable.

I. The minimum landscaping required for religious institutions is the lesser of 15% of the total site area and the percentage required by the underlying zone.

RESPONSE: This criterion is not applicable.

J. Park-and-ride facilities may be encouraged for institutions along transit routes that do not have days and hours in conflict with weekday uses (e.g., religious institutions or fraternal organizations). Such uses may be encouraged to allow portions of their parking areas to be used for park-and-ride lots.

RESPONSE: This criterion is not applicable.

CRITERION #3

19.321.5.A.3. The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses;

RESPONSE: As mentioned above, there are two aspects of court services, as currently managed. The first involves trials on Wednesday mornings from 9:00 AM until noon, and the second involves arraignments on Wednesday afternoons between 2:00 and 4:00 PM. Court services are usually provided on three out of four Wednesdays, except when there is a fifth Wednesday, in which case a fourth court day is held. Truancy court is held on Monday evenings, from 6:00 PM until about 8:00 PM. The hours and levels of the court services operation are quite compatible with the adjacent commercial uses. Further, with the hours of operation limited to mostly to day use, and then only on a few days per month, the residential uses to the east should not be significantly impacted.

CRITERION #4

19.321.5.A.4. The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood; and

RESPONSE: There will be few, if any, negative impacts on the neighborhood. The only potential negative impacts may be 1). Increased traffic on SE Harrison Street and SE Railroad Avenue/32nd Avenue on Wednesdays; and 2). People parking off-site - either along a residential street or in a privately owned parking lot - if they cannot find a parking space on-site.

The current location of municipal court services in City Hall is problematic. While there is adequate parking available and good bus service, that location has proven to be disruptive to staff, confusing to court "customers", and troublesome for other citizens using City Hall for other business. It will be a benefit to the general public to have court services moved out of City Hall. A summary memo of the issues related to providing court services at City Hall is attached as Exhibit '13'. This memo, prepared

by Assistant City Manager Teri Bankhead and dated August 11, 2011, discusses the problems associated with providing court services at City Hall, including overcrowding, lack of adequate security, adverse impact on the working environment, and unprofessional court decorum. Ms. Bankhead also discusses other sites that the City informally considered, such as the vacant Wichita Elementary School building, the North Clackamas School District building on Lake Road, and the fire bay at City Hall. Serious consideration was given to the fire bay, and the City actually had a space assessment completed by an architectural firm for that facility. The memo concludes that the PSB is the most appropriate place to move the court services, as it was the best location and was the most efficient use of space and city finances.

Some of the public benefits of providing court services at the PSB include:

- The location is central, near the downtown area, accessible from major streets, and on TriMet bus routes.
- The building provides a more professional, dignified environment for court patrons, providing the proper decorum for trials and arraignments.
- Customer service would be improved, since the building is all on one level (no stairs to climb), and the process would feel more orderly and efficient.
- The coexistence of the Court and Police Department would serve as a deterrent to disruptive or disorderly behavior by court attendees;
- The community services room is very similar in size to the Council Chambers at City Hall, and it would be a minimal cost to set that room up for court functions;
- A lobby area could be improved, and a payment window added, at a modest expense, and without significant disruption of staff;
- The community services room could still be used for community meetings in the evenings, which is when most community meetings take place. (The one exception would be Truancy Court on Monday evenings while school is in session). Except for Wednesdays, the community room would also be free during the daytime for other meeting and training purposes.

Some of the public benefits of not providing court services at City Hall include:

- The working environment would be improved for staff and city hall visitors;
- The potential for a major disturbance or even violence in City Hall is greatly reduced;
- There will be more options available to increase the number of staff located at City Hall and to improve the work space;
- The City Council Chambers would be available for meetings and training purposes on Wednesdays during the day, and on Monday evenings.

However, there are at least two benefits of continuing to provide court services at City Hall rather than moving those services to the Public Safety Building: better transit service downtown and more off-street parking available. It is unlikely that bus services to the PSB site will improve, at least in the foreseeable future. Although the transit service is not as good as it is downtown, there is good service along SE Harrison Street via the TriMet 31-King Road line and the TriMet-28 Linwood lines.

There could potentially be some parking impacts on nearby businesses, or in nearby residential areas, if court patrons cannot find parking on-site, and don't want to walk to the shared parking lot at SE

32nd Avenue and SE Llewellyn Street. But the City will encourage staff and court patrons to use that parking lot and not to park on SE 34th Avenue or in the parking lots of nearby businesses. Therefore, while the parking at the PSB site is not as abundant as the parking at City Hall, it will be adequate for the court functions.

CRITERION #5

19.321.5.A.5. The location is appropriate for the type of use proposed.

RESPONSE: The location is very good for the type of use proposed. Access to the PSB will be mostly from SE Harrison Street, which is an arterial street, and SE 32nd and Railroad Avenues, which are collector streets. The site is centrally located, close to the downtown area, with easy access from Highway 224. It is served by transit, with transit stops close by. The actual court use will be inside of the existing PSB, which is appropriate because it is already the police station, and provides a safe and secure venue for the court operations.

Further, there is already a conference room in the PSB, which will be used for the courtroom. The conference room is used during the day mostly for training purposes, and can easily be arranged to avoid court days. At night it will still be available for the general public to use, except on Monday evenings, which is the evening that Truancy Court is held (except for the summertime, when school is out). The building will require very little in re-modeling to accommodate the municipal court – mostly just adding a spot for visitors to check in and out and pay their traffic fines.

The use is compatible with the existing commercial developments to the north, west and south of the PSB site. While there are single-family homes to the east, they are buffered from any adverse impacts that may be caused by the court operations by the Fire Station, the pocket park and the masonry wall, as well as the quiet nature of the use itself.

VI. PARKING QUANTITY DETERMINATION

According to the report by Matt Hughart of Kittelson & Associates, Exhibit '10', there may typically be 21 to 25 parking spaces available on-site for court-related visitors and staff on Wednesday afternoons, but there is a demand for 44 parking spaces for these visitors and staff on those afternoons. The report notes that the City would need an additional 22 off-street parking spaces for visitors to accommodate the peak parking demand related to court services.

In order to meet the maximum off-street parking demand indicated by the parking analysis, the City plans to do the following:

1. The City has reached an agreement with the Providence for the use of the parking lot located in the southeast corner of SE 32nd Avenue and SE Llewellyn Street. This parcel, tax lot 11E36AB01500, is 100' by 100' in size, and is striped for parking 24 vehicles. It is currently reserved for hospital employee parking, but is seldom used for that or any other purpose. This agreement will make the parking lot available to the City for court-related parking on Wednesdays. The City plans to remove one space in the southwest corner of that parking lot in order to construct a pedestrian connection between the parking lot and the sidewalk on SE 32nd Avenue. With the removal of this space, the City would have 23 off-street parking spaces available at this site.

The site is only 430' away from the front door of the Public Safety Building. A map showing the location of this parking lot relative to the PSB building is attached as Exhibit '11'. A draft agreement with Providence is attached as Exhibit '12'.

The shared parking lot meets the criteria for shared parking found in Section 19.605.4.B of the Zoning Code.

- The parking lot is within 1000 feet of the main entrance to the Public Safety Building;
- The route is adequately illuminated;
- The route is separated vertically and horizontally from the travel lanes within the SE 32nd Avenue right-of-way;
- The route uses legal crosswalks for cross SE Harrison Street;
- The route has asphalt (for the street crossing) and concrete (for the sidewalk) surface materials.

2. The City will install a new bike rack near the entrance door to encourage bicycle use. The Zoning Code allows a reduction in 1 vehicle parking space for every 6 additional bicycle parking spaces installed (Section 19.605.3.B.5). That would reduce the number of additional spaces needed to 21.

With these two measures in place, the City will have 23 new off-street parking spaces available, which more than meets the need for 21 additional off-street parking spaces. (These 23 spaces are in addition to the 30 that are available, including the 2 handicapped accessible spaces, at the PSB site).

Although these numbers sound precise, it should be noted that the parking quantity analysis is based upon one survey done on one typical court day. The actual number of off-street parking spaces needed may be more than, or less than, the number indicated by that survey. Further, even with the additional parking provided by the parking lot at SE 32nd Avenue and SE Llewellyn Street, court visitors will most likely try to find parking at the PSB parking lot first. Therefore, the City staff will monitor and manage the parking situation to maximize the number of visitor spaces available at the PSB parking lot on Wednesday afternoons. This may include directing City police administrative/records, IST, and municipal court staff to park their vehicles at the shared parking lot

or elsewhere on those days.

The City will also devise ways to let court visitors know about the alternative parking lot in advance so they do not spend their time looking for a parking space on-site, in nearby private parking lots, or on residential streets. The City will also encourage visitors and staff to walk, bicycle, ride a bus, carpool or otherwise get to the Public Safety Building by some means other than a single-occupancy vehicle in order to reduce the number of vehicles that need to be parked on-site or somewhere close by on Wednesdays.

VII. SUMMARY AND CONCLUSIONS

Moving the municipal court services from City Hall to the Public Safety Building makes sense on several levels.

- The PSB is an existing building, with the capacity to add these services with minimal disruption to citizens or staff. The building already meets the proper setbacks, height limitations and other standards of the underlying G-C zone.
- The proposal also meets the specific standards of the Zoning Code; that is, the site is situated next to collector and arterial streets, the streets and utilities are adequate, there will not be any noise or light pollution emanating from the use, and the use is buffered and screened from the residential buildings to the east by landscaping and a masonry wall.
- The hours and levels of operation are compatible with the surrounding uses.
- The public benefits of relocating court services from City Hall to the Public Safety Building are greater than any potential negative impact on the neighborhood; in fact, there is not expected to be a significant impact to the neighborhood.
- The location is appropriate for the type of use proposed – it is on a major arterial and bus route, centrally located, surrounded on three sides by commercial development.
- Between the parking at the PSB site and the additional shared parking lot at SE 32nd Avenue and SE Llewellyn Street, there will be enough off-street parking spaces to meet the maximum parking demand indicated by the parking analysis.

VIII. EXHIBITS

Exhibit '1'	Tax Assessor's Map
Exhibit '2'	Vicinity Map
Exhibit '3'	Location Map
Exhibit '4'	Comprehensive Plan Map
Exhibit '5'	Zoning Map
Exhibit '6'	Photographs of the Site and Vicinity
Exhibit '7'	Conditions of Approval (1992)
Exhibit '8'	Neighborhood District Association Meeting Notes
Exhibit '9'	1992 Site Plan and Landscape Plan drawings
Exhibit '10'	Parking Analysis Report by Kittelson & Associates, Inc.
Exhibit '11'	Shared Parking Map
Exhibit '12'	Parking Lot Agreement
Exhibit '13'	Memo from Teri Bankhead, dated 8/11/11



June 11, 2012

Project #: 12561

Teri Bankhead
City of Milwaukie
10722 SE Main Street
Milwaukie, OR 97222

RE: Milwaukie Municipal Court Parking Analysis

Dear Teri,

As requested, Kittelson & Associates, Inc. (KAI) has performed a parking analysis related to the potential relocation of the Milwaukie Municipal Court from City Hall to the Public Safety Building. This letter documents the results of the study.

Background

The City of Milwaukie is currently exploring the possibility of moving Municipal Court from its current downtown location at City Hall to the existing Public Safety Building on SE Harrison Street. Given that there is a limited amount of parking available at the Public Safety Building, this parking study was commissioned to determine if the Public Safety Building parking supply is sufficient to accommodate typical demand generated by the Municipal Court.

Public Safety Building Parking Availability

The following table outlines the existing number of public/front lot parking spaces currently provided at the Public Safety Building. As shown, there are 40 total parking spaces. Of these 40 spaces, 30 spaces are currently allocated for visitor use (28 regular spaces and 2 ADA spaces) and 10 spaces are reserved for police and IST staff.

Table 1 Existing Public Safety Building Parking Inventory

Type	Existing Parking Spaces
Visitor	28
ADA	2
Reserved (Police and Information Systems & Technology Staff)	10
Total	40

To determine the utilization of this parking supply, Milwaukie Police staff conducted a parking utilization study on a Wednesday between the hours of 1:00 p.m. and 5:00 p.m. This time period is representative of typical Milwaukie Municipal Court hours. The utilization study is summarized in Table

2 and shows that during a typical Wednesday afternoon, the visitor spaces have utilization rates that range from 12% to 33%. The reserved spaces are more consistently utilized at 40% throughout the afternoon. Assuming this background parking demand remains consistent, the utilization study shows that the Public Safety Building would have approximately 21 to 25 available visitor parking stalls open on a typical Wednesday afternoon.

Table 2 Existing Public Safety Building Parking Utilization

Time Period	Visitor Spaces (28 Total ¹)			Reserved Spaces (10 Total)		
	Open	Occupied	Utilization	Open	Occupied	Utilization
1:00 PM	25	3	12%	6	4	40%
2:00 PM	22	6	27%	6	4	40%
3:00 PM	22	6	27%	6	4	40%
4:00 PM	21	7	33%	6	4	40%
5:00 PM	21	7	33%	6	4	40%

¹There are two additional ADA parking stalls that are classified as Visitor spaces. Given the specialty nature of these stalls, they are not included in the utilization calculations.

Existing Municipal Court Parking Demand

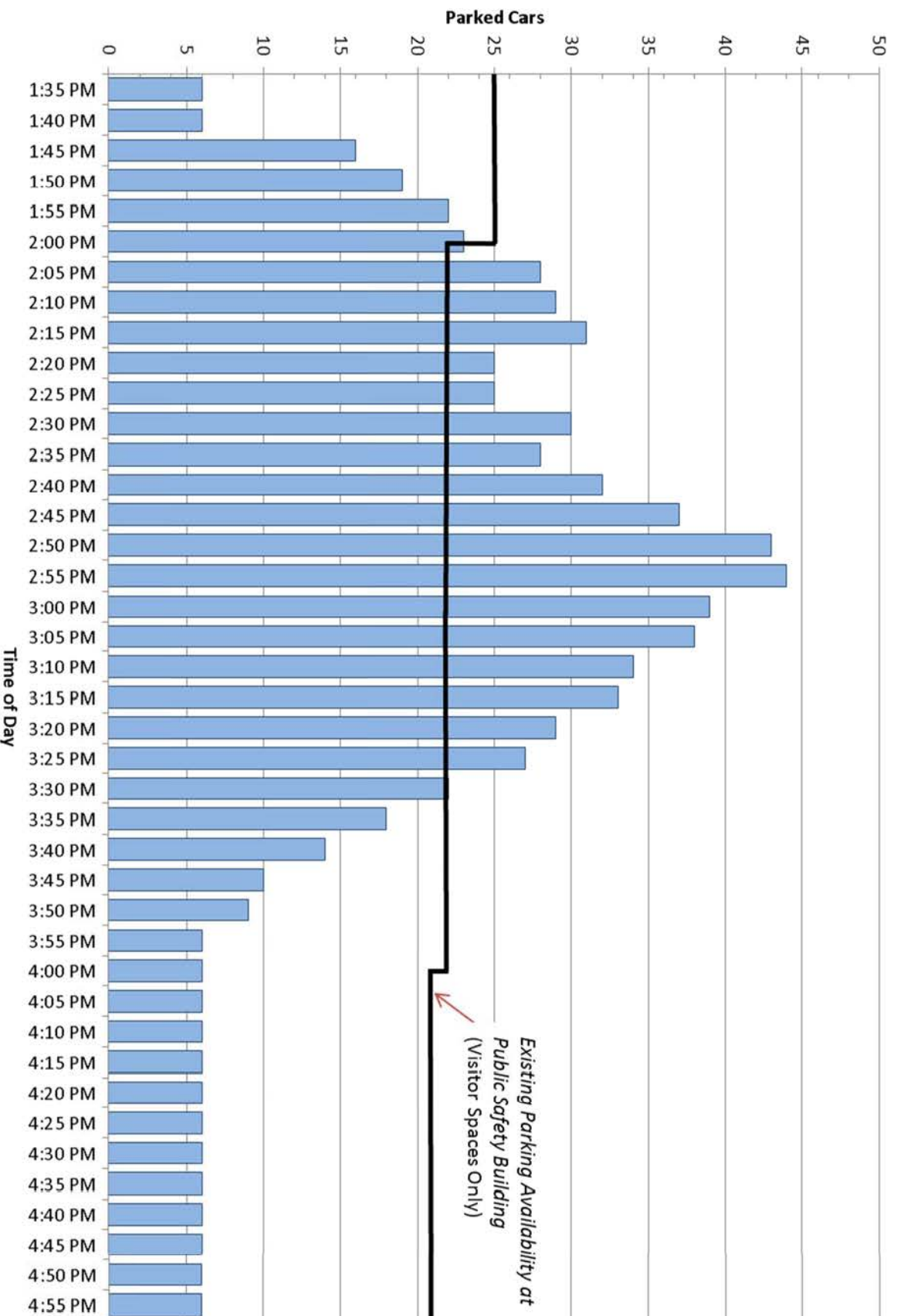
In order to determine the parking impact of shifting Milwaukie Municipal Court to the Public Safety Building, a detailed parking survey was conducted at the existing Municipal Court in Downtown Milwaukie. On Wednesday June 6, 2012¹, court staff surveyed all Municipal Court visitors. The survey quantified the total number of court visitors, their mode of transportation to/from court, and their total duration of stay. *A summary of this survey data is provided in Appendix A.* A parking demand profile was generated from this survey and is shown in Exhibit 1. As shown in the Exhibit, the parking demand increases to a peak demand of 44 spaces at approximately 2:55 p.m. and then steadily decreases to background conditions by 4:00 p.m.

Anticipated Parking Needs at Public Safety Building

The total number of available visitor parking spaces at the existing Public Safety Building was superimposed on the Municipal Court parking demand profile in Exhibit 1. This line shows that the Municipal Court parking demand will exceed the available Public Safety Building visitor supply for a 90 minute window. In order to accommodate all of the demand, the Public Safety Building would need to more than double the amount of available visitor parking spaces.

¹ The city currently only holds court arraignments (mostly traffic violations) on Wednesday afternoons, from 2 - 4 pm. Court staff selected the June 6, 2012 as the survey date as it was determined to represent a typical court docket and a typical amount of court visitors.

Exhibit 1: Milwaukie Municipal Court Parking Demand Profile 6/6/12



Potential Strategies for Maximizing Parking Availability at the Public Safety Building

As shown in Exhibit 1, the survey suggests that Municipal Court has a maximum parking demand (staff and visitors) of approximately 44 parking spaces during a typical Wednesday court day. Accounting for current availability, the Public Safety Building would need an additional 22 visitor parking spaces in order to accommodate this demand on site. Given the Public Safety Building's location, lack of nearby on-street parking, and inability to simply expand the parking lot, the following strategies could help maximize the availability of parking on court days and close the gap between what is available and what is needed:

- There are a total of ten parking spaces at the Public Safety Building that are reserved for police and ITS staff. Opening up these spots on Wednesday court days to visitors would free up ten additional parking spaces and accommodate all but the peak 40 minutes of court visitors as shown in Exhibit 2.
- The Municipal Court survey indicated that there are six Municipal Court staff on hand during a typical court day. Requiring all (or a majority of this staff) to park off-site on court days would free up a maximum of six additional parking spaces.

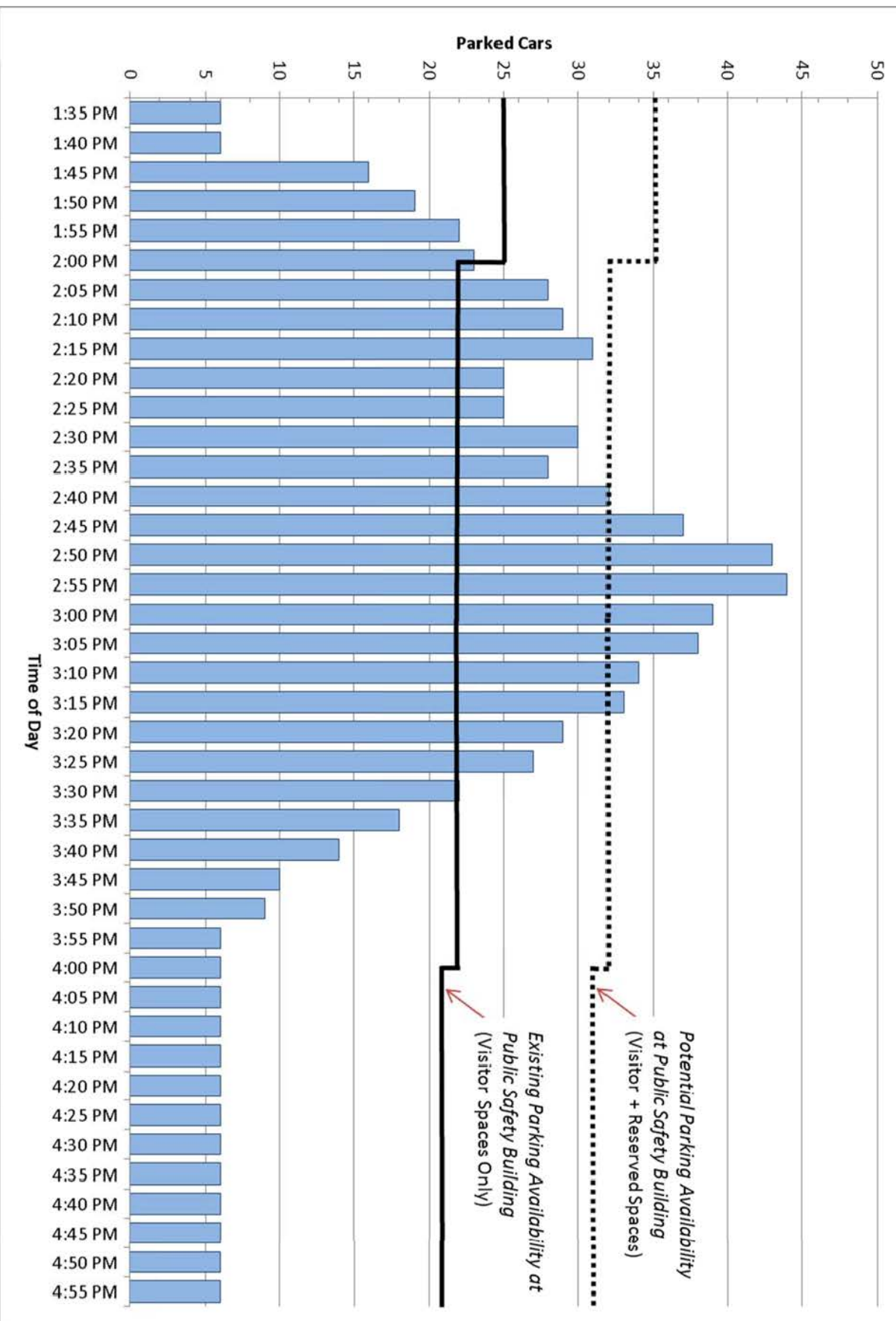
We trust this letter adequately address the parking needs associated with moving Municipal Court to the Public Safety Building. If you have questions, please contact us.

