



CITY OF MILWAUKIE
COUNCIL ORDINANCE No. 2159

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, DELETING THE MILWAUKIE HIGH SCHOOL (ADDRESSED AS 11300 SE 23RD AVE) FROM THE CITY'S HISTORIC RESOURCES LIST. (FILE #HR-2017-002)

WHEREAS, the main classroom building at Milwaukie High School is designated as a "significant" historic resource on the City's Zoning Map and Comprehensive Plan Map 4 (Historic Resources); and

WHEREAS, the building was constructed in 1925, does not meet current codes for seismic stability, and is critically in need of either substantial renovation or complete replacement; and

WHEREAS, the North Clackamas School District has determined that demolition and complete replacement of the historic building is the most reasonable and cost-effective option for improving the school facility and bringing it up to the District's standards; and

WHEREAS, voters in the District approved a bond measure in 2016 to fund a major renovation of the Milwaukie High School campus; and

WHEREAS, the City has determined that the economic consequences of preserving and renovating the structure would place an undue burden on the District, and that such consequences effectively outweigh the social, environmental, and energy benefits of preserving the structure, provided that efforts are made to document the historic building prior to its demolition;

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

Section 1. The Findings in Support of Approval and attached as Exhibit A are hereby adopted.

Section 2. The approved deletion from the City's Historic Resources list, as well as from the Zoning Map and Comprehensive Plan Map 4 (Historic Resources) shall become effective upon actual demolition of the historic building.

Read the first time on 2/20/18, and moved to second reading by 5:0 vote of the City Council.

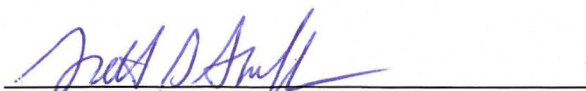
Read the second time and adopted by the City Council on 2/20/18.

Signed by the Mayor on 2/20/18.


Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC


Scott S. Stauffer, City Recorder

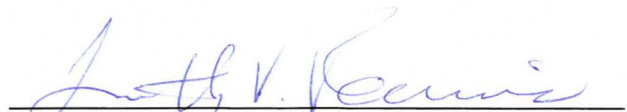

City Attorney

Exhibit A

Recommended Findings in Support of Approval Master File #HR-2017-002, Milwaukie High School deletion

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, the North Clackamas School District (represented by Heery International and 3J Consulting, Inc.), has applied for approval to delete Milwaukie High School from the City's Historic Resources property list, where it is categorized as a "significant" resource. On the list, the subject property is addressed as 11300 SE 23rd Ave, though it has also been addressed as 11200 SE 23rd Ave and was recently assigned a new address of 2301 SE Willard St. The site is in the Residential R-2 zone, though a portion of the fine arts building on the southwestern portion of the larger campus is zoned Downtown Mixed Use (DMU) and a parking lot at the northwestern corner of the site is zoned R-1-B. The land use application master file number is HR-2017-002, with ZA-2017-004 and CPA-2017-003.
2. The applicant has proposed to delete the school from the City's historic properties list in preparation for a major renovation of the high school campus that includes the demolition and replacement of the school's existing main building. The larger renovation project is being reviewed concurrently as a major modification to the school's existing Community Service Use (file #CSU-2017-007). Deletion from the historic properties list will remove the historic designation from the school on the City's Zoning Map and relevant Comprehensive Plan Map (Map 4 Historic Resources).
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.1007 Type IV Review
 - MMC Section 19.403 Historic Preservation Overlay Zone HP
 - MMC Section 19.902 Amendments to Maps and Ordinances
4. The application has been processed and public notice provided in accordance with MMC Section 19.1007 Type IV Review. As required by MMC Subsection 19.1002.2, a preapplication conference was held on June 12, 2017. Public notice was sent to property owners and current residents within 400 ft of the subject property as required by MMC Subsection 19.1007.3.D. Notice of the application was also provided to the State Department of Land Conservation and Development and to Metro as required by MMC Subsections 19.1007.3.A and 3.B, respectively. The City's Design and Landmarks Committee held a public meeting to discuss the application on December 4, 2017. As required by law, a public hearing with the Planning Commission was held on January 23, 2018, resulting in a recommendation for final decision by the City Council. A public hearing with the City Council was held on February 20, 2018, as required by law.
5. MMC Section 19.403 Historic Preservation Overlay Zone HP
MMC 19.403 establishes requirements intended to identify, protect, and preserve landmarks that reflect Milwaukie's unique architectural, archaeological, and historical heritage. The standards include provisions for designating or deleting landmarks from the City's local list of landmarks, as well as for alteration and demolition of designated landmarks.

Specifically, MMC Subsection 19.403.4 establishes the process for designation or deletion of a landmark, although the standards do not include criteria for approval. The procedures

for amending the zoning map and Comprehensive Plan map provide approval criteria and are addressed in Finding 6.

a. Application Request

Any property owner may make application for designation or deletion of that property with respect to the City's local list of landmarks. The application shall be processed with MMC Section 19.1007 Type IV review.

The applicant is the owner of the subject property and has proposed to delete the property from the City's list of historic resources, where it is listed as a "significant" property. The request is being processed with Type IV review in conjunction with the necessary amendments to the zoning map and Comprehensive Plan map (Map 4 Historic Resources), as discussed in Finding 6.

b. Planning Commission

The Planning Commission shall conduct a public hearing to evaluate the request. The Commission shall enter findings and make a written recommendation to the City Council.

The Planning Commission held a public hearing on January 23, 2018, to evaluate the request and voted to recommend approval of the proposed deletion.

c. City Council

The City Council shall conduct a public hearing to consider the recommendation of the Planning Commission on the request and shall either approve, approve with conditions, or deny the request.

The City Council held a public hearing on February 20, 2018, to consider the recommendation of the Planning Commission and voted to approve the proposed deletion.

d. Pending Permits

No new construction, exterior alteration, demolition, or removal permits for any improvement, building, or structure relative to a proposed landmark shall be issued while any public hearing or any appeal affecting the proposed action is pending.

The applicant has not submitted a demolition permit or any other permit related to construction or alteration of the structure.

e. Interim Measures

Upon a request for new construction, exterior alteration, or demolition of a resource which is on the inventory but designated as "unrankable," for lack of information regarding location, quality, or quantity, the applicant shall be required to first complete the designation process for the resource as outlined in this subsection.

The subject property is designated as "significant" and not "unrankable." This standard is not applicable.

The City Council finds that the applicant has followed the applicable procedures for requesting that the subject property be deleted from the City's local list of landmarks, as established in MMC 19.403.4.

6. MMC Section 19.902 Amendments to Maps and Ordinances

MMC 19.902 establishes the process for amending the City's Comprehensive Plan and land use regulations, including the zoning map.

a. MMC Subsection 19.902.4 Comprehensive Plan Map Amendments

MMC 19.902.4 establishes the review process and approval criteria for Comprehensive Plan map amendments.

(1) MMC Subsection 19.902.4.A Review Process

MMC 19.902.4.A provides that, generally, changes to the zoning map that involve 5 or more properties or encompass more than 2 acres of land are legislative and are therefore subject to Type V review; otherwise, they are quasi-judicial in nature and subject to Type III review. The City Attorney has the authority to determine the appropriate review process for each proposed zoning map amendment.

The proposed Comprehensive Plan (Comp Plan) map amendment encompasses a single property of approximately 14.6 acres and is related to a proposal to remove an existing building from the City's local list of landmarks. The City Attorney has confirmed that the proposed Comp Plan map amendment is quasi-judicial in nature and would ordinarily require Type III review. However, the concurrent historic deletion request requires Type IV review, which is also a quasi-judicial process.

The City Council finds that the Type IV review process is appropriate for the proposed Comp Plan map amendment.

(2) MMC Subsection 19.902.4.B Approval Criteria

MMC 19.904.2.B establishes the same approval criteria for Comp Plan map amendments as those established in MMC Subsection 19.902.3.B for Comp Plan text amendments, which include the following:

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

Within the City's Comp Plan, the subject property is designated for Public (P) use on the Land Use Map (Map 8) and as a "Significant Resource" on the Historic Resources Map (Map 4). The proposed amendment would remove the "Significant Resource" designation from the subject property and effectively remove it from Map 4 (Historic Resources). The proposed amendment would not result in any changes to Map 8 (Land Use).

The Comp Plan includes several goals and policies that are applicable to the proposed development.

(i) Chapter 1 Citizen Involvement

The goal of Chapter 1 is to encourage and provide opportunities for citizens to participate in all phases of the planning process. The proposed amendment is being processed with Type IV review as per MMC Section 19.1007, which provides public notice of the proposed amendment to property owners and residents within 400 ft of the site, as well as to the relevant Neighborhood District Association(s) (NDAs) for the area where the property is located. In addition to that

opportunity to comment, the Type IV process provides at least two public hearings where interested persons are invited to present testimony on the project. A public hearing on the proposed development was held by the Planning Commission on January 23, 2018. A public hearing was held by the City Council on February 20, 2018. The Commission and Council considered testimony from citizens en route to reaching the decision reflected in these findings.

Prior to submitting the application, the applicant held an open meeting on June 27, 2017, to present and discuss the project with the community. According to the applicant's submittal materials, more than 400 invitations were sent to neighbors residing within 400 ft of the subject property, as well as to members of the City's Design and Landmarks Committee (DLC), Planning Commission, and City Council. Nearly 20 people signed in on the attendance sheets for that meeting.

Once the application was submitted and deemed complete, the DLC held a public meeting (on December 4, 2017) to consider the proposal and provide a recommendation to the Planning Commission and City Council. The DLC was supportive of the requested deletion and provided several recommendations related to the SHPO process of historic evaluation, including a suggestion that the City and/or Milwaukie Historical Society be involved in finalizing the necessary Memo of Agreement. Other DLC recommendations included consideration of opportunities to reuse or repurpose some of the historic and natural elements from the building and site that will be affected by the demolition.

The Milwaukie Historical Society and the Land Use Committee of the Historic Milwaukie NDA also submitted comments prior to the Planning Commission hearing. The comments focused on maintaining a meaningful level of public involvement throughout the process of demolishing the historic building.

(ii) Chapter 2 Plan Review and Amendment Process

The goal of Chapter 2 is to establish a process for review and amendment of the Comp Plan, as a basis for land use decisions and with public participation. Policies related to the objective of implementing the Comp Plan include a requirement that changes to the zoning map and Comp Plan maps be consistent with the intent of the Comp Plan. The applicant's narrative and supporting materials are evidence of the required review process at work, with opportunities for public involvement at Commission and Council hearings as noted above.

(iii) Chapter 3 Environmental and Natural Resources

Chapter 3 focuses on conservation of the City's natural resources, which include historic resources.

- Natural Hazards Element*

The goal of the Natural Hazards element is to prohibit development that would be subject to damage or loss of life in known areas of natural hazards without appropriate safeguards. This includes an objective related to seismic conditions, to regulate the structural integrity of all developments within the City consistent with the Earthquake Regulations provisions of the Uniform Building Code.

The proposal to delete the subject property from the City's Historic Resources list is directly related to the larger proposal to demolish the existing historic school building, which does not meet current codes for seismic stability, and to replace it with a newer structure that does. The applicant's submittal materials indicate that options for retrofitting the existing building have been explored but have been determined to be infeasible alternatives to demolition.

- *Historic Resources Element*

The goal of the Historic Resources element is to preserve and protect significant historical and cultural sites, structures, or objects of the City. Policies include requiring City review of plans for any alteration to or demolition of a protected resource, encouraging restoration and maintenance of historic structures for compatible uses where appropriate, encouraging appropriate memorialization of historic sites, and coordinating all historic preservation activities with the Milwaukie Historic Society.

The applicant has made a request to delete the subject property from the City's list of Historic Resources and informed the City of its intention to demolish the historic building. In addition, the applicant has submitted plans for the overall campus renovation project, which are being reviewed concurrently by the City. The applicant's submittal materials indicate that alternatives to demolition have been explored, such as restoration of the existing building, but have been deemed infeasible. For approximately 2.5 months, the applicant listed the historic building for sale (with a condition of sale that it be moved from the school property) but received no responses.

The proposed amendment is consistent with the goals and policies of the Comp Plan.

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

As proposed, the existing building will be demolished and replaced with a new building that is seismically sound. The new structure will be designed to withstand the kind of significant earthquake that is forecast to strike the region within the next several decades and will be a community resource for shelter and emergency operations when such an event does occur. In addition, the design of the new building will provide more comfortable and usable space, better natural light, and more efficient lighting and heating/cooling, which will benefit students and faculty alike. Denial of the

request to delete the historic designation of the subject property and demolish the building would require a more costly retrofit at taxpayer expense that would be constrained by the limitations of the existing building.

The proposed amendment is in the public interest with regard to neighborhood and community conditions.

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

The applicant is committed to providing comparably excellent facilities across the breadth of the District. The main classroom building at Milwaukie High School is not seismically sound and no longer provides the quality of space and amenities that the applicant regards as fundamental. The applicant has explored other options for renovating the existing building but has concluded that the costs and physical limitations of reusing the existing structure far outweigh the value of retaining it.

The applicant asserts that the public need is better served by demolishing the historic building and replacing it with a modern structure that will serve the community for years to come.

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

The Metro Urban Growth Management Functional Plan does not directly address historic preservation, though it does generally promote the importance of focusing urban development within well-defined boundaries to make the most efficient use of land and promote sustainable communities. The subject property is a compact, urban high school campus that depends on an efficient use of space to provide standard educational amenities. Allowing the historic building to be demolished and replaced will allow the improvement of facilities and usable space without increasing the structural footprint.

The proposed amendment is consistent with the Functional Plan and relevant regional policies.

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

Statewide Planning Goal 5 focuses on the protection of natural resources, open space, and scenic and historic areas. Goal 5 outlines a specific process for inventorying and evaluating resources. After a resource has been inventoried and found to be of significance, local governments are required to conduct an analysis of Economic, Social, Environmental, and Energy (ESEE) consequences to determine whether the resource should be included in the plan inventory and protected or managed in a way that limits conflicting uses.

This same process is necessary when a property or site is proposed to be removed from a plan inventory. The City must evaluate the ESEE consequences of continuing to protect versus removing protection. Demolition and new construction on site are considered the conflicting use

for purpose of this analysis. The following table (Table 6-a-2(e)) provides the City's ESEE analysis for the subject property:

Table 6-a-2(e). ESEE Analysis for Subject Property

Category	Analysis of Consequences	
	Maintaining Historic Designation Protection or Limiting Conflicting Uses	Removing Historic Designation Protection
Economic	Pro(s) = Undetermined Con(s) = Need for costly retrofit of existing building for seismic upgrades, more usable space, and removal & abatement of hazardous materials	Pro(s) = Lower cost to construct new building, with flexibility to provide additional space, more amenities, and greater capacity for future needs Con(s) = Undetermined
Social	Pro(s) = Preservation of historic resource Con(s) = Will need to make upgrades to bring facilities up to District standards	Pro(s) = New facilities comparable with other high schools within the District; historical artifacts displayed within new building Con(s) = Loss of historic resource
Environmental	Pro(s) = Preservation of large, existing cedar tree in front of building Con(s) = Still need to make seismic upgrades and remove/abate hazardous materials	Pro(s) = New structure will provide better light, more space, and no hazardous materials Con(s) = Removal of large existing cedar tree in front of existing building
Energy	Pro(s) = Conservation of embedded energy within existing structure Con(s) = Undetermined	Pro(s) = Higher efficiency in new building (heating/cooling, lighting, water use, etc.) Con(s) = Undetermined

In sum, the City's ESEE analysis shows that removal of the historic designation and demolition of the existing building provides more positive consequences than maintenance of the historic designation and preservation of the existing building.

As proposed, the amendment is consistent with relevant State statutes and administrative rules.

As proposed, the amendment is consistent with the applicable criteria as provided in MMC 19.902.4.B.

The City Council finds that the proposed amendment has been processed and meets all applicable criteria for Comp Plan map amendments as outlined in MMC 19.902.4.

b. MMC Subsection 19.902.6 Zoning Map Amendments

MMC 19.902.6 establishes the review process and approval criteria for zoning map amendments.

(1) MMC Subsection 19.902.6.A Review Process

MMC 19.902.6.A provides that, generally, changes to the zoning map that involve 5 or more properties or encompass more than 2 acres of land are legislative and are therefore subject to Type V review; otherwise, they are quasi-

judicial in nature and subject to Type III review. The City Attorney has the authority to determine the appropriate review process for each proposed zoning map amendment.

The proposed zoning map amendment encompasses a single property of approximately 14.6 acres and is related to a proposal to remove an existing building from the City's local list of landmarks. The City Attorney has confirmed that the proposed zoning map amendment is quasi-judicial in nature and would ordinarily require Type III review. However, the concurrent historic deletion request requires Type IV review, which is also a quasi-judicial process. The City Council finds that the Type IV review process is appropriate for the proposed zoning map amendment.

(2) MMC Subsection 19.902.6.B Approval Criteria

MMC 19.906.2.B establishes the following approval criteria for zoning map amendments:

- (a) The proposed amendment is compatible with the surrounding area based on the following factors:

- (i) Site location and character of the area
- (ii) Predominant land use pattern and density of the area
- (iii) Expected changes in the development pattern for the area

These criteria are not as relevant to the proposed amendment because it will not affect the current or future use of the subject property but only addresses an historical designation. The site has been in use for decades as a public high school, and the deletion of the historic designation will not change the use.

The proposed zoning amendment will not affect the character, predominant land use pattern, or density of the area.

- (b) The need is demonstrated for uses allowed by the proposed amendment.

The proposed amendment will not allow a new or different use on the site, simply the demolition of the historic school building and replacement with a new school building.

- (c) The availability is shown of suitable alternative areas with the same or similar zoning designation.

The proposed amendment relates only to the historic designation of the subject property and will not affect the underlying zoning designation.

- (d) The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment.

The proposed amendment relates only to the historic designation of the subject property and will not affect public transportation facilities, public utilities, or other supporting services.

- (e) The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact study may be required subject to the provisions of Chapter 19.700.

The proposed amendment relates only to the historic designation of the subject property and will not affect the functional classification, capacity, or level of service of the transportation system.

- (f) The proposed amendment is consistent with the goals and policies of the Comp Plan, including the Land Use Map.

See Finding 6-a-2(a) for a discussion of how the proposed amendment is consistent with the relevant goals and policies of the Comprehensive Plan. The proposed amendment does not affect the property's "Public" designation on the Land Use Map.

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

The Metro Urban Growth Management Functional Plan does not include any titles that address preservation of historic resources. This criterion is met.

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

Several of the Statewide Planning Goals are relevant to the proposed amendment:

- (i) *Goal 1 Citizen Involvement*

The intent of Goal 1 is to develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process. As discussed in Finding 6-a-2(a)(i), the City's Type IV review process provided ample opportunities for public involvement and participation in the planning process.

- (ii) *Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces*

The objectives of Goal 5 include the conservation of historic areas. See Finding 6-a-2(e) for a discussion of the City's ESEE analysis and the proposed amendment's consistency with Goal 5.

- (iii) *Goal 7 Areas Subject to Natural Hazards*

The intent of Goal 7 is to protect people and property from natural hazards. The proposed amendment is directly related to the larger proposal to demolish the existing historic school building, which does not meet current codes for seismic stability, and to replace it with a newer structure that does. The applicant's submittal materials indicate that options for retrofitting the existing building have been explored but have been determined to be infeasible alternatives to demolition. The proposed amendment, along with the demolition and replacement of the existing historic building, will provide a higher level of protection from future earthquakes.

The proposed amendment is consistent with relevant State statutes and administrative rules.

The proposed amendment is consistent with the applicable criteria as provided in MMC 19.902.6.B.

The City Council finds that the proposed amendment has been processed and meets all applicable criteria for zoning map amendments as outlined in MMC 19.902.6.

The City Council finds that the proposed amendment to the City's zoning map and Comp Plan map (Map 4 Historic Resources) is approvable.

7. The application was referred to the following departments and agencies on December 11, 2017:

- Historic Milwaukie Neighborhood District Association (NDA) Chairperson and Land Use Committee (LUC)
- Lake Road NDA Chairperson and Land Use Committee
- Metro

The comments received are summarized as follows:

- **Rebecca Hamilton, Regional Planner, Metro:** The proposal does not change Milwaukie's compliance with Metro requirements, so there are no additional comments.
- **Greg Hemer, Vice President, Milwaukie Historical Society:** While the Milwaukie Historical Society would prefer to see historic buildings restored and repurposed, they understand the need to demolish and replace the existing building with a newer one. The group recommends a condition of approval that the Society receive a small historic memento from the building. The Society also suggests that a small portion of the library or other student-accessible area be dedicated to a display of historic artifacts and/or information.
- **Design and Landmarks Committee (DLC):** At its regular meeting on December 4, 2017, the DLC held a public meeting to consider the proposed deletion. The group agreed to recommend approval with the following specific recommendations: (1) include the City and/or the Milwaukie Historical Society as a consulting entity in the process of finalizing the SHPO (State Historic Preservation Office) Memorandum of Agreement, to have a local point of contact and local input as a stakeholder throughout the process; (2) consider using some of the existing building features or elements for things like site walls, planting beds, gateway elements, etc.; (3) repurpose elements from the building and from other natural resources or elements from the site (especially the large cedar tree) for things such as furniture, benches, etc.; and (4) take advantage of opportunities to improve the exterior of the Commons building.
- **Ray Bryan, for LUC of Historic Milwaukie NDA:** The LUC values a safe and seismically resilient environment for the community's students. The history and architecture of the high school building are important, and the group supports reusing and repurposing as much of the structure and contents as reasonable. They support the idea that a specific committee or group (e.g., the DLC or Milwaukie Historical Society) be involved with any repurposing efforts. They also support the recommendations of the DLC and ask to be kept informed and involved in the process moving forward.