



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

FEBRUARY 13, 2018

Present: Kim Travis, Chair
John Henry Burns, Vice Chair
Adam Argo
Joseph Edge
Sherry Grau
Greg Hemer

Staff: Denny Egner, Planning Director
David Levitan, Senior Planner
Vera Kolias, Associate Planner
Dan Olsen, City Attorney

Absent: Scott Jones

1.0 Call to Order – Procedural Matters*

Chair Travis 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.milwaukieoregon.gov/meetings>.*

2.0 Planning Commission Minutes

2.1 December 12, 2017

Commissioner moved Hemer and Commissioner Argo seconded to approve the December 12, 2017 Planning Commission minutes as presented. The motion passed unanimously.

3.0 Information Items

Denny Egner, Planning Director, welcomed Joseph Edge as a new Commissioner.

Commissioner Edge said he lived in Oak Grove, just south of Milwaukie, but was a lifelong resident of the area and attended school in Milwaukie. He looked forward to the opportunity to serve on the Planning Commission.

Mr. Egner added that the new Community Vision document was distributed to the Commission for their reference notebooks.

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

Charles Mays, Casa de Tamales, thanked the City for the new Parking Enforcement Officer. He added that the Milwaukie Bay Park was in need of maintenance.

5.0 Public Hearings

5.1 Summary: Jackson St Driveway Variance
Applicant/Owner: Ann and Bodo Heiliger
Address: 5047 SE Jackson St

File: VR-2017-013
Staff: Vera Kolias, Associate Planner

Chair Travis called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

Gene Zaharie, 5273 SE Jackson St, noted that only three of the Commissioners stated they had visited the site and questioned if that caused concern for the Commissioners considering that half of the Commission had not visited the site.

Commissioner Argo responded that that the Commission received a detailed staff report for the proposal and property.

Vera Kolias, Associate Planner, presented the staff report via PowerPoint. She described the background of the house and property, and noted that the house was constructed with a front yard setback of less than 15 ft. The previous owner had converted the attached garage to living space without permits. The applicant sought permits to bring the property into compliance and was informed of the residential off-street parking requirements, with which the property could not comply. The applicant was seeking a variance to the parking requirement to allow for the parking space to be within the front yard setback.

Ms. Kolias noted the key question was if the request was reasonable and added that the effort and cost of constructing a new driveway on the west side of the house would not have a corresponding benefit to the neighborhood to require that alternative. One of the recommended conditions was to bring the current driveway access more into compliance. She reviewed the comment received and decision-making options.

Chair Travis called for the applicant's testimony.

Bodo Heiliger, 5047 SE Jackson St Milwaukie, and **Dan Jensen, applicant's father-in-law**, noted that final approval for the permits to bring the converted garage into compliance was contingent on the approval of this variance request. **Mr. Jensen** added that, although the cost of paving the driveway was high, they would not prefer to have the driveway located on the west side as that would take away most or all of the front yard.

Chair Travis called for public testimony.

Gene Zaharie, 5273 SE Jackson St, stated that he attended the recent Hector Campbell Neighborhood District Association meeting and the NDA Chair had spoken in favor of the variance request.

Commissioner Hemer asked staff if Jackson St was on the Safe Routes to School project list.

- **Mr. Heiliger** stated that it was not part of the SAFE program.
- **Mr. Egner** added that Jackson St was a local street and priority was given to streets that made connections such as park to park or school to park, etc., which Jackson St would not be considered for that.

Chair Travis closed the public testimony.

Planning Commission Deliberation

Commissioner Hemer agreed with Commissioner Burns' suggestion to allow for the apron to be constructed at the time that Jackson St was improved.

- **Commissioner Edge** agreed, although parking requirements may be different in 15-20 years and therefore the condition may not be applicable. He believed the current driveway was consistent with the neighborhood and unimproved street, and the cost of the apron was excessive for little gain.
- **Mr. Egner** was unclear of the implications of removing the requirement as set by the Engineering Department. However, the Commission could remove the condition from their approval but that may not remove the Public Works standard for paving the driveway.
- **Commissioner Burns** said he was not inclined to require additional asphalt for the apron as Jackson St was very unimproved.

Commissioner Hemer moved and Commissioner Edge seconded to approve application VR-2017-013 for 5047 SE Jackson St with the recommended findings and conditions as amended to remove Condition 1.A. The motion passed unanimously.

5.2 Summary: Ledding Library Temporary Locations
Applicant/Owner: Amy Winterowd/City of Milwaukie
Address: 9600 SE Main St
File: CSU-2017-009
Staff: Vera Kolias, Associate Planner

Chair Travis called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

Vera Kolias, Associate Planner, presented the staff report via PowerPoint. The proposal was for the City of Milwaukie to use a portion of the TriMet Park and Ride location on SE Main St as a temporary location for the Ledding Library during the reconstruction project. She reviewed the land use history for the site and noted that the application was for a new approval for the use of the site by the library. The proposal for the temporary modular building had been revised due to a change in availability and the new proposal was distributed to the Commission. She described the property features and its proximity to downtown. Additional square footage of the site would be occupied by bicycle racks, ADA features, garbage screening, and 10-11 parking spaces for library use. There would be self-contained sanitary tanks and would be managed by a company. The modular building would be in place until approximately September 2019 and no permanent library-related improvements were proposed.

Ms. Kolias reviewed the key issues and noted the use was compatible with the surrounding areas as there were a variety of industrial uses in the area that functioned with a variety of hours. The site was close in proximity to downtown and was accessible to pedestrian and bicycle traffic. She confirmed that a permit was not required to park in the Park and Ride parking lot.

Chair Travis called for the applicant's testimony.

Amy Winterowd, Plan B Consultancy, 696 McVey Ave Ste. 202 Lake Oswego, OR 97034, and Katie Newell, Ledding Library Director, provided the applicant's testimony.

Ms. Winterowd reviewed the background for the project regarding the bond measure passed

by citizens with the intent of renovation and remodeling of the Ledding Library. However, through due diligence, issues such as safety and seismic hazards compared with the cost/benefit analysis, it became clear that remaining onsite during construction would prove hazardous. Sites for a temporary location for the library were researched but were found to be limited for the needed criteria such as within the library district, accessibility to public transit, walkability, short lease term, etc. In addition, use by the library of the TriMet property would be at no cost to the City.

Commissioner Edge was concerned about access from the bus stop to the temporary building for disabled or mobility-impaired patrons.

Ms. Winterowd responded that she was open to additional suggestions but added that the property was very flat compared to the current library site. She noted that the proposal met the requirements.

Vice Chair Burns asked if co-locating with the Oak Grove Library had been considered.

Ms. Newell responded that Oak Grove was the last remaining branch of the Clackamas County Library, was overcrowded, had minimal parking, and could not facilitate the Ledding Library staff or materials. The temporary location would allow for current staff and materials to serve current patrons.

Mr. Egner noted that the intent of the proposal was as a temporary location for the library and therefore not require extensive site improvements.

Chair Travis closed public testimony.

Planning Commission Deliberation

Commissioners Argo and Hemer, and Vice Chair Burns supported the proposal.

Commissioner Edge would like to see some form of separation for pedestrians between public transit stop and the building.

Chair Travis acknowledged that the project was new to everyone and that once it got underway, issues would arise and would be addressed accordingly.

Commissioner Hemer moved and Commissioner Argo seconded to approve application CSU-2017-009 for the Ledding Library temporary location at 9600 SE Main St with the recommended findings and conditions as presented. The motion passed unanimously.

6.0 Worksession Items

- 6.1 Summary: Comprehensive Plan Update Project update
Staff: David Levitan, Senior Planner

David Levitan, Senior Planner, presented the staff report via PowerPoint. He reviewed the background of the project to-date regarding the Comprehensive Plan Advisory Committee (CPAC), background reports, upcoming events and meetings, and the consultants involved with the project.

Mr. Levitan reviewed the CPAC membership that included representatives from most of the Neighborhood District Associations (NDAs), City Council, downtown businesses, and Chair Travis as the Planning Commission liaison. The NDA members were key in supporting direct community feedback and participation. The CPAC's charter focused on harnessing the community connection, to help shape public involvement, and to refine policy priorities. The Comprehensive Plan had not been updated in 30 years and the update was focused on reorganizing the Plan, removing redundancies, and to make it a more readable document. **Mr. Levitan** reviewed the CPAC meetings held to date and the feedback received. He noted that the new Arts & Culture topic was not included in the current Comprehensive Plan.

Mr. Egner added that as part of the Block 1 policy process, the project team would reach out to the NDAs for feedback on neighborhood nodes and to share information regarding the planning and policy process.

Chair Travis was in the Public Involvement topic group at the last meeting and she described that the group brainstormed ideas around improving public involvement, etc. There would be five meetings for each policy block and she looked forward to future discussions and outcomes at the meetings. The other topic groups included Economic Development, Urban Growth Management, and Arts & Culture.

Mr. Levitan noted that the City Manager, Ann Ober, had suggested the need to provide a foundation regarding the role of the City and the true role of the Comprehensive Plan to prevent more vision-related actions, etc. A matrix that incorporated existing Plan policies, policy language from the Vision, and policy priorities established at earlier meetings would be the framework for the discussion at the next meeting. The policies would be arranged in a way that would make it easy for the members to think through what the community's priorities would be, what policies should be included while meeting state-wide planning goals and being consistent with the community vision and other City documents.

Mr. Levitan reviewed the Background Reports that provided context for each topic area and included questions to consider for policy language. A condensed summary of each topic would be included at the beginning of each Plan element. He reviewed the Block 1 topics and added that although the Arts and Culture topic was not related to a state-wide goal, it was raised as an important topic that came through the Community Visioning process. There would be three CPAC meetings, a town hall, and an online open house in the next months and staff would return to the Commission to review recommended policies in July. He reviewed additional outreach planned with the non-English speaking community, youth engagement, artMOB and Milwaukie Museum, and coordination with the Climate Action Plan process.

Mr. Egner noted that the purpose of the topic blocks was to pin down policies into a document to be organized and critiqued until the hearing process began. Each topic block related to a state-wide planning goal. He added that the Climate Action Plan would likely effect a number of city activities and departments with topics around land use, transportation, and energy and building. Staff would request that representatives for the Climate Action Plan present the project to the Commission.

Mr. Levitan described the concept of neighborhood hubs that resulted from the Community Vision process. Staff would attend all NDA meetings in March to begin the discussion and the consultant would help the design and economic analysis for the neighborhood hubs. Staff would return to the Commission to review that work.

Mr. Levitan reviewed the key questions for the Commission regarding specific policies, updates from staff, and policy recommendation worksessions.

Mr. Egner noted that, regarding the Urban Growth Management Area (UGMA), the agreement with Clackamas County needed to be updated as soon as a draft was agreed upon. Then, depending on the results of the updated Comprehensive Plan, the agreement may need to be revisited to ensure consistency between the two. He discussed issues around annexation of and services to the larger tracts of land on the edge of the city. However, many services had been given to other special districts and there was little incentive for properties to annex into the city, and some of the city's zoning was lower density than the correlating county zoning.

Commissioner Hemer voiced concerns about the possible lack of diversity of the CPAC. He was also concerned about the focus on downtown through the process while potentially underrepresenting the east side of the city. Although the Comprehensive Plan stated that the NDAs would be advisory to the Planning Commission City Council and should be notified of any land use or legislative decisions, the current CPAC membership did not include two of the NDAs and therefore excluded their participation. He felt the communication between the project team and the NDAs and Land Use Committees had been inadequate.

7.0 Planning Department Other Business/Updates

Mr. Egner noted that staff was proposing an amendment to remove the Scott Park Master Plan from the Comprehensive Plan. The plan had not been updated or implemented in 30 years and conflicted with the proposed Ledding Library reconstruction design. This proposal was determined to be the best solution for the situation. In addition, the Urban Renewal Plan included a project to update the Scott Park Master Plan.

A proposal for the Comprehensive Plan update project was to remove all the park master plans as ancillary documents to the Comprehensive Plan.

8.0 Planning Commission Discussion Items

9.0 Forecast for Future Meetings:

- | | |
|-------------------|--|
| February 27, 2018 | 1. Public Hearing: CSU-2017-010 Rowe Middle School Improvements |
| March 13, 2018 | 1. Public Hearing: CSU-2017-007 Milwaukie High School Renovation |

Meeting adjourned at approximately 8:48 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II



Kim Travis, Chair



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday, February 13, 2018, 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 December 12, 2017

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: Jackson St Driveway Variance

Applicant/Owner: Ann and Bodo Heiliger

Address: 5047 SE Jackson St

File: VR-2017-013

Staff: Vera Koliass

5.2 Summary: Ledding Library Temporary Location

Applicant/Owner: Amy Winterowd/City of Milwaukie

Address: 9600 SE Main St

File: CSU-2017-009

Staff: Vera Koliass

6.0 Worksession Items

6.1 Summary: Comprehensive Plan Update Project

Staff: David Levitan

7.0 Planning Department Other Business/Updates

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

9.0 Forecast for Future Meetings:

February 27, 2018 1. Public Hearing: CSU-2017-010 Rowe Middle School Improvements

March 13, 2018 1. Public Hearing: CSU-2017-007 Milwaukie High School Renovation

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@milwaukieoregon.gov. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.milwaukieoregon.gov.
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.milwaukieoregon.gov/meetings.
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:

Kim Travis, Chair
John Henry Burns, Vice Chair
Adam Argo
Joseph Edge
Sherry Grau
Greg Hemer
Scott Jones

Planning Department Staff:

Denny Egner, Planning Director
David Levitan, Senior Planner
Brett Kever, Associate Planner
Vera Kolias, Associate Planner
Mary Heberling, Assistant Planner
Alicia Martin, Administrative Specialist II

**CITY OF MILWAUKIE
PLANNING COMMISSION
Milwaukie City Hall
10722 SE Main Street
TUESDAY, December 12, 2017
6:30 PM**

COMMISSIONERS PRESENT

Adam Argo, Vice Chair
John Burns
Sherry Grau
Scott Jones
Kim Travis

STAFF PRESENT

Denny Egner, Planning Director
Vera Kolias, Associate Planner

COMMISSIONERS ABSENT

Greg Hemer, Chair

1.0 Call to Order – Procedural Matters*

Vice Chair Argo called the meeting to order at 6:30 pm 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.milwaukieoregon.gov/meetings>.

2.0 Planning Commission Minutes - None**3.0 Information Items**

Denny Egner, Planning Director, stated no Planning Commission meeting would be held on December 26, 2017. The next meeting would be January 9, 2018.

4.0 Audience Participation – This is an opportunity for the public to comment on any item not on the agenda. There was none.

5.0 Public Hearings

5.1 Summary: North Milwaukie Industrial Area (NMIA) Comprehensive Plan and Code Amendments – 2nd Hearing
Applicant: City of Milwaukie
File: ZA-2017-003, CPA-2017-002
Staff: Vera Kolias/Amy Koski

Vice Chair Argo reconvened the public hearing and read the conduct of legislative hearing format into the record.

Vera Kolias, Associate Planner, highlighted the NMIA Plan project and reviewed the proposed Code amendments along with key issues for the Commission's consideration.

- A memorandum was distributed to the Commission from Chuck Eaton, Engineering Director and Floodplain Manager, regarding development in the floodplain, specifically on the Mill End Store site. Contrary to the testimony received from Roger Sutherland at the last

hearing, the existing footprint of the building could be rebuilt. The building would have to be flood proofed, or brought 1 ft above the floodplain for any residential use.

Ian Carlton, ECONorthwest, summarized the Development Feasibility Study and concluded that from a developer's perspective, retrofitting, as opposed to tearing down the existing buildings and building new, was the most viable option for the NMIA area. He addressed questions from the Commission as follows:

- Fair market value for the properties was based on the current zoning and current economic uses. The study did model what a developer would be willing to pay for the land in future cases, but the financial return was not significant enough in most cases to justify large-scale investments. In many cases, developers would not be willing to build even if given the land for free.
- The broad analysis looked at an inexpensive and expensive retrofit cost, as well as a low and high parking alternative, but that would not account for the nuances of every building. Closer analyses into four sites took into account existing structures and their retrofit costs, such as seismic upgrades and historic preservation.
- The highest and best use might have little to do with the number of employees in the building or jobs-per-acre, but rather what an owner was willing to pay to occupy the space compared to the cost of delivering the occupyable space. For example, an Amazon warehouse run by robots might be the highest and best use for a site, yet has a relatively low number of jobs per acre.

Vice Chair Argo called for public testimony.

In Support

Eric Hovee, 2408 Main St, Vancouver, WA, believed the ECONorthwest report regarding the Mill End Store was overly optimistic because the additional issues and costs related to being in the floodplain were not addressed. He reviewed the potential development options and related financial challenges for the Mill End site. New development on the site was difficult because rents in Milwaukie for industrial or flex space were about half of those in Portland. Due to the floodplain, the property had a negative land value, which made it unmarketable. The Mill End Store's owner believed there was a viable alternative use with residential and keeping the store. Not many of these types of situations would come along, so he encouraged the Commission's support of a mixed-use overlay.

Jerry Baysinger, 1006 SE Grand Ave, Ste 300, Portland, noted page 17 of the staff report contained proposed language for the mixed-use overlay zone. He and Peter Stark had met with staff earlier to draft language, which was shared with the Commission. He highlighted the proposed language as follows:

- If an owner in the area develops or redevelops, the same opportunity should be available for the other properties. His concept showed 140 residential units but, to build community, other properties should be encouraged to redevelop similarly.
- The current Code allowed the Mill End Store to exist as a grandfathered use but, unless it was wiped out by a disaster, the grandfathering would be lost simply by volunteering to do the development. He recommended the grandfathering be allowed to survive a redevelopment not caused by a disaster.
- The uses allowed prior to the date of the adoption of the ordinance should not be required to meet the development standards for the zone.

Peter Stark, 2939 NW Cornell Rd, supported the overlay as well as removing the sunset provision to allow adjacent properties the same option.

- He suggested allowing any existing building in the area to be retained and, if redeveloped, to retain that building's properties. In the case of the Mill End Store, a limited amount of parking and square footage would be defined by the existing use, not by zoning.
- Regarding the floodplain issue, he believed Metro Code took precedence over city code. He presented a document provided by Mr. Sutherland who cited the Metro Code, which stated that because the building floods, the building was calculated as part of the floodplain. With that change, flood proofing the building was not allowed, nor was cut and fill. The building had to be elevated.
- The bottom line was a money issue. The owners of the Mill End Store could not build unless they had some way to subsidize the cost to take care of the flooding issue. The only real solution would be uses that pay for the additional cost to develop.

Staff answered questions from the Commission and provided information as follows:

- Staff had not seen nor responded to the documents Mr. Baysinger and Mr. Stark presented to the Commission. If properties did not take advantage of the residential component, it would go away. The sunset was tied to the residential use, not the entire overlay.
- The proposed code would limit retail use on the site to 20,000 sq ft, but the existing retail use was more than 60,000 sq ft. The code could be written to state, "Existing retail uses and their existing square footage are allowed in the overlay," so no other 60,000 sq ft retail use would be allowed. Normally, if a nonconforming use stopped, it would revert back to what was allowed under the code which, in this case, would be 20,000 sq ft.
- If the development included only the Mill End Store and apartments, and the code required only the number of parking spots that currently existed, parking may or may not be enough for a future 60,000 sq ft Mill End Store, depending on the amount of residential use.
- Staff asked the Commission to consider if the district was to have more residential or only residential to help the few properties to convert. Would the limit be for just the Mill End Store or would it apply to any retail? At some point, new development would trigger conformance with the code.
- The language presented by Mr. Baysinger and Mr. Stark created good policy questions and needed further discussion.
- How to quantify substantial development or redevelopment also needed to be determined.

Mr. Stark clarified he was only concerned with the Mill End Store; the proposed language would only apply to the overlay area, not the entire district.

Mr. Carlton stated one model in the ECONorthwest study had an open ground floor, which would take the floodplain into consideration, but they were not experts in costing waterproofing a structure.

Vice Chair Argo closed the public hearing and called for a brief recess. He reconvened the meeting and called for deliberation.

The Commission discussed the key questions from staff and agreed to the following:

- Marijuana production should be permitted only as a conditional use in the NMIA.
- Setbacks and landscaping were essential for key streets where pedestrian activity was desired. Larger front yard setbacks could be allowed on key streets but a limit should be placed on how much parking was allowed between the building and the street. Parking would not be allowed for smaller setbacks.

- A ratio for permitted parking should allow for accessible parking spaces. If a parking ratio were applied, the maximum setback would need to be 50 ft to allow for landscaping.
- The Commission suggested that the key streets include Main St and 17th Ave because of the bus routes.
- Staff would clarify which side of the key streets the code would apply to, and would consider all of Ochoco St including the area east of the Goodwill Store.
- The Commission agreed to keep the current code requirement of 15% for landscaping and to avoid using any Water Quality Resources (WQRs) or Habitat Conservation Areas (HCAs) that might exist on the site in calculating landscaping percentages. Landscaping standards applied throughout the area, not just to key streets.
- Staff would review the City of Portland's code which had a dollar threshold for redevelopment of a nonconforming site and return to the Commission with more information.
- For street-facing facades on key streets, a 30% ground-floor glazing or an alternative 20% glazing should be required with the remaining to be a green wall, art mural, etc.
- Flexible-use space should be required on the street-facing first floor for key streets and would be predominantly for major redevelopment or new construction.
 - Staff would return with more information regarding what triggered the design standards on key streets.
- A mixed-use overlay zone with a 10-year sunset period on the eligibility to take advantage of the residential provision.
 - Discussion continued about extending the overlay zone's provisions beyond the 10-year sunset and the potential for additional redevelopment, besides the Mill End Store, within the sunset. Commissioners agreed that that it was not their intention that this be a residential zone.
 - An overlay with a 10-year sunset fulfilled the spirit of the plan and met the goals and objectives of the NMIA, but also recognized a viable opportunity for the Mill End Store to redevelop.
- Other retail uses, such as big box stores, should not be allowed within the overlay, so the language regarding the Mill End Store's redevelopment should be tightly crafted.

Commissioner Burns asked if anything could be done to provide public access to and increase setbacks from Johnson Creek, which was one of the most important natural resources in Milwaukie.

