

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, October 14, 2014
6:30 PM**

COMMISSIONERS PRESENT

Sine Bone, Chair
Wilda Parks, Vice Chair
Shannah Anderson
Scott Barbur
Greg Hemer
Gabe Storm

STAFF PRESENT

Denny Egner, Planning Director
Li Alligood, Senior Planner
Brett Kelter, Associate Planner
Vera Kolias, Associate Planner
Peter Watts, City Attorney

COMMISSIONERS ABSENT

Shaun Lowcock

1.0 Call to Order – Procedural Matters*

Chair Bone 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

2.1 June 24, 2014

It was moved by Commissioner Hemer and seconded by Vice Chair Parks to approve the June 24, 2014, Planning Commission minutes as presented. The motion passed unanimously.

2.2 July 22, 2014

It was moved by Commissioner Barbur and seconded by Commissioner Anderson to approve of July 22, 2014, Planning Commission minutes as presented. The motion passed unanimously.

3.0 Information Items

There were no information items.

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

Craig Lomnicki, 4420 SE Johnson Creek Blvd, explained to the Planning Commission that he believed the standards for rear yard setbacks were not properly applied to the property under construction at 4530 SE Brookside Dr. He would like the Commission to review how it defined a setback; there currently was no definition of 'setback' in the code.

Denny Egner, Planning Director, suggested that the Commission schedule a time in the future

to talk about this issue further.

Peter Watts, City Attorney, noted that since the subject was not notified and was not on the agenda, the Commission should not discuss it toward a decision.

Mr. Lomnicki clarified that he suggested the Commission review this issue. He noted that the property had requested a Type II variance which was currently under review.

Mr. Egner said there was no variance needed for the issue Mr. Lomnicki was describing. He added that the question at hand was if the Commission wanted to use the same method of measurement and definition in the future. Staff would schedule a worksession. He clarified that this issue was not related to the variance request currently under review.

5.0 Public Hearings

- 5.1 Summary: Removal of the 21st Avenue Extension from the Comprehensive Plan
Applicant: City of Milwaukie
File: CPA-14-01
Staff: Li Alligood

Chair Bone called the hearing to order and read the conduct of legislative hearing format into the record.

Li Alligood, Senior Planner, presented the staff report via PowerPoint. She reviewed the proposal to remove the planned 21st Avenue Extension from the Downtown and Riverfront Land Use Framework Plan as initiated by City Council. The extension required dedication and construction of 21st Avenue with development. She oriented the Commission to the site, vicinity, and zoning designation, and reviewed the history of the document.

Ms. Alligood noted the key questions and approval criteria for the proposal

Would the benefit of the proposal outweigh the potential impacts to the adjacent property owners?

- The removal of the extension would protect the Ledding Library and Scott Park;
- But, it affected the redevelopment potential of larger lots to the north that had limited access to them; the extension would allow for development of those properties.

Was the public need best satisfied by this proposed amendment?

- It protected the park and allowed for the library expansion without added dedication to the property;
- Other options to consider were to retain a bike/pedestrian connection or removing only a portion of the extension, etc.

Ms. Alligood reviewed the staff recommendation for the Commission to recommend approval to City Council of the amendment with the findings of approval, and she reviewed the decision-making options.

Vice Chair Parks asked what a bike/pedestrian connection would look like, where it could go, and what benefit it would provide.

Ms. Alligood responded that it was difficult since Spring Creek was located north of Scott Park

and had a natural resource overlay on it, which would require certain infrastructure that involved mitigation and public dedication. The extension itself would be constructed incrementally as properties were developed.

Commissioner Barbur verified that if the extension were removed, the Commission would have to include in the recommendation to add or retain a bike/pedestrian connection.

Chair Bone understood the intent of the original extension requirement, but she was concerned about removing it altogether since it would take away the potential network for the future. Did it need to be wholesale removed?

Ms. Alligood pointed out that simply removing the planned 21st Ave extension would not necessarily remove the requirement of those properties to build public street access when they were developed. The primary concern of Council was related to the library and park properties.

Commissioner Hemer noted that in the Downtown and Riverfront Framework Plan: Public Area Requirements – 1.7 General Circulation Bikeway diagram the bikeway map did not involve the 21st Ave extension; it rerouted down Main St.

Chair Bone called for public testimony. There was none.

The Commission deliberated.

Commissioner Hemer felt that the benefit of allowing for Scott Park to remain as is was more benefit to the community than it was detrimental to any property owner.

Chair Bone said that if the extension were removed, it would actually allow for more flexibility for those properties to develop.

Vice Chair Parks responded that, since the second criterion of if the public need was best satisfied by the amendment and removal of the extension would preserve the library and the park, the criterion was met.

It was moved by Vice Chair Parks and seconded by Commissioner Anderson to recommend approval to City Council of legislative application CPA-14-01 to remove the 21st Avenue Extension from the Comprehensive Plan. The motion passed unanimously.

6.0 Worksession Items

- 6.1 Summary: Moving Forward Milwaukie Draft Plan and Code Amendments –
Development Standards
Staff: Li Alligood

Li Alligood, Senior Planner, presented the staff report via PowerPoint and noted that this was the second in a series of four scheduled worksessions with the Commission to review the draft amendments. The first phase of the Moving Forward Milwaukie was focusing on downtown and the piece of the package tonight was regarding development standards. She reviewed the project goals to remove barriers, create incentives, and to implement the downtown vision of a vibrant and pedestrian-friendly downtown. She noted the discussion schedule.

The proposed revisions to the development standards would provide more flexibility and clarify, and would ensure development was attractive and pedestrian-friendly. She reviewed the standards, their intent, and existing and proposed standards for each:

Minimum Lot Size

- Allow for small-scaled development desired throughout downtown.
- There were five different zones in downtown and the minimum lot size ranged between those zones from 750 to 10,000 sf, which did not encourage smaller-scaled development.
- The proposed minimum was 750 sf throughout downtown which would allow for creative residential and commercial development.

Floor Area Ratio (FAR)

- FAR ensured that the intensity of development was controlled and where it should be, and that land was being used efficiently.
- FAR was the area of square footage to the area of the site. For example, 0.5 FAR would be a single-story building covering 50% of the site, or a two-story building covering 25% of the site, etc.
- Current standard varied from 0.3:1 – 1:1 in the different zones; the proposal would be a minimum 0.5:1 north of Scott St and 1:1 for the rest of downtown. What was most frequently seen along a downtown Main Street was a 2:1 FAR.

Building Height

- Minimum and maximum building height standards promoted a compatible building scale and consistent streetscape.
- Existing standards was minimum 35 ft (2 stories) on Main St and 25 ft throughout the rest of downtown; and maximum 45 ft (3 stories) in the downtown storefront zone and 65 ft (5 stories) north of North Main and south of Washington St.
- The proposal was a reduction to a minimum of 25 ft (i.e. a tall 1-story) on Main St, maximum of 45 ft (3 stories) throughout downtown, and 55 ft (4 stories) north of North Main. A 1-story height bonus for the inclusion of residential development would be allowed to incentivize residential as it created a more active downtown.
- **Ms. Alligood** referred to Attachment 3 Page 11 of the packet which had a more detailed map of the height standards, existing and proposed. She clarified that staff had not determined if the standards should be feet or stories, but most likely would be height by feet as was best practices.

Build-to Lines

- Ensured compatibility and a continuous vertical 'street wall'.
- Existing standard was 0-10ft, with 0 ft along Main St between Scott St and Lake Rd.
- The proposal was to extend the 0 ft standard along Main, Harrison, Monroe, Washington and Adams streets; 10 ft standard elsewhere.

Frontage Buildout Requirement

- Ensured that buildings were built to the front of the lot and worked with the setbacks/build-to lines to maintain the 'street wall.'
- There was no current requirement and the proposal would establish a minimum frontage buildout for new development.
- **Mr. Egner** noted that to have a consistent street wall along Main St, standards would need to be a 0 ft setback for the build-to line and 100% of the frontage occupied by a building (i.e.

buildout) with a possible up-to 25% exception for a plaza or the like. As for the connector streets, standards would be 75% frontage, which could allow for a driveway, etc., and those streets off of McLoughlin Blvd would be 50% and could have surface parking.

Ground Floor Windows/Doors

- Ms. Alligood noted the intent was to enhance street safety and provide interesting ground-level features for pedestrians. The percentage was of the total area of the first 15 ft (height) of the front of the building. She referred to Attachment 6.
- The existing standard was 50% coverage only along Main St, with no requirements elsewhere.
- The proposal was to increase the requirement for Main St to 60% coverage and add 30% on McLoughlin Blvd and 40% coverage elsewhere. Adding a standard for McLoughlin Blvd was important as it was the gateway to downtown and would also be viewed from Riverfront Park.

Off-Street Parking Requirements

- **Ms. Alligood** noted that the off-street requirements in north and south downtown have been identified as a barrier to development for years. The current requirements, coupled with other standards, essentially triggered the need for structured parking which was expensive. Not requiring surface parking would help achieve the desired character of downtown.
- Currently there were no requirements for new development south of Harrison St or north of Washington St, but elsewhere was the same requirement as the rest of Milwaukie. The proposal was to require 1 off-street parking spot per residential dwelling unit, but no minimum for other uses.
- **Mr. Egner** noted the concept of decoupling the parking space from the residential dwelling unit. Parking would not be required per unit but a certain amount of parking would be available for purchase separately. Unlike what was happening in Portland, when staff met with developers, the feedback was that the market in Milwaukie would call for some residential parking to be available.

Chair Bone asked where staff was considering the end of Main St.

Ms. Alligood responded that Main St would be its entirety although some areas north of North Main would have some allowances with regard to FARs, build-to lines, height requirements, etc. That area was less accessible so may not be where future commercial development was concentrated but different blends of development may be possible like ground-floor residential, etc.

Commissioner Hemer asked about allowing for the second story to be built to the build-to line but have the ground floor have a 10 ft setback, essentially set in for a seating area, etc.

Mr. Egner responded that staff had been discussing that as an option, to allow for a by-right exception for that scenario, with the standard of up to 25% of the block.

Commissioner Hemer asked about balancing the height difference that would occur at the dip of McLoughlin Blvd and Washington St if the same building height would apply there as elsewhere in downtown. For example, if the 45 ft requirement applied, the view from Main St at Washington St or Dogwood Park would be the top of the building.

Mr. Egner and **Ms. Alligood** agreed but since that site was complex, it would have to be determined how to assess height, etc., and added that it was in the flood plain which added to the complexity of how to best develop that site.

Commissioner Hemer asked for clarification of the use of linear versus square feet in determining window/door coverage percentages.

Ms. Alligood responded that the standard was for the area of the building facing the street, and that often standards required that the coverage be between certain dimensions of the first floor height, i.e. between 3 and 10 ft, etc.

Ms. Alligood noted that the next couple of worksessions would involve a lot of new and revised standards with regard to design standards and review procedures.

Mr. Egner explained that the intent was to create dimensional design standards based on the guidelines outlined in the Downtown Design Guidelines document.

7.0 Planning Department Other Business/Updates

8.0 Planning Commission Discussion Items

9.0 Forecast for Future Meetings:

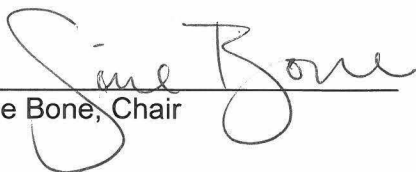
- | | |
|-------------------|--|
| October 28, 2014 | 1. Worksession: Moving Forward Milwaukie Draft Plan and Code Amendments – Design Standards |
| November 12, 2014 | 1. Worksession: Moving Forward Milwaukie Draft Plan and Code Amendments – Downtown Design Review |

Mr. Egner noted that City Council had requested that revisions to the Limited Commercial (C-L) zone along 32nd Ave corridor that would allow for eating establishments be accelerated. Therefore, there would be a public hearing probably in December. Also, there would be an update provided to Council regarding economic development at the next meeting on October 21, and he encouraged the Commission to attend.

Meeting adjourned at approximately 8:37 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II


Sine Bone, Chair



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday, October 14, 2014, 6:30 PM

**MILWAUKIE CITY HALL
10722 SE MAIN STREET**

1.0 Call to Order - Procedural Matters

2.0 Planning Commission Minutes – Motion Needed

2.1 June 24, 2014

2.2 July 22, 2014

3.0 Information Items

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

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

5.1 Summary: Removal of the 21st Avenue Extension from the Comprehensive Plan
Applicant: City of Milwaukie
File: CPA-14-01
Staff: Li Alligood

6.0 Worksession Items

6.1 Summary: Moving Forward Milwaukie Draft Plan and Code Amendments –
Development Standards
Staff: Li Alligood

7.0 Planning Department Other Business/Updates

8.0 Planning Commission Discussion Items – This is an opportunity for comment or discussion for items not on the agenda.

9.0 Forecast for Future Meetings:

October 28, 2014	1. Worksession: Moving Forward Milwaukie Draft Plan and Code Amendments– Design Standards
November 12, 2014	1. Worksession: Moving Forward Milwaukie Draft Plan and Code Amendments– Downtown Design Review

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:

Sine Bone, Chair
Wilda Parks, Vice Chair
Shannah Anderson
Scott Barbur
Greg Hemer
Shaun Lowcock
Gabe Storm

Planning Department Staff:

Denny Egner, Planning Director
Li Alligood, Senior Planner
Brett Kelter, Associate Planner
Vera Kolias, Associate Planner
Alicia Martin, Administrative Specialist II

CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, June 24, 2014
6:30 PM

COMMISSIONERS PRESENT

Wilda Parks, Vice Chair
Shannah Anderson
Greg Hemer
Shaun Lowcock

STAFF PRESENT

Denny Egner, Planning Director
Li Alligood, Senior Planner
Steve Butler, Community Development
Director

COMMISSIONERS ABSENT

Sine Bone, Chair
Scott Barbur
Gabe Storm

1.0 Call to Order – Procedural Matters*

Vice Chair Parks 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**3.0 Information Items**

There were no information items.

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**6.0 Worksession Items**

6.1 Summary: Moving Forward Milwaukie Draft Action & Implementation Plan

Staff: Li Alligood

Li Alligood, Associate Planner, presented the staff report via PowerPoint. She noted that staff had brought the Action and Implementation Matrix before the Commission on May 27 which included a list of strategies and actions. She said tonight was for discussion of the Action and

Implementation Plan which included key recommendations with more background and explanation behind the strategies and actions. Staff had key questions for the Commission and wanted the focus to be on the plan and code amendments that would come before the Commission for adoption.

Ms. Alligood reviewed the project's timeline. She noted the Downtown Vision and why it was important to Milwaukie; and described the purpose of the Action and Implementation Plan to identify steps the City could take to propose new development and redevelopment. She gave an overview of the Plan's strategies and called out those that would trigger amendments that would come before the Commission, which included updating the Comprehensive Plan and ancillary documents, providing more flexibility on allowed development, expanding urban design and pedestrian-oriented standards, and lowering cost barriers to development.

Ms. Alligood noted specific proposed policies and issues where staff was seeking feedback and direction from the Commission. These included:

- Reduce the number of zones in the downtown as the current zoning and regulations were very prescription and confusing:
 - Collapsing the zones would streamline regulations and be easier to understand.
 - Downtown residential north of Scott St, where retail or commercial uses were not ideal, could be retained.
 - Generally, the downtown office, retail, and commercial zones would be collapsed into one downtown mixed use zone with some overlays.
 - Staff noted that Oregon City has been successful with having much mixed use and allowing ground floor retail and office.
 - The Commission agreed that downtown had too many zones and collapsing zones would be beneficial.
 - It was important that residential be incorporated into zones. However, **Mr. Egner** noted that with the residential zoning in north downtown there hadn't been much development because it's restrictive; opening it up to mixed-use would expand redevelopment options.
- Allowed uses on the ground floor:

- The current policy was to support a vibrant and pedestrian-oriented Main St corridor. However, the current zoning was restrictive and created barriers to new businesses, development, and adaptive use. There were different standards for different parts of downtown.
- **Ms. Alligood** noted the existing regulations for the different areas and explained why those were restrictive.
- Potential approaches, along with reducing the number of zones, included streamlining the permitting process and loosening restrictions on Main St and other streets – let the market dictate the ground floor uses.
- Were there uses that should or should not be required?
 - Commercial was permitted in downtown and permissive, and included offices and retail and personal services;
 - An issue for downtown retail storefront requirements was open windows which was an awkward enforcement issue;
 - Some requirements could influence what types of businesses were in downtown.
- Development and design standards for buildings:
 - Although standards applied to Main St, no standards applied to the rest of downtown.
 - **Ms. Alligood** noted the regulations for Main St, including building setbacks, window percentage, design review, etc. Requirements for other streets in downtown did not include build-to lines, requirements to interact with street, or percentages for windows or doors, and had less design review standards.
 - Examples of pedestrian-oriented standards included ground floor transparency, street-facing orientation, and parking in the back.
 - Should similar standards apply to other downtown streets but with different options with regard to percentages, or should the full Main St standards be applied throughout downtown?
 - She noted that currently there were no requirements for buildings along McLoughlin Blvd to be inviting or pedestrian-friendly.
 - **Vice Chair Parks** noted that the City should be encouraging standards to interact with Riverfront Park.

- 111 ▪ **Mr. Egner** noted that the intersections and cross streets that connect to
112 Riverfront Park should be pedestrian-friendly and should be designed to
113 connect the downtown to the riverfront.
- 114 ▪ There were no setback requirements, other than clear vision standards,
115 for McLoughlin Blvd.
- 116 ○ She reviewed benefits to the potential approaches.
- 117
- 118 • Public Area Requirements (PARs):
 - 119 ○ Although PARs were intended to implement a vibrant, pedestrian-oriented
120 commercial corridor, the cost burden on the private sector was detrimental and
121 perhaps called for more than was necessary to attain the vision.
 - 122 ○ **Ms. Alligood** explained what triggered PARs, what improvements were involved
123 with examples, and the existing regulations. She added that the PARs were
124 different for each street and gave examples of streets built with and without the
125 improvements. She noted examples from Oregon City and Lake Oswego as well.
 - 126 ○ Potential approaches included incentives for construction and removing high-cost
127 or unnecessary components of the PARs.
 - 128 ○ **Mr. Egner** noted that the City's requirements were in the middle for similar
129 municipalities but unique in that the City provided no assistance for them.
 - 130 ○ Since improvements have been done one property at a time, it was difficult to be
131 consistent; but to create the continuity the sidewalk width would need to be
132 maintained, although expensive.
 - 133 ○ **Mr. Egner** noted the Action and Implementation Plan included financial tools for
134 seeking other funding sources to help defray the cost of these improvements.
 - 135 ○ **Ms. Alligood** noted the next discussion about the PARs would come if it was
136 decided to keep the PARs as is; the next step would be for Council to address
137 how to pay for them. The intent was to not result in the same situation where a
138 high level of improvements was required with no financial support.
 - 139 ○ Staff confirmed that the Commission agreed that sidewalks, street trees, and
140 street lights were standard requirements with development, and so what needed
141 to be looked at were the requirements beyond those.
 - 142
- 143 • Downtown Design Review:

- The design guidelines and design review process were difficult and could create disincentive.
- The review process involved meetings with the Design and Landmarks Committee and the Planning Commission, which came with significant cost and created uncertainty.
- Approaches included a clear and objective administrative review option or the current discretionary track through the DLC and PC review.
 - Benefits would be a streamlined process option with more certainty and less cost; opportunity for public comment depending on the review type; and allowed more flexibility for developers.
 - However, clearer development and design standards were needed.
- **The Commission** agreed that there were development situations that should not trigger Type III review; an alternative below certain triggers seemed reasonable.
- **Commissioner Hemer** noted that the “Milwaukie character” was unclear and open to interpretation.
- **Ms. Alligood** clarified that the review options would involve either a developer that would be willing to meet all requirements to avoid discretionary review (clear and objective administrative review); or a developer that can’t or doesn’t want to meet requirements and therefore would opt for discretionary review (Type III review).

Ms. Alligood reviewed the next steps and project’s schedule going into the summer.

7.0 Planning Department Other Business/Updates

8.0 Planning Commission Discussion Items

Commissioner Hemer noted that the public television channel was off and Milwaukie was misspelled recently.

9.0 Forecast for Future Meetings:

- | | |
|---------------|---|
| July 8, 2014 | 1. TBD <i>It was moved by Commissioner Hemer and seconded by Commissioner Lowcock to cancel the July 8, 2014 meeting.</i> |
| July 22, 2014 | 1. TBD |

178

179 Meeting adjourned at approximately 8:23 p.m.

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183 Respectfully submitted,

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185 Alicia Martin, Administrative Specialist II

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190 Sine Bone, Chair

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Milwaukie City Hall
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TUESDAY, July 22, 2014
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STAFF PRESENT

Denny Egner, Planning Director

COMMISSIONERS ABSENT

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2.0 Planning Commission Minutes**2.1 May 13, 2014**

It was moved by Commissioner Storm and seconded by Commissioner Anderson to approve the May 13, 2014, Planning Commission minutes as presented. The motion passed with Commissioner Hemer abstaining.

2.2 May 27, 2014

It was moved by Commissioner Storm and seconded by Commissioner Barbur to approve the May 27, 2014, Planning Commission minutes as presented. The motion passed with Commissioner Hemer abstaining.

3.0 Information Items

There were no information items.

4.0 Audience Participation –This is an opportunity for the public to comment on any item

not on the agenda. There was none.

5.0 Public Hearings – None

6.0 Worksession Items

6.1 Summary: Medical Marijuana

Staff: Denny Egner

Denny Egner, Planning Director, presented the staff report. Staff was seeking general direction or options about direction for medical marijuana regulations. He noted that some changes to State law changed the distribution from individual providers to dispensaries, and included some standards such as 1000 ft buffer from schools and other dispensaries. It also allowed for a year-long moratorium on dispensaries to allow for local governments to put further regulations into place, such as location, operational characteristics, hours and place standards, and distribution.

Mr. Egner explained the items included in the packet and noted key questions.

- When City Council passed the moratorium, it was suggested to add a 1000 ft buffer around parks; the two maps included reflect the options of buffers, and show the areas where dispensaries could be allowed. These buffers leave mostly commercial and industrial areas available.
- One question was if the City would allow a retail use in industrial areas. The zoning map was also included as State law originally called for dispensaries to be located in commercial or industrial areas, so the zoning map was also included to show those areas.
- Another question was buffering around childcare facilities; would a daycare be able to then move into the buffer zone?
- Hours of operation should be considered, and how late was too late?

Vice Chair Parks ask if there was prohibition around residential areas.

- **Mr. Egner** responded that was not something Council discussed but other communities have considered that as additional standard.

76 **Mr. Egner** noted that the City Attorney had been working on this issue. He distinguished that
77 these regulations applied to medical marijuana versus recreational marijuana, although
78 recreational marijuana was on the ballot for November. He assured that if that passed, it would
79 take time for the State to put regulations in place. The current moratorium was in effect until
80 April. He noted that Councilors and he himself knew of people that used medical marijuana to
81 aid with severe illnesses such as cancer. He did acknowledge that there were crime issues
82 involved but the benefit of medicinal use was notable.

83
84 **Vice Chair Parks** asked to clarify the difference between medical marijuana dispensaries and
85 pharmacies.

- 86 • **Mr. Egner** explained that pharmacies were treated as a retail use in the code and so were
87 allowed in any of the zones that allowed retail. There was the option to classify dispensaries
88 as retail.

89
90 **Commissioner Storm** asked what the statistics were that drive why these have to be buffered
91 away from schools, parks, etc. A bar was allowed to be near a school - what was the
92 difference? He added that to consume in public was prohibited anyway.

- 93 • **Mr. Egner** clarified that state law prohibited consumption onsite so he speculated that
94 perhaps the assumption was that a consumer would buy the product, leave, and consume
95 elsewhere.

96
97 **Commissioner Hemer** noted that it was federal law that a person cannot be within a certain
98 distance of a school with an illegal drug, and marijuana was still considered illegal federally, and
99 so thought that was why the state mandated similar regulations.

100
101 **Vice Chair Parks** clarified that the City could make the regulations tighter by saying
102 dispensaries could not be within 1000 ft of a school, park, childcare facilities, or another
103 dispensary; regarding zoning, it was a specialized use so could only be in an industrial or
104 commercial area. These options were up to the Commission and Council.

105
106 **The Commission** noted that trails were considered parks as well, which would eliminate much
107 of the industrial area. The map should be updated to reflect some other educational entities,
108 such as the Wichita Family Services building and Hector-Campbell Elementary (although not

currently in use). The state regulation of a buffer around a “public facility commonly used by minors” needed to be further defined.

The Commission discussed buffers around other educational institutions including daycare facilities.

- **Mr. Egner** clarified that, with preschools or daycare centers, parents were generally picking up and dropping off; with schools, many children walked to and from, and he believed that was part of the concern and difference between daycare facilities and schools.
- **Commissioner Storm** felt facilities like Boys & Girls Clubs, youth centers, etc., should be considered.
- **Mr. Egner** offered that regulations could be written where dispensaries would not be able to locate within the buffer of a school, etc., but in turn, would not be required to relocate if an educational institution or daycare, etc., moved within the buffer of the existing dispensary.

The Commission discussed how dispensaries should be classified or how they should be treated under the zoning. If dispensaries were prohibited near residential uses, that would reduce options for siting. Due to the nature of their use, they should not be permitted as a standalone retail use, and might be most similar to a professional office, such as a doctor or lawyer's office, rather than a general retail type use. They should be allowed where office uses were allowed.

- **Mr. Egner** noted all commercial zones allowed office except for the downtown storefront zone.

The Commission discussed and agreed upon the direction to staff:

- 1000 ft buffer around schools and adding the buffer around Hector Campbell Elementary and Wichita Elementary/Family Services;
- No buffer around parks;
- Hours should be reasonable and available after regular business hours, but limited for safety reasons, for example 9 am to 9 pm. Limit on time of operations that was reasonable;
- No storefront display;
- Explore option of limits on types of business names;
- Buffer around daycare or other youth facilities should be considered.

7.0 Planning Department Other Business/Updates

7.1 Planning Commission Notebook Update Pages

8.0 Planning Commission Discussion Items

Commissioner Storm asked about an update on the house with a stop work order on SE Harvey St.

Mr. Egner noted that a variance had been submitted but was currently incomplete. He would look to see if there were more details to share.

Mr. Egner also noted that Northwest Housing Alternatives had withdrawn their appeal application to the Land Use Board of Appeals. He was unaware of what their future plans were at this point.

9.0 Forecast for Future Meetings:

August 12, 2014 1. TBD – *It was moved by Commissioner Barbur and seconded by Commissioner Lowcock to cancel the August 12, 2014 Planning Commission meeting due to lack of agenda items. The motion passed unanimously.*

August 26, 2014 1. Worksession: Moving Forward Milwaukie Central Milwaukie draft concept *tentative*

Meeting adjourned at approximately 8:27 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

176 _____
177 Sine Bone, Chair



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Li Alligood, Senior Planner

Date: October 7, 2014, for October 14, 2014, Public Hearing

Subject: File: CPA-14-01

Applicant: Milwaukie City Council

Owner(s): City of Milwaukie; Milwaukie Athletic LLC; William and Marilyn Oetkin; David Husted; Samaritan Lodge #2 International Order of Odd Fellows

Address: 10660 SE 21st Ave, 10468 SE Main St, 10466 SE Main St, 10306 SE Main St, and 10282 SE Main St.

Legal Description (Map & Taxlot): 11E36BB01800& 1900; 11E25CC00800, 401 & 402

NDA: Historic Milwaukie

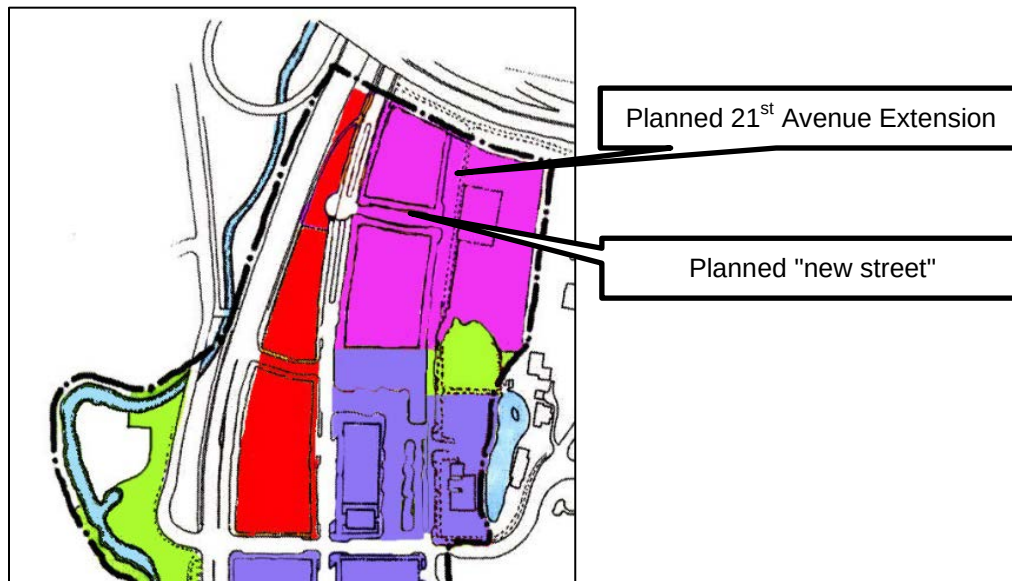
ACTION REQUESTED

Recommend approval of application CPA-14-01 and recommended Findings of Approval found in Attachment 1. This action would recommend Council approval of the removal of the planned 21st Avenue Extension from the Downtown and Riverfront Land Use Framework Plan, an ancillary document to the Milwaukie Comprehensive Plan.

BACKGROUND INFORMATION

The Downtown and Riverfront Land Use Framework Plan (Framework Plan) was adopted in 2000 with the goal of reinvigorating downtown Milwaukie. The plan and implementing public works standards (Downtown and Riverfront Public Area Requirements, or PARs) proposed to reestablish the street grid north of Harrison St by extending 21st Ave north from Harrison to Hwy 224 and a planned pedestrian connection to the Springwater Corridor Trail. The 21st Avenue Extension would lessen the depth of the lots in northern downtown and provide additional public frontage for redevelopment along the planned 21st Avenue Extension. A new street was proposed to connect the planned 21st Avenue Extension with Main Street. See Figure 1.

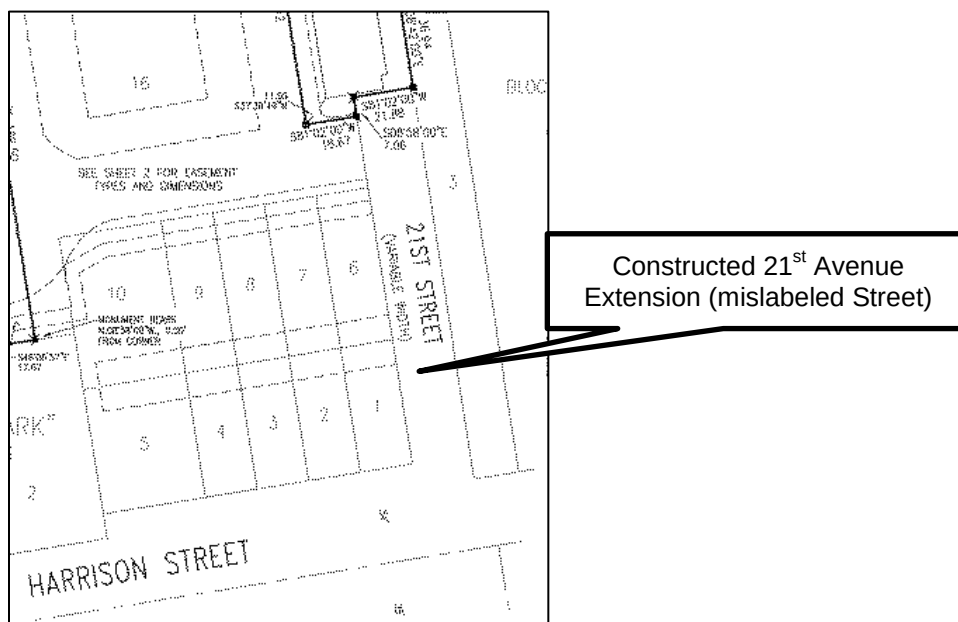
Figure 1. Planned 21st Avenue Extension



Source: Downtown and Riverfront Land Use Framework Plan

A small portion of the planned 21st Avenue Extension was constructed in 2005 by the North Main Village project. During construction, City staff determined that deed restrictions on the Ledding Library and Scott Park properties prevented construction of 21st Ave across those sites. Half street improvements on 21st Ave terminated at the southern end of the town homes, effectively preventing further extension of the street. See Figure 2.

Figure 2. North Main Village Condominium Plat



Source: Clackamas County Surveyor

Construction of the remainder of the planned 21st Avenue Extension would remove existing library parking; limit the potential expansion of the library, and cross Scott Park and impact natural resources contained within.

On August 5, 2014, City Council initiated an application to formalize the termination of the planned 21st Avenue Extension by removing it from the guiding policy documents.¹ Because the Framework Plan is an ancillary document to the Milwaukie Comprehensive Plan, a Comprehensive Plan map amendment is required to remove the extension from the Framework Plan. Subsequently, the Public Works Standards will be revised to remove the planned 21st Avenue Extension cross section, and the zoning ordinance will no longer require dedication of public right-of-way and construction of the street when the affected parcels develop.

The *Moving Forward Milwaukie: Enhancing Our Commercial Districts* project currently underway is anticipated to result in further amendments to the Framework Plan. The proposed amendments included in this application and shown as Attachment 1 Exhibit B would be formally incorporated into the Framework Plan document when maps and figures are updated as part of the Moving Forward Milwaukie project. In the interim, the relevant Public Works Standards would not be applicable to any development on the subject sites.

A. Site and Vicinity

The planned 21st Avenue Extension would cross 10660 SE 21st Ave, 10468 SE Main St, 10466 SE Main St, 10306 SE Main St, and 10282 SE Main St. The affected area contains the Ledding Library, Scott Park, a natural area to the east of 10466 SE Main St, the Kellogg Bowl property, and the Odd Fellows property. These sites do not currently have public access from the east, with the exception of the Kellogg Bowl site, which has substandard public access from 23rd Ave.

The surrounding area consists of a mix of commercial, mixed use, and multifamily development to the west, and a mix of commercial, multifamily, and single-family development to the east.

B. Zoning Designation

DOS Downtown Open Space, DR Downtown Residential, and DS Downtown Storefront, with some areas of Natural Resource Overlay.

C. Comprehensive Plan Designation

TC Town Center

D. Land Use History

- **2000:** CPA-00-02, adoption of the Milwaukie Downtown and Riverfront Land Use Framework Plan as an ancillary document to the Milwaukie Comprehensive Plan. This document included an extension of 21st Ave north of Harrison St, which was implemented through the Downtown and Riverfront Public Area Requirements (PARs).

¹ [Resolution 74-2014](#).

E. Proposal

The applicant is seeking land use approval to remove the planned 21st Avenue Extension from the Downtown and Riverfront Framework Plan ("Framework Plan"), an ancillary document to the Milwaukie Comprehensive Plan ("MCP"). The proposal includes the following:

1. Remove the planned 21st Avenue Extension from planning documents.

The project requires approval of the following applications:

1. Comprehensive Plan Map Amendment

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. Does the benefit to the broader community outweigh potential impacts to adjacent property owners?
- B. Is the public need best satisfied by this particular proposed amendment?

Analysis**A. Does the benefit to the broader community outweigh potential impacts to adjacent property owners?**

The surrounding neighborhood is developed with a mix of multifamily, mixed use, commercial, and civic uses. The planned 21st Avenue Extension would affect two community assets, Scott Park and Ledding Library, as well as three privately-owned properties to the north. Construction of the remainder of the planned 21st Avenue Extension would remove existing library parking; limit the potential expansion of the library, and cross Scott Park and impact natural resources contained within.

Scott Park is a small park that serves adjacent residents as well as downtown employees and visitors. Construction of the planned 21st Avenue Extension would reduce the size of the park by almost half, and would significantly impact the existing natural areas and quiet repose that visitors seek. Ledding Library is a destination for many downtown visitors. Construction of the 21st Avenue Extension would remove a row of parking spaces and would encroach further into the Ledding Library property to the east of the right-of-way. In addition, the planned future expansion of the library would trigger a requirement to dedicate public right-of-way and construct half-street improvements to implement the planned 21st Avenue Extension, which would both reduce the potential library footprint and add significant cost to any expansion project.

However, the removal of the planned 21st Avenue Extension does have the potential to impact properties on 23rd Ave, as well as the redevelopment potential of the privately-owned properties to the north of Scott Park. The redevelopable property currently occupied by Kellogg Bowl will have substandard public frontage on and access to 23rd Ave to the east of the site (see Figure 3).

Redevelopment of the Kellogg Bowl site could result in an increase in vehicular traffic on 23rd Ave. In addition, removal of the planned 21st Avenue Extension and the proposed new street connection to Main St could limit the future development potential of the properties in northern downtown. Development of these properties would require either construction of a public street (with cross sections to be determined at the time of development) or acquisition of access to Main St from adjacent property owners.

Figure 4. Existing public access to northern downtown properties.



Source: 2012 RLIS data

Staff is seeking Planning Commission direction regarding whether the community benefit provided by removing the planned 21st Avenue Extension from the Framework Plan outweighs the potential impacts to adjacent and affected properties.

B. Is the public need best satisfied by this particular proposed amendment?

As noted above, both Ledding Library and Scott Park would be impacted by construction of the planned 21st Avenue Extension. Staff believes that removal of the planned 21st Avenue Extension will protect the Ledding Library and Scott Park sites from the impact of a full street extension through the properties, which satisfies the public need for the retention of open space and continued access to Ledding Library.

Staff is seeking Planning Commission direction on whether this particular amendment best satisfies the public need for protection of Ledding Library and Scott Park, or if there are other options that should be considered, such as retaining a smaller right-of-way requirement to construct a bicycle and pedestrian path between Harrison St and properties to the north.

CONCLUSIONS

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

1. Recommend approval of the Comprehensive Plan Amendment to remove the planned 21st Avenue Extension from the Downtown and Riverfront Framework Plan. This will result in an amendment to the maps of the Downtown and Riverfront Framework Plan to remove the planned 21st Avenue Extension and connecting "new street" from the document.
2. Recommend adoption of the attached recommended Findings of Approval.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC Section 19.902 Amendments to Maps and Ordinances
- MMC Section 19.1008 Type V Review

This application is subject to Type V review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above and forward a recommendation to City Council.

The Commission has 4 decision-making options as follows:

- A. Recommend that City Council approve the proposed amendments to the Downtown and Riverfront Land Use Framework Plan map as presented in Attachment 1.
- B. Recommend that City Council approve the proposed amendments to the Downtown and Riverfront Land Use Framework Plan map with modifications to the materials in Attachment 1.
- C. Recommend that City Council not approve the proposed amendments to the Downtown and Riverfront Land Use Framework Plan map.
- D. Continue the hearing.

The application is a legislative action and is not subject to the 120-day clock.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Engineering Department, Historic Milwaukie Neighborhood District Association (NDA), Metro, Department of Land Conservation and Development, affected property owners, and properties within 400 ft of the subject sites. Notice was also posted at City Hall, Ledding Library, the Public Safety Building, and the Johnson Creek Facility. No comments were received as of October 7, 2014. Any comments received before the hearing will be provided to the Planning Commission.

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	PC Packet	Public Copies	E- Packet
1. Draft Ordinance	☒	☒	☒
Exhibit A. Recommended Findings in Support of Approval	☒	☒	☒
Exhibit B. Proposed Amendments to the Downtown and Riverfront Land Use Framework Plan Maps	☒	☒	☒

Key:

PC Packet = paper materials provided to Planning Commission 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-113>.



CITY OF MILWAUKIE

"Dogwood City of the West"

Ordinance No.

An ordinance of the City Council of the City of Milwaukie, Oregon, amending the Downtown and Riverfront Land Use Framework Plan, an ancillary document to the Milwaukie Comprehensive Plan, to remove the planned 21st Avenue Extension from the document maps (File #CPA-14-01).

WHEREAS, the planned 21st Avenue Extension was adopted in 2000 and intended to reestablish the street grid north of Harrison St; and

WHEREAS, since its adoption, a small portion of the 21st Avenue Extension has been constructed; and

WHEREAS, construction of the remainder of the planned 21st Avenue Extension would remove existing library parking; limit the potential expansion of the library, and cross Scott Park and impact natural resources contained within;

WHEREAS, the City Council initiated an application to remove the planned 21st Avenue Extension by Resolution 74-2014; and

WHEREAS, the Planning Commission held a duly advertised public hearing on the amendments, with notice provided per the requirements of the Milwaukie Municipal Code and Oregon Revised Statutes; and

WHEREAS, the City Council held a duly advertised public hearing on the amendments, with notice provided per the requirements of the Milwaukie Municipal Code and Oregon Revised Statutes;

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. Findings. Findings of fact in support of the proposed amendment are attached as Exhibit A.

Section 2. The Downtown and Riverfront Land Use Framework Plan is amended as described in Exhibit B.

Read the first time on _____, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

DRAFT

**Recommended Findings in Support of Approval
File #CPA-14-02, Planned 21st Avenue Extension**

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, Milwaukie City Council, has initiated an application to remove the planned 21st Avenue Extension from the Downtown and Riverfront Land Use Framework Plan (Framework Plan), an ancillary document to the Milwaukie Comprehensive Plan (MCP). The planned 21st Avenue Extension is located in the Downtown Open Space, Downtown Residential, and Downtown Storefront Zones. The land use application file number is CPA-14-01.
2. The applicant has requested the removal of the planned 21st Avenue Extension from the Framework Plan in order to remove the requirement that the street be constructed at the time of expansion or redevelopment of the adjacent properties. This would also result in the removal of a proposed "new street" to connect the 21st Avenue Extension to Main St.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.902 Amendments to Maps and Ordinances
 - MMC Section 19.1000 Review Procedures
4. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. A public hearing was held on November 25, 2014, as required by law.
5. MMC Chapter 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.
 - a. MMC Subsection 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Director, or any individual.
The amendment is proposed by the City of Milwaukie and was initiated by the City Council on August 5, 2014.
 - b. MMC Section 19.1008 establishes requirements for Type V review.
 - (1) MMC Subsection 19.1008.3.A.1 requires opportunity for public comment and review. Opportunity for public comment and review has been provided. Public notice in the form of email to the Neighborhood District Associations, a Measure 56 notice, and information on the City website have publicized the Planning Commission's hearing on the proposed amendment to encourage comment by any interested party.
 - (2) MMC Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public. A notice of the Planning Commission's October 14, 2014, hearing was posted as required on September 12, 2014.
 - (3) MMC Subsection 19.1008.3.A.2 requires notice be sent to individual property owners if the proposal affects a discrete geographic area. The Planning Director has determined that the proposal affects a discrete geographic area and notice was provided to individual property owners within 400 ft of the site.
 - (4) MMC Subsection 19.1008.3.B and C require notice of a Type V application to be sent to Metro 45 days prior to the first evidentiary hearing and to the Department

of Land Conservation and Development 35 days prior to the first evidentiary hearing. This notice was sent to Metro on August 6, 2014, and to the DLCD on August 19, 2014.

- (5) MMC Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the application would affect the permissible uses of land for those property owners. A Measure 56 notice was sent to the affected property owners on September 5, 2014.
- (6) MMC Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application. The Planning Commission held a duly advertised public hearing on October 14, 2014, and passed a motion recommending that the City Council approve the Comprehensive Plan Map amendment. The City Council held a duly advertised public hearing on _____, 2014, and approved the Comprehensive Plan Map amendment.

6. MMC Section 19.902 Amendments to Maps and Ordinances

- a. MMC 19.902.4.A establishes the review process for changes to the Zoning Map.

The planned 21st Avenue Extension crosses 5 properties totaling 4.8 acres. The properties are owned by 3 separate parties. The City Attorney has determined that the application is legislative in nature and subject to Type V review per MMC 19.1008.

- b. MMC 19.902.4.B establishes criteria for approval of changes to the Comprehensive Plan Map.

The applicant has requested an amendment to the maps of the Framework Plan, which is an ancillary document of the MCP; therefore, the requested removal of the planned 21st Avenue Extension is an amendment to the Comprehensive Plan Map. The request does not include amendments to the text of Titles 14, 17, or 19, or other land use regulations within the Milwaukie Municipal Code. The application is subject to the approval criteria of MMC 19.902.3. The City Council finds that these requirements have been met as follows.

- (1) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

The goals and policies of the Comprehensive Plan are not proposed to be amended.

The City Council finds that the relevant Comprehensive Plan goals and policies are those of Chapter 4 – Land Use; and the Downtown and Riverfront Land Use Framework Plan.

Chapter 4 – Land Use: Recreational Needs Element calls for the maximization of existing public recreational facilities. Removal of the planned 21st Avenue Extension will preserve the opportunity for maximization of the Scott Park recreational facilities in accordance with the 1990 Scott Park Master Plan.

The Downtown and Riverfront Land Use Framework Plan establishes policies that support a vibrant and attractive downtown, including enhancing its amenities and open spaces. The proposed amendment would protect Scott Park, which is a key downtown amenity.

- (2) The proposed amendment is in the public interest with regard to neighborhood or community conditions.

Scott Park is a small park that serves adjacent residents as well as downtown employees and visitors. Construction of the planned 21st Avenue Extension would reduce the size of the park by almost half, and would limit the future expansion of the Ledding Library.

Removal of the planned 21st Avenue Extension will protect the Ledding Library and Scott Park sites from the impact of a full street extension through the properties, which satisfies the public interest regarding protection of these facilities.

- (3) The public need is best satisfied by this particular proposed amendment.

Removal of the planned 21st Avenue Extension will protect the Ledding Library and Scott Park sites from the impact of a full street extension through the properties, which satisfies the public need for the retention of open space and continued access to Ledding Library.

- (4) The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies.

- (5) The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed amendments were sent to the Department of Land Conservation and Development (DLCD) for comment. DLCD did not identify any inconsistencies with relevant State statutes or administrative rules.

No changes are being proposed to the permitted uses of these sites. As such, the proposed amendments are consistent with the Transportation Planning Rule. The findings regarding consistency with the MCP demonstrate compliance with the Statewide Planning Goals because the MCP is a DLCD acknowledged Comprehensive Plan.

MILWAUKIE DOWNTOWN AND RIVERFRONT LAND USE FRAMEWORK PLAN

**ANCILLARY DOCUMENT
TO
MILWAUKIE COMPREHENSIVE PLAN**



*Adopted September 19, 2000
(Ordinance No. 1880)*

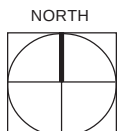
MILWAUKIE, OREGON

Land Use Framework

1.3 Illustrative Plan

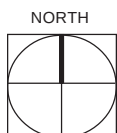
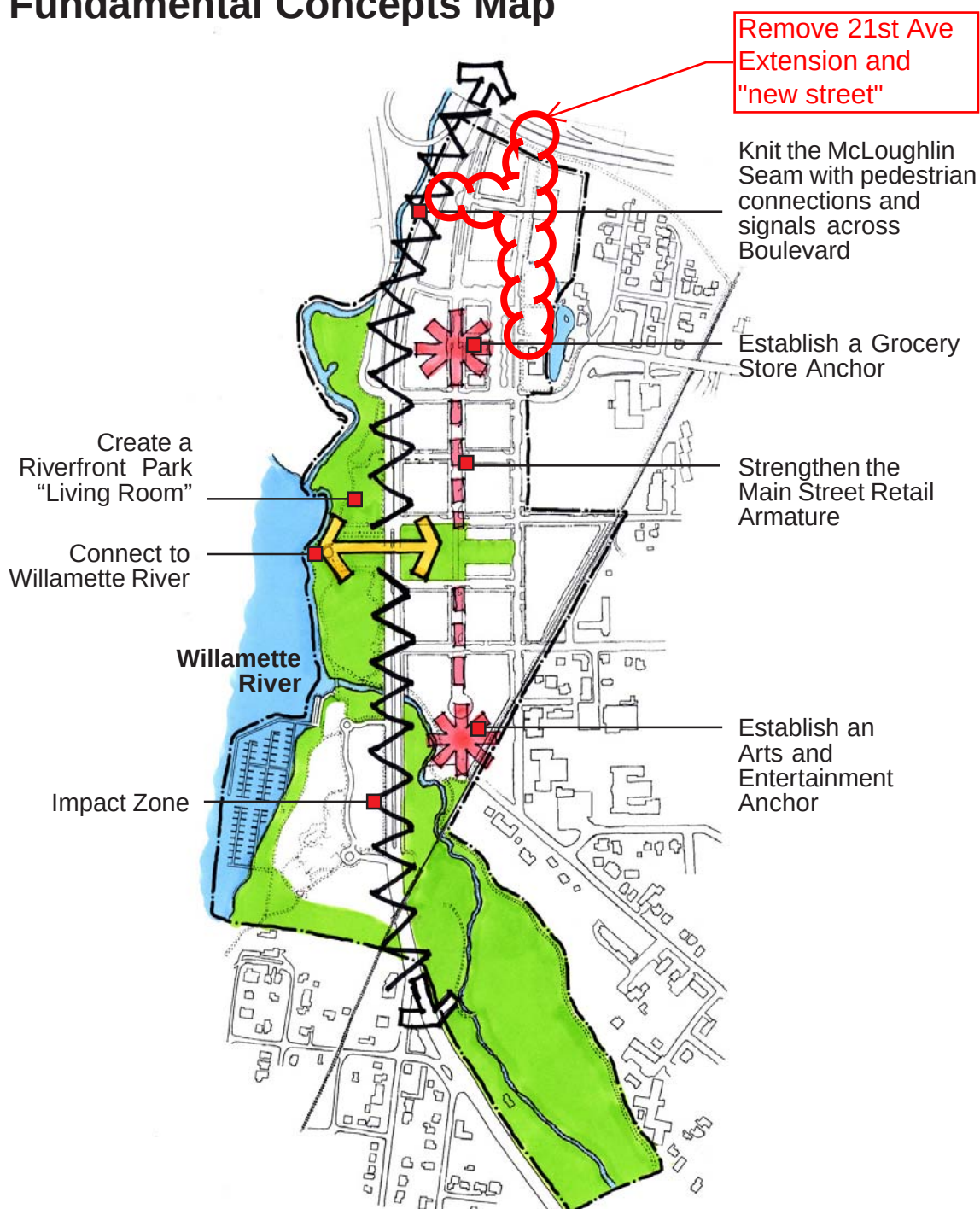
Land Uses

	Retail/Mixed Use
	Housing
	Office
	Civic
	Arts/Entertainment
	Hotel
	Parking Structure
	Recreation and Opens Space



Land Use Framework

1.6 Fundamental Concepts Map



Land Use Framework

1.8 Land Use Framework

Planning Areas:



Commercial



Housing



Storefront Main Street



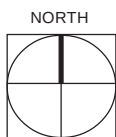
Arts/Entertainment/Office



Public Park

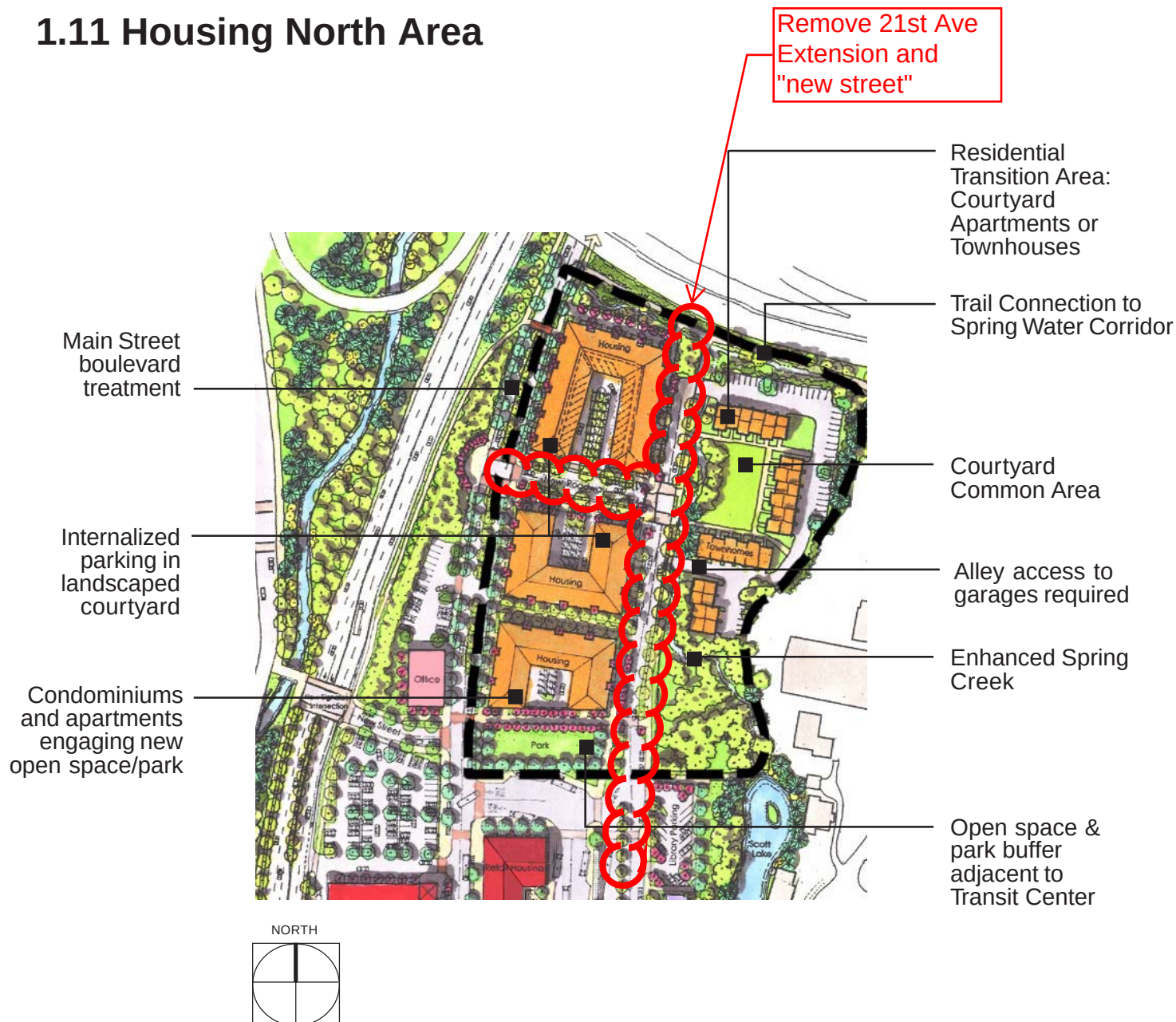


Hotel



Land Use Framework

1.11 Housing North Area



Character:

Multiple-family residences: ownership/condominiums and rental (including townhouses and apartments).

Approximate Area:

10 acres

Proposed Use:

25 townhouse units (target)

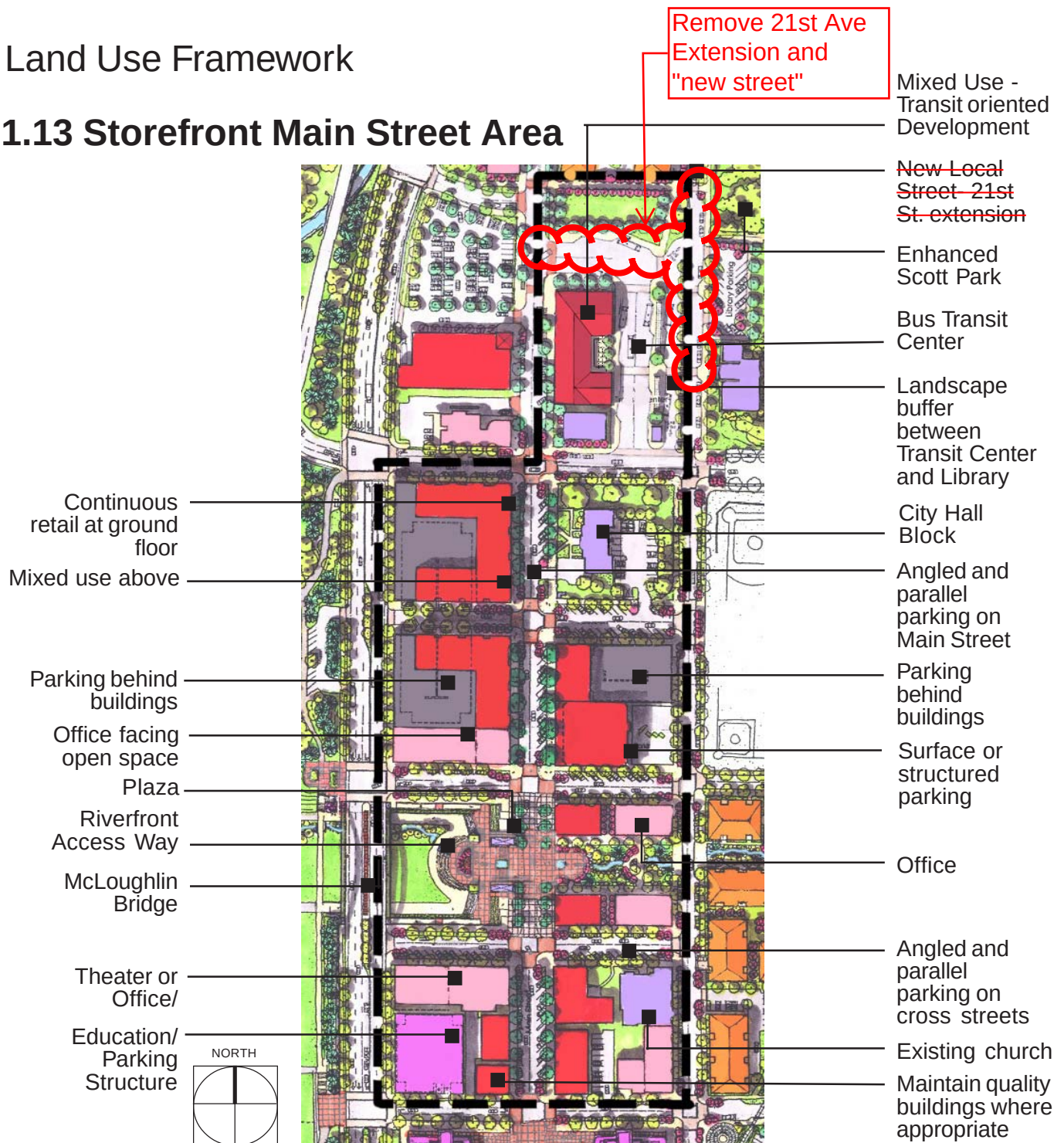
225 units apts/condominiums (target)

Total units:

250 (target)

Land Use Framework

1.13 Storefront Main Street Area



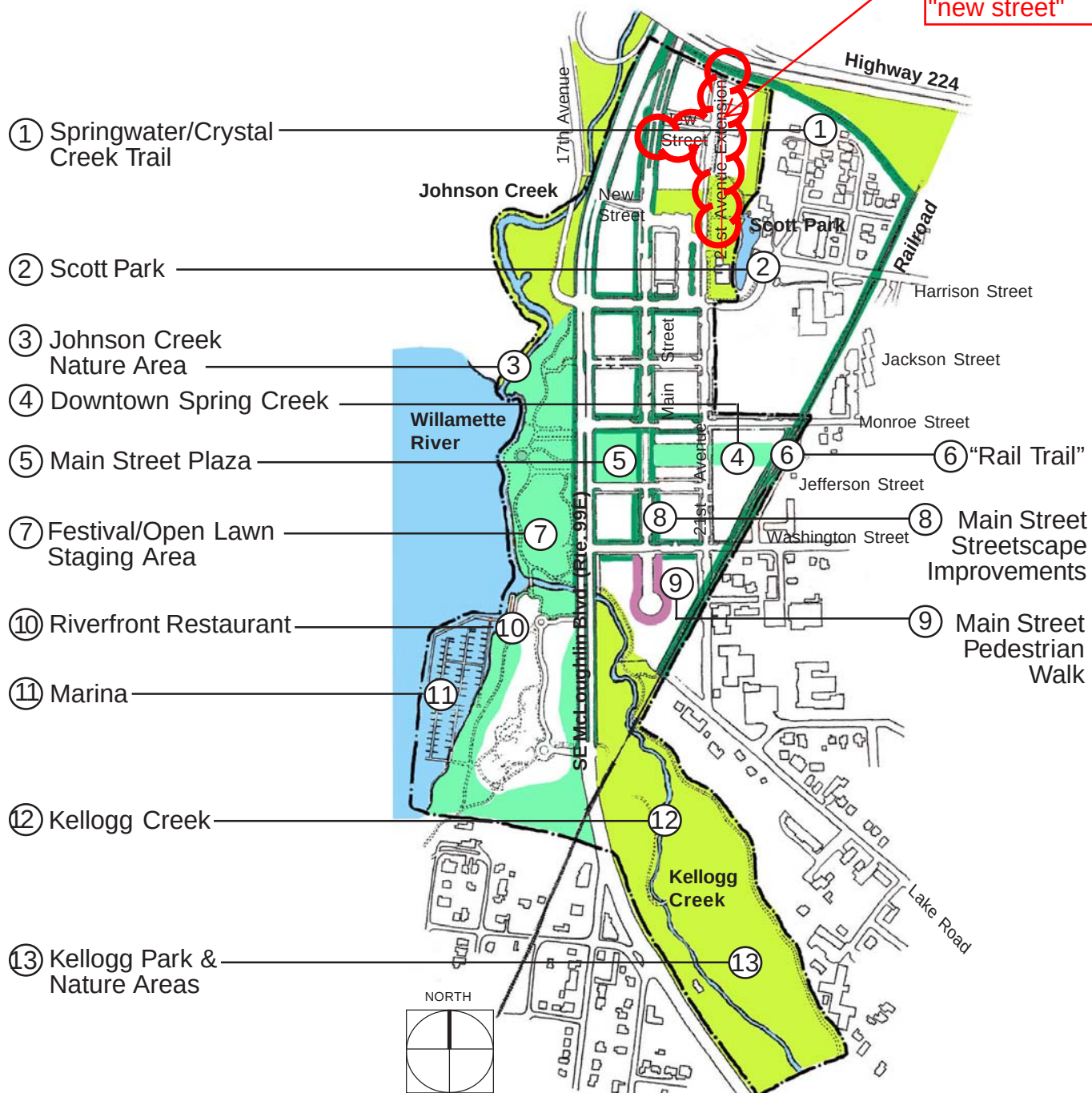
Character:
One block deep along Main Street, and including parking areas behind buildings. Retail uses at ground floor and second floor, and mixed uses of office and residential above. Maintains pedestrian orientation throughout.

Approximate Area: 8.5 acres
Proposed Use:
 retail: 115,000 SF (target)
 office: 75,000 SF (target)
 residential: 150 units (target)
 theater: 25,000 SF

Land Use Framework

1.18 Amenities and Open Space Framework Map

Remove 21st Ave Extension and "new street"



Note: All existing private ownership and use may continue, and no use of private property for public purposes is required.



To: Planning Commission
Through: Dennis Egner, Planning Director
From: Li Alligood, Senior Planner
Date: October 7, 2014, for October 14, 2014, Worksession
Subject: Moving Forward Milwaukie Briefing #8:
 Draft Downtown Development Standards

ACTION REQUESTED

None. This is a briefing for discussion only. This is the eighth in a series of project briefings to the Planning Commission. Staff is seeking feedback about draft code amendments for downtown Milwaukie, specifically related to downtown development standards. Future briefings will address draft downtown design standards and downtown design review.

BACKGROUND INFORMATION

The *Moving Forward Milwaukie: Enhancing our Commercial Districts* (MFM) project began in July 2013 and will continue into mid-2015. The project was preceded by the *Fresh Look Milwaukie: Downtown Road Map* project (January – June 2013). The goal of the MFM project is to achieve appropriate development and redevelopment in the city's commercial areas by removing barriers and creating incentives.

The MFM project is focused on bringing new activity to Milwaukie's commercial districts: downtown, central Milwaukie, and the neighborhood main streets of 32nd & 42nd Avenues.

A. History of Prior Actions and Discussions

- **September 23, 2014:** At a joint workession with City Council, Matt Arnold of SERA Architects provided a presentation and led a discussion about downtown development and design standards and consideration for downtown Milwaukie.
- **September 9, 2014:** Staff provided an overview of potential draft code amendments for downtown Milwaukie, specifically related to downtown use standards, and led a walking tour of the North Main Village development.

- **August 26, 2014:** Staff provided an overview of key proposed downtown code amendments and draft Central Milwaukie concepts. The Commission discussed the proposed code amendments and provided suggestions for Central Milwaukie.

KEY DISCUSSION ITEMS

The Downtown and Riverfront Land Use Framework Plan ("Framework Plan"), which is the adopted vision for downtown, describes 3 "fundamental concepts":

1. Anchors and Attractors – businesses at either end of Main Street that draw substantial pedestrian traffic and provide additional customers for downtown businesses.
2. Main Street as a healthy retail street – establishing a "lively storefront retail character with a pedestrian emphasis and 24-hour use." Key land use components of this character include:
 - Retail on both sides of the street
 - Continuous retail facades with no interruptions
 - Anchor retail at both ends of Main Street
 - Retail on all four corners of intersections
3. Connecting downtown to the river – signalized pedestrian connections to the riverfront and development of Riverfront Park.

These fundamental concepts are implemented through a combination of use, development, and design standards. Staff provided a briefing on proposed revisions to use standards on September 9, and will provide a series of briefings in October and November touching on each of these aspects of the downtown regulations and proposed changes to those regulations. This briefing will focus on downtown development standards.

A. Project Goals

The goals of the Moving Forward Milwaukie project are to:

- *Remove barriers.* Provide enough flexibility to allow for market-driven development while ensuring that new development meets the community's expectation.
- *Create incentives.* Provide regulatory and/or financial incentives to encourage development that implements the community's vision for downtown – encourage developers to go "above and beyond" what the market might support.
- *Allow good things to happen.* Support new life for existing buildings and new development that provides the amenities and activity the community desires downtown.

The draft amendments seek to implement the project goals through the following objectives:

- *Provide more clarity and flexibility on allowed development.* Clearly communicating the community's expectations of the form new buildings will take through reorganization of the downtown code section and establishment of clear and objective standards for building size and design.
- *Ensure development is attractive and pedestrian-friendly.* Make sure development and design standards support a pedestrian-friendly streetscape and walking experience.

- *Streamline the review process.* Provide a Type II Downtown Design Review process for developments that meet clear and objective standards.

Staff has discussed the proposed amendments with the Planning Commission in August and September, and will continue discussions during October and November as outlined below.

Subject Area	8/26	9/9	10/14	10/28	11/12
Number of downtown zones	X				
Permitted uses (including Main St)		X			
Development standards			X		
Design standards				X	
Review process for new development					X

A. Downtown development standards

Development standards control the location and size of new development through setback requirements (how far a building must be set back from property lines); height requirements (how tall a building can be); floor area ratios (how much of the site can or must be utilized for development); and massing requirements (how large the building appears);

The downtown development standards are intended to implement Fundamental Concept #2 by establishing standards that result in continuous building facades and create a comfortable and visually cohesive pedestrian environment. The draft code amendments propose some key revisions to the downtown development standards in order to better implement this concept. The existing standards are included as Attachment 1, and proposed revisions are summarized in Figure 1 and described below.

Figure 1. Overview of proposed revisions to downtown development standards.

Standard	Intent	Existing	Proposed
Minimum lot size	Large lot sizes reduce the ability of developers to provide the type of fine-grained and small-scale development identified in the South Downtown Concept Plan.	• Minimum: 750-10,000 sf	• Minimum: 750 sf
Floor area ratio	Minimum floor area ratios help to ensure that the intensity of development is controlled and that more intense forms are confined to appropriate areas of the downtown.	• DC: 0.3:1 • DO: 0.5:1 • DS: 1:1	• North of Scott St: 0.5:1 • South of Scott St: 1:1
Building height	Minimum and maximum building height standards serve several purposes. They promote a compatible building scale and relationship of one	• Minimum: 25-35 ft • Maximum: 45-65 ft	• Minimum: 25 ft • North of Scott St: 55 ft

	structure to another. Building height standards also establish a consistent streetscape.		• South of Scott St: 45 ft
Street setbacks/Build-to lines	The build-to line ensures compatibility and harmony between buildings, enabling a series of different buildings to maintain or establish a continuous vertical street wall.	• Minimum: None • DC zone along Main St: 0 setback • DC and DS zones: Maximum 10 ft	• Main St: 0 ft setback; provision for 25% of first floor to be set back for pedestrian-oriented public space • Elsewhere: 10 ft build-to line
Frontage requirement	A frontage requirement ensures that a certain amount of each lot is occupied by a building. These standards work in coordination with the street setbacks/build-to lines to establish a continuous street wall.	• No requirement	• Main St: 100% of the site frontage must be occupied by a building, with reduction to provide vehicular access to a site that doesn't have access • Harrison, Monroe, Washington, Adams streets & 21st Ave: 75% • Elsewhere: 50%
Ground floor windows/doors	Long expanses of blank walls facing the street or other public area have negative impacts on the streetscape and the pedestrian environment. To minimize these effects, these requirements are intended to enhance street safety and provide a comfortable walking environment by providing ground-level features of interest to pedestrians.	• 50% required on Main St	• 60% required on Main St • 40% required on McLoughlin Blvd • 50% required on other downtown streets
Off-street parking required	The desired character for downtown, particularly along Main Street, is defined by a continuous façade of buildings close to the street, with adjacent on-street parking.	• Only required north of Harrison St (except North Main and Library sites) and south of Washington St	• Require off-street parking for residential uses only throughout downtown

Minimum lot sizes

Intent: Large lot sizes reduce the ability of developers to provide the type of fine-grained and small-scale development identified in the South Downtown Concept Plan.

Current standard: Minimum lot sizes in downtown range from 750 sf on the North Main Village site to 10,000 sf in south downtown.

Proposal: Establish a minimum lot size of 750 sf throughout downtown. This will allow the construction of fee simple rowhouses or live/work units, as well as providing an opportunity for creative small-scale office or commercial arrangements.

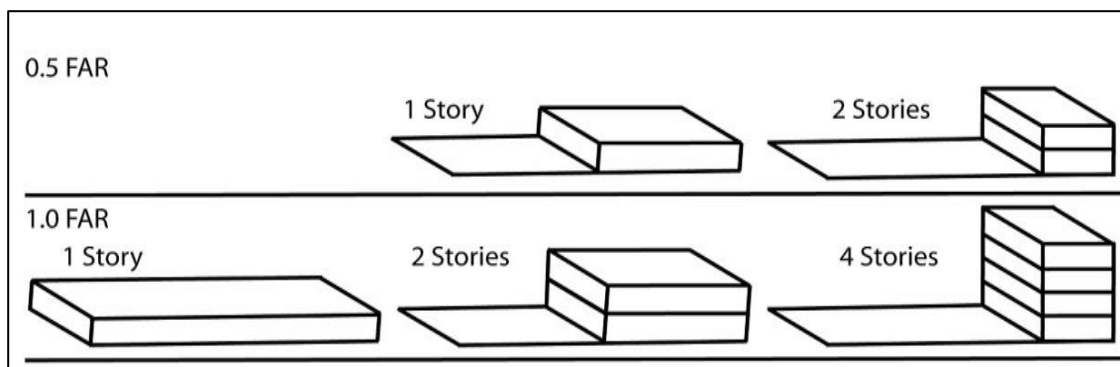
Floor area ratio

Intent: The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum floor area ratios help to ensure that the intensity of development is controlled and that more intense forms are confined to appropriate areas of the downtown.

Current standards: Different floor area ratios (FAR) apply in different areas of downtown. In the "downtown storefront" area, the minimum FAR is 1:1, which means that the floor area of a building must be equal to 100% of the square footage of the site. See Figure 2. In the "downtown commercial" area of downtown, the minimum FAR is 0.3:1, which allows a more suburban development type that occupies 1/3 of the lot.

Proposal: Increase the minimum FAR north of Scott St from 0.3:1 to 0.5:1, and increase the FAR south of Washington from 0.5:1 to 1:1.

Figure 2. Floor Area Ratio (FAR). Examples of 0.5:1 and 1:1 FAR.



Source: City of Seattle

Building height

Intent: Minimum and maximum building height standards serve several purposes. They promote a compatible building scale and relationship of one structure to another. Building height standards also establish a consistent streetscape.

Current standards: Maximum building heights in downtown vary by area. In the north end of downtown, buildings of up to 5 stories/65 ft are permitted. In the "downtown storefront" area, buildings of up to 3 stories/45 ft are permitted; a height bonus of 1 additional story is available for buildings that are 25% residential (see Attachment 2). This bonus encourages the inclusion of residential units in new mixed-use buildings, which in turn increases the vitality of downtown.

Proposal: Reduce building heights in most of downtown to 3 stories/45 ft, while retaining the 1 story height bonus for the inclusion of residential uses. North of Scott St, maximum heights would increase to 4 stories, and the 1-story height bonus would also be available in this area. See Attachment 3.

Setback/build-to line

Intent: Buildings are encouraged to build up to the street right-of-way in downtown. Required build-to lines are established to ensure that the ground floors of buildings engage the street right-of-way. The build-to line ensures compatibility and harmony between buildings, enabling a series of different buildings to maintain or establish a continuous vertical street wall.

Current standards: New buildings along specific sections of Main St are required to be built to the lot line. There is no such requirement elsewhere in downtown.

In addition to the required build-to line along much of Main St, maximum setbacks range from 10 ft in the "downtown storefront" and "downtown office" areas. A maximum setback of 50 ft applies to the McLoughlin Blvd frontage north of Harrison St.

Proposal: Require that a percentage of the frontage of all new buildings located on Main, Harrison, Monroe, Washington, and Adams streets and McLoughlin Blvd be built to the lot line (either 0 or 10 ft), and include a provision that the remainder of the frontage be used for public open space, such as a plaza. This would ensure a consistent "street wall" along Main St, the primary commercial street, as well as along the signalized pedestrian and bicycle connections between downtown and Riverfront Park, and allows for the provision of areas for outdoor seating and gathering. A maximum setback of 10 ft would apply to those streets that do not have a build-to line requirement. See Figure 3 and Attachment 4.

Linear frontage requirement

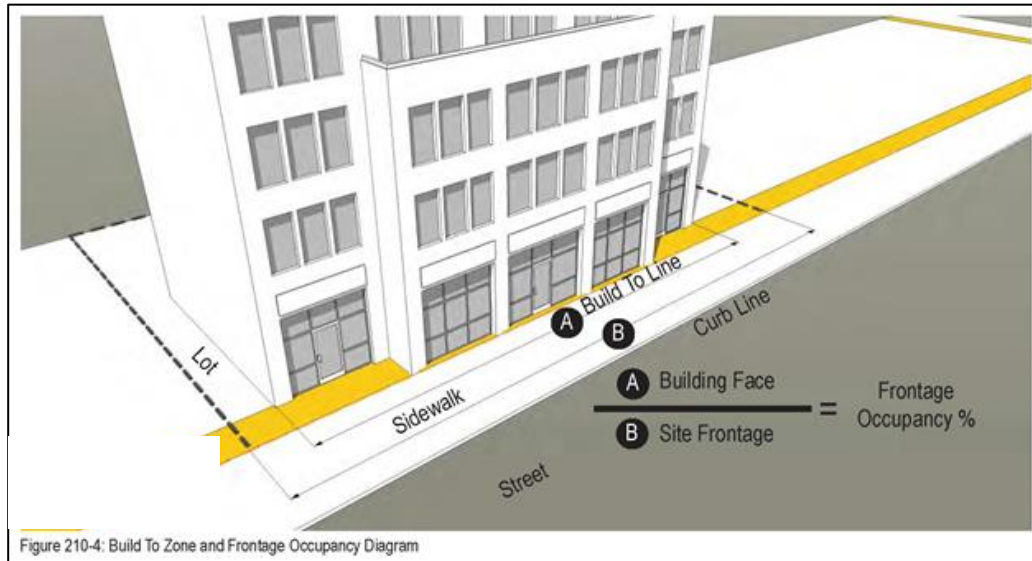
Intent: A frontage requirement ensures that a certain amount of each lot is occupied by a building. These standards work in coordination with the street setbacks/build-to lines to establish a continuous street wall.

Current standards: No requirement that a building occupy a certain percentage of the lot frontage.

Proposal: Require that new buildings along Main, Harrison, Monroe, Washington, and Adams streets and McLoughlin Blvd occupy a minimum percentage of the linear lot frontage, calculated by dividing the length of the building face by the length of the site frontage.

This regulation would work in combination with the setback and build-to lines by requiring that a building occupy a certain percentage of the site frontage; within that percentage of the site frontage, a percentage of the building would need to be located at the front property line. See Attachment 5.

Figure 3 shows these two standards: in this case, the building occupies approximately 80% of the frontage; approximately 60% of the building is built to the front lot line. In addition to the proposed build-to lines discussed above, the proposed minimum linear frontage occupancy requirement for Main St is 75%.

Figure 3. Illustration of build-to line requirements and frontage occupancy requirements.

Source: Village of Hempstead, NY.

Ground floor windows/openings

Intent: Long expanses of blank walls facing the street or other public area have negative impacts on the streetscape and the pedestrian environment. To minimize these effects, these requirements are intended to enhance street safety and provide a comfortable walking environment by providing ground-level features of interest to pedestrians.

Current standards: At least 60% of the ground floor of new buildings along specific sections of Main St must consist of windows or glazed doors (e.g. doors with glass) (see Attachment 4).

Proposal: Expand this requirement from Main St to the rest of downtown. Buildings along Main St would be required to meet 60% ground floor windows/opening standards (an increase of 10%); a standard of 30% would be applied to McLoughlin Blvd and a standard of 40% would be applied throughout the remainder of downtown. See Attachment 6.

Off-street parking standards

Intent: The desired character for the DMU Zone, particularly along Main Street, is defined by a continuous façade of buildings close to the street, with adjacent on-street parking.

Current standards: There is no off-street parking required for new development south of Harrison (and including the area north of Harrison and east of Main St), and north of Washington St. The areas north of Harrison St and south of Washington St are subject to the same off-street parking standards as the rest of the city. The opportunity site development concepts confirmed that the current off-street parking standards act as disincentive to development due to the high cost of surface parking and the need to dedicate much of a development site to surface parking.

Proposal: Establish off-street parking requirements for residential uses in the currently exempt area, and remove non-residential off-street parking requirements from the areas where off-street parking is currently required.

B. Discussion

Staff is seeking Planning Commission feedback about the proposed list of revisions to the development standards in the downtown. Are the following proposals appropriate?

- Floor area ratio
- Building height
- Build-to lines
- Ground floor windows/doors
- Off-street parking requirements

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	PC Packet	Public Copies	E- Packet
1. Proposed Adoption Schedule	☒	☒	☒
2. MMC Table 19.304.4 Downtown Development Standards	☒	☒	☒
3. Proposed revisions to Figure 19.304-3 Downtown Maximum Building Heights	☒	☒	☒
4. Proposed revisions to Figure 19.304-4 First Floor Build-To Lines	☒	☒	☒
5. Proposed revisions to Figure 19.304-4 First Floor Build-To Lines (Frontage Requirements)	☒	☒	☒
6. Proposed revisions to Figure 19.304-5 Required Ground-Floor Windows and Openings	☒	☒	☒

Key:

PC Packet = paper materials provided to Planning Commission 7 days prior to the meeting.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-113>.

ATTACHMENT 1

Downtown Plan & Code Amendments - Draft Schedule for Adoption

In order to hold the first public hearing on the draft amendments on November 25, 2014, staff plans to proceed with adoption process according to the schedule below. Legally required notifications will begin prior to the October 14, 2014 study session.

[illegible]

19.304

19.304.4 Development Standards**A. Purpose**

The development standards address several issues of particular importance to maintaining the appropriate character for the downtown zones. Table 19.304.4 summarizes the development standards that apply in the downtown zones.

Table 19.304.4 Downtown Zones—Development Standards					
Standard	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
1. Minimum lot size	750 sq ft	10,000 sq ft	5,000 sq ft	750/5,000 sq ft ¹	None
2. Minimum street frontage	15'	30'	30'	15'/30' ¹	None
3. Floor area ratio Minimum Maximum	1:1 4:1	0.3:1 2:1	0.5:1 3:1	NA NA	NA NA
4. Building height (see Figure 19.304-3) Minimum Maximum	35' 45'-55'	25' 55'	25' 65'	None 45'-65'	None None
5. Residential density Minimum Maximum	None None	None None	None None	10-30 U/Acre None	None None
6. Street setback (see Figure 19.304-4) Minimum Maximum	0' 10'	0' 50'	0' 10'	0' None	0' None
7. Other setbacks (side and rear)	None	None	None	15' ²	None
8. Ground-floor retail with limited personal/business services (see Figure 19.304-2)	Yes	Yes	Yes	No	No
9. Ground-floor windows/doors (see Figure 19.304-5)	Yes	Yes	Yes	No	No
10. Drive-through facilities	No	No	No	No	No
11. Off-street parking required	No	Yes	No/Yes ³	Yes	Yes
12. Landscaping	None	10%	None	15%	20%

¹ Townhouse lots may be as small as 750 sq ft, with a minimum street frontage of 15 ft. All other lots created in the DR Zone shall be a minimum of 5,000 sq ft, with a minimum street frontage of 30 ft.

² Setbacks are required only where the DR Zone abuts a lower-density residential zone.

³ Off-street parking is not required in the DO Zone to the north of Washington Street and east of McLoughlin Boulevard. Off-street parking is required in the DO Zone located outside of this boundary.

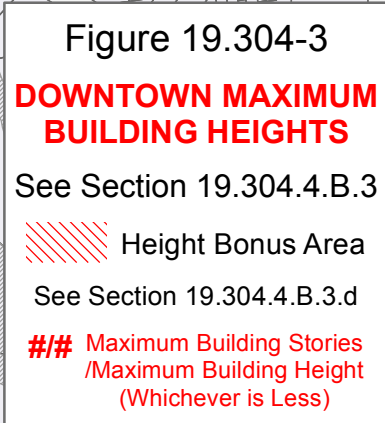
Table 19.304.4 is supplemented by the explanation of the development standards provided in Subsection 19.304.4.B below, and the following figures:

Figure 19.304-2—Required Retail Ground-Floor Use Areas

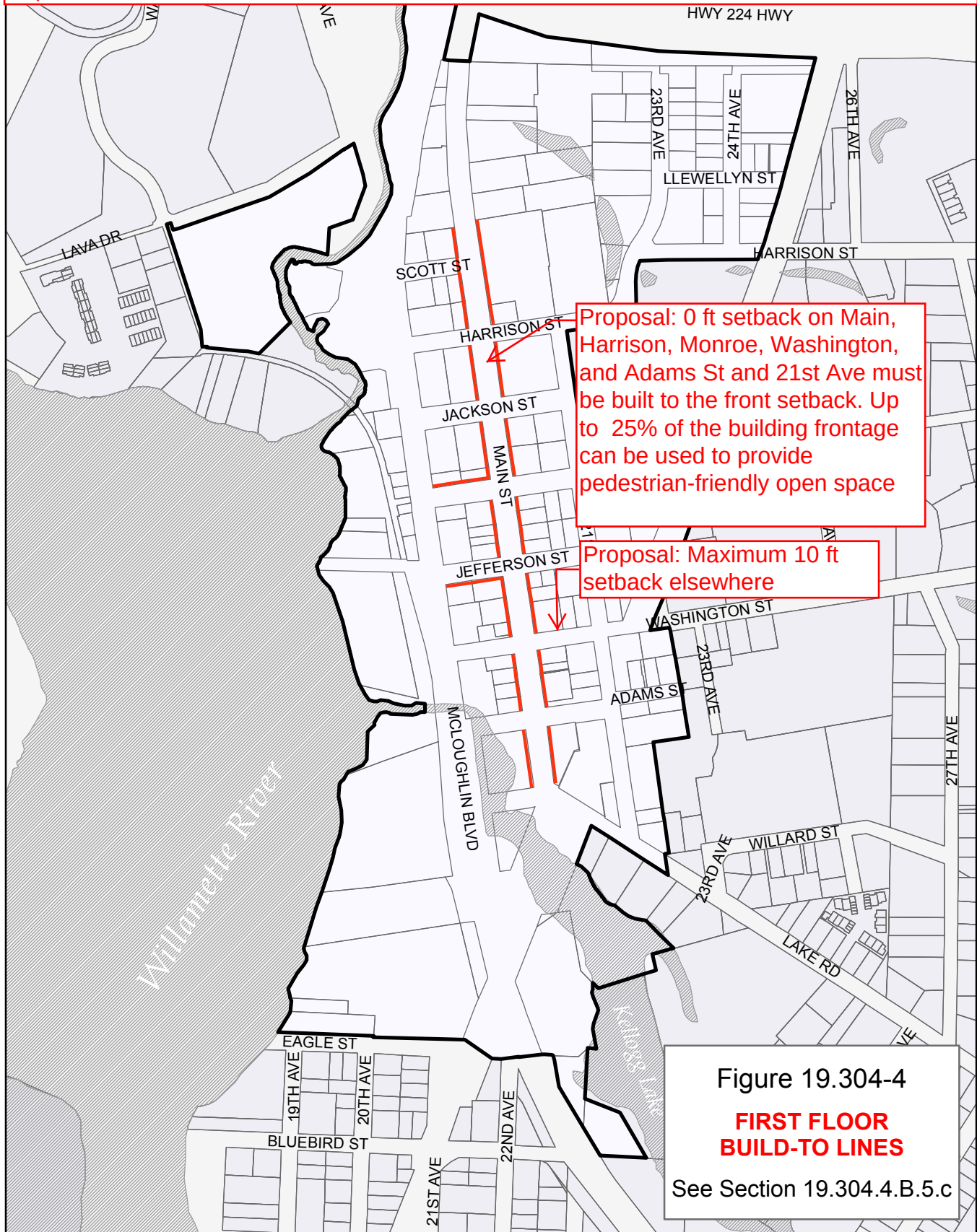
Figure 19.304-3—Maximum Building Heights

Figure 19.304-4—Build-to Lines

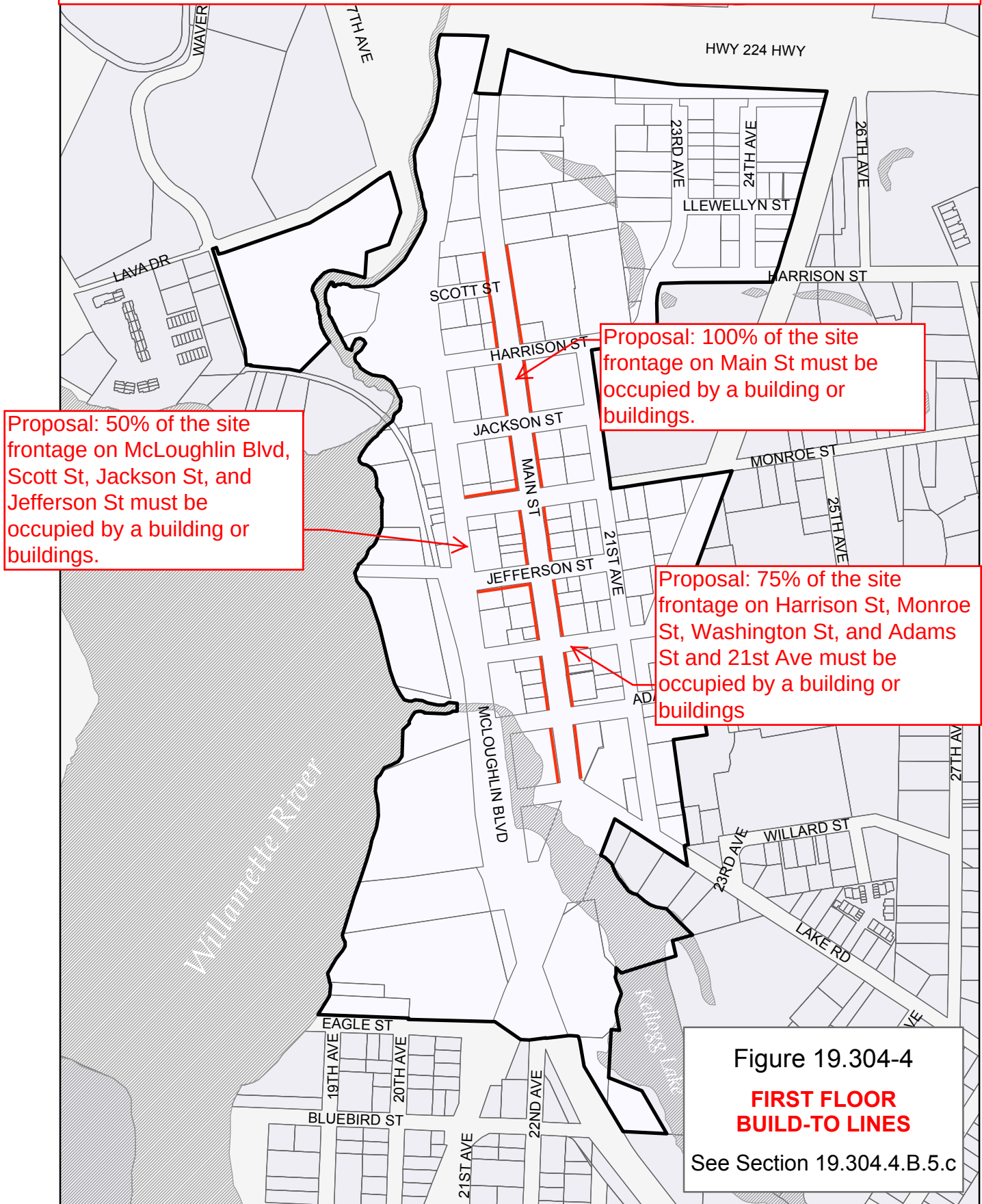
Figure 19.304-5—Required Ground-Floor Windows and Openings



Proposal: Apply minimum build-to line requirements to key downtown streets, rather than just on Main St. Apply maximum setback of 10 ft to those streets without a minimum build-to line requirement.



Proposal: Establish minimum frontage occupancy requirements for new buildings downtown.



Proposal: Apply minimum ground floor window and door requirements throughout downtown.

Proposal: 60% of ground floors on Main St must consist of windows or transparent doors (increase from 50%).

Proposal: 50% of ground floors on streets other than Main St and McLoughlin Blvd must consist of windows or transparent doors (new requirement).

Proposal: 40% of ground floors on McLoughlin Blvd must consist of windows or transparent doors (new requirement).