Sincerely,
KITTELSON & ASSOCIATES, INC.



Matt Hughart, AICP
Senior Planner

Exhibit 2: Milwaukie Municipal Court Parking Demand Profile 6/6/12

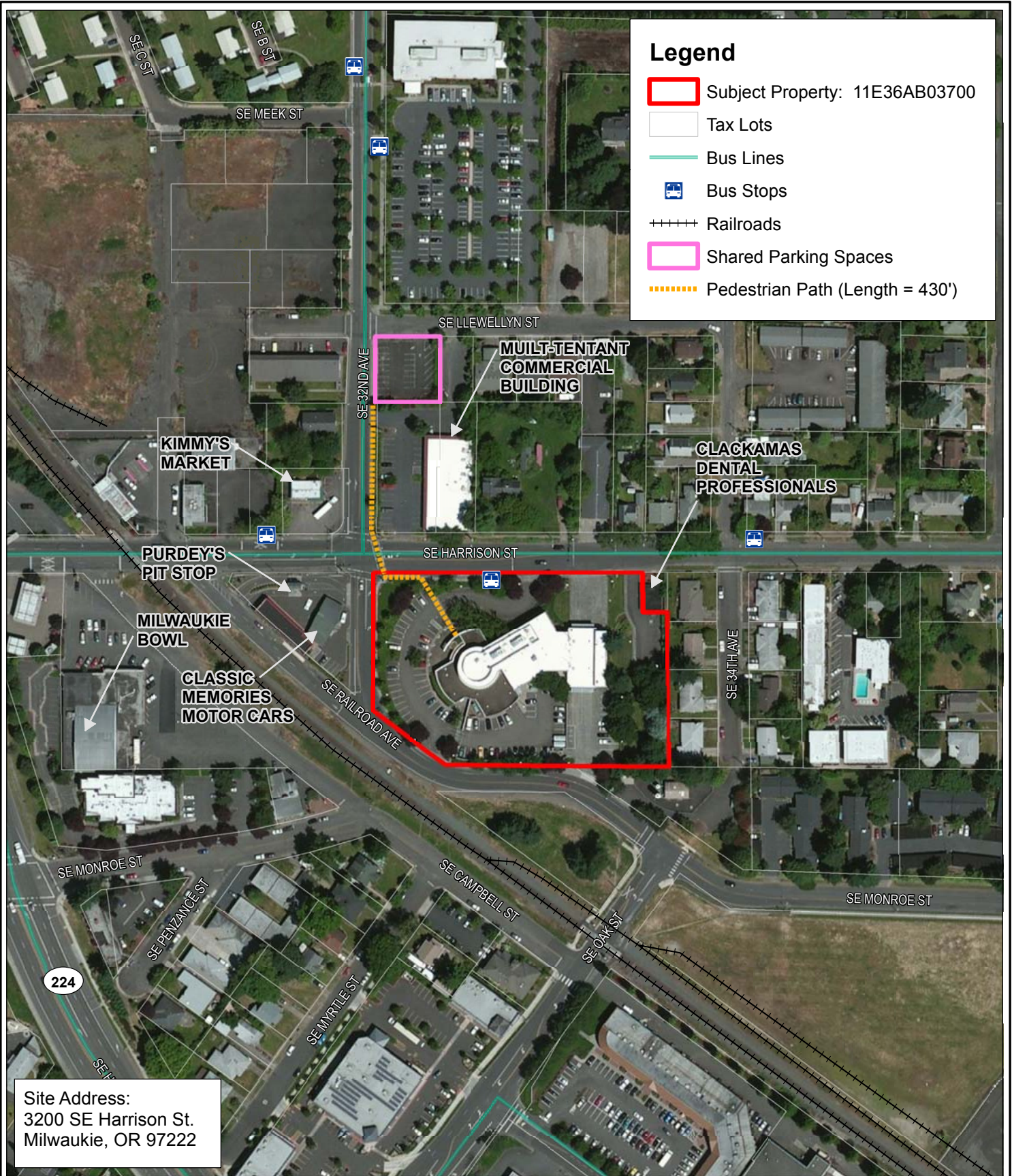


Appendix 1 Parking Survey Data

0700	1-Open space occupied 27-vacant	1-Reserved space occupied 9-vacant	2-vacant	0-Handicapped space occupied
0800	1-Open space occupied 27-vacant	3-Reserved space occupied 7-vacant	2-vacant	0-Handicapped space occupied
0900	3-Open space occupied 25-vacant	4-Reserved space occupied 6-vacant	2-vacant	0-Handicapped space occupied
1000	3-Open space occupied 25-vacant	4-Reserved space occupied 6-vacant	2-vacant	0-Handicapped space occupied
1100	3-Open space occupied 25-vacant	4-Reserved space occupied 6-vacant	2-vacant	0-Handicapped space occupied
1200	3-Open space occupied 25-vacant	4-Reserved space occupied 6-vacant	2-vacant	0-Handicapped space occupied
1300	3-Open space occupied 25-vacant	4-Reserved space occupied 6-vacant	2-vacant	0-Handicapped space occupied
1400	6-Open space occupied 22-vacant	4-Reserved space occupied 6-vacant	2-vacant	0-Handicapped space occupied
1500	7-Open space occupied 22-vacant	4-Reserved space occupied 6-vacant	2-vacant	0-Handicapped space occupied
1600	7-Open space occupied 21-vacant	4-Reserved space occupied 6-vacant	2-vacant	0-Handicapped space occupied
1700	7-Open space occupied 21-vacant	4-Reserved space occupied 6-vacant	2-vacant	0-Handicapped space occupied

6/6/12 Municipal Court Survey

No.	Time In (PM)	Time Out (PM)
1	1:45	2:10
2	1:45	2:15
3	1:45	2:15
4	1:45	2:15
5	1:45	2:15
6	1:45	2:20
7	1:45	2:20
8	1:45	2:25
9	1:45	2:30
10	1:45	2:30
11	1:50	2:30
12	1:50	2:30
13	1:50	2:30
14	1:55	2:05
15	1:55	2:05
16	1:55	2:05
17	2:00	2:10
18	2:05	2:15
19	2:05	2:15
20	2:05	3:00
21	2:05	3:00
22	2:05	3:00
23	2:10	2:15
24	2:10	2:15
25	2:10	2:55
26	2:10	2:55
27	2:15	2:55
28	2:15	2:55
29	2:15	2:55
30	2:15	2:55
31	2:20	3:00
32	2:20	3:00
33	2:25	3:05
34	2:25	3:05
35	2:30	3:05
36	2:30	3:05
37	2:30	2:35
38	2:30	2:35
39	2:30	3:15
40	2:30	3:15
41	2:35	3:15
42	2:35	3:15
43	2:35	3:20
44	2:40	2:45
45	2:40	3:20
46	2:40	2:45
47	2:40	3:25
48	2:40	3:25
49	2:40	3:25
50	2:45	3:30
51	2:45	3:25
52	2:45	3:25
53	2:45	2:55
54	2:45	2:55
55	2:50	3:30
56	2:50	3:30
57	2:50	3:30
58	2:50	3:35
59	2:50	3:35
60	2:50	3:35
61	2:50	2:35
62	2:50	3:40
63	2:55	3:45
64	3:00	3:40
65	3:00	3:40
66	3:00	3:50
67	3:05	3:50
68	3:05	3:40
69	3:05	3:50
70	3:05	3:10



PREPARED BY:

ED MURPHY & ASSOCIATES
9875 SW MURDOCK STREET
TIGARD, OREGON 97224
PHONE: 503.624.4625
FAX: 503.968.1674

Shared Parking Map City of Milwaukie Court Services Relocation City of Milwaukie, Oregon

Source:
Metro Data Resource Center RLIS Lite Data, Feb. 2012 and Bing Maps.

Date:
06/22/2012

Scale:
1 in. = 200 ft.

Project #:

Drawn By: CEB



Memorandum

To: Bill Monahan, City Manager

From: Teri Bankhead, Asst. to the City Manager

CC: Pat Duval, City Recorder
Bob Jordan, Chief of Police

Subject: Consideration of Relocating Court Services

Date: August 11, 2011

Background

Municipal Court is located in City Hall and under the direction of Pat DuVal, City Recorder. Court staff is located on the first floor of City Hall, where the clerk is located across the hall from other employees who share limited space with Finance staff and where such activities as utility payments, court payments and general information reception occur. Municipal Court is currently held one day a week, on Wednesdays, with trials held in the morning and tickets processed in the afternoon. The current process requires attendees to line up and check in upstairs in the hallway that enters the courtroom, which also serves as the Council Chambers. The overflow waiting room is the larger upstairs conference room with additional temporary waiting in the first floor fire bay. Once patrons have finished with the Judge, they then proceed back downstairs to line up to pay any fines at the front counter. They are directed through this line with the bailiff's assistance via tape markers on the floor and stanchions. During certain times of the year when the photo radar is in place, these lines can be incredibly long and wind through the City Hall lobby and even out the front door on occasion.

Problem

The existing process and physical location of court services is not efficient or sustainable, does not offer the best customer service to the court visitor or anyone else coming to City Hall during court times, and places additional burdens on staff working in the building. At times, the amount of court visitors exceeds the amount of space physically available in the building. Additionally, a security guard has been hired to man the first floor during court to help ensure safety and to assist with the flow of court business. A second bailiff assists with proceedings in the courtroom.

Furthermore, as the City continues to grow, so will the need to add additional employees. City Hall is already overcrowded and there are limited options for growth or renovation. With four decentralized facilities, the City is comprehensively searching for alternatives to combine functions. As it stands, the

existing City Hall is not a suitable option for this. The problems presented by having the Court in the present location cannot be solved unless Court services are moved. To maintain Court in City Hall could require relocation into and remodel of the fire bay. A space study conducted in 2007 by the Myhre Group estimated the remodel of the fire bay at approximately \$900,000, although this would have included the addition of Misdemeanor Court and jury trials. Staff and Council have been discussing whether there are better alternatives available at a low cost. This memo addresses the pros and cons of moving the Municipal Court Services from City Hall.

Alternative Solutions

Relocating Municipal Court out of City Hall presents both advantages and disadvantages, but where should Court go? A few locations have been discussed as possible considerations. Moving to the vacant Wichita Elementary school building is one alternative. Moving court services here would most likely require a lease agreement with the North Clackamas School District as well as encumbering renovation expenses. This building is located on King Rd., and available public transit to this location should be a consideration.

Another Court location being discussed is the North Clackamas School District Building on Lake Rd., as the District has plans to move to another facility. It is unclear what provisions would be required with the District, however, it can be presumed that either a lease or purchase option would be required of the City. Available public transit to this location should be a consideration.

Another option is to move Court to the Public Safety Building Community Services Room. This came into light when Police Chief Jordan raised issues about security at City Hall. Since the Police are present at the PSB there would be more of a security presence in addition to the building physically having more space to accommodate large numbers of people. Remodeling would not be necessary, although there would be some minimal expenses incurred through the purchase of some furniture and technological needs. The Community Services Room at PSB has a room capacity of 62 people, while the lobby has a maximum occupancy of 30. The Council Chambers in City Hall where Court is now held has an occupancy limit of 60, however the hallway registration process and first floor payment location is more limited in size than at PSB.

Municipal Court could also be moved to another City facility. Unfortunately, there are none available at the present time that would provide the space needed or that would not require remodeling or relocating staff.

What follows is a list of advantages and disadvantages to moving Municipal Court to the Public Safety Building Community Services Room. These have been developed with input from Chief Jordan and Pat DuVal.

Advantages for Moving Court to PSB Community Room

- The current location of the Court in City Hall is not sustainable. City Hall is already overcrowded, absent the Court.
- City Hall is not designed to have a court operating inside while employees are delivering typical services and residents are coming in to conduct business with City staff.
- The “feel” of City Hall on Court day is very crowded, with a sense that the court has been “shoe-horned” in to the building, resulting in an unprofessional environment, reducing the decorum required of court proceedings.

- The potential for a disturbance or outbreak of violence is more likely in the current venue for court than in a secure environment like PSB.
- PSB offers a partially secure environment that would preclude court visitors from accessing any non-public areas of PSB in marked contrast to the current City Hall venue for Court.
- The coexistence of the Court and the Police Department would serve as a deterrent to disruptive or disorderly behavior by Court attendees by having a Police presence, both real and perceived.
- The PSB facility can be enhanced for this purpose. Additional security measures could be put into the Court room that are not currently in place, such as cameras that could be monitored by police personnel.
- PSB offers a more “dignified” setting more suitable for a court setting than City Hall.
- Moving Court to PSB would be less expensive than renovating the fire bay at City Hall to accommodate Court.
- The Tri-Met 31-King Rd and 28-Linwood lines service the PSB area frequently with stops at:
Harrison in front of PSB
Harrison between 31st and 32nd on the north side
Harrison and 34th on the north side
Harrison and 37th on north and south sides
32nd and Meek on west and east sides

Disadvantages of Moving Court to PSB Community Room

- There is limited parking at PSB. A total of 88 spaces are marked for the entire building. There are 40 spaces for public and employee parking, not counting secured police and fire, or loading. Of the 38, currently there are 12 spaces reserved: personnel in IST (5) and police records/administration (4), handicap (2) and police officer meeting (1). There are 48 spaces secured for police (38) and fire (10), with two (2) loading docks to the rear of the building.
- Personnel working Court would need to travel to/from PSB and transport court files. This also removes personnel from their daily work environment and office space at City Hall.
- There would be increased foot traffic in the PSB facility.
- Staff at PSB could have their workday routines disrupted by the move. So, adjustments will be necessary.
- A system would need to be established for accepting payments and there could potentially be money transfer between facilities.
- PSB is not as centrally located in downtown and could be perceived as less accessible.
- There is less frequency of bus trips from downtown to PSB than to City Hall where the Tri-Met main transfer exists.
- There would be expenses associated with the move that are not budgeted: furniture, door, electronic equipment, security camera, and reprinting citations. A potential funding source could be the revenue from photo radar.
- The existing interview room in PSB that could be used for court payments is next to the Police window. Lines could form at both windows at the same time and confidentiality may be a concern.

Other Considerations

- Private security should be continued for court days even if it is moved to PSB. The bailiffs could be hired at \$18/hr. for an additional two hours for set up and take down of the Court room.
- Re-printing the citations with address and times will be required.
 - Time and expense
 - Consider adding additional court sessions

- The logistics and communication of the actual move of the Court sessions would need to be closely managed so as to minimize “no-shows” or defaults.
- Moving to a paperless court system in the future will assist with this relocation and the handling of court files.
- Court session could be extended into the evening to accommodate work schedules and child care issues. This would help free up parking during the daytime sessions.
- Some minor signage would be needed to reserve parking spots for IST and Police Records personnel on court day.

Estimated Costs to Move Municipal Court to PSB

Furniture	Estimated Expense
Portable Dais Court may have one from Masonic Lodge days.	\$3500 On the high end through Design Manufacturing (Created OC's dais and portable extensions.)
Chairs	40 @ \$50 = \$2000
Registration Table	\$100
Chair for Judge	\$150
Computer & Other Electronic Equipment	
2 Computers for Court Staff in Payment Room	Have on hand already. No cost.
Computer and Printer for Clerk in Courtroom	Have on hand already. No cost.
2 Incode swipe machines in lieu of credit card machines. Currently in practice in City Hall.	2 @ \$85 = \$170
Multi-use copier/printer for interview room	\$300
Security Camera and Monitoring	Could be future consideration.
Security background checks for Judge and court staff	No additional expense beyond staff time.
Facility Changes	
Convert interview room full door to ½ with Payment Window. Purchase a new door with this option.	\$1500-2000 estimate to replace door. It is now a specialized 7' high door frame and cherry door.
Citation Revision and Print	
For 40 booklets of 25 (1000 citations) Approximately one year's worth.	\$325
Estimated Total	\$8045-8545

Conclusion

The Public Safety Building Community Services Room seems to be the best location and most efficient use of space and finances to house Municipal Court. This move could happen fairly quickly with minimal expense or effect on staffing. This relocation has the support of Police Chief Jordan, who has expressed concerns with the security level at City Hall with particular emphasis on court days. It also has the support of Pat DuVal, City Recorder and administrator of the Court. From a Municipal Court perspective, Pat emphasizes that Court docket sizes can have a significant impact on City Hall operations affecting not only court staff but also the other departments located in this facility. Both the first and second floors can be full of people, and when numbers are quite substantial, defendants must overflow into the fire bay which can be uncomfortably hot or cold and generally unwelcoming. As noted in the Ankrom Moisan space assessment study (October 2010), “the process of public arrival, check-in, waiting, court session, paperwork, payment and assistance is confusing and not efficient...” Citizen and employee safety is a real concern. The PSB Community Meeting Room provides a good short-term solution at a modest cost as the City Council evaluates its long-term facility and Municipal Court plans.

Alligood, Li

From: Larsen, Tom
Sent: Thursday, August 09, 2012 10:23 AM
To: Alligood, Li
Subject: CSU-12-11; PSB Court Relocation

Li,
I have no comments regarding this application.
Thanks,
-Tom

Alligood, Li

From: Matt Rinker <mattrinker@hotmail.com>
Sent: Thursday, August 16, 2012 11:13 PM
To: Alligood, Li
Subject: Application to relocate City's municipal court services from City Hall to the Public Safety Building
Attachments: AJC_NDA_4_10_2012_Agenda.doc

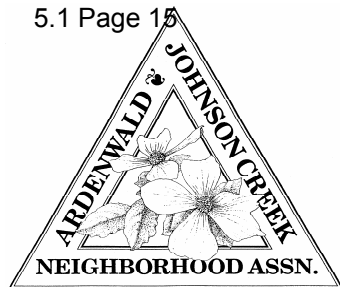
Hi Li,

As discussed in a previous email the Ardenwald Neighborhood is not against this application, and did not find any severe discrepancies in the code sections reviewed in this application. I have attached the complete Ardenwald Neighborhood minutes for review.

Mr Murphy told the neighborhood that there was to be a public hearing in June or July and that a parking study was to be conducted. The parking study by Kittelson showed that additional parking was required. (The City of Milwaukie entered into a contract to rent an additional 23 parking spaces from Providence Milwaukie Hospital.) The parking quantity analysis was conducted on **one** Wednesday in June by Milwaukie Police staff and **one** Wednesday in June by court staff. One survey on each end of this proposal is what is being utilized as data points to determine the amount of parking required. With an n=1 for each location, it doesn't mean anything statistically, and only the minimal amount of parking based on this data has been acquired. (44 parking spaces.) In Exhibit 8 Mr. Murphy states that trials involve 20-25 defendants/day, arraignments can involve 100-200 people in an afternoon, and that there could be 50-60 people in courtroom waiting areas at any one time. For this application, the Ardenwald neighborhood is mainly concerned with parking availability, citizen livability, and traffic increase issues. If the minimum amount of parking, 44 spaces, is all that is being acquired, how will it be determined, who will it be determined by, and when will this issue be revisited if parking, livability, and traffic issues become problematic for the neighborhood? There was discussion of splitting court between two days as a potential solution to concerns, but there was no discussion pertaining to channels to move concerns if they arise.

Thank you for your time and consideration on this issue.

Lisa Gunion-Rinker
 LandUse Chair
 Ardenwald-Johnson Creek Neighborhood



**ARDENWALD-JOHNSON CREEK
NEIGHBORHOOD DISTRICT ASSOCIATION
REGULAR MEETING MINUTES
APRIL 10, 2012**

Call to Order

Co-Chair Matt Rinker calls the meeting to order at 6:30 p.m. in Ardenwald Elementary School, Room 101.

Attendance

Attendance: 17

Steve Bartol, Milwaukie Police
Macy Bishop, PSAC
Sherri Campbell, Vice Chair
Joe Campbell, Treasurer
Marianne Colgrove, Southeast Uplift
Jeff Davis, Co-Chair
Chris Davis, At Large 6
Bryan Dorr, Secretary
Jennifer Finn, Arts Committee

Betty Fulmore
Lisa Gunion-Rinker, At Large 2
Dave Hedges, Milwaukie City Council
Jay Higgins
Rita Linn
Ed Murphy
Matt Rinker, Co-Chair
Sonja Souder

Introduction

Police report (Steve Bartol, Milwaukie Police Captain)

A police crime stat map was handed out. April 28, 2012, is prescription drug turn-in event at the Public Safety Building (3200 SE Harrison St.) Bike renovation project: asking for old bicycles that can be donated to the Milwaukie Police Dept. A receipt will be given for the donation. He also mentioned West Linn executed a warrant on a subject in Milwaukie wanted for car prowling.

Matt commented that a past meeting Chief Jordan attended a meeting and followed up at following meeting that crime stats gone down after the arrest. Cpt. Bartol said this particular warrant execution did not significantly impact the crime statistics.

Macy asked for definition between larceny and burglary. Larceny involves vehicle break-ins and burglary involves homes.

Cpt. Bartol said the bike program would include a bike, helmet, a security lock, and an inventory sticker with each bike.

Betty asked about the Officer of the Year dinner. Cpt. Bartol said there was a good turn out, it went well, and it was a packed room.



**ARDENWALD-JOHNSON CREEK
NEIGHBORHOOD DISTRICT ASSOCIATION
REGULAR MEETING MINUTES
APRIL 10, 2012**

Municipal Court Relocation – Ed Murphy

Mr. Murphy discussed the topic about moving the municipal court from the city hall. On Wednesday morning, they have trials. In afternoons, it arraignments for traffic violations. There is truancy courts on Mondays. There is lack of space in the City Hall. The Public Safety Building (PSB) is a better location with bus access. Mr. Murphy discussed the land use approval requirements and the criteria. There will be a application submitted, then a public hearing in June or July. He also commented that the wall on the south side may be a safety issue because of visibility to the east. Bryan commented there was a pole that had a mirror, but the mirror is gone.

Dave Hedges mentioned about changing the parking restrictions along SE Railroad Ave. across PSB from No Parking to No Parking for vehicles over 10 feet high.

The move won't gain anymore space for court use, but it's for reducing disruption to staff in city hall. Mr. Murphy recommends paying attention to the parking study.

Neighborhood Main Street – Jay Higgins

A draft vision statement was handed out. The draft vision goes out to NDAs and on the website. There will be an open house in early May (exact date and location to be determined). He is requesting feedback from residents and businesses. A report would be online soon. The online survey will close Friday.

Russ attended the workshop, which was good, but was missing was discussion to downtown becoming more vibrant. If the city had the money, we could do all three projects. He commented that the city should look at the priority of spending on the projects. For example, pursuing baseball when the Riverfront cannot be done.

Jennifer Finn said she had the same question, but it's likely that we are focusing on 32nd Ave. because of the new MAX line.

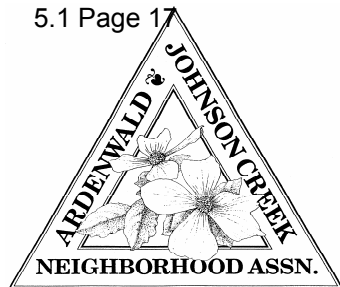
Russ commented that 32nd Ave. was tougher because the street is narrow. 42nd Ave has more potential. 32nd Ave. is broken up by residential homes and no parking. Envisioning Hawthorne in Milwaukie isn't practical.

Sonja asked about bus frequency. Jay said 32nd has frequent bus service (No. 75) versus infrequent bus line on 42nd Ave.

The intent is not to compete with Sellwood. It is about ease of access by foot.

Grant Request: Milwaukie High School Graduation Night

Matt researched the minutes. We did not do this in 2011, but donated \$300 in Feb. 2010. Joe said there was \$6,762.38 in grant funds. Question was asked about what students do at the party? Matt said it covers for the venues. Macy said the events are also funded with PTA/PTO funds.



**ARDENWALD-JOHNSON CREEK
NEIGHBORHOOD DISTRICT ASSOCIATION
REGULAR MEETING MINUTES
APRIL 10, 2012**

MOTION TO DONATE \$300 TO MILWAUKIE HIGH SCHOOL GRADUATION NIGHT. Russ Move, Matt Seconds. Yea: Unanimous. Nay: None. Motion passes unanimously.

Board Elections Next Month (May 8, 2012)

Matt discussed all positions that will be for elections at the May 8, 2012 meeting. Joe and Sherri Campbell will be stepping down from Vice-Chair and Treasurer. There will also be openings for Public Safety Advisory Committee and Membership.

After mentioning the neighborhood brochure, Russ talked a little about the Tacoma St. renaming to Johnson Cr. Blvd. He says there a public safety issue when reporting locations. The viaduct is technically S.E. Tenino St. that most people think is Tacoma St. GPS and GIS recognize the viaduct as S.E. Tenino St.

Bryan asked about board members that are on the board and not have been to meetings for over a year and have not contacted the board. Matt will contact the board members to see if they are still interested in serving on the board.

Committee Reports

Russ handed out a Creek Committee report. He said the committee wants to reach out to the original charette participants for the fundraising efforts to raise \$300,000 for the salmon habitat. The plan is to transform the first 3 miles of the creek from mouth to Tideman Johnson Park.

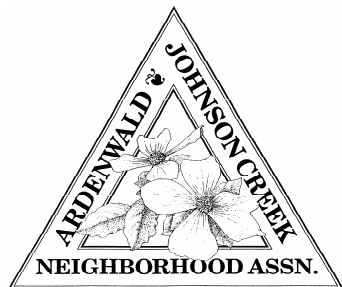
Russ said Catherine Goode is active on the Portland-Milwaukie Light Rail's Citizens Advisory Committee. Lisa said Catherine wanted to invite Claudia Steinberg at the next NDA meeting for light rail update.

Matt announced the Sunnybrook Medical Clinic opening. He also mentioned the baseball meeting. The baseball task force may be extended for one more meeting.

Sherri Cambell brought in the Walk Safe umbrellas that were purchased with grant money. They were handed out to attendees tonight that do not have an umbrella. Sherri says the next (May 2012) meeting will be her final meeting.

Bryan Dorr said he and Matt met with Beth Ragel regarding Community Services resources. Bryan is also participating in a seminar on May 29, 2012 for communication tools training. It will be a training course to present to NDAs on using websites, emails, and social media applications.

Bryan also mentioned about political candidates attending NDA meetings, which was brought up at March NDA leadership meetings. It was noted that if we invite a candidate, then we have to extend an invitation to all candidates. With one NDA meeting a month for a few hours, it was best that we do not invite candidates to present during meeting time. This has been brought up in



**ARDENWALD-JOHNSON CREEK
NEIGHBORHOOD DISTRICT ASSOCIATION
REGULAR MEETING MINUTES
APRIL 10, 2012**

the past, as noted in Feb. 12, 2008 Ardenwald meeting minutes. Candidates are welcome to attend and speak with attendees before or after the official meeting, but not during the meeting.

Joe Campbell said Wells Fargo balance is \$6,762.38. Dropping off the \$300 check for Milwaukie Party. Received a thank you note for the Milwaukie Police Dinner donation. The grant money was spent on mulch for terrace along Johnson Creek Bldg.

Dave Hedges commented on the budget and the payment to TriMet. An Oregon law states that law cannot be passed to negate a contract. The first payment to TriMet should be in July, which is expected to be \$250,000 to \$300,000. Dave commented on a possible bond measure being on the ballot in May or November.

Dave also commented on The Oregonian's story regarding the county water/sewer rates details. If anyone should have questions or concerns to see him.

First budget meeting is April 26, 2012 at 6:00 p.m. There was concerns about NDA grant funds in the budget.

Marianne Colgrove said there is much going on with the trains at Brooklyn. They were under gag order at the last SEUL meeting regarding the trains. Another issue arising is moving coal trains through the cities, especially the route to Coos Bay which passes through Milwaukie. Coal trains are usually long, frequent, and the loads are uncovered.

Marianne also mentioned Casa Diablo had their hearing and the decision has been delayed. A local newspaper said Casa Diablo was in Ardenwald, but it is in Sellwood-Moreland.

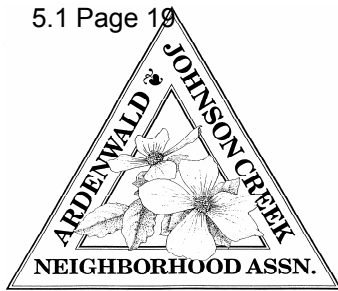
Southeast Uplift Bowl-a-Rama is May 1st. Tideman Johnson was fun. There wasn't much ivy pulling. June is the last cleanup for the season. There's a plan for mussel count in the creek.

Jennifer Finn announced the Bike Milwaukie this Sunday at 9:00 a.m. At City Hall. Ride is to Three Creeks. She also mentioned the film festival at Milwaukie Masonic Fri. 13, 2012, at 7:30 p.m. The films are locally produced and are about the Three Creeks area. Two other films are about sustainability. The festival is sponsored by MUST. The Three Creeks area is a wetland that's threatened by a proposed highway.

Macy Bishop was absent at last PSAC meeting. She reports she is moving out of the neighborhood. The upcoming meeting will be her last meeting. Sherri asked about the parade and walk to school day. There is another emergency preparedness meeting in May. Planned self-defense training.

Sherri asked about the concerts. It was discussed last month. There are five Thursdays this year in August. Tentative bands are listed on Ardenwald.org website.

Chris Davis handed out the draft neighborhood brochure and had a brief discussion about it.



**ARDENWALD-JOHNSON CREEK
NEIGHBORHOOD DISTRICT ASSOCIATION
REGULAR MEETING MINUTES
APRIL 10, 2012**

Jeff Davis mentioned anyone interested in the mural program, Beth did a workshop last week with an update on the survey. The survey were available in April 3 Milwaukie work session e-packet.

Lisa said city council won't have a sidewalk on Balfour St. will be used for ADA access on sidewalks throughout the City.

Russ Stoll commented on changing the "Tacoma St. Station" title to "Creek Committee" on future agendas.

Jennifer suggested a sustainability tour as a alternate to garden tours.

MOTION TO APPROVE THE MARCH 13, 2012 REGULAR MEETING MINUTES. Sherri Campbell moves, Betty Fulmore seconds. **Yea: Unanimous. Nay: None. MOTION PASSES.**

Meeting adjourned: 8:52 p.m.

Minutes prepared and submitted on April 12, 2012 by:

Bryan Dorr

Secretary
Ardenwald-Johnson Creek Neighborhood District Association

Phone: (503) 866-4805
E-mail: bdorr@ajc.bjdorr.com
Website: www.Ardenwald.org
Facebook: www.Facebook.com/ArdenwaldJCND
Twitter: www.Twitter.com/Ardenwald_JC_NA

Minutes approved on (tba): **Yea:.. Nay:..**

MEMORANDUM

TO: Community Development Department
THROUGH: Gary Parkin, Director of Engineering
FROM: Brad Albert, Civil Engineer
RE: Community Service Use – 3200 SE Harrison Street
CSU-12-11
DATE: August 23, 2012

Proposed court relocation to the City's Public Safety Building.

1. MMC Chapter 19.700 – Transportation Planning, Design Standards, and Procedures

The Engineering Department finds that MMC Chapter 19.700 does apply to this application.

Recommended Conditions of Approval

None

Other notes

The Engineering Department evaluated the ingress and egress for the two driveway entrances that serve the site. The southwest driveway was found to have a clear vision obstruction per MMC 12.24. A large retaining wall is obstructing the sight line from the driveway entrance looking east. The application does not trigger the requirements of bringing the driveway entrance into conformance, but may be code enforced on. It is the recommendation of the Engineering Department that the driveway entrance be brought into conformance with clear vision standards per MMC 12.24 in conjunction with the building remodel.

List of Materials & Exhibits for Land Use File #CSU-12-11
(CSU-12-11, P-12-03)

The following documents are part of the official record for this application:

1. Application
 - A. Milwaukie pre-application conference report, March 29, 2012 (PA #12-004)
 - B. Submittal forms date stamped June 28, 2012 (land use application forms, property owner authorization, submittal requirements form, fee receipt)
 - C. Responses to code standards and criteria date stamped June 28, 2012
 - D. Exhibits 1 – 13 (maps, CSO-91-05 NOD, traffic study, memo from Teri Bankhead to Bill Monahan)
2. Notification information
 - A. Application referral dated August 2, 2012
 - B. Planning Commission meeting notice
 - i) Meeting notice, August 22, 2012
 - ii) Notice map
 - iii) Returned notice envelopes
 - iv) Meeting notice affidavit, August 22, 2012
 - v) Meeting notice posted on site
 - vi) Affidavit of sign posting, August 27, 2012
3. Materials from City Planning Staff
 - A. Letter deeming application complete, July 27, 2012
 - B. September 11, 2012, Planning Commission Hearing
 - i) Staff report
4. Materials Received at the Meeting/Hearing
 - A. September 11, 2012, Planning Commission Hearing
5. Agency Comments
 - A. Tom Larsen, Building Official, August 9, 2012: No comment.
 - B. Brad Albert, Civil Engineer, August 23, 2012: The southern entrance is out of compliance with clear vision standards. Recommends resolving clear vision issues concurrent with building remodel.
6. Public Comments
 - A. Lisa Gunion-Rinker, Land Use Chair, Ardenwald Neighborhood District Association, August 16, 2012: Questions and concerns about parking impacts.