Mr. Egner replied that could be an objective in future plans. Staff would think about possible incentives to be added to the code for greater setbacks or public access.

It was moved by Commissioner Grau and seconded by Commissioner Jones to continue the hearing for applications ZA-2017-003, CPA-2017-002 to the January 9, 2018 Planning Commission meeting. The motion passed unanimously.

6.0 Worksession Items - None

7.0 Planning Department Other Business/Updates

7.1 Planning Commission Notebook Code Supplemental Pages.

This item was not addressed.

8.0 Planning Commission Committee Updates and Discussion Items – This is an opportunity for comment or discussion for items not on the agenda. There were none.

9.0 Forecast for Future Meetings:

- | | |
|------------------|---|
| January 9, 2018 | 1. Public Hearing: ZA-2017-003/CPA-2017-002 NMIA Code and
Comp Plan Amendments (3rd Hearing) |
| January 23, 2018 | 1. Public Hearing: HR-2017-001 Milwaukie High School Historic
Resource Deletion |

Meeting adjourned at approximately 9:00 pm.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

Adam Argo, Vice Chair



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Vera Kolias, Associate Planner

Date: February 5, 2018, for February 13, 2018, Public Hearing

Subject: File: VR-2017-013

Applicant: Ann and Bodo Heiliger

Owner(s): Ann and Bodo Heiliger

Address: 5047 SE Jackson St

Legal Description (Map & Tax Lot): 12E31BA01000

NDA: Hector Campbell

ACTION REQUESTED

Approve application VR-2017-013 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for approval of the existing off-street parking space within the front yard setback.

BACKGROUND INFORMATION

The subject property is located on the north side of SE Jackson St (see Figure 1). The home was built in 1957 and included an attached garage with a front yard setback of less than 15 ft. The applicant purchased the property in 2016. A previous owner converted the garage into living space without seeking permits or land use approval. The current applicant sought permits to bring the construction up to current code and was informed of the conflict with the residential off-street parking standards which prevent having the required off-street parking space in the front yard setback. The applicant is seeking a variance to allow the off-street parking space to remain as is, which is partially within the required front yard setback. MMC 19.607.1 states that no portion of the required parking space is allowed within the required front yard.

A. Site and Vicinity

The site is located at 5047 SE Jackson St. The 0.14-acre site contains a single-family home. The converted garage and the driveway proposed to be used for the required off-

street parking space are located south of the house on the east side of the property. The surrounding area consists of single family homes.

B. Zoning Designation

R-5 Residential Zone

C. Comprehensive Plan Designation

MD – Moderate Density

D. Land Use History

City records indicate no previous land use actions for this site.

E. Proposal

The applicant is seeking land use approvals for the following:

1. A variance to allow the existing required off-street parking space to remain within the required front yard.

The project requires approval of the following applications:

1. Type III Variance



Figure 1. Site vicinity.

KEY ISSUES

Summary

Staff has identified the following key issue 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. Is the proposed variance reasonable and appropriate?

Analysis

A. Is the proposed variance reasonable and appropriate?

As noted in the application summary, the applicant proposes to allow the existing home and off-street parking situation to remain as is. This would result in the off-street parking space to be located partially within the required front yard. It is unknown when the garage

was converted into living space, however it was some time between August 2007 and August 2011 according to Google Street View photos (see Figures 2 and 3). Figure 3 shows the property with the converted garage, driveway access, perimeter fencing and landscaping. Even when the garage was in place, it is likely that the driveway was used for parking purposes. Maintaining the existing situation, which has been in place for between 7 and 10 years, will not negatively impact the surrounding properties.

The applicant and the circumstances of this case have demonstrated that the effort and cost of constructing a new driveway on the west side of the home, altering the existing fence to allow for the new driveway access, and removing the existing driveway would not have a corresponding benefit for the neighborhood.



Figure 2. August 2007 (Google image)



Figure 3. August 2011 (Google image)

The Engineering Department has proposed a condition of approval to bring the driveway access up to current code. The applicant has agreed to do so.

CONCLUSIONS

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

1. Approve the variance for 5047 SE Jackson St. This will result in approval of the required off-street parking space to be located within the front yard setback.
2. Adopt the attached Findings and Conditions of Approval.

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

Prior to final inspection of building permit, the following shall be required:

1. Construct a new driveway approach onto SE Jackson Street in accordance with City of Milwaukie Public Works Standards prior to final inspection. The driveway approach apron shall be between 9 feet and 20 feet in width, at least 7.5 feet from the side property line. Asphalt concrete driveway shall extend from edge of existing edge of road to the property line.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC 19.301 Low Density Residential Zones
- MMC 19.607 Off Street Parking Standards for Residential Areas
- MMC 19.700 Public Facility Improvements
- MMC 19.911 Variances

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

The Commission has 4 decision-making options as follows:

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

The final decision on these applications, which includes any appeals to the City Council, must be made by April 17, 2018, in accordance with the Oregon Revised Statutes and the Milwaukie

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

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Community Development Director, Engineering Department, Building Official, Public Works Director, Hector Campbell Neighborhood District Association (NDA), Clackamas Fire District #1, and properties located with 300 ft of the subject property. No comments were received other than the recommended condition of approval from the Engineering Department which has been incorporated into the Findings and Conditions of Approval.

ATTACHMENTS

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

	Early PC Mailing	PC Packet	Public Copies	E- Packet
1. Recommended Findings in Support of Approval	☐	☒	☒	☒
2. Recommended Conditions of Approval	☐	☒	☒	☒
3. Applicant's Narrative and Supporting Documentation received on December 12, 2017.				
a. Narrative	☒	☐	☒	☒
b. Site Plan	☒	☐	☒	☒
c. Preapplication Conference Report	☒	☐	☒	☒
c. Building permit plans	☒	☐	☒	☒

Key:

Early PC Mailing = paper materials provided to Planning Commission at the time of public notice 20 days prior to the hearing.

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 <https://www.milwaukieoregon.gov/bc-pc/planning-commission>.

**Recommended Findings in Support of Approval
File #VR-2017-013, Bodo and Ann Heiliger – 5047 SE Jackson St**

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, Dan Jensen, on behalf of Ann and Bodo Heiliger, has applied for a variance to allow the required off-street parking space in a residential zone to remain within the required front yard at 5047 SE Jackson St. This site is in the Residential R-5 Zone. The land use application file number is VR-2017-013.
2. The proposal requires a variance from the residential off-street parking standards.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 12.16 Access Management
 - MMC 19.301 Low Density Residential Zones
 - MMC 19.607 Off Street Parking Standards for Residential Areas
 - MMC 19.911 Variances
4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held on February 13, 2018, as required by law.
5. MMC 12.16 Access Management
 - a. MMC 12.16.040 establishes standards for access requirements. Per MMC 12.16.040.A “private property shall be provided street access with the use of accessways. Driveway approaches shall be constructed as set forth in the Milwaukie Public Works Standards”.

This property currently does not have the required driveway approach. Construction of the required driveway approach will bring the property closer to conforming to minimum transportation standards.

As conditioned, this criterion is met.
6. MMC 19.301 Low Density Zones
 - a. MMC 19.301 establishes the development standards that are applicable to this site. Table 1 summarizes the existing and proposed conditions on the subject property with respect to the standards relevant to this proposal.

Table 1. Compliance with relevant R-5 standards

R-7 Zone	Standards	Existing	Proposed
Front Yard Setback	20 ft	12 ft (approx.)	12 ft (approx.)

The home was constructed in 1957. The Planning Commission finds that the proposal complies with the applicable standards of the R-5 zone as a pre-existing non-conforming development.

7. MMC 19.607 Off-Street Parking Standards for Residential Areas

- a. MMC 19.607 establishes the standards for residential driveways and vehicle parking areas. MMC 19.607.1.B.2 requires that no portion of the required parking space be within the required front yard or within 15 ft of the front lot line, whichever is greater.

A variance has been requested from this standard. As conditioned, this criterion is met.

8. MMC 19.911 Variances

- a. MMC 19.911.3 establishes the review process for variance applications.

The applicant has requested a variance from the off-street parking standard to allow the existing off-street parking space to remain in the required front yard. This request is not permitted via Type II review.

The Planning Commission finds that the application is subject to Type III Variance review for the location of the required off-street parking space.

- b. MMC 19.911.4.B establishes criteria for approving Type III Variance applications.

An application for a Type III Variance shall be approved when all of the criteria in either 19.911.4.B.1 or 2 have been met. An applicant may choose which set of criteria to meet based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.

The applicant has chosen to address the criteria of 19.911.4.B.1 Discretionary Relief Criteria.

- (1) The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

The applicant's materials outline the cost and effort of constructing a new driveway on the west side of the property in order to comply with the standard. There are no identified negative impacts related to the variance proposal and the situation has existed for approximately 10 years. The Planning Commission finds that this criterion is met.

- (2) The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:

- (a) The proposed variance avoids or minimizes impacts to surrounding properties.

By allowing the existing driveway and access to remain, site work is minimized which avoids the typical impact of construction on surrounding properties. The applicant is aware of the requirement to improve the driveway access to come closer into conformance with construction standards.

The Planning Commission finds that this criterion is met.

- (b) The proposed variance has desirable public benefits.

"Public benefits" are typically understood to refer to benefits to be enjoyed by members of the general public as a result of a particular project, or preservation of a public resource. Aesthetic improvements of a specific and limited nature do not typically constitute a public benefit.

The Planning Commission finds that this criterion does not apply.

- (c) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

This criterion encourages flexibility in site planning and development when the existing built or natural environment provide challenges to standard development or site planning.

The Planning Commission finds that this criterion does not apply.

The Planning Commission finds that the requested variance is both reasonable and appropriate as it maintains the residential property as it has existed for over 10 years and there are no identified impacts to surrounding properties.

- (3) Impacts from the proposed variance will be mitigated to the extent practicable.

As noted in Finding 8.b (1), the Commission finds there are no negative impacts; applicant will improve the driveway access to come closer into conformance with construction standards.

The Planning Commission finds that this criterion is met.

The Planning Commission finds that the criteria of MMC 19.911.4.B.1 are met.

9. As per MMC 19.1001.7.E, this variance request shall expire and become void unless the proposed development completes the following steps:

Obtain and pay for all necessary development permits and start development of the site within 2 years of land use approval (by February 13, 2020).

Pass final inspection and/or obtain a certificate of occupancy within 4 years of land use approval (by February 13, 2022).

10. The application was referred to the following departments and agencies on December 20, 2017: Milwaukie Building Division; Public Works Division; Milwaukie Engineering Department; Clackamas Fire District #1; and the Hector Campbell Neighborhood District Association. Notice of the application was also sent to surrounding property owners within 300 ft of the site on January 24, 2018, and a sign was posted on the property on January 23, 2018. No comments were submitted.

**Recommended Conditions of Approval
File #VR-2017-013 – Ann & Bodo Heiliger**

Conditions

1. Prior to final inspection of any building permit, the following shall be resolved:
 - a. Construct a new driveway approach onto SE Jackson Street in accordance with City of Milwaukie Public Works Standards prior to final inspection. The driveway approach apron shall be between 9 feet and 20 feet in width, at least 7.5 feet from the side property line. Asphalt concrete driveway shall extend from edge of existing edge of road to the property line.

Additional Requirements

1. Development activity on the site shall be limited to 7 a.m. to 10 p.m. Monday through Friday and 8 a.m. to 5 p.m. Saturday and Sunday, per MMC Subsection 8.08.070(l).



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

Application for Land Use Action

Master File #: VR-2017-013

Review type*: ☐ I ☐ II ☒ III ☐ IV ☐ V

☐ CHECK ALL APPLICATION TYPES THAT APPLY:

- ☐ Amendment to Maps and/or Ordinances:
 - ☐ Comprehensive Plan Text Amendment
 - ☐ Comprehensive Plan Map Amendment
 - ☐ Zoning Text Amendment
 - ☐ Zoning Map Amendment
- ☐ Code Interpretation
- ☐ Community Service Use
- ☐ Conditional Use
- ☐ Development Review
- ☐ Director Determination
- ☐ Downtown Design Review
- ☐ Extension to Expiring Approval
- ☐ Historic Resource:
 - ☐ Alteration
 - ☐ Demolition
 - ☐ Status Designation
 - ☐ Status Deletion

- ☐ Land Division:
 - ☐ Final Plat
 - ☐ Lot Consolidation
 - ☐ Partition
 - ☐ Property Line Adjustment
 - ☐ Replat
 - ☐ Subdivision
- ☐ Miscellaneous:
 - ☐ Barbed Wire Fencing
 - ☐ Modification to Existing Approval
 - ☐ Natural Resource Review
 - ☐ Nonconforming Use Alteration
- ☐ Parking:
 - ☐ Quantity Determination
 - ☐ Quantity Modification
 - ☐ Shared Parking
 - ☐ Structured Parking
 - ☐ Planned Development
 - ☐ Preliminary Circulation Plan

- ☐ Residential Dwelling:
 - ☐ Accessory Dwelling Unit
 - ☐ Duplex
 - ☐ Manufactured Dwelling Park
 - ☐ Temporary Dwelling Unit
 - ☐ Sign Review
 - ☐ Transportation Facilities Review
 - ☒ Variance:
 - ☐ Building Height
 - ☐ Fence Height
 - ☐ Use Exception
 - ☒ Variance
 - ☐ Willamette Greenway Review
- Use separate application forms for:**
- Annexation and/or Boundary Change
 - Compensation for Reduction in Property Value (Measure 37)
 - Daily Display Sign
 - Appeal

RESPONSIBLE PARTIES:

APPLICANT (owner) or other eligible applicant — see reverse): ANN AND BODO HEILGER

Mailing address: 5047 SE JACKSON ST MILW Zip: 97222

Phone(s): 503 705 3458 E-mail: DJ JENSEN 55 @ GMAIL.COM

APPLICANT'S REPRESENTATIVE (if different than above): Dan Jensen

Mailing address: 14500 SW 150th Ave. Tigard Zip: 97224

Phone(s): 503-705-3458 E-mail: djjensen55@gmail.com

SITE INFORMATION:

Address: 5047 SE JACKSON ST Map & Tax Lot(s): 12E31BA 01 000

Comprehensive Plan Designation: _____ Zoning: R5 Size of property: 6,250 SF

PROPOSAL (describe briefly):

VARIANCE TO ALLOW 9'X22' OFF STREET PARKING (EXISTING) TO ALLOW
APPROX 11' TO EXTEND IN TO THE 15' FRONT YARD REQUIRED AREA

SIGNATURE: An Heilger BD-JC

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: _____

Date: 12/12/17

IMPORTANT INFORMATION ON REVERSE SIDE

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukee Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file	VR 2017-003	\$ 2000			\$	RECEIVED DEC 12 2017 CITY OF MILWAUKIE PLANNING DEPARTMENT
Concurrent application files		\$			\$	
		\$			\$	
		\$			\$	
		\$			\$	
SUBTOTALS		\$			\$	
TOTAL AMOUNT RECEIVED: \$		2000	RECEIPT #: 13826		RCD BY: J. Mark	
Associated application file #s (appeals, modifications, previous approvals, etc.):						
Neighborhood District Association(s):						
Notes:						

*After discount (if any)



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

For all Land Use Applications
(except Annexations and Development Review)

Submittal Requirements

All land use applications must be accompanied by a signed copy of this form (see reverse for signature block) and the information listed below. The information submitted must be sufficiently detailed and specific to the proposal to allow for adequate review. Failure to submit this information may result in the application being deemed incomplete per the Milwaukie Municipal Code (MMC) and Oregon Revised Statutes.

Contact Milwaukie Planning staff at 503-786-7630 or planning@milwaukieoregon.gov for assistance with Milwaukie's land use application requirements.

1. **All required land use application forms and fees**, including any deposits.

Applications without the required application forms and fees will not be accepted.

2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.

Where written authorization is required, applications without written authorization will not be accepted.

3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.

Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary on-site "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.

4. **Detailed statement** that demonstrates how the proposal meets the following:

A. All applicable development standards (listed below):

1. **Base zone standards** in Chapter 19.300.
2. **Overlay zone standards** in Chapter 19.400.
3. **Supplementary development regulations** in Chapter 19.500.
4. **Off-street parking and loading standards and requirements** in Chapter 19.600.
5. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.

B. All applicable application-specific approval criteria (check with staff).

These standards can be found in the MMC, here: www.qcode.us/codes/milwaukie/

5. **Site plan(s), preliminary plat, or final plat** as appropriate.

See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.

6. **Copy of valid preapplication conference report**, when a conference was required.

APPLICATION PREPARATION REQUIREMENTS:

- Five hard copies of all application materials are required at the time of submittal (unless submitted electronically). Staff will determine how many additional hard copies are required, if any, once the application has been reviewed for completeness.
- All hard copy application materials larger than 8½ x 11 in. must be folded and be able to fit into a 10- x 13-in. or 12- x 16-in. mailing envelope.
- All hard copy application materials must be collated, including large format plans or graphics.

ADDITIONAL INFORMATION:

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association.
- Submittal of a full or partial electronic copy of all application materials is strongly encouraged.

As the authorized applicant I, (print name) Ann Heiliger, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

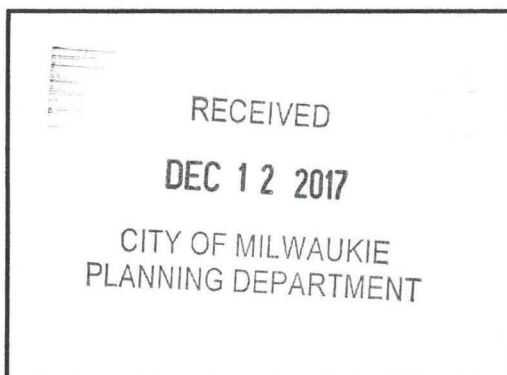
Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature: *Ann Heiliger*

Date: 12/6/17

Official Use Only

Date Received (date stamp below):



RECEIVED

DEC 12 2017

CITY OF MILWAUKIE
PLANNING DEPARTMENT

December 6, 2017

To: City of Milwaukie Planning Dept

From: Ann and Bodo Hieliger
5047 SE Jackson St
Milwaukie, Oregon

Re: Type III Variance, Applicant Alternatives Analysis, off street parking

Note: There are 2 attached drawings, one site and one sketch showing proposed parking location and city mandated parking space.

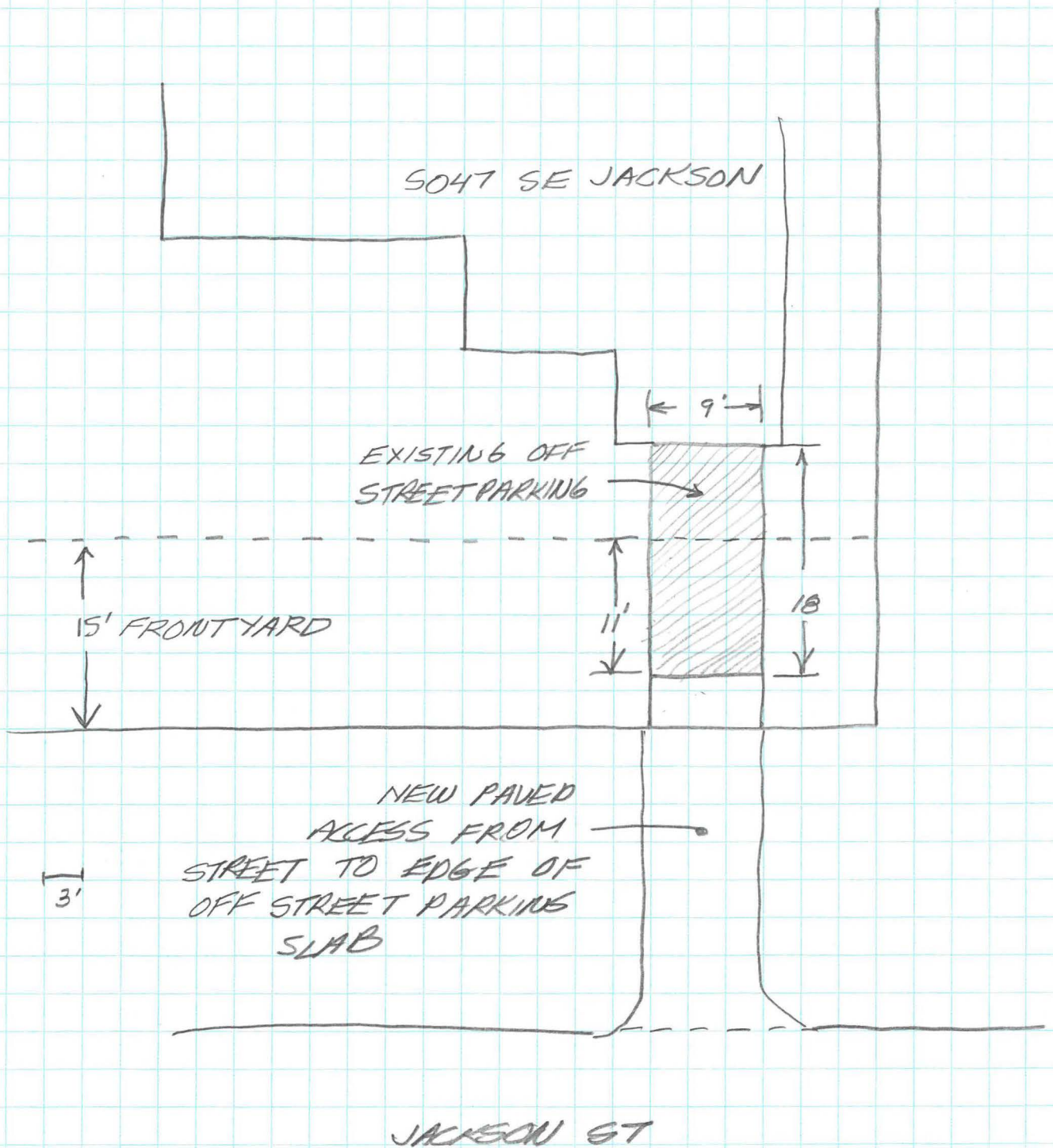
The mandated parking space with required setbacks would take up a substantial part of the front yard to our house. Also it cannot be situated with required setbacks without imposing on the corner of the house. In addition the esthetic appearance would be terrible and the street appeal and value of our home from a resale standpoint would be substantially reduced.

The proposed variance utilizes the existing paved parking space in front of the converted garage which is 9 x22. We will as the city has directed pave the portion of the approach from the edge of the street to the beginning of the parking slab. This does not have any impact on surrounding properties. The only issue is that the lower 11 feet of the parking slab will be within the 15 foot front yard area. This still provides a required parking space completely on the property.

The garage was converted by a previous owner without a permit. We drew permits and completely remodeled the area and have had all inspections done and approved with exception of right a way. The cost of the variance and paving approach (4000-4500) was not anticipated however approval of this variance will lessen the financial hardship for our family.

Thank you for your time and consideration .

Ann and Bodo Heiliger

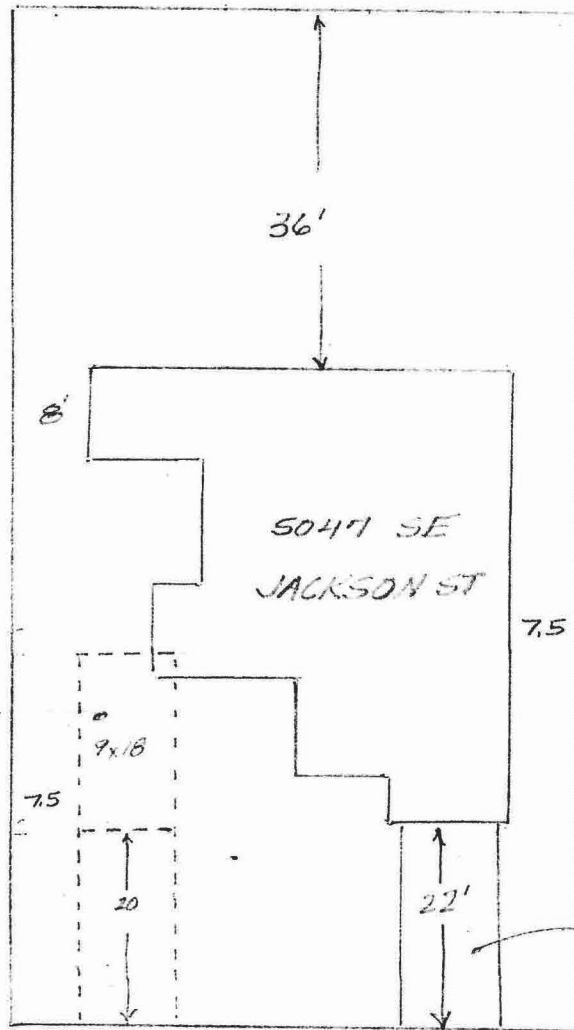


SITE PLAN



SCALE 1/2" = 10'

CURRENT CODE
PROVIDED



ANNY BODO HELIGER
5047 SE JACKSON ST
MILWAUKEE OR 97122

CITY OF MILWAUKIE

PreApp Project ID #: 17-016PA

PRE-APPLICATION CONFERENCE REPORT

This report is provided as a follow-up to a meeting that was held on **8/3/2017** at **10:00am**

Applicant Name: Ann & Bodo Heiliger

Company:

Applicant 'Role': Owner

Address Line 1: 5047 SE Jackson St

Address Line 2:

City, State Zip: Milwaukie OR 97222

Project Name: Jackson St Parking Variance

Description: Variance for setback requirement of off-street parking.

ProjectAddress: 5047 SE Jackson St

Zone: R-5

Occupancy Group:

ConstructionType:

Use: Single-family residential – Low Density

Occupant Load:

AppsPresent: Bodo Heiliger, Dan Jensen

Staff Attendance: Denny Egner, Vera Kolias, Alex Roller

BUILDING ISSUES

ADA:

Structural:

Mechanical:

Plumbing:

Plumb Site Utilities:

Electrical:

Notes: No comment.

Please note all drawings must be individually rolled. If the drawings are small enough to fold they must be individually folded.

FIRE MARSHAL ISSUES

Fire Sprinklers:

Fire Alarms:

Fire Hydrants:

Turn Arounds:

Addressing:

Fire Protection:

Fire Access:

Hazardous Mat.:

Fire Marshal Notes: No comment.

PUBLIC WORKS ISSUES

Water: n/a

Sewer: n/a

Storm: n/a

Street: Property fronts the north side of SE Jackson Street, a neighborhood route. The portion of SE Jackson Street fronting the proposed development has a right-of-way width of 60 feet and a paved width of approximately 20 feet with no improvements on either side of the street.

Frontage: Chapter 19.700 of the Milwaukie Municipal Code, hereafter referred to as "Code", applies to partitions, subdivisions, and new construction.

Frontage improvements would be limited to the construction of an asphalt driveway approach between 9 and 20 feet wide.

Right of Way: The existing right-of-way on SE Jackson Street fronting the proposed development is of adequate width and no right-of-way dedication is required.

Driveways: Code Section 12.16.040.A states that access to private property shall be permitted with the use of driveway curb cuts and driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA). Driveway approaches shall be improved to meet the requirements of Milwaukie's Public Works Standards. Current site does not have an approach, which is an existing non-conforming condition. To bring site closer to conformance with planning requirements for a durable and dust-free hard surface for vehicle maneuvering areas within the front yard, the construction of an approved asphalt driveway approach will be required. This work will be completed under a right-of-way construction permit.

*proposed asphalt driveway < 500 SF
NO EROSION CONTROL*

Erosion Control:

Per Code Section 16.28.020(C), an erosion control permit is required prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which results in the disturbance or exposure of soils exceeding five hundred square feet.

Code Section 16.28.020(E) states that an erosion control permit is required prior to issuance of building permits or approval of construction plans. Also, Section 16.28.020(B) states that an erosion control plan that meets the requirements of Section 16.28.030 is required prior to any approval of an erosion control permit.

Traffic Impact Study: n/a

PW Notes:

Applicant has expressed interest in applying for a variance to the public works standard of a driveway requirement. Engineering would not support the variance for this requirement. It is Engineering's view that they would be requesting a variance to waive their permitted access to the right-of-way. If public improvements are constructed, this property would not be provided a driveway approach. This may be the desire for the current property owner, but will likely not be the case for subsequent owners.

PLANNING ISSUES

Setbacks:

Residential zone R-5: front yard 20 ft; side yard 5 ft; rear yard 20 ft. Accessory structures (sheds, detached garages, etc.) cannot be located in the required front yard or street side yard. Cornices, eaves, canopies, sunshades, gutters, steps, unroofed landings, and flues may project up to 24 inches into a required side yard and up to 36 inches into a required front or rear yard. Maximum lot coverage is 35%.

The existing home has a front yard setback of approximately 22 feet, according to the applicant's materials.

Landscape:

The R-5 zone requires that 25% of the total area of the lot be left or planted in trees, grass, shrubs, planting beds, etc. No more than 20% of the required vegetation area shall be covered in mulch or bark dust.

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

Parking:

Single family homes are required to provide a minimum of 1 off-street parking space. Per MMC 19.607, a required off-street parking space cannot be located within the required front yard or within 15 ft of the front lot line. Required spaces cannot be located in a required front or street side yard. Parking and maneuvering areas must be paved or otherwise hard, durable, dust-free surfaces. The use of pervious materials is allowed and encouraged.



The property currently contains a garage that was converted into living space and a paved driveway that is 9 ft wide and 22 ft long that is entirely within the front yard setback. The existing site does not meet the minimum off-street parking requirements for a primary structure.

Transportation Review:

The City's transportation requirements are located in MMC 19.700. Please review the Public Works section for requirements for this project.

Application Procedures: The applicant is interested in legalizing the existing converted garage and existing driveway as is, rather than construct an off-street parking space that would meet the standards of MMC 19.607. The applicant also seeks relief from the requirement for a paved approach to the driveway from the public right-of-way (MMC 12.16.040).

The applicant is requesting a variance to the off-street parking standards for residential areas to allow the property to remain in its current configuration relative to parking and driveway location and from the Public Works Standards requiring a paved approach. These requests would be subject to Type III Variance review.

Applicant is encouraged to review the variance approval criteria to be sure that the application can meet the discretionary criteria in MMC 19.911.4.B, particularly the requirement for an alternatives analysis, as the site can accommodate the required off-street parking space on the west side of the property.

Application procedures are described below.

Variance Review (Type III): The application is reviewed through a Type III review per MMC 19.1006, and the application fee is \$2,000. Each Variance Review application can include 3 variance requests. The submitted narrative should address the following sections of the Milwaukie Municipal Code: 19.911 Variances; 19.301 Low-Density Residential Zones; MMC 19.607 Off-Street Parking Standards for Residential Areas; MMC 12.16.040.A Access Requirements and Standards - Access.

Application fees are based on the current fee schedule. Fees are typically updated on July 1st of each year.

For multiple applications, the most expensive fee is collected in full, with a 25-percent discount for each additional application. For the current fiscal year (until June 30, 2018), the following fees are in effect for the various levels of land use application review: Type I (\$200), Type II (\$1,000), Type III (\$2,000), and Type V (\$5,000). Application fees are based on the current fee schedule. Fees are typically updated on July 1st of each year.

For the City's initial review, the applicant should submit 5 complete copies of the application, including all required forms and checklists. A determination of the application's completeness will be issued within 30 days. If deemed incomplete, additional information will be requested. If deemed complete, additional copies of the application will be required for referral to other departments, the Neighborhood District Association (NDA), and other relevant parties and agencies. City staff will inform the applicant of the total number of copies needed.

Land use application submission materials are listed below for your convenience. Please refer to the handouts distributed at the pre-application conference for more detailed information.

1. All applicable land use applications forms with signatures of property owners.
2. All applicable land use application fees.
3. Completed and signed "Submittal Requirements" and "Preliminary Plat Checklist and Procedures" or "Final Plat Checklist and Procedures" forms.
4. 5 copies of an existing conditions and a proposed conditions site plan, both to scale. These two site plans can be combined onto one site plan. Once the application is deemed complete, additional copies will be requested for distribution to City departments, applicable governmental agencies, and the neighborhood district association for review.

Type III applications are quasi-judicial in nature and are decided by the Planning Commission at a

public hearing. The Planning Commission hears land use applications on the second and fourth Tuesdays of every month, and completed applications need to be submitted to the Planning Department no later than 45 days prior to the target Planning Commission hearing. In general, staff recommends that applications be submitted one to two weeks before the 45-day deadline in order to ensure that there is time to make the applications complete if they are initially deemed incomplete. Once the Planning Commission renders a decision, there is a fifteen calendar-day appeal period. Building permits will be accepted for review only after the appeal period for all land use decisions has expired.

Natural Resource Review: The property does not contain any mapped natural resource areas.

Lot Geography: The site is rectilinear in shape.

Planning Notes: 1. The preapplication conference is valid for purposes of submitting future land use applications as described in MMC 19.1002.4. A preapplication conference is valid for 2 years.

2. The site is in the Hector Campbell Neighborhood District Association (NDA) boundary. Staff strongly encourages the applicant to present any proposed variance application to the NDA and/or its Land Use Committee, as well as to the immediate property owners.

The NDA's webpage is on-line at <https://www.milwaukieoregon.gov/citymanager/hector-campbell-nda>. Their meetings are held at 6:30pm on the fourth Monday of the month at the Public Safety Building at 3200 SE Harrison St. The NDA Chairperson is David Aschenbrenner (503-804-3837; 2dasch@gmail.com). Please contact the Chair to coordinate a meeting to discuss the proposal.

3. The Milwaukie Municipal Code is available online at <http://www.qcode.us/codes/milwaukie/view.php?topic=19&frames=off>. Land use application forms are available online at <http://www.milwaukieoregon.gov/planning/land-use-application>.

ADDITIONAL NOTES AND ISSUES

County Health Notes:

Other Notes:

This is only preliminary preapplication conference information based on the applicant's proposal and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

Samantha Vandagriff - Building Official - 503-786-7611
Bonnie Lanz - Permit Specialist - 503-786-7613

ENGINEERING DEPARTMENT

Chuck Eaton - Engineering Director - 503-786-7605
Richard Nasiombe - Associate Engineer - 503-786-7694
Alex Roller - Engineering Tech II - 503-786-7695

COMMUNITY DEVELOPMENT DEPARTMENT

Alma Flores - Comm. Dev. Director - 503-786-7652
Alicia Martin - Admin Specialist - 503-786-7600

PLANNING DEPARTMENT

Dennis Egner - Planning Director - 503-786-7654
David Levitan - Senior Planner - 503-786-7627
Brett Kelter - Associate Planner - 503-786-7657
Vera Kolias - Associate Planner - 503-786-7653
Mary Heberling - Assistant Planner - 503-786-7658

CLACKAMAS FIRE DISTRICT

Mike Boumann - Lieutenant Deputy Fire Marshal - 503-742-2673
Matt Amos - Fire Inspector - 503-742-2661

Clackamas County Fire District #1

Fire Prevention Office



E-mail Memorandum

To: City of Milwaukie Planning Department
From: Matt Amos, Fire Inspector, Clackamas Fire District #1
Date: 8/17/2017
Re: 5047 SE Jackson St. 17-016PA

This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements. When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access and water supply may be modified as approved by the fire code official. The following items should be addressed by the applicant:

The Fire District has no comments for this proposal.

APPROVED

REVIEWED FOR CODE COMPLIANCE

Samantha Vandagriff

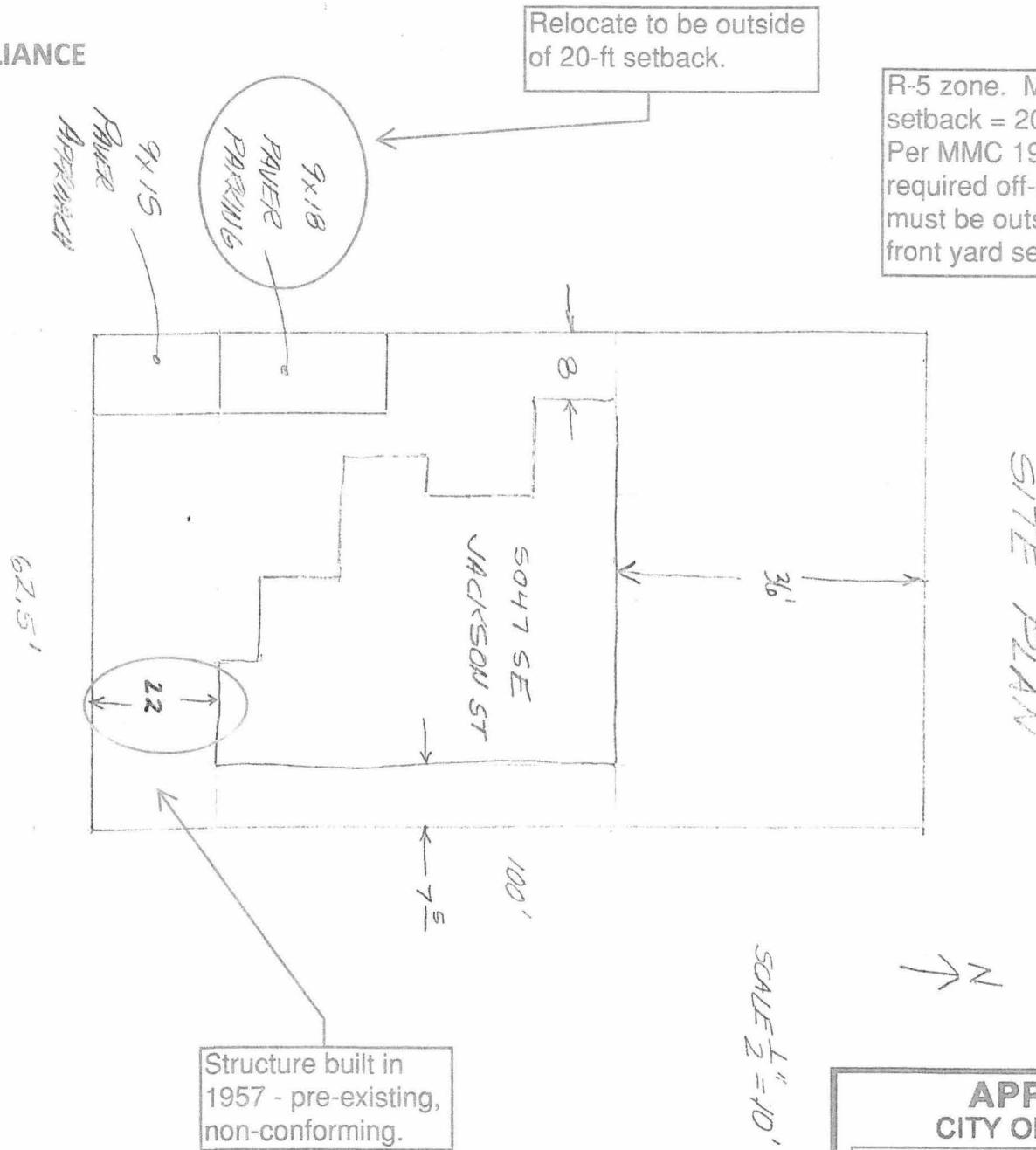
City of Milwaukee



Feb 09, 2017

601-17-000134-STR

HELIGER RESUBMIT
5047 SE JACKSON ST
MILWAUKEE WI 53222
FEB 2017



R-5 zone. Min. front yard setback = 20 ft.
Per MMC 19.607.1.B, the required off-street parking space must be outside the minimum front yard setback.

Structure built in 1957 - pre-existing, non-conforming.

Relocate to be outside of 20-ft setback.

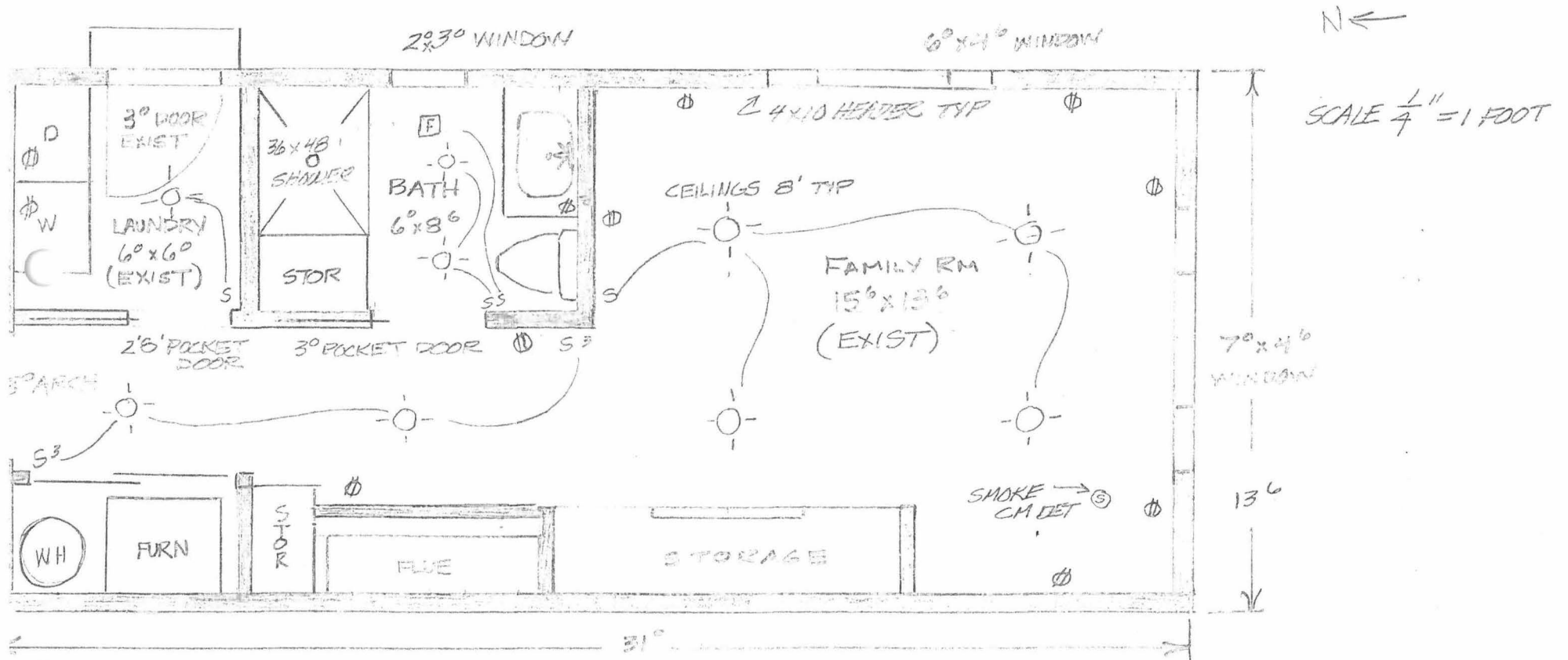
APPROVED
CITY OF MILWAUKIE

As Conditioned

BY Vera Kolias

DATE 2/1/17

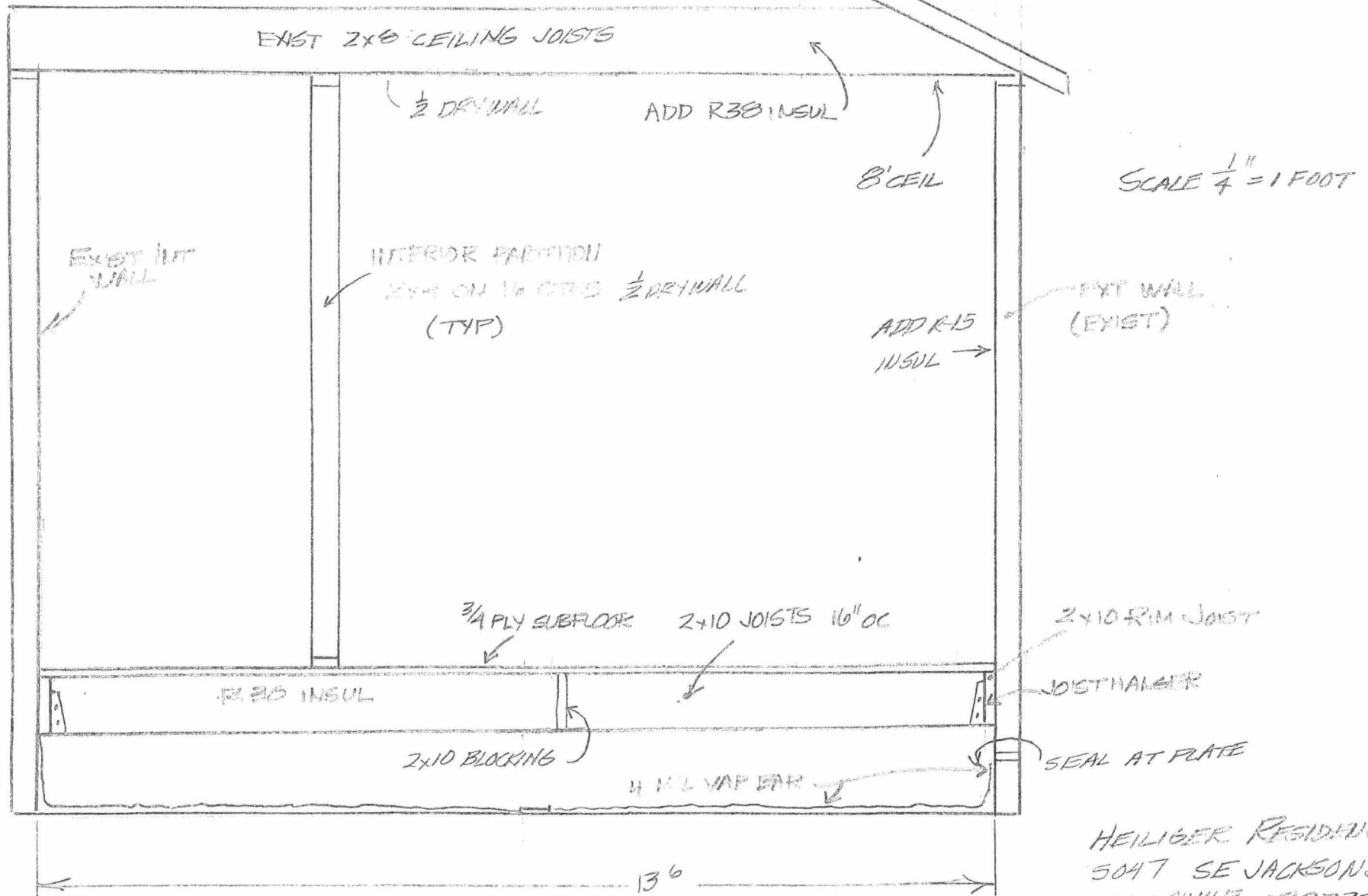
PLANNING DEPARTMENT



BATH/FAMILY RM REMODEL

HEILIGER RESIDENCE
5047 SE JACKSON ST
MILWAUKIE OR 97222
FEB 2017

ROOF - NO CHANGE



HEILIGER RESIDENCE
5047 SE JACKSON ST
MILWAUKEE WI 53222
FEB 2017



To: Planning Commission
Through: Dennis Egner, Planning Director
From: Vera Kolias, Associate Planner
Date: February 5, 2018, for February 13, 2018, Public Hearing
Subject: File: CSU-2017-009
Applicant: Amy Winterowd, City of Milwaukie
Owner(s): Tri County Metropolitan Transit District (TriMet)
Address: 9600 SE Main St
Legal Description (Map & Tax Lot): 11E25CB01000
NDA: N/A

ACTION REQUESTED

Approve application CSU-2019-009 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for the use of a portion of the TriMet Park & Ride facility as the temporary location of the Ledding Library during its reconstruction at its current site.

BACKGROUND INFORMATION

The City of Milwaukie proposes to use a portion of the TriMet Park & Ride facility at 9600 SE Main St for the temporary location of the Ledding Library during the library construction project. The temporary library will be housed in a 9,200-sq ft modular building. The temporary improvements include interior restroom facilities, bicycle parking, and an accessible entrance.

A separate Community Service Use land use application is required for the library reconstruction project. An application has been submitted and is currently being reviewed for completeness. A public hearing for that project is expected to be held in late March.

A. Site and Vicinity

The site is located at 9600 SE Main St in the southwest portion of the North Milwaukie Industrial Area. The site is 3.78 acres and is a TriMet Park & Ride facility with 329 parking spaces. The park and ride facility was approved as a Community Service Use in 2005, has a bus transit stop, and is less than one-half of a mile from downtown.

The surrounding area consists of industrial uses, including manufacturing and warehouse-distribution uses.

B. Zoning Designation

Tacoma Station Area

Manufacturing Zone – M-TSA

Tacoma Station Area Overlay
Zone Subarea 4

C. Comprehensive Plan Designation

Industrial – I

D. Land Use History

February 15, 2006: CSO-05-04; TPR-05-04: approval for a 329-space park & ride facility owned and maintained by TriMet.

E. Proposal

The applicant is seeking land use approvals for a new Community Service Use for the purpose of a temporary location of the Ledding Library during its reconstruction. The south portion of the site would be used for the temporary library facility, housed within a single-story modular building with an area of approximately 9,200 sq ft (see Figures 2 and 3). An ADA access ramp, bicycle racks for 8 bicycles, a screened garbage area, and 11 parking spaces are also part of the proposal. The temporary library is expected to be in place until approximately September 2019 when the Ledding Library reconstruction project is expected to be complete. No permanent library-related improvements are proposed for the TriMet site. Typical hours of operation will be 10 a.m. to 9 p.m. Monday to Thursday, 10 a.m. to 6 p.m. Friday and Saturday, and 12 p.m. to 6 p.m. on Sunday's. Staff of the library will have varying hours. Due to the nature of the permitted manufacturing uses in the project vicinity, which can include multiple shifts for operations (day and/or night), the proposed hours of operations for the temporary use are expected to be compatible.



Figure 1 Site Vicinity

The project requires approval of the following applications:

1. Type III Community Service Use



Figure 3 Proposed site plan showing location of modular building and general location of parking spaces.



Figure 2 Building Elevation

KEY ISSUES

Summary

Staff has identified the following key issue 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.

Compatibility

The temporary library is expected to be in place until approximately September 2019 when the Ledding Library project is expected to be complete. Staff of the library will have varying hours, but the library's operational hours will be 10 a.m. to 9 p.m. Monday to Thursday, 10 a.m. to 6 p.m. Friday and Saturday, and 12 p.m. to 6 p.m. on Sunday's. Surrounding uses are exclusively manufacturing. As such, the proposed site has no direct adjacency to any residential zones. Due to the nature of the permitted manufacturing uses, which can include multiple shifts for operations (day and/or night), the proposed hours of operations for the temporary use are expected to be compatible.

The site is within walking and bicycling distance of the current library site, and sidewalks are in place on the east side of Main St in the area. The location is also served by bus transit and there is ample parking on the site, so library services will continue to be accessible by the public.

There are no expected negative impacts to the proposed temporary use since the existing site has adequate space to continue providing service as a park and ride. Staff notes that the park and ride facility is underutilized. The majority of the 329 parking spaces for the facility will still be available, so the temporary presence of the library will not impact the facility. The benefits of the temporary use include maintaining ongoing library service to the community while the permanent Ledding Library location undergoes construction. Temporarily relocating to the proposed site allows the Library to continue serving the community in close proximity to the permanent location.

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

1. Approve the Community Service Use (CSU) for 9600 SE Main St. This will result in the applicant receiving a new Community Service Use (CSU) designation, permitting the installation of a modular building to operate a temporary library on the site during the Ledding Library construction project.
2. Adopt the attached Findings and Conditions of Approval.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC 19.312 Tacoma Station Area Manufacturing Zone
- MMC 19.406 Tacoma Station Area Overlay Zone
- MMC 19.600 Off-street Parking and Loading
- MMC 19.700 Public Facility Improvements
- MMC 19.904 Community Service Uses
- MMC 19.1006 Type III Review

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

The Commission has 4 decision-making options as follows:

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

The final decision on these applications, which includes any appeals to the City Council, must be made by April 28, 2018, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposal was given to the following agencies and persons: City of Milwaukie City Manager, Community Development Director, Engineering Department, Building Official, Public Works Director, Clackamas Fire District #1, Oregon Department of Transportation, TriMet, and properties located with 300 ft of the subject property. No comments were received except for a recommended informational item from the Engineering Department which has been incorporated into the recommended Conditions of Approval.

ATTACHMENTS

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

	Early PC Mailing	PC Packet	Public Copies	E-Packet
1. Recommended Findings in Support of Approval	☐	☒	☒	☒
2. Recommended Conditions of Approval	☐	☒	☒	☒
3. Applicant's Narrative and Supporting Documentation received on December 18, 2017.				
a. Narrative	☒	☐	☒	☒
b. Site Plan	☒	☐	☒	☒
c. TriMet deed and site use permission documentation.	☒	☐	☒	☒
d. Preapplication Conference Report	☒	☐	☒	☒

Key:

Early PC Mailing = paper materials provided to Planning Commission at the time of public notice 20 days prior to the hearing.

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 <https://www.milwaukieoregon.gov/bc-pc/planning-commission>.

Recommended Findings in Support of Approval
File #CSU-2017-009, City of Milwaukie temporary library location

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, Amy Winterowd, on behalf of the City of Milwaukie, has applied for approval to install a modular building for a temporary library during the Ledding Library construction project at 9600 SE Main St. This site is in the Tacoma Station Area Manufacturing Zone – M-TSA. The land use application file number is CSU-2017-009.
2. The applicant is seeking land use approval for a Community Service Use (CSU) to locate a modular building for use as a temporary location for the Ledding Library during its reconstruction.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.312 Tacoma Station Area Manufacturing Zone
 - MMC 19.406 Tacoma Station Area Overlay Zone
 - MMC 19.600 Off-Street Parking and Loading
 - MMC 19.700 Public Facility Improvements
 - MMC 19.904 Community Service Uses
 - MMC 19.1006 Type III Review
4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held on February 13, 2018, as required by law.
5. MMC 19.312 Tacoma Station Area Manufacturing Zone
 MMC 19.312.2 Use Categories – lists the various uses that are allowed in the Tacoma Station Area Manufacturing Zone (M-TSA).
Community Service Uses are not listed as a prohibited use in the M-TSA zone. Per MMC 19.3904.1, community service uses may be sited in any zone, except where expressly prohibited, if they meet the specified standards.
The Planning Commission finds that this criterion is met.
6. MMC 19.406 Tacoma Station Area Overlay Zone
 MMC 19.406.8 Subarea 4: Manufacturing – identifies the permitted uses in the TSA Overlay.
The subject property is in Subarea 4. The permitted uses in Subarea 4 are the same as those permitted in the base M-TSA Zone, except for some limitations on retail commercial and professional services.
As noted in Finding 5.a, the Commission finds that community service uses are permitted in the TSA Overlay Subarea 4.
This criterion is met.
7. MMC 19.904 Community Service Uses
 MMC 19.904 provides standards and procedures for review of applications for community service uses. These are uses that are not specifically allowed outright in most zoning

districts but that address a public necessity or otherwise provide some public benefit. Community service uses may include schools, government buildings, hospitals, religious institutions, utilities, parks, communication facilities, or private or public recreation facilities.

- a. MMC 19.904.2 Applicability – lists the various uses that are allowed through the Community Service Use Process.

The applicant is seeking land use approvals for a new Community Service Use for the purpose of a temporary location of the Ledding Library during its reconstruction. The south portion of the site would be used for the temporary library facility, housed within a single-story modular building with an area of approximately 9,300 sq ft. An ADA access ramp, bicycle racks for 8 bicycles, a screened garbage area, and 11 parking spaces are also part of the proposal. The temporary library is expected to be in place until approximately September 2019 when the Ledding Library project is expected to be complete. No permanent improvements are proposed for the site. Typical hours of operation will be 10 a.m. to 9 p.m. Monday to Thursday, 10 a.m. to 6 p.m. Friday and Saturday, and 12 p.m. to 6 p.m. on Sunday's. Staff of the library will have varying hours.

MMC 19.904.2.A lists the Community Service Uses that are categorized as Institutions – Public or Private and Other Public Facilities. Examples of uses are schools, governments office buildings, hospitals, cemetery, nursing or convalescent home, religious institutions, community meeting building, temporary or transitional facility, and other similar uses as determined by the Planning Commission.

The Planning Commission finds that the proposed temporary library use, as a government building, is a community service use and the standards of MMC 19.904 are applicable to the proposed development

- b. MMC 19.904.3 establishes the review process for CSUs. Except for wireless communication facilities and minor modifications to existing CSUs, applications for new CSUs are subject to Type III review (MMC 19.1006).

The proposed development is not a wireless communication facility, nor is it a minor modification to the existing CSU for the park and ride facility. This is a temporary addition to the current use and the park and ride facility is expected to return to full operation upon removal of the temporary use so no minor modification is required.

The Planning Commission finds that the proposed development is subject to the procedures for Type III review outlined in MMC 19.1006.

- c. MMC 19.904.4 establishes the following approval criteria CSUs:

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

Setback - Per 19.309.6 Development Standards the minimum front yard setback requirement for the M-TSA zone is 20 ft (there are no minimum setbacks for side and rear yards). The modular is located 175 ft away from the street frontage as shown on the submitted site plan.

Height - Per 19.309.6 Development Standards the maximum height allowed is 45 ft. The modular is 15 ft high as shown on the submitted elevation.

Parking and Loading – Parking requirements per Chapter 19.600 allow for a minimum of 1 parking space per 1,000 sq ft and provides for a maximum of 1.2 spaces per 1,000 sq ft of floor area. The floor area of the temporary modular building is 9,307 sq ft. The site has 329 parking spaces, which is more than sufficient to accommodate the 11 spaces proposed for this temporary use. Bicycle parking will be provided by bike racks to meet the minimum 2 required bicycle parking spaces as shown on the site plan. This project includes two bicycle racks with capacity for eight (8) bicycles total. No covered spaces are proposed, but they are not required in this case per MMC 19.609.2.B.

Landscaping – No permanent improvements are proposed for the site. The existing conditions addressed the code development standards with street trees and stormwater planters.

Public Facility Improvements – Chapter 19.700 does not apply to this project.

Screening of Outdoor Uses – The project's only anticipated outdoor storage is for garbage. The container will be located to the east of the modular unit away from the Main Street sightline and will be screened with a sight-obscuring fence that is at least 6 ft high.

Parking, Loading and Unloading Areas – The site is located in a manufacturing zone and surrounding by manufacturing uses. The area occupied by the modular unit as well as the areas for parking, loading, and unloading are not located within the required 20-ft front yard setback or adjacent to residential land.

External Effects – No new exterior lighting will be required as lighting currently on site will be sufficient for the needs of this project. As this is for the temporary relocation of the library, no operations from this project will produce heat or glare. Similarly, the library will not create undue nuisances such as noise, odor, or electrical disturbances. Lastly, the site is located in a manufacturing zone, surrounded by manufacturing with no residential zoning adjacent to the site. No roof-mounted mechanical equipment will be on the modular building.

- (2) Specific standards for the proposed uses as found in Subsections 19.904.7-11 are met.

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

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

Utilities, streets, and other infrastructure improvements are existing for the site and are adequate for the proposed development.

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

the site is surrounded by properties zoned for manufacturing uses. This standard does not apply.

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

The site is located in a manufacturing zone. This standard does not apply.

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

The proposed modular building will be 15 ft high.

- (e) Noise-generating equipment shall be sound-buffered when adjacent to residential areas.

The site is not adjacent to any residential areas. This standard does not apply.

- (f) Lighting shall be designed to avoid glare on adjacent residential uses and public streets.

No new lighting is proposed.

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

Typical operational hours for the proposed use will be 10:00 a.m. to 9:00 p.m. Surrounding uses are exclusively manufacturing. As such, the proposed site has no direct adjacency to any residential zones. Due to the nature of the permitted manufacturing uses, which can include multiple shifts for operations (day and/or night), the proposed hours of operations for the temporary use are expected to be compatible.

- (h) A spire on a religious institution may exceed the maximum height limitation. For purposes of this subsection, “spire” means a small portion of a structure that extends above the rest of the roofline, or a separate structure that is substantially smaller than the main structure and extends above the roofline of the main structure. “Spire” includes but is not limited to ornamental spires, bell towers, other towers, minarets, and other similar structures or projections. The number of spires on a religious institution property is not limited, so long as the spires remain only a small portion of the area of the structures.

No spire is proposed. The proposed development is not a religious institution. This standard does not apply.

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

The proposed development is not a religious institution. This standard does not apply.

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

The site is developed for a park and ride facility. The temporary use will share parking with the facility consistent with the intent of this standard.

8. The application was referred to the following departments and agencies on January 2, 2018: City of Milwaukie City Manager, Community Development Director, Engineering Department, Building Official, Public Works Director, Clackamas Fire District #1, Oregon Department of Transportation, TriMet.

Notice was provided to properties located within 300 ft of the subject property on January 24, 2018. No comments were received.

Recommended Conditions of Approval
File #CSU-2017-009 – Ledding Library temporary location

Conditions:

No conditions are required for compliance with code criteria.

Additional Code Requirements:

Prior to final inspection of any building permit, the following shall be resolved:

1. All roof drains shall be directed away from pedestrian access areas.
2. Development activity on the site shall be limited to 7 a.m. to 10 p.m. Monday through Friday and 8 a.m. to 5 p.m. Saturday and Sunday, per MMC Subsection 8.08.070(l).



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

Application for Land Use Action

Master File #: _____

Review type*: ☐ I ☐ II ☐ III ☐ IV ☐ V

CHOOSE APPLICATION TYPE(S):

Community Service Use

...

...

...

...

Use separate application forms for:

- Annexation and/or Boundary Change
- Compensation for Reduction in Property Value (Measure 37)
- Daily Display Sign
- Appeal

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): City of Milwaukie

Mailing address: 10722 SE Main St, Milwaukie, OR Zip: 97222

Phone(s): 503 786 7522 E-mail: fishh@milwaukieoregon.gov

APPLICANT'S REPRESENTATIVE (if different than above): Amy Winterowd

Mailing address: 696 McVey Avenue, Suite 202, Lake Oswego, OR Zip: 97034

Phone(s): 503 914 8276 E-mail:

SITE INFORMATION:

Address: 9600 SE Main St Map & Tax Lot(s): 11E25CB01000

Comprehensive Plan Designation: I+TSA Zoning: MTSA Size of property: 164,689.00 Sq Ft

PROPOSAL (describe briefly):

The applicant is proposing to use a portion of the site, currently a TriMet Park and Ride surface lot, as the temporary location of the City's library during the permanent library's construction. Proposal includes the installation of a 9,200 SF modular building.

SIGNATURE:

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: Amy Winterowd`

Digitally signed by Amy Winterowd`
Date: 2017.12.17 10:08:25 -08'00'

Date: December 18, 2017

IMPORTANT INFORMATION ON REVERSE SIDE

RESET

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file		\$			\$	
Concurrent application files		\$			\$	
		\$			\$	
		\$			\$	
		\$			\$	
SUBTOTALS		\$			\$	
TOTAL AMOUNT RECEIVED: \$			RECEIPT #:			RCD BY:
Associated application file #s (appeals, modifications, previous approvals, etc.):						
Neighborhood District Association(s):						
Notes:						

*After discount (if any)

APPLICATION FOR LAND USE ACTION

Type III

Community Service Use

SUBMITTAL REQUIREMENTS

Submittal Requirement 01 – land use application forms and fees

Submittal Requirement 02 – Proof of ownership of eligibility to initiate application

Please see Attachment A: Letter from TriMet allowing use and Proof of Ownership by TriMet.

Submittal Requirement 03 – Detailed and Comprehensive description of all existing and proposed uses and structures, including a summary of all information contained in any site plans.

The subject property is owned by TriMet and is a surface parking lot used primarily as a park and ride for TriMet's ridership. The lot contains 329 parking spaces. The use of the site as a park and ride was approved by the City in 2005 as a Community Service Use (CSO-05-04). There are no existing structures on the site. The site is composed of concrete paving with periodic storm water planters as per code. Since the lot is paved, there is no increase to impervious area, therefore the storm water systems on site should be sufficient.

The applicant is proposing using the south portion of the site for the temporary relocation of the Ledding Library while the permanent site improvement is constructed. The library would be located within the TriMet parking lot, housed within a single-story modular building provided by ModSpace that measures 132'-4" x 70'-4" (9,307 sf). Some additional square footage will be taken by the ADA access ramp, two bicycle racks (accommodating 8 bicycles), screened garbage and 11 parking spaces. The modular building will have self-contained potable water and sanitary tanks. Although the zoning code does not recognize temporary uses, the proposed temporary library is expected to be in place until approximately September 2019 when the Ledding Library project is expected to be complete.

No permanent improvements are proposed for the site. The impact to the park and ride facility is expected to be minimal considering the temporary use will occupy a small portion of the available parking spaces designated for the park and ride. The modular is sited in its location to work within the placement of existing lights and storm water planters on site.

Submittal Requirement 04 – Detailed statement that demonstrates how the proposal meets all applicable application-specific approval criteria (check with staff) and all applicable development standards (listed below)

- A. Base zone standards in Chapter 19.300
- B. Overlay zone standards in Chapter 19.400
- C. Supplementary development regulations in Chapter 19.500
- D. Off-street parking and loading standards and requirements in Chapter 19.600
- E. Public facility standards and requirements, including any required street improvements in Chapter 19.700.

- A. **Base zone standards.** The base zone designation of the site is Manufacturing-TSA. Please note the Milwaukie Planning Commission approved Community Service Use on this site on February 14, 2006 per files CSO-05-04 and TPR-05-04.
1. *Per MMC 19.904, the proposed use is a Community Service Use, which is permitted in the M-TSA zone subject to MMC 19.904.*
 2. *The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met.*

This project does not propose any permanent improvements to the site.

Setback - Per 19.309.6 Development Standards the minimum setback requirement for the M-TSA zone is 20 feet. The modular is located 175 feet away from the street frontage as shown on the site plan (Figure 1).

Height - Per 19.309.6 Development Standards the maximum height allowed is 45 feet. The modular is 15 feet high as shown on the elevation (Figure 2).

Parking and Loading - Parking requirements per Chapter 19.600 allow for a minimum of 1 parking space per 1,000 square feet and provides for a maximum of 1.2 spaces per 1,000 square feet of floor area. The floor area of the temporary modular building is 9,307 square feet. The site has 329 parking spaces, which is more than sufficient to accommodate the 11 spaces proposed for this temporary use. Bicycle parking will be provided by bike racks to meet the minimum 2 required bicycle parking spaces as shown on the site plan. This project includes two bicycle racks with capacity for eight (8) bicycles total.

Landscaping – No permanent improvements are proposed for the site. The existing conditions addressed the code development standards with street trees and storm water planters

Public Facility Improvements – Chapter 19.700 does not apply to this project.

Screening of Outdoor Uses – The project's only anticipated outdoor storage is for garbage. The container will be located to the east of the modular unit away from the Main Street sightline and will be screened with a sight-obscuring fence that is at least 6 feet high.

Parking, Loading and Unloading Areas – The site is located in a manufacturing zone and surrounding by manufacturing uses. The area occupied by the modular unit as well as the areas for parking, loading, and unloading are not located within the required 25 foot setback or adjacent to residential land.

External Effects – No new exterior lighting will be required as lighting currently on site will be sufficient for the needs of this project. As this is for the temporary relocation of the library, no operations from this project will produce heat or glare. Similarly, the library will not create undue nuisances such as noise, odor, or electrical disturbances. Lastly, the site is located in a manufacturing zone, surrounded by manufacturing with no residential zoning adjacent to the site. No roof-mounted mechanical equipment will be on the modular.

Additional Standards – please see letter 'C' beginning on page 6.



Figure 1. Site Plan



Figure 2. Front elevation

3. *MMC 19.904.4 Approval Criteria*

- a. Specific standards for the proposed uses as found in Subsections 19.904.7-11 are met.*

Specific standards outlined in Subsection 19.904.9 (Institutions) will be met by the temporary use, where applicable since the proposed site is located within a manufacturing zone. Subsections 19.904.7 (Schools), 19.904.8 (Nursing or Convalescent Homes), 19.904.10 (Solid Waste Facilities) and 19.904.11 (Wireless Communication Facilities) are not applicable.

- a. Utilities, streets, or other improvements were already constructed for the existing site.*

- b. The site is surrounded by properties all zoned for manufacturing as illustrated by Figure 3 below. The standard does not apply.*

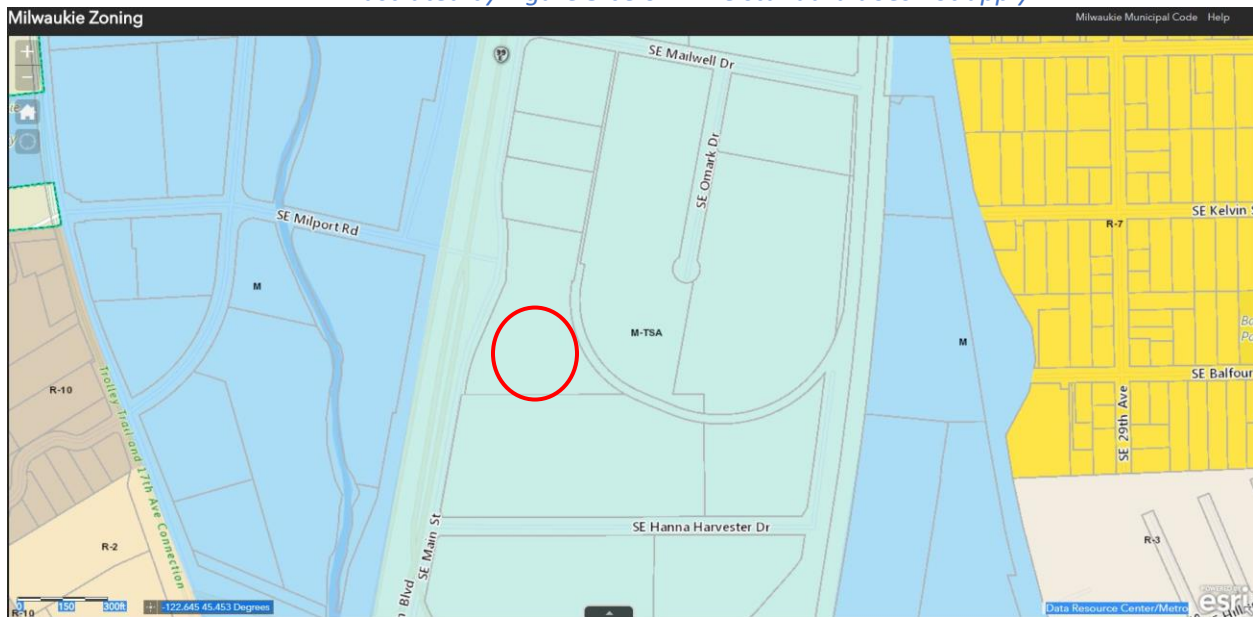


Figure 3. Site context plan.

- c. The site is located in a manufacturing zone (M-TSA), therefore this standard does not apply.*
- d. As shown on Figure 2 (above), the modular is 15 feet high, which meets the maximum height requirement of no more than 50 feet.*
- e. The site is located in a manufacturing zone (M-TSA), and not adjacent to a residential zone. See Figure 3 (above). This standard does not apply.*
- f. No new lighting is proposed and the site is not adjacent to a residential zone per Figure 3 (above). This standard does not apply.*
- g. Typical operational hours for the proposed use will be 10:00 a.m. to 9:00 p.m. Surrounding uses are exclusively manufacturing. As such, the proposed site has no direct adjacency to any residential zones. Due to the nature of the permitted manufacturing uses, which can include multiple shifts for operations (day and/or night), the proposed hours of operations for the temporary use are expected to be compatible. City staff concurred per the Pre-application Report under the Planning Notes section on Page 4.*
- h. No spire is proposed. The proposed use is not a religious institution. This standard does not apply.*

i. The proposed use is not a religious institution. The standard does not apply.

j. The site is developed for a park and ride facility. The temporary use will share parking with the park and ride facility consistent with the intent of the standard.

b. The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses.

Staff of the library will have varying hours, but the library's operational hours will be 10 a.m. to 9 p.m. Monday to Thursday, 10 a.m. to 6 p.m. Friday and Saturday, and 12 p.m. to 6 p.m. on Sunday's. Surrounding uses are exclusively manufacturing. As such, the proposed site has no direct adjacency to any residential zones. Due to the nature of the permitted manufacturing uses, which can include multiple shifts for operations (day and/or night), the proposed hours of operations for the temporary use are expected to be compatible.

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

There are no expected negative impacts to the proposed temporary use since the existing site has adequate space to continue providing service as a park and ride. The benefits of the temporary use include maintaining ongoing library service to the community while the permanent Ledding Library location undergoes construction. Temporarily relocating to the proposed site allows the Library to continue serving the community in close proximity to the permanent location.

d. The location is appropriate for the type of use proposed.

The proposed location is appropriate for the temporary use due to its close proximity to the Library's permanent location and downtown core as well as its close access to transit and other modes of transportation. The site is also ideal for the proposed temporary use because of the existing paved surface which allows for simple construction of the modular unit.

B. Overlay Zone Standards. The site lies within the Tacoma Station Area Overlay Zone. Per the decision for files CSO-05-4 and TPR-05-04, Community Service Use is permitted for this site.

C. Supplemental Development Regulations. Of the supplementary development regulations in Chapter 19.500, 19.501-19.503 as well as 19.505-19.509 do not apply to temporary use.

Under 19.504 Site Design Standards:

19.504.1 – Clear Vision Areas

The modular will be located more than 100 feet back from the closest street, SE Main Street, which maintains clear vision on the corners of all property at the intersection of streets.

19.504.2 - Maintenance of Minimum Ordinance Requirements

Not Applicable. The proposed use does not reduce lot area, yard, other open space or off-street parking or loading area.

19.504.3 – Dual Use of Required Open Space

Not Applicable. The proposed use is not using any other lot area, yard, other open space or off-street parking area.

19.504.4 – Buildings on the Same Lot

Not Applicable. The property is not zoned as residential.

19.504.5 – Distance from Property Line

The modular will be located more than 100 feet back from the west and north sides of the property, more than 75 feet back from the south side of the property, and more than 50 feet back from the east side of the property.

19.504.6 – Transition Area Measures

Not Applicable. All adjacencies are also zoned Manufacturing

19.504.7 – Minimum Vegetation

Not Applicable - No vegetation area is currently contained on site and this project is a temporary use which will not be adding vegetation.

19.504.8 - Flag Lot Design and Development Standards

Not Applicable. The project is not located on a flag lot.

19.504.9 – On-Site Walkways and Circulation

The site was previously developed and achieved approval.

19.504.10 – Setbacks Adjacent to Transit

The proposed use has been located on the property based on discussions with the property owner, TriMet, in order to minimize the impact to the existing park and ride facility. The location of the temporary building is also based on providing access to the necessary utilities (electrical service). Although the temporary building is located more than 30 feet from the Main Street right-of-way, which provides transit service, the temporary use is located within an active park and ride designed to provide access to transit on Main Street. The proposed use is also temporary and will not be permanently located on-site.

19.504.11 – Preliminary Circulation Plan

Although the site is 3.78 acres and would be subject to this requirement, it is not a vacant site as it is being actively used as an approved park and ride facility. This code section is not applicable to the proposed project.

- D. **Off-street parking and loading.** Per MMC 19.605, the proposed development must provide a minimum of 9 and a maximum of 11 parking spaces. This requirement can be accommodated on the site, while still maintaining ample parking for the park and ride facility. The proposal includes bicycle parking for 8 bicycles. This standard is met.
- E. **Public facility standards and requirements.** Chapter 19.700 does not apply to this project. No permanent improvements are planned for this site.

Submittal Requirement 05 – Site plan(s), preliminary plat or final plat as appropriate



Figure 4. Site Plan

Submittal Requirement 06 – Copy of valid pre-application conference report, when a conference was required.

[Please see Attachment B, Preapplication Report.](#)

Attachment A



November 30, 2017

Alma Flores
Community Development Director
City of Milwaukie
6101 SE Johnson Creek Blvd
Milwaukie, OR 97222

Dear Ms. Flores:

Trimet, owner of the Southgate Park and Ride lot located at 9600 SE Main Street, Milwaukie OR, gives permission to the city of Milwaukie to occupy a portion of the site for an 18 month period beginning when the lease agreement is signed for the purposes of temporarily locating the Milwaukie Ledding Library.

Sincerely,

A handwritten signature in black ink, appearing to read "Lance Erz", is written over a horizontal line.

Lance Erz
TriMet Director of Real Property



42
Dons
File 746

AFTER RECORD IS RETURN TO:
GREGORY R. HOWE, ESQ.
STOEL RIVES, LLP
900 SW FIFTH AVE.
SUITE 2600
1 PORTLAND, OR 97204

orig to confer sheet

Clackamas County Official Records 2004-095689
Sherry Hall, County Clerk
\$51.00
00748132200400956890040048 10/15/2004 02:26:30 PM

CLR-J Cnt=1 Stn=7 AMIEE
\$20.00 \$11.00 \$20.00

STEWART TITLE COM/2002-00055-67

2
3 IN THE CIRCUIT COURT OF THE STATE OF OREGON
4 FOR THE COUNTY OF CLACKAMAS

5 TRI-COUNTY METROPOLITAN
6 TRANSPORTATION DISTRICT,
an Oregon Municipal Corporation,

7 Plaintiff,

8 v.

9 6710 LLC, an Oregon Limited Liability
Company, et al, RONALD AND
10 HEATHER KILLOUGH;
11 TERPSICHERIA, an Oregon
corporation; TG THUNDER INC., an
inactive Oregon corporation, dba
12 THUNDER ELITE ALL-STARS,
WALDORF ASSOCIATION OF
13 PORTLAND, INC., an Oregon
corporation; STAGES CHRISTIAN
14 THEATER, INC., an Oregon corporation
and STX OREGON PROPERTY
15 MANAGEMENT CORPORATION, an
Oregon corporation

16 Defendant.
17

No. CCV0306273
GENERAL JUDGMENT IN
CONDEMNATION

18 6710 LLC, Ronald and Heather Killough, Terpsichoria, TG Thunder Inc., Waldorf
19 Association of Portland, Inc. and Stages Christian Theater, Inc. are hereafter referred to
20 collectively as Defendants. Orders of default were entered against TG Thunder Inc. on
21 August 28, 2003 and against Terpsichoria, Stages Christian Theater, and Waldorf
22 Association of Portland on August 29, 2003. STX Oregon Property Management was
23 dismissed from this case by judgment entered November 24, 2003.

24 ////
25 ////
26 ////

1 Based upon the stipulation herein, which the Court finds and concludes gives it
2 subject matter jurisdiction and personal jurisdiction over the plaintiff and Defendants and
3 given that all conditions precedent required for the exercise of eminent domain have been
4 satisfied and an agreement having been reached between the parties setting the just
5 compensation due defendant 6710 LLC, it is hereby

6 ORDERED AND ADJUDGED AS FOLLOWS:

7 1. Judgment in condemnation is granted in favor of plaintiff TriCounty
8 Metropolitan Transportation District of Oregon ("TriMet") against Defendants conveying
9 and transferring from Defendants and vesting in plaintiff all of the rights, title, and interest in
10 that certain land located in Clackamas County, Oregon, described in Exhibit A attached
11 hereto and incorporated herein by reference, together with all improvements situated thereon
12 (the "Property").

13 /////

14 /////

15 /////

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Page 2 - GENERAL JUDGMENT IN CONDEMNATION

2

PortInd1-2174878.1 0074755-00258

File 746
Southgate Theater
9600 SE Main St., Milwaukie

EXHIBIT "A"

The South 50 feet of Tract 1 and all of Tracts 2 and 3, OMARK INDUSTRIAL PARK, in the City of Milwaukie, County of Clackamas and State of Oregon. EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its Department of Transportation, recorded April 23, 1991 as Recorder's Fee No. 91018028.

(4)

EXHIBIT A
PAGE 1

Attachment B



December 15, 2017

Amy Winterowd
Plan B Consultancy
696 McVey Ave, Ste. 202
Lake Oswego OR 97034

Re: Preapplication Report

Dear Amy:

Enclosed is the Preapplication Report Summary from your meeting with the City on November 30, 2017, concerning your proposal for action on property located at 9600 SE Main St.

A preapplication conference is required prior to submittal of certain types of land use applications in the City of Milwaukie. Where a preapplication conference is required, please be advised of the following:

- Preapplication conferences are valid for a period of 2 years from the date of the conference. If a land use application or development permit has not been submitted within 2 years of the conference date, the Planning Director may require a new preapplication conference.
- If a development proposal is significantly modified after a preapplication conference occurs, the Planning Director may require a new preapplication conference.

If you have any questions concerning the content of this report, please contact the appropriate City staff.

Sincerely,



Alicia Martin
Administrative Specialist II

Enclosure

cc: Katie Newell, Ledding Library
file

COMMUNITY DEVELOPMENT
BUILDING • ECONOMIC DEVELOPMENT • ENGINEERING • PLANNING
6101 SE Johnson Creek Blvd., Milwaukie, Oregon 97206
P) 503-786-7600 / F) 503-774-8236
www.milwaukieoregon.gov

CITY OF MILWAUKIE

PreApp Project ID #: 17-022PA

PRE-APPLICATION CONFERENCE REPORT

This report is provided as a follow-up to a meeting that was held on 11/30/2017 at 10:00am

Applicant Name: Amy Winterowd
Company: PlanB Consultancy
Applicant 'Role': Other
Address Line 1: 696 SW McVey Ave
Address Line 2:
City, State Zip: Lake Oswego OR 97034

Project Name: Library Temporary Location
Description: Library Temporary Location during construction
ProjectAddress: 9600 SE Main St
Zone: Tacoma Station Area Manufacturing Zone (M-TSA); TSA Subarea 4
Occupancy Group:
ConstructionType:
Use: Industrial (I)
Occupant Load:
AppsPresent: Amy Winterowd, Jordan Henderson, Katie Newell
Staff Attendance: Denny Egner, Vera Kolias, Alma Flores, Alex Roller, Samantha Vandagriff, Leila Aman, Peter Passarelli, Jennifer Davidson

BUILDING ISSUES

ADA: Structure shall be fully ADA compliant.
Structural:
Mechanical:
Plumbing:
Plumb Site Utilities:
Electrical:
Notes:

Please note all drawings must be individually rolled. If the drawings are small enough to fold they must be individually folded.

FIRE MARSHAL ISSUES

Fire Sprinklers:

Fire Alarms:

Fire Hydrants:

Turn Arounds:

Addressing:

Fire Protection:

Fire Access:

Hazardous Mat.:

Fire Marshal Notes: See attached.

PUBLIC WORKS ISSUES

Water: Water will be brought to the site by truck. No modifications to water meters serving the site are being proposed, so no water SDC is required.

Sewer: Sewer waste will be removed from the site by truck. No new connections are being made to the existing sewer system, so no sewer SDC is required.

Storm: Entire existing site is impervious, so additional stormwater measures are not required.

Street: The proposed development fronts the east side of SE Main Street, a collector street. The portion of SE Main Street fronting the proposed development has a right-of-way width of 40 feet and a paved width of 30 feet with curb and sidewalk on the east side of the road.

Frontage: The necessary improvements to Main Street were previously constructed with a Capital Improvement Project. The applicant is not responsible for any additional improvements.

Right of Way: No right-of-way dedication will be required with this temporary development.

Driveways: All portions of the development site are fully developed and no modifications are being requested, or are required.

Erosion Control: Per Code Section 16.28.020(C), an erosion control permit is required prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which results in the disturbance or exposure of soils exceeding five hundred square feet.

Code Section 16.28.020(E) states that an erosion control permit is required prior to issuance of building permits or approval of construction plans. Also, Section 16.28.020(B) states that an erosion control plan that meets the requirements of Section 16.28.030 is required prior to any approval of an erosion control permit.

Traffic Impact Study: Code Section 19.704.1(A) states that the City will determine whether a transportation impact study (TIS) is required. In the event the proposed development will significantly increase the intensity of use, a transportation impact study will be required. The City of Milwaukie Engineering Director will make this determination based on proposed preliminary subdivision design and the number of lots created. The Engineering Director has determined that this development will not require a TIS, as this site has already been constructed to accommodate a very high traffic volume.

PW Notes: TRANSPORTATION SDC
No transportation SDC's will be required. The trip generation during this temporary time will be offset by the lack of trip generation for the existing library site during construction.

PARKS & RECREATION SDC
No parks and recreation SDC's will be required. The employee's accessing the site during this temporary time will be offset by no employees accessing the existing library site during construction.

PLANNING ISSUES

Setbacks: In the M-TSA: Minimum street setback = 20 feet; side and rear yard setbacks = 0 feet unless abutting a residential zone.

Landscape: In the M-TSA, per MMC 19.312.7, 15% of the site is required to be landscaped.

Parking: Per MMC 19.600, the minimum and maximum off-street parking requirements for a library are 1 space and 1.2 spaces per 1,000 sq ft of floor area respectively. Based on a 9,200 -sq ft modular building, a minimum of 9 spaces and a maximum of 11 spaces must be provided.

Transportation Review: Please see the Public Works notes for any information about the requirements of MMC 19.700.

Application Procedures: Community Service Use

The proposed use is a new Community Service Use and is subject to a Type III Community Service Use review per MMC 19.904. The approval criteria identified in 19.904.4, the application requirements in 19.904.6, as well as the specific standards for institutions in 19.904.9 should be addressed in the application materials. The procedures for Type III review are established in MMC Section 19.1006.

Applicant is encouraged to carefully review the following zoning code sections applicable to this project:

1. MMC 19.312 – Tacoma Station Area Manufacturing Zone (M-TSA)
2. MMC 19.600 – Off-street parking
3. MMC 19.904 – Community Service Use

Park and Ride lot

Staff provided the land use decision approving the use of the subject property as a park and ride lot (CSO-05-04). The applicant should review the decision and include information in the application narrative that addresses the proposed use to show that it is not in conflict with the approval.

Application fees are based on the current fee schedule. Fees are typically updated on July 1st of each

year. Current application fees are as follows: Type I = \$200; Type II = \$1,000; Type III = \$2,000.

For the City's initial review, the applicant should submit 5 complete copies of the application, including all required forms and checklists. A determination of the application's completeness will be issued within 30 days. If deemed incomplete, additional information will be requested. If deemed complete, additional copies of the application may be required for referral to other departments and other relevant parties and agencies. City staff will inform the applicant of the total number of copies needed.

For Type III review, once the application is deemed complete, a public hearing with the Planning Commission will be scheduled. Staff will determine the earliest available date that allows time for preparation of a staff report (including a recommendation regarding approval) as well as provision of the required public notice to property owners and residents within 300 ft of the subject property, at least 20 days prior to the public hearing. A sign giving notice of the application must be posted on the subject property at least 14 days prior to the hearing.

Type III applications are quasi-judicial in nature and are decided by the Planning Commission at a public hearing.

The Planning Commission hears land use applications on the second and fourth Tuesdays of every month, and completed applications need to be submitted to the Planning Department no later than 45 days prior to the target Planning Commission hearing. In general, staff recommends that applications be submitted one to two weeks before the 45-day deadline in order to ensure that there is time to make the applications complete if they are initially deemed incomplete. Once the Planning Commission renders a decision, there is a fifteen calendar-day appeal period. Permits submitted during the appeal period may be reviewed but are not typically approved until the appeal period has ended.

Natural Resource Review: The project area does not include any mapped natural resources.

Lot Geography: The subject property is an irregular shaped lot with frontage on Main St.

Planning Notes: The applicant submitted questions with the application materials. Select responses are as follows:

1. Is there a time limit on a temporary use?

The code does not recognize temporary uses. The proposal would be reviewed as a regular CSU and not subject to any time limits.

2. Regarding the hours of operation of the library and its compatibility with surrounding uses, staff notes that a typical industrial area has hours of operation ranging from the typical weekday use to weekend use and late hours for shift work. Therefore, the hours proposed for a library would not be in conflict or incompatible with surrounding uses.

3. Compliance with 19.504.10, setbacks adjacent to transit, should be addressed in the narrative. The application materials should note the transit route and how the building location does not impede transit use for library patrons.

4. The proposal is not subject to 19.504.11 as the site is not considered a vacant site – it is in active use as a park and ride lot.

5. For signs, including daily display signs, please review 14.16.050.

Neighboring properties within 300 ft of the site will receive notice of the proposed development and may submit comments or testify at the hearing.

The preapplication conference is valid for purposes of submitting future land use applications as described in MMC 19.1002.4. A preapplication conference is valid for 2 years.

The full zoning code is available online at:
<http://www.qcode.us/codes/milwaukie/view.php?topic=19&frames=on>

Title 14 - Signs is available online at:
<http://www.qcode.us/codes/milwaukie/view.php?topic=14&frames=off>

ADDITIONAL NOTES AND ISSUES

County Health Notes:

Other Notes:

This is only preliminary preapplication conference information based on the applicant's proposal and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

Samantha Vandagriff - Building Official - 503-786-7611

Stephanie Marcinkiewicz
- Inspector/Plans Examiner - 503-786-7613

ENGINEERING DEPARTMENT

Chuck Eaton - Engineering Director - 503-786-7605

Alex Roller - Engineering Tech II - 503-786-7695

COMMUNITY DEVELOPMENT DEPARTMENT

Alma Flores - Comm. Dev. Director - 503-786-7652

Leila Aman - Development Manager - 503-786-7616

Alicia Martin - Admin Specialist - 503-786-7600

PLANNING DEPARTMENT

Dennis Egner - Planning Director - 503-786-7654

David Levitan - Senior Planner - 503-786-7627

Brett Kelter - Associate Planner - 503-786-7657

Vera Kolias - Associate Planner - 503-786-7653

Mary Heberling - Assistant Planner - 503-786-7658

CLACKAMAS FIRE DISTRICT

Mike Boumann - Lieutenant Deputy Fire Marshal - 503-742-2673

Matt Amos - Fire Inspector - 503-742-2661

Clackamas County Fire District #1

Fire Prevention Office



E-mail Memorandum

To: City of Milwaukie Planning Department
From: Matt Amos, Fire Inspector, Clackamas Fire District #1
Date: 12/14/2017
Re: Temp Library 9600 SE Main St. 17-022PA

This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements. When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access and water supply may be modified as approved by the fire code official. The following items should be addressed by the applicant:

The Fire District has no comments for this proposal.



MILWAUKIE

Dogwood City of the West

To: Planning Commission
From: Denny Egner, Planning Director
 David Levitan, Senior Planner
Date: February 6, 2018, for February 13, 2018 Worksession
Subject: Comprehensive Plan Update Check-in

ACTION REQUESTED

Staff is requesting that the Planning Commission listen to an update on the status of the Comprehensive Plan Update, including recent meetings and upcoming events, and provide feedback on the questions raised by staff.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

January 12, 2016: Staff provided the Planning Commission with an overview of the history and planned approach for the Comprehensive Plan Update and the feedback that the City Council provided on the approach at their December 15, 2015 meeting.

July 25, 2017: Staff provided an update on the Community Vision and proposed framework for the Comprehensive Plan, and asked for a Planning Commission representative to serve on the Comprehensive Plan Advisory Committee (CPAC).

September 12, 2017: The Planning Commission voted to appoint Chair Travis to the CPAC.

October 10, 2017: Staff presented the proposed work program for the Comprehensive Plan Update, which is centered around the sustainability filters and “super actions” that were developed as part of the Community Vision.

BACKGROUND

On October 10, staff held a work session with the Commission to present the proposed work program for the Comprehensive Plan Update, which seeks to build on the momentum developed during the Community Vision process. Since that time, staff has been working on multiple project components, and this meeting serves to update the Commission on its progress to date.

Comprehensive Plan Work Program Block 1

The Comprehensive Plan work program is broken into three six-month work blocks and a synthesis stage, which will organize the topic areas by a series of “Super Actions” similar to those developed for the Community Vision. Block 1 includes four topics – Public Involvement, Growth Management, Economy, and Arts and Culture. As illustrated in the [work program](#), each work block includes five CPAC meetings and a Town Hall event, and will be supplemented by a variety of other inclusive engagement tools, including an Online Open House and outreach to underrepresented communities, local schools, NDAs and businesses.

CPAC Meetings

To date, the City has held two CPAC meetings, which are being facilitated by Kirstin Greene (now with EnviroIssues), the City's lead consultant for the Community Vision who will also be facilitating the Community Town Halls (discussed in further detail below). The [first meeting](#) was held on November 27, and served to provide a background on the Community Vision; discuss the role of the Comprehensive Plan and why it's being updated; explore the CPAC charter; and introduce the work plan and schedule for the project. CPAC members discussed what led them to volunteer for the committee, providing staff with an opportunity to get to know members better.

Following a break for the holidays, the [second meeting](#) was held on January 31. In advance of the meeting, staff prepared background reports (Attachment 1) for the four Block 1 topic areas, which can be found on the hyperlink above. Each background report includes an introduction; a summary of relevant Statewide Planning Goals, existing Comprehensive Plan policies, and Community Vision action items; an assessment of community assets and trends; and a discussion of challenges and opportunities.

At the January 31 meeting, staff presented each topic area and answered CPAC questions. CPAC members then broke into four groups to begin their work on reviewing and evaluating existing Comprehensive Plan policies and objectives and developing new policies that build on the Community Vision and other community priorities. Discussion was lively and robust, with numerous new ideas proposed; Chair Travis was a member of the Public Involvement group, and can provide more detail on their discussion. At the conclusion of the second meeting, staff instructed CPAC members to continue thinking about Comprehensive Plan policies that should be added/deleted/revised, which will be the focus of the third meeting on March 5.

Block 1 Town Hall (April 4)

On April 4, the City will be hosting a Town Hall at the Waldorf School to introduce proposed goals and policies for the four Block 1 topic areas, and to solicit the first round of community feedback. Staff is currently working with its consultants to develop the agenda, but we envision a format similar to the second Vision Town Hall, which includes a brief introduction followed by an in-depth discussion of each topic area. Ideas developed at the Town Hall will be discussed and refined by the CPAC at their fourth meeting, and featured in the Online Open House. The City will be advertising for the Town Hall through a variety of different formats, and hopes to have attendance that matches those of the two Vision Town Halls. City staff polled the Planning Commission about their availability, and is requesting that all commissioners attend.

Online Open House

As noted above, following the Town Hall and CPAC meeting 4, the City will be hosting an online open house, which will give the community an opportunity to weigh in on the CPAC's proposed final policy language for the four Block 1 topic areas. The format has yet to be finalized, but EnviroIssues has several recent examples on [their website](#).

"Neighborhood Hubs" Discussion with Neighborhood District Associations

One interesting concept that was mentioned prominently during the Community Vision was the concept of "neighborhood hubs"; Prosperity Goal Area Statement 2 of the Community Vision calls for a "network of unique, interconnected local hubs that together make Milwaukie the livable, equitable, and sustainable community that it is."

In recognition of the fact that each neighborhood may have a different idea of what types of uses and amenities make up a neighborhood hub, the City is in the process of hiring an urban

design consultant to work with the NDAs to develop concepts for each neighborhood. City staff anticipates hiring the consultant team by mid-February, and the process is expected to last approximately a year, spanning Blocks 1 and 2 of the work program. As a first step of NDA outreach, staff will be attending all seven NDA meetings in March 2018 to introduce the concept and begin soliciting ideas of what neighborhood members would like to see in their local hub.

Other Public Engagement

artMOB

On February 21, staff will be meeting with the artMOB to discuss the Arts and Culture Element of the Comprehensive Plan, and to solicit their feedback on concepts that were developed by the CPAC at their second meeting. Staff will continue to engage the artMOB as it develops the Arts and Culture Element, which is a completely new element to the Comprehensive Plan.

Focused Outreach to Underrepresented Community Members

One of the most successful components of the Community Vision was its success in reaching out to traditionally underrepresented communities, including youth and non-English speakers. As part of its contract, EnviroIssues has been tasked with helping the City engage Milwaukie HS students and the Latino community through a series of conversations and focus groups. Key materials will be translated into Spanish, and EnviroIssues has staff members fluent in Spanish.

DISCUSSION

Work on Block 1 is expected to be completed in June 2018. As we move forward with the work program, staff would appreciate the Commission's feedback on the following questions:

- 1) How often would you like staff to brief you on the project's status? Staff is happy to appear regularly, or work with the Commission liaison (Chair Travis) to provide a summary of Comp Plan work.
- 2) Are there issues or policies for any of the Block 1 topic areas that you want the CPAC and community to consider at Town Hall 1?
- 3) Would you like any dedicated work sessions to make policy language recommendations, which would then be fed back to the CPAC?

RECOMMENDATION

Staff is requesting that the Commission provide feedback on the work completed to date on the Comprehensive Plan Update, as well as on how they would like to be involved with the Block 1 work.

ATTACHMENTS

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

	PC Packet	Public Copie:	E-Packet
1. Block 1 Background Reports	☒	☒	☒

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 <https://www.milwaukieoregon.gov/bc-pc/planning-commission>.



Background Report: Public Involvement

Milwaukie Comprehensive Plan Update

Block 1 Topic Area

Prepared for the
Comprehensive
Plan Advisory
Committee
January 2018



Introduction

Milwaukie is fortunate to have a community that is interested and involved in decision-making for their city. The objective of the Community Involvement chapter of the Comprehensive Plan is to encourage and provide opportunities for community members to participate in all phases of the planning process, to keep the public informed, and to open lines of communication for the sharing of questions, problems, and suggestions regarding the Comprehensive Plan and land use regulations.

Several groups were involved in the 1976 and 1988 Comprehensive Plan updates: representatives of each NDA, City Staff, consultants, Technical Advisory Group, and Special Task Forces. During the 1987-1988 Plan update, the Comprehensive Plan Review Committee (CPRC) was established. A similar process is being conducted with this Comprehensive Plan update, with the committee now known as the Comprehensive Plan Advisory Committee (CPAC). Statewide planning goals, the current Comprehensive Plan, and the goals and action items from the 2016-2017 Community Vision and Action Plan will be evaluated and incorporated as part of this update.

Planning for Public Involvement

Oregon has a set of 19 Statewide Planning Goals, which serve as the foundation of the state's land use planning program that is implemented at the local level through the Comprehensive Plan. [Statewide Planning Goal 1](#) is called Citizen Involvement. The purpose of this goal is, "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." The goal calls for the creation of a citizen involvement program, as part of the Comprehensive Plan update process, that clearly describes procedures for how the public can be involved in the land use process. According to the Goal 1 language, this program shall incorporate:

- "Citizen Involvement – to provide widespread citizen involvement."
- "Communication – to assure effective two-way communication with citizens."
- "Citizen influence – to provide the opportunity for citizens to be involved in all phases of the planning process."

- “Technical Information – to assure that technical information is available in an understandable form.”
- “Feedback Mechanisms – to assure that citizens will receive a response from policy-makers.”
- “Financial Support – to insure funding for the citizen involvement program.”

Public Involvement and Milwaukie’s Comprehensive Plan

During the 1987-1988 Plan update, the Comprehensive Plan Review Committee (CPRC) was established to satisfy the requirements of Statewide Goal 1. The purpose of this group was to ensure adequate community involvement in the City’s planning processes.

Besides the CPRC, the current Comprehensive Plan lists goals, policies, and recommended action measures to meet the standards of Goal 1. These are included in [Chapter 1](#) of the Comprehensive Plan. Chapter 1 objectives are summarized below:

- *Objective 1 – Neighborhood Associations*
Neighborhood associations will be advisory to the Planning Commission and City Council and will be notified by the City about proposed land use actions and legislative changes. Funding may be requested by neighborhood associations and provided depending on the City budget and City Council approval.
- *Objective 2 – Broad Public Participation*
A variety of media will be used to openly recruit members for the Planning Commission and citizen advisory committees. A Comprehensive Plan Review Committee (CPRC) will be formed to assist in periodic review of the Plan and Special Task Forces will assist the CPRC.
- *Objective 3 – Communication*
Planning documents will be available through City offices and public libraries. The public will be informed through timely and adequate public notice of opportunities for involvement and input in land use matters. Notice will be provided through a range of available media and organizations.
- *Objective 4 – Ongoing Citizen Involvement*
Assure adequate funding in the planning budget for publicity, advertising, staff, graphic materials, or other supplies necessary to support the citizen involvement program. The CPRC shall be responsible for evaluating and providing recommendations for the citizen involvement process as part of each Plan update.

Public Involvement and Milwaukie’s Community Vision

In 2016-2017, the City of Milwaukie underwent an extensive public process to craft a [vision and action plan](#). The process resulted in a new vision statement, with action items to achieve stated goals over the next 20 years. The vision, goals, and actions received input from a variety of people and groups. The City received input from the Vision Advisory Committee (VAC), staff, a technical advisory group, town halls, surveys, City Council, Planning Commission, and many more.

The visioning process generated goals and action items that relate to the Comprehensive Plan Community Involvement chapter. Those goals and action items are listed on the following page:

People 3.2: Update the City's comprehensive city-wide communications strategy to encourage community engagement and employ a variety of methods for exchanging information, from large Town Hall meetings to emerging online tools.

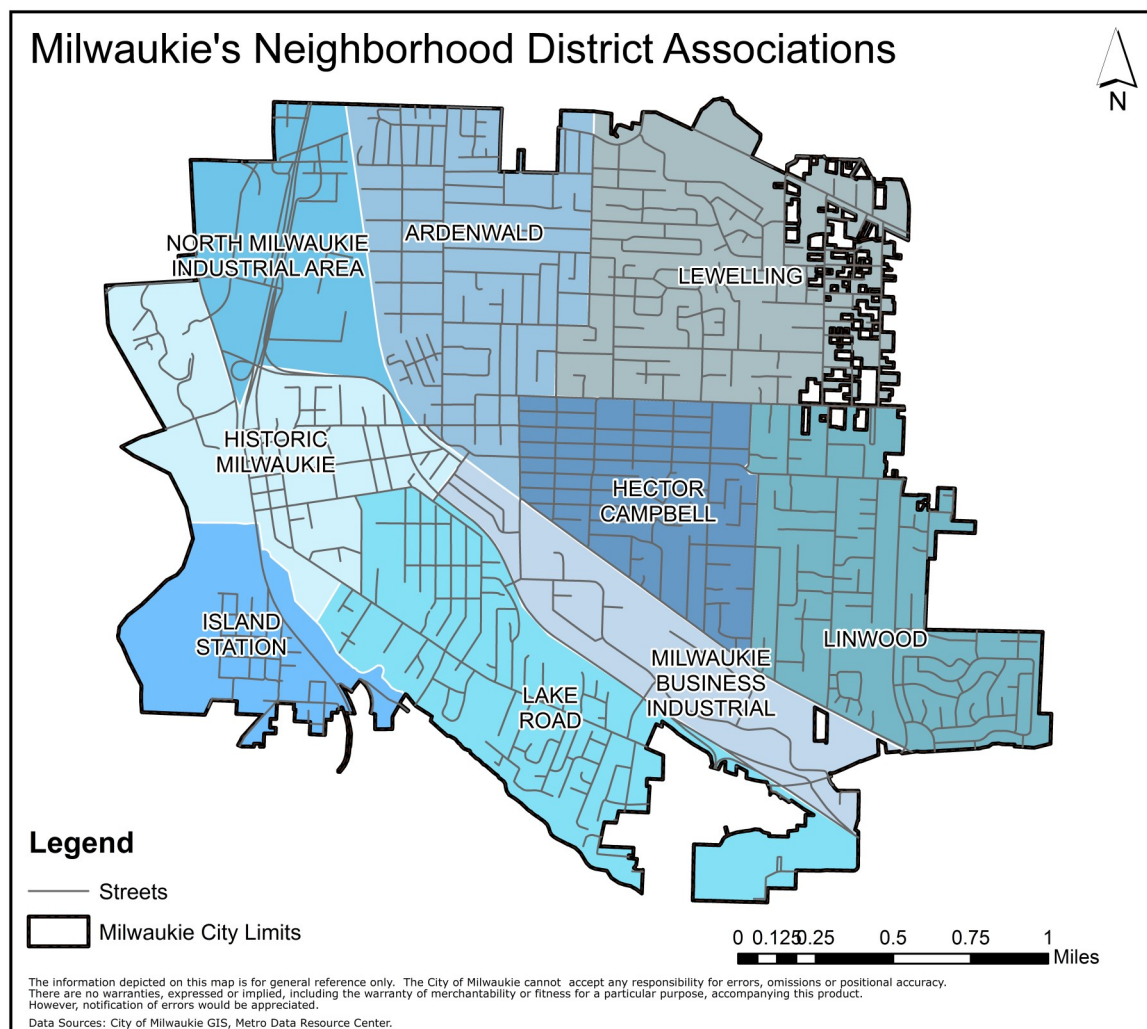
People 3.6: Increase the number of City informational materials translated into Spanish and other languages.

Assets & Trends for Incorporating Public Involvement in Planning

Larger trends relating to public involvement in planning coupled with Milwaukie's strong community culture and willingness of its community members to engage in planning for the future of their city create a range of assets we can draw from when thinking about how we can approach public involvement in the future.

Neighborhood District Associations

The City of Milwaukie supports and assists the Neighborhood District Associations (NDAs). There are 7 NDAs within the City and most have active members that participate in a variety of City committees and advocate for their neighborhoods. The City notifies NDAs about land use proposals that require public notice and have public hearings. NDAs are given referrals ahead of the public notices so that decision makers can consider NDA comments during review of these proposals. NDAs provide insight, not only through these land use proposals, but in general about Milwaukie and growth. In particular, NDA comments were helpful in the City's most recent Vision and Action Plan Update during 2016-2017.



Milwaukie's 2016-2017 Community Vision and Action Plan

As part of Milwaukie's visioning and action plan process in 2016-2017, action items and goals were developed regarding how community involvement should change and expand in the future. The NDAs played a major role in the input received for this process and were given multiple opportunities throughout the process to provide ideas and comments. It was greatly appreciated by the community to see the NDAs play a role in this process.

As part of its outreach for the Community Vision, the City held two town halls, an online survey, a [Place It! event](#), and multiple public hearings to give community members a chance to provide their input and ideas into the visioning process. Based on the feedback received through these events, the City was able to create a vision and action plan that reflected what the community felt were needed in the next 20 years. The town halls had over 200 participants, the online survey received over 100 responses, and at least 60 community members enjoyed the Place It! event as an inventive way to get families, children, and community members of all demographic backgrounds thinking about the future of Milwaukie. The momentum of the recent vision process provided great insight into how active and engaged the Milwaukie community has become over recent years.

Milwaukie's Upward Trend in Community Involvement

The visioning process provided evidence that a new set of community members were interested in being involved in the City as it continues to grow. During the first town hall event held for the visioning process, when asked how many people present had lived in Milwaukie for 5 years or less, over half of the crowd raised their hands. Recent City committee applications show a trend of residents who are new to the Milwaukie community wanting to be engaged and involved. For the Vision Advisory Committee (VAC), the City received over 50 applicants, 67% of whom had lived in Milwaukie 5 years or less. For the current Comprehensive Plan Advisory Committee (CPAC), the City received almost 70 applications. Among those applicants, 46% had lived in Milwaukie for 5 years or less. Not only is Milwaukie growing and seeing more new residents wanting to be involved, but there are large numbers of community members showing their interest in being involved and participating in City events and activities. As the City continues to provide more opportunities for community involvement, it has also learned that traditional forms of engagement are good, but good relationships with partners, going "out of the box" to engage a variety of community members, and putting efforts into creating ample opportunities to provide input is key for the future of community involvement.

The Idea of Engagement Has Changed

Traditional community engagement in the past has included events such as, town halls or public hearings. These are events where a community member must come to the City and have time to commit to community engagement. With the 2016-2017 Community Visioning process, the City used more avenues to engage the community that weren't all traditional forms. Online surveys allowed people to comment and participate without needing to be somewhere at a certain time. The Place It! event was tailored to make it easier for families with kids to participate. Translation services were provided to make it easier for non-English speakers to participate. These changes in the way the City engaged with the community are examples of the ways that the City is looking to move forward with future community engagement.

Another engagement tool that the City used during the visioning process was to work with community groups and partners to help spread the word out to the community. The City already has a good relationship with North Clackamas School District and North Clackamas Parks and Recreation Department. These partners helped spread the word through children to inform parents or guardians about upcoming events, surveys, and information about the visioning process. The City also worked with some community organizations who work with Spanish speakers in the

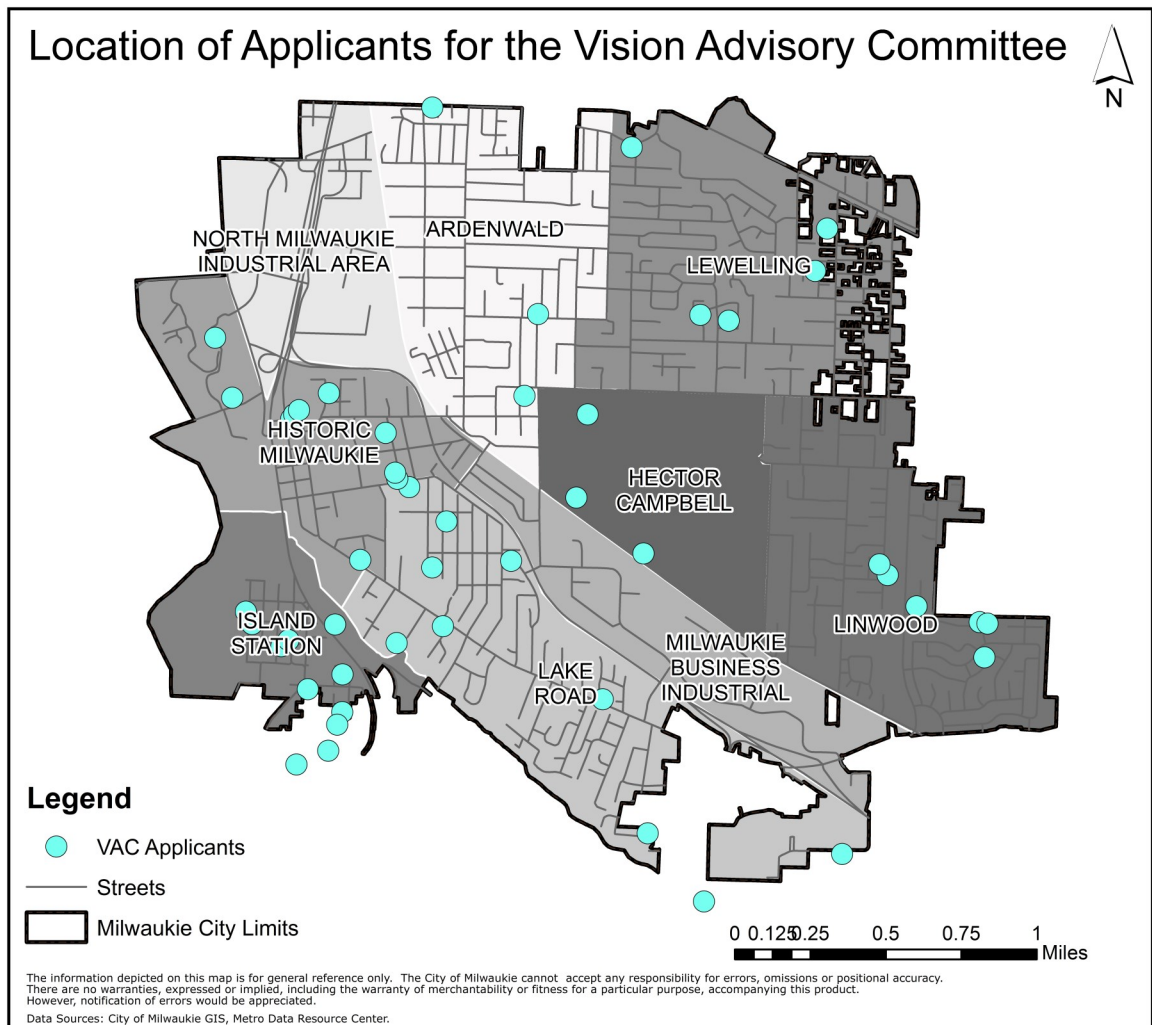
community. They were able to help spread the word to a population that disproportionately aren't engaged in city events, as well as, give guidance on how to best engage with those populations. The City is committed to moving forward and using these other tools for engagement along with more traditional forms.

Opportunities & Challenges Influencing Public Involvement Planning

Lack of Diversity

While the City is intending to move forward with different engagement tools, there are some challenges associated with those tools. Currently Milwaukie is not very racially diverse. According to the 2010 US Census, 87% of Milwaukie's population is white, 6% Hispanic or Latino, 4% Asian, 3% African American, and 1% Native Hawaiian and other Pacific Islander. A current lack of diversity does not mean that Milwaukie in the future will not be diverse. Planning for the future should also include ways to increase and engage more diverse communities.

Diversity can also be thought of in terms of neighborhood representation in community planning activities. Though there was a good response in terms of the number of applicants for the VAC, there were certain neighborhood areas that had more applicants than others. It is important to ensure that voices from community members in all of Milwaukie's neighborhoods are being heard equally in planning activities.



Digital Technology

The current Comprehensive Plan was last updated in the late 1980s. Technology, especially digital technology, has drastically changed since then. The introduction and widespread use of the Internet has fundamentally changed the way we communicate and conduct business. Today smartphones are a major source of information and communication. These technological innovations can now be used as community engagement tools, but there is still a divide between those that have access to digital technology and not. Smartphones are used more than laptops and computers. While the City has an online presence with a website and access to documents online, should it be required that those documents and websites also be compatible with smartphones? As technology has changed in how the City informs the community, there is now an opportunity to update the Comprehensive Plan to better reflect those changes and think ahead about how technology may change in the future.

Critique of Current Comprehensive Plan

Our current Comprehensive Plan provides a good starting framework for this Comprehensive Plan Update, but improvements can still be made. The Milwaukie Community Vision and Action Plan explicitly states the City should provide a more community-wide public involvement strategy and employ a variety of methods. It also has a goal of being a more diverse and inclusive community. While the current Comprehensive Plan's Chapter 1 on Citizen Involvement has fairly good language about informing the community, there are aspects mentioned in the Vision and Action Plan that can be incorporated as the City looks to update its Comprehensive Plan.

- Chapter 1 – Citizen Involvement

In this chapter we have an opportunity to change the wording of “citizen.” A better term would be “community member”, which represents people in the community whether they are U.S. citizens or not. This ties back to the goal of being an inclusive community mentioned in the Vision and Action Plan.

- Objective 2 – Broad Public Participation

This section of the chapter talks about using a variety of media to openly recruit members for the Planning Commission and citizen advisory committees. This language is good, but could include more information on digital technology as a tool to recruit. There are also more opportunities for community involvement beyond just the Planning Commission and citizen advisory committees. Language could be included to speak to informing the community in regard to larger community involvement events, such as town halls, online surveys, and much more.

- Objective 3 – Communication

This section can also use more language to include digital technology as a way to communicate about planning documents. It could also mention providing notice and information in translated materials and working with groups that deal with populations that are disproportionately active in community engagement.

- Objective 4 – Ongoing Citizen Involvement

The language in this section is important because it talks about adequate funding for involvement. However, language regarding digital technology could be included, as could specifics about funding for translated materials and that the CPAC evaluates and provides recommendations through an equity lens, making sure the City is meeting its goal from the Vision and Action Plan to be an inclusive community.

Policy Questions, Observations, and Implications

In determining how the Comprehensive Plan Update can support Milwaukie's Community Vision goals and action items, assets, trends, and challenges; we can consider the following questions and observations:

- With regard to Goal 1's Committee for Citizen Involvement (CCI), should the Planning Commission be the official CCI for the City? The CPAC? If not, who?
 - When thinking of the Neighborhood District Associations (NDAs) & Commercial Areas, should the City separate commercial areas from NDAs? The industrial districts and commercial districts lack formal representation that is comparable to that of the NDAs. If yes, should the City make them their own District Associations?
 - With regard to using diverse engagement tools, should the City create a policy to engage diverse communities? What would this policy language look like? Should the City increase the amount of City materials and documents that it translates? Should youth engagement have a specific policy?
 - In terms of communication for public involvement, should digital technology be called out specifically in the Comprehensive Plan for communication of information and to create broad public participation? Should a requirement for smartphone (mobile device) compatible information be a policy to help ensure accessibility of information by those who use a smartphone as their primary internet access device?
-



Background Report: Urban Growth Management

Milwaukie Comprehensive Plan Update

Block 1 Topic Area

Prepared for the
Comprehensive
Plan Advisory
Committee
January 2018

Top photo: realestateagentpdx.com



Introduction

When the town of Milwaukie was first founded on Lot Whitcomb's land claim in 1849, it was estimated that approximately 500 inhabitants resided in this new settlement along the Willamette River. After hovering around 20,000 residents for the past several decades, Milwaukie is once again growing, as new residents discover the amenities this town offers and properties are annexed in the city's northeastern edge. Urban Growth Management is the process by which the City of Milwaukie plans for this future growth, in coordination with other regional and state policies.

Milwaukie's Growth in the Regional Context

Milwaukie is a city of 20,550 people within the larger Portland (tri-county) region, which in 2017 was estimated to have a population of 1.8 million people. The region is expected to grow by more than 700,000 persons between 2018 and 2040. Metro is the agency charged with managing the overall growth through the Regional Urban Growth Management Functional Plan and the regional urban growth boundary (UGB). Milwaukie is one of 26 jurisdictions that make up Metro. Metro's forecast model anticipates that Milwaukie will accommodate an additional 2,644 persons and 1,200 new housing units over the 20-year planning time frame leading up to the year 2040.

Milwaukie is a landlocked community, meaning that the city does not have a border that abuts open land at the edge of the UGB. The city is bounded by the Willamette River to the west, Portland to the north, the Oak Grove neighborhood in Clackamas County to the South, and underdeveloped urbanized county land between the eastern city limits and an I-205 to the east. East of I-205 is the City of Happy Valley. Virtually all the forecasted population growth in Milwaukie will be accommodated through infill and redevelopment of existing underdeveloped property. City housing and economic development policies and zoning code regulations have been written to accommodate this forecasted growth.

Much of the anticipated growth is expected to occur in a manner that is consistent with the Metro 2040 Plan. The 2040 Plan identified various urban design components that establish the overall framework for regional development. These design components include the following designations in the Milwaukie area on the next page:

- Town Center – Downtown Milwaukie and Central Milwaukie
- Regional Center – Clackamas Town Center and surrounding development
- Station Areas – Tacoma Station and Park Ave Station
- Main Streets – Portions of 32nd Ave and King Rd

Over the years, Milwaukie has adopted Ancillary Plans for Milwaukie Town Center and the Tacoma Station Area. Clackamas County has adopted plans for the Clackamas Town Center and the Park Avenue Station Area. Milwaukie has not specifically adopted Main Street plans for King Road or 32nd Ave, but in 2016, as part of the City's Moving Forward Milwaukie project, portions of 32nd Ave and the King Road Shopping Center at King and 42nd Ave were rezoned as Neighborhood Mixed Use districts.

Planning for Urban Growth Management

Oregon's Statewide Planning Goals set out the requirements for how local comprehensive plans are used to manage growth and development. Milwaukie's Comprehensive Plan was acknowledged to be in compliance with Statewide Planning Goals on January 20, 1981. The Statewide Planning Goals that are most relevant to growth management include:

- [Goal 14 – Urbanization](#)
- [Goal 2 – Land Use Planning](#)
- [Goal 11 – Public Facilities](#)

The Urban Growth Management Agreement (UGMA)

In order to show compliance with these goals, the City of Milwaukie was required to enter into an Urban Growth Management Agreement (UGMA) with Clackamas County that describes how land planning and facility provision would occur for properties just outside the city limits. The County and City entered into an UGMA in July of 1990, an agreement that the City is currently looking to update. The UGMA established an Urban Growth Management Area boundary which generally used I-205 as the eastern edge of the City's future urban service area (See Figure 1 on the next page). This agreement and City Comprehensive Plan policies called for the city to ultimately expand to include this area. While Milwaukie's planning documents addressed this future city expansion, no mechanism was developed to encourage or enable the City to annex these properties.

The 1990 UGMA included two key provisions that greatly inhibited city annexation and expansion into the area. The first was acknowledgement that the North Clackamas Urban Area Public Facilities Plan would guide public facility improvements for the area. This plan significantly limited which areas would ultimately be served by City water and sewer service, keeping much of it served by County special service districts. The second provision was that Clackamas County was given lead planning authority for areas outside the city limits and inside the areas governed by the UGMA.

These factors meant that in the 25+ years that followed UGMA adoption, Milwaukie focused its efforts on its existing urban areas rather than on the growing commercial and mixed-use development along 82nd Ave and within the Clackamas Regional Center. During this time frame, the City's Comprehensive Plan has been viewed as a "passive plan", conceding planning functions to the County. In contrast, some jurisdictions, such as the City of Lake Oswego, have "active plans" which take the lead in planning for areas that will be served by the City upon annexation.

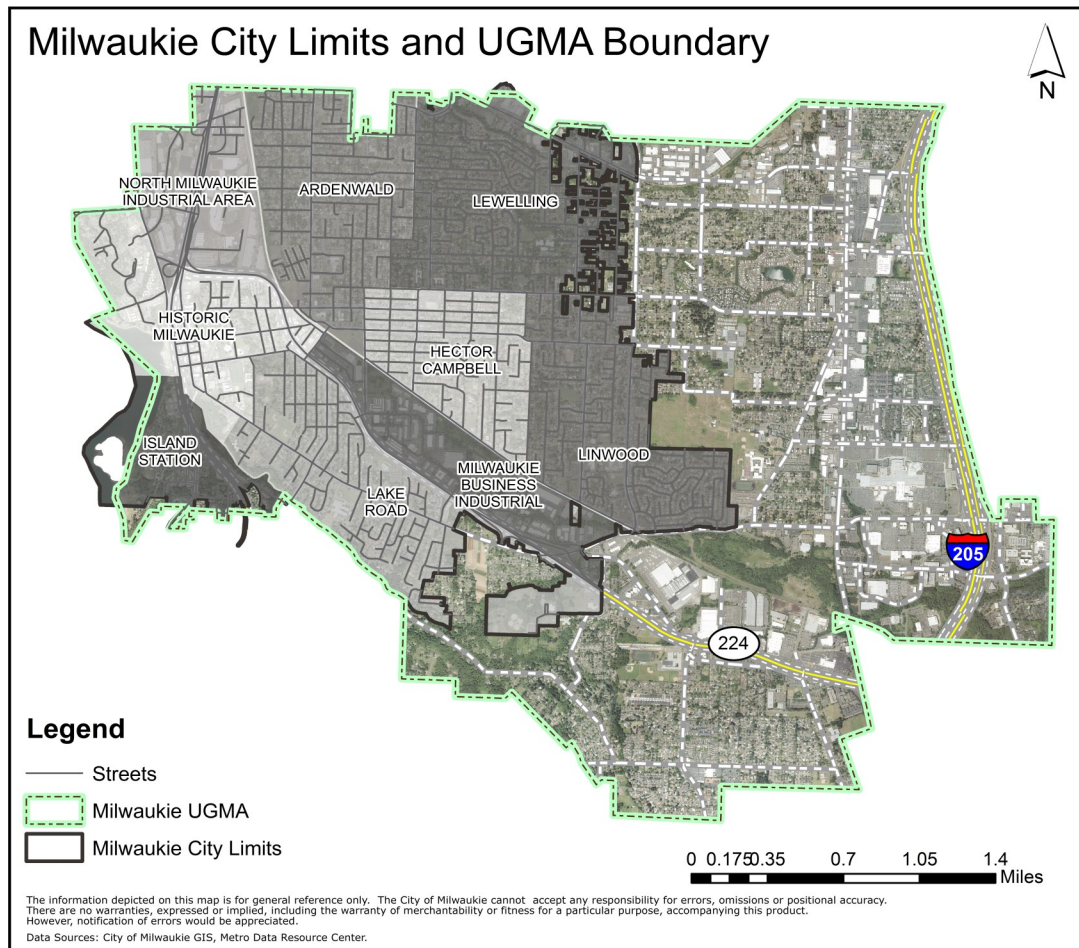


Figure 1

Other actions that weakened the City's position as a full-service provider included joining Clackamas Fire District #1 and the North Clackamas Parks and Recreation District. While both of these actions were seen as cost saving measures, they ultimately weakened the City's position as an urban service provider.

In the mid-2010s, the City began negotiating with the County to explore incentives and new methods for planning and annexation of these areas. Consideration has been given to modifying the Plan so that it would function as an active plan under the UGMA.

Annexation

The 1990 UGMA identified an area to the northeast of the city limits as Dual Interest Area A (See Figure 2 on the next page). This was the only area within the UGMA where annexation was required for redevelopment and where the City of Milwaukie was identified as the provider of sewer service. Water Environment Services was identified as the sewer provider in all other areas. In 2010, the City annexed all the rights-of-way within Area A and began installing new sewer lines. From 2010 through 2012, the City annexed approximately 100 properties into Milwaukie from this area through its Annexation Assistance Program. The City has continued to annex properties that are redeveloping or need to connect to sewer service, but numerous islands of unincorporated properties surrounded by city limits remain in this area. The City has taken a passive approach to annexation of these properties and has not forcibly annexed any islands in recent years.

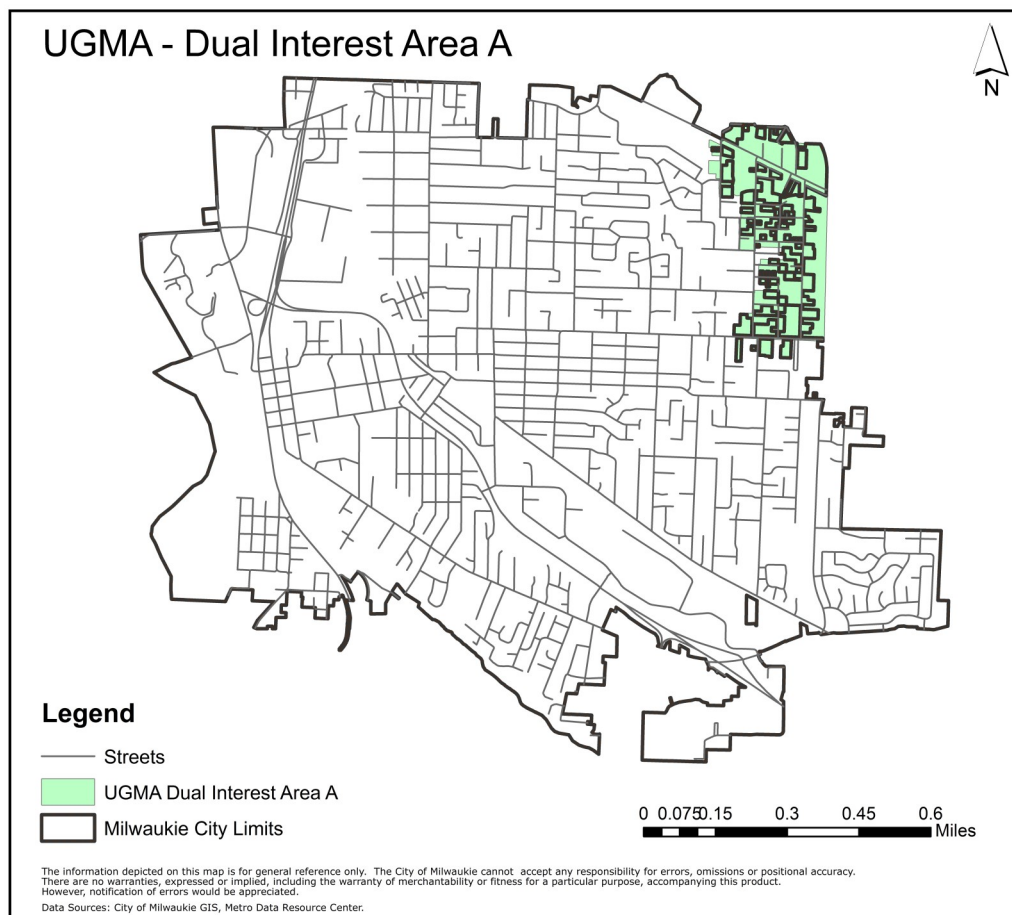


Figure 2

Milwaukie's Current Growth Management Approach

Milwaukie's approach for growth management and annexation is based on the policies and direction provided in [Chapter 6](#) of the Comprehensive Plan and the 1990 UGMA. The most prominent objectives and policies from the Comprehensive Plan are included below:

- *Objective 1 – Unified System of Governance*
 "To encourage and participate in efforts to define a unified system of governance for the northwest urban area of Clackamas County"
- *Objective 3 – Policy 1 "The City shall plan for eventual annexation of all areas within the City's urban service planning area."*

This policy has set a long-term goal but few options have been available to the City to actually encourage or force annexation within the UGMA boundary. The only area where annexation is required for redevelopment is Area A discussed above. In a few instances, the City has been able incentivize or require annexation in other areas but for the most part, the vast majority of land within the UGMA boundary is not required to annex for development or redevelopment.

Under the 1990 UGMA, the City and County are required to coordinate development review for property within the UGMA boundary. If a development or redevelopment project is proposed, the County provides notice to the City Planning Department. City staff generally provide comments requesting that if development is approved, it be done in a manner that is not inconsistent with City development standards. County staff typically will enforce County standards regardless of the comments offered by the City, which can lead to inconsistencies with Milwaukie's development goals and standards.

Urban Growth Management and Milwaukie's Community Vision

Ensuring adequate housing supplies and a variety of housing types was a key theme in the All Aboard community visioning process. Increasing the amount of available housing in our area is a core part of urban growth management planning. In approaching this task, it is important to the community that this is done in a way that enhances local identity and character.

The following priority actions from the Milwaukie 2040 Vision Statement relate to urban growth management:

Place 2.5: Create neighborhood plans that define neighborhood character, identify community needs and priorities, and develop strategies for better integrating infill housing into neighborhoods.

Prosperity 2.2: Incentivize development of opportunity sites and other vacant and underutilized properties that can help meet the needs of neighborhood residents.

Assets & Trends for Incorporating Urban Growth Management in Planning

As Milwaukie continues to grow, it is important that we consider ways it can best accommodate this growth and help meet housing and employment needs. Factors to consider include how to use existing available land and how services will be provided to new areas of development.

Residential Development

In the decade since the 2008 recession, there has been increasing pressure for development throughout the Metro region. Most of the residentially zoned parcels that were easy to develop have long been built out and what remains are parcels that are partially developed, lack adequate infrastructure, or have environmental constraints – often all three of these factors. Much of the buildable residential land in the city and within the UGMA boundary can be characterized as a large, oversized lots with wooded backyards. These are parcels that can generally accommodate one or two additional infill houses, often as flag lot development. This pattern of development helps to meet housing needs and generally results in a less expensive lot than one that is part of a larger subdivision. The downside of this pattern is that it results in small, disconnected lots with a fractured road and sidewalk system. In addition, the road system serving these properties is often below local standards, typically lacking sidewalks, curbs, and storm water systems. While not ideal, this pattern of development is expected to continue as development pressure mounts and land values rise.

Non-Residential Development

The UGMA boundary also contains a significant amount of non-residential land including the Clackamas Town Center, commercial development along 82nd Ave, and industrial development along Highway 224. For the most part, these properties are fully built out but there is redevelopment potential, especially in the Clackamas Town Center area. These are properties that are relatively well served by infrastructure and have strong assessed values.

Opportunities & Challenges Influencing Urban Growth Management Planning

Urban Services

There are eight special districts providing urban level services to land outside the city limits and within the UGMA boundary. These include:

- North Clackamas Parks and Recreation District (NCPRD)
- Clackamas County Fire District #1
- Clackamas River Water District
- Clackamas County Service District #1 (Water Environment Services)
- Clackamas County Service District for Enhanced Law Enforcement
- Clackamas County Service District No. 5 for Streetlights
- Oak Lodge Water District #4
- Sunrise Water Authority

In many ways, these special districts provide almost all the urban services that are required for development.

The City of Milwaukie is the water and sewer provider for almost all property located within the city limits. Fire protection in the city is provided by Fire District #1. A higher level of protection is provided to city residents by the Milwaukie Police Department than what is provided to county residents through the Enhanced Law Enforcement District. There are certain services and amenities that the City makes available to its residents that also provide a benefit to those who live outside the city limits and do not pay city taxes. These include:

- *City Parks* – Most parks in the city, including Milwaukie Bay Park, are owned by the City and are often developed by funds made available by the City. These city parks are available for use by non-city residents.
- *Library Service* – The Ledding Library is owned by the City of Milwaukie. The cost of library improvements is borne by the residents of the city. The library is available for use by non-city residents.
- *Community Events* – Milwaukie creates a strong sense of community through its sponsorship of community events such as the umbrella parade, Sunday Parkways, the farmer's market, library concerts, and similar activities. These activities are often done in partnership with community organizations.
- *Access to Government* – The City has many active citizen advisory boards and committees and there is a unique opportunity for citizens to get involved and have a say in how their government operates. Non-residents generally are not as likely to have this type of relationship with their local government leaders.

Short Term Opportunities

The City of Milwaukie is working with Clackamas River Water to amend the urban services agreement to designate the City as the primary water provider for approximately 435 acres of land that is currently outside the city limits and within the UGMA boundary. The areas under consideration are 1) east of Linwood Ave and south of King Road and 2) surrounding North Clackamas Park, and include a few of the only large tracts of undeveloped land inside the boundary. By amending the agreement, these properties will need to annex to receive development approval.

Policy Questions, Observations, and Implications

City expansion and the annexation of unincorporated Clackamas County property is a key issue for our community over the next 20 years. This is an issue that requires an examination of the growth management policies in the Comprehensive Plan. Some of the key questions related to growth management include:

- Should the City continue to expect annexation of land within the UGMA boundary and if so, how can it encourage or require annexation?
 - The City's Comprehensive Plan is a "passive" plan in regard to land outside the city limits. Should the plan and UGMA be revised to be an "active" plan with land use designations depicted within the UGMA boundary?
 - Current City policy calls for a unified system of service provision in the north Clackamas area. This would assume that a City takes over service provision. Is this still a valid objective?
 - The City has not devoted resources to planning for delivery of urban service to the area within the UGMA boundary. Should new programs be developed to plan for service delivery?
 - How can growth management policies incorporate equity issues and correlate with the People category of goals in Milwaukie's 2040 Community Vision? How and when do we involve people within the UGMA boundary in these discussions?
 - How can growth management policies address environmental protection and climate change in order to correspond to the Planet category of goals in Milwaukie's 2040 Community Vision
 - How can growth management policies create more complete neighborhoods as discussed in the Place category of goals in Milwaukie's 2040 Community Vision?
 - Does incorporation of land inside the UGMA boundary make sense financially to the City? Does this support with the Prosperity category of goals in Milwaukie's 2040 Community Vision
-



Background Report: Economy

Milwaukie Comprehensive Plan Update

Block 1 Topic Area

Prepared for the
Comprehensive
Plan Advisory
Committee

January 2018



Introduction

The City of Milwaukie has a dynamic economy, with over 1,000 businesses employing approximately 13,000 people in a wide variety of industries. The City is home to a number of regionally significant businesses such as Precision Castparts, Blount International, Dave's Killer Bread and Bob's Red Mill; hundreds of small and emerging businesses; a regional shopping center; and an emerging downtown core. Historically a working-class town, recent years have seen an influx of new residents which has resulted in rising income levels and home values.

The current Economy chapter of the Comprehensive Plan is largely untouched since the last major update was completed in 1989. Since that time, the City has undertaken a number of planning efforts to help shape economic development in the City, including Moving Forward Milwaukie and the North Milwaukie Industrial Area. The City has implemented a number of programs and incentives geared towards attracting additional employment and development and improving quality of life in Milwaukie.

As the City begins the process to update the Economy chapter of the Comprehensive Plan, it will build upon past planning efforts and the recently adopted Community Vision. The updated Economy chapter will account for emerging trends and technology as well as the Comprehensive Plan's quadruple bottom line framework of People, Place, Planet and Prosperity.

Planning for Economic Matters

Oregon has a set of 19 Statewide Planning Goals, which serve as the foundation of the state's land use planning program that is implemented at the local level through the Comprehensive Plan. [Statewide Planning Goal 9](#) is called Economic Development, and seeks to "provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens." Goal 9 requires that Comprehensive Plans "contribute to a stable and healthy economy" and that they be based on "inventories of areas suitable for increased economic growth and activity."

The City of Milwaukie complies with Goal 9 by preparing what is known as an Economic Opportunities Analysis (EOA), which is used to help develop Comprehensive Plan goals and policies that are

consistent with the EOA and which reflect City priorities and strategies. The City [completed an EOA in 2016](#), which includes a number of components to meet the requirements of Goal 9, including an Economic Trends Analysis, a Target Industry Analysis, a Forecast of Employment Land Need, and an Evaluation of Employment Land Supply (the Buildable Land Inventory). The EOA includes specific recommendations for the City's major employment areas, including the North Milwaukie Industrial Area, Johnson Creek Boulevard, the Highway 224 Corridor, and Downtown and Central Milwaukie.

Economy and Milwaukie's Comprehensive Plan

[Chapter 4 - Land Use](#) of Milwaukie's existing Comprehensive Plan is broken into five individual elements, including the Economic Base and Industrial/Commercial Land Use Element. The Economic Base Element includes one Goal Statement, 16 objectives, and 72 policies which are focused primarily on developing and supporting the City's industrial and commercial employment base. The objectives and underlying policies include a lot of good information that is still relevant today, but they are compartmentalized and fragmented, with little tying them together. Objectives cover topics such as:

- *Objective 1 – Economic Development*
The City should increase economic development by both retaining existing businesses and attracting new businesses, especially those with high growth potential.
- *Objective 2 – Employment Opportunity*
Encourages the City to support a wide range of employment opportunities.
- *Objective 3 – Coordination*
Calls for the City to develop partnerships and relationships with a wide variety of public and private partners.
- *Objectives 4 through 16– Various Commercial and Industrial Land Uses*
Includes planning concepts and policies for the City's various land use categories, including several subcategories of industrial, commercial, town center, and mixed-use areas.

Economy and Milwaukie's Community Vision

In 2016-2017, the City of Milwaukie underwent a visioning and action plan process. The process was to create a new vision statement, goals, and action items to achieve in the next 20 years. The vision, goals, and actions received input from a variety of people and groups, including the Vision Advisory Committee (VAC), staff, Steering Committee, City Council, Planning Commission, and a variety of other stakeholders through a series of community events, surveys, and Town Halls.

The visioning process brought about several goals and action items that relate to the Comprehensive Plan Economy chapter. Those goals and action items are listed below.

Vision Goal Statements:

- *Milwaukie offers numerous pathways to prosperity through an excellent education system and training programs that are connected to local business. Residents of all ages and backgrounds feel supported to pursue and attain success in our local community.*
- *Milwaukie's neighborhoods are the center of daily life, with amenities and community-minded local businesses that meet the daily needs of residents. They form a network of unique, interconnected local hubs that together make Milwaukie the livable, equitable, and sustainable community that it is.*

- *Downtown Milwaukie is a vibrant destination for both residents and visitors from throughout the region. Our industrial areas provide a high density of living-wage jobs across a number of different industries. The City is nimble and responsive to the needs of residents and businesses, with programs and policies that are financially sound, encourage job creation, and help support a strong and resilient local economy.*

Priority Vision Action Items for the next 2-5 years (as established by town halls, survey, and the City Council) include:

Prosperity 1.1: *Partner with local schools and businesses to create an internship and career development program that highlights Milwaukie industries and helps students develop skills that meet the needs of Milwaukie businesses.*

Prosperity 1.2: *Market the city as a center for business incubation, and target businesses that are a good match for Milwaukie's established and emerging industry clusters and business space.*

Prosperity 1.3: *Create incentives for Milwaukie businesses that hire residents and provide job training and continuing education opportunities for their employees.*

Prosperity 2.1: *Identify and support the development of neighborhood economic hubs that are walkable and provide amenities and commercial services for neighborhood residents.*

Prosperity 2.2: *Incentivize development of opportunity sites and other vacant and underutilized properties that can help meet the needs of neighborhood residents.*

Prosperity 2.3: *Work with local vendors and community organizations to facilitate access to healthy, fresh food throughout Milwaukie's neighborhoods.*

Prosperity 3.1: *Support and retain existing small businesses in our downtown and other business districts and attract new businesses that contribute to an open, inviting, and diverse atmosphere.*

Assets & Trends for Incorporating Economic Matters in Planning

A Strong Economic Base

The City of Milwaukie is a first-tier suburb within the Portland metropolitan area with a strong economic base. It is centrally located, with close proximity to Downtown Portland, Highway 224, Highway 99E, and Interstate 5 and Interstate 205. It is a net importer of labor, with an estimated 3,300 more jobs than there are city residents active in the workforce. It has several flourishing employment areas, including the Milwaukie Business Industrial Area (Highway 224), North Milwaukie Industrial Area (McLoughlin Blvd), Johnson Creek Blvd Manufacturing Area, and Downtown and Central Milwaukie. Its UGMA extends to Interstate 205, and provides thousands of additional jobs that are closely integrated with the City and region's economic activities.

The City's Target Industry Analysis found that the City and its UGMA have significant strength in the following key industry clusters:

- Food Processing and Storage
- Metals, Machinery and Transportation Equipment
- Health Services and Continuing Care
- Warehouse and Distribution
- Business, Professional, and Information Services
- Maker Manufacturing and Amenity Retail/Hospitality

Assets & Trends for Incorporating Economic Matters in Planning

Local and national economic trends along with factors unique to Milwaukie's setting and community result in a variety of assets we can draw from when thinking about how we can approach economic planning in the future.

Affordable Space for Industrial and Manufacturing Uses

Rents in the North Milwaukie Industrial Area and along Johnson Creek Blvd and Highway 224 are generally much lower than those in the Central Eastside of Portland and in newer industrial areas in suburbs such as Beaverton and Hillsboro. This allows for a variety of manufacturing and industrial uses that typically require lower rents to operate.

Opportunity Sites

The City has identified a number of publicly and privately owned [opportunity sites](#) throughout the City with the potential to accommodate some of the City's long-term economic development needs. These include downtown sites owned by the City (Coho Point, Harrison and Main), privately owned sites in the Central Milwaukie area (Murphy and McFarland sites), and sites owned by other public agencies with redevelopment potential (ODOT, OLCC).

An Educated Population and Workforce

Milwaukie and its UGMA are served by a strong local school district (North Clackamas School District), several local private schools, and the recently expanded Harmony campus of Clackamas Community College. Milwaukie residents are highly educated, with college graduation rates above the state and federal averages.

A Newly Adoption Vision Statement and Action Plan

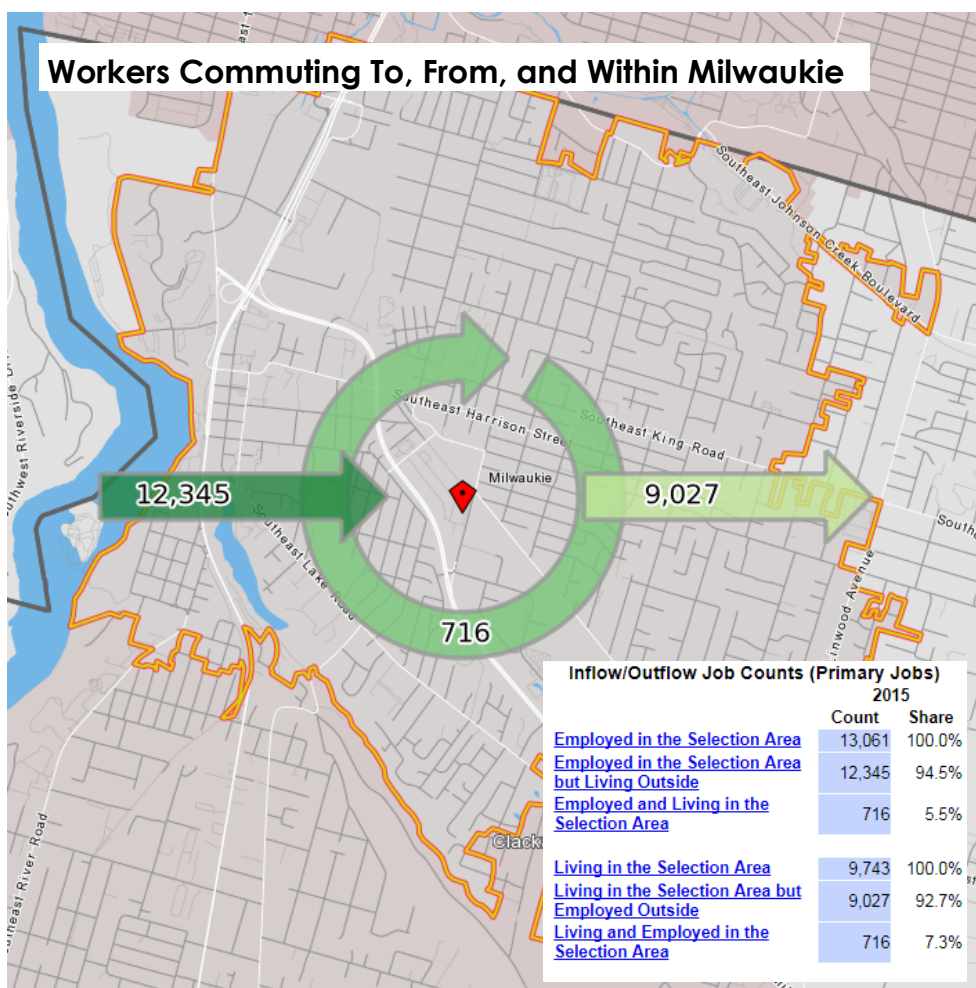
The 2017 Community [Vision and Action Plan](#) includes numerous actions that seek to improve and expand Milwaukie's economy. The Vision continues to be strongly supported by the City Council and community, presenting an opportunity for the City to try to implement several of the action items.

Opportunities & Challenges Influencing Economic Planning

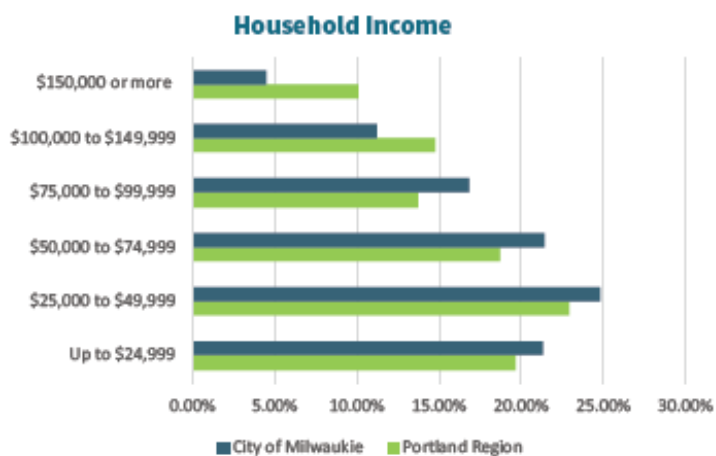
When thinking of the opportunities and challenges that face our community, we can use the "quadruple bottom line" framework to filter these by the four categories of *People, Place, Planet, and Prosperity*. These opportunities include the following considerations:

- Milwaukie has historically been a "working class" town that has offered housing opportunities to people across all income levels. That has changed rapidly in recent years, with housing prices increasing more than 40% between 2013 and 2017 while wages have been relatively flat. Increased housing prices have forced many Milwaukie residents to move elsewhere or to cut back on spending on other items.
- The EOA projects that the City will add between 6,000 and 8,000 jobs by 2035. Such growth is estimated to require approximately 1,000 acres of employment land.
- The City has very little vacant employment land, and hasn't for several decades, meaning economic growth will largely rely on redevelopment and infill growth.

- Only 7% of employed City residents work in Milwaukie, meaning that the overwhelming majority of local employees must commute into the City, while residents commute to their jobs in other parts of the Metro region. Nearly 45% of residents work in Portland.



- The median household income for Milwaukie residents in 2016 (\$57,000) was 3% lower than the Metro area median, 12% less than the County median, and 25% less than the “self-sufficiency standard” for a family of four. This results in less purchasing power for City residents.



- There is no organized voice (Chamber of Commerce, Neighborhood District Association) for the employment areas outside of Downtown Milwaukie.

Policy Questions, Observations, and Implications

In determining how the Comprehensive Plan Update can support Milwaukie's Community Vision goals and action items, assets, trends, and challenges; we can consider the following questions and observations:

- How do we increase the percentage of people that both live and work in Milwaukie, which is currently just 7% and results to increased regional traffic congestion and greenhouse gas emissions?
 - Should there be more flexibility in our manufacturing and industrial zones to allow for a greater mix of uses and accommodation uses that have a hard time finding space, such as auto repair? Should there be less flexibility?
 - How should we account for emerging trends and technology that may impact the economy, such as increased automation, e-commerce, and self-driving cars?
 - How do we incorporate topics such as climate change and natural disaster resiliency into Comprehensive Plan policies related to the economy?
 - Should the City's remaining commercial land use categories be changed to mixed use, to allow for residential development?
 - Should the City pursue annexation of employment areas within its UGMA?
 - The City is undertaking an analysis of "Neighborhood Hubs" throughout Milwaukie's neighborhoods. How can these areas help meet the City's economic development needs?
-



Background Report: Arts and Community Culture

Milwaukie Comprehensive Plan Update

Block 1 Topic Area

Prepared for the
Comprehensive
Plan Advisory
Committee
January 2018



Introduction

Milwaukie residents are proud of their strong community culture and appreciate the influence that creativity has on their city and their lives. Our residents represent a range of backgrounds, ethnicities, and experiences that all add value and diversity to our community. Additionally, art adds cultural, economic, and emotional value to our community while supporting economic growth and livability. Recognizing the connections between the arts, our pasts, and our future, and the incorporation of arts and culture into the Comprehensive Plan Update supports the Milwaukie Community Vision goal which seeks to *“inspire the public to be engaged with the city’s past and future.”*

This background report will discuss elements related to art and community culture as they currently exist in Milwaukie as well as trends and opportunities for the future.

Arts & Community Culture and Milwaukie’s Comprehensive Plan

Milwaukie’s current Comprehensive Plan does not have a chapter relating to arts and community culture. Therefore, instead of updating an existing section, we now have the opportunity to create new content that represents our community’s wishes as documented in the Milwaukie Community Vision. By including a new arts and culture element in the Comprehensive Plan Update, the City of Milwaukie recognizes these important influences in our city’s past and future and we demonstrate the City’s commitment to supporting creativity, innovation, community engagement, economic development, and increased quality of life for all residents.

Arts & Community Culture in Milwaukie

The creativity, vision, and independent spirit of Milwaukie residents is a key part of our community culture and has been demonstrated in local architectural feats over the years. Buildings such as the Masonic Temple in downtown Milwaukie and St. John the Baptist Catholic Church offer visual reminders of the innovative and eclectic nature of our city’s past eras of growth. As treasured as these historical buildings are, many have been lost over the years as the city has grown. Recognizing the significance of our local historical resources

and the importance of preserving them helps foster a sense of place and heritage that is tied to arts and helps support our sense of community culture.

In addition to its historical resources, Milwaukie is also home to a range of activities that embrace and celebrate arts and culture within the community. Weekly and monthly reoccurring events such as the Farmer's Market and First Fridays offer opportunities for community members to shop and socialize while enjoying the wares and performances offered by local artisans and musicians. Annual celebrations such as the Umbrella Parade and Tree Lighting, Christmas Ships Parade and Winter Solstice Bonfire bring community members together in a way that fosters our small-town appeal. And throughout the year, the Milwaukie Arts Committee, better known as ArtMOB, works to support artists and connect community members with art by sponsoring a range of events and activities, including artist series and sculpture gardens. For our young adult community members, the Milwaukie Academy of the Arts public charter school housed at Milwaukie High School offers an arts-based curriculum that consistently ranks as 'outstanding' in statewide evaluations. Each of these activities and resources are important elements in our community's culture that allow us to share with one another, support each other, and come together to celebrate our differences and similarities.

Milwaukie's Community Vision

Embracing our community culture and encouraging the growth of the arts in culture within Milwaukie emerged as important themes in the Milwaukie All Aboard visioning process in 2016. Community members who participated in the visioning process expressed their appreciation of local arts and cultural events and their desire for these and other elements of arts and community culture to remain a prominent part of Milwaukie's community life.

The following priority actions from the [Milwaukie 2040 Vision and Action Plan](#) capture the community's priorities that are associated with arts and culture planning:

People 1.1: Continue to support neighborhood block parties, tool libraries, book exchanges, community gardens, "barn-raising" type activities and other neighborhood events and resources that serve to bring residents together.

People 1.2: Continue to provide city staff support and funding for events and celebrations that showcase the community, such as the Sunday Parkways, Umbrella Parade, Earth Day/Arbor Day, and the NDA summer concert series.

People 1.3: Develop additional Police Department programs that help build relationships with the community, such as Coffee with a Cop, the Citizen's Police Academy, the creation of a Latino Youth Coalition, and increased participation in community events like National Night Out and Sunday Parkways.

People 2.1: Promote small business development through mentoring, incubation and entrepreneurial programs as well as loans and grants distributed across Milwaukie's neighborhoods.

People 2.4: Expand the City's volunteer program to organize and promote community volunteer events, projects and other opportunities, connecting volunteers and resources with those in need.

Prosperity 3.1: Support and retain existing small businesses in our downtown and other business districts and attract new businesses that contribute to an open, inviting, and diverse atmosphere

Assets & Trends for Incorporating Arts & Culture in Planning

As a field, the arts encompass a variety of mediums, including acting, architecture, dance, design, music, and photography. These activities can be engaged in on a formal or informal basis, from grand operas and fine art shows to impromptu performances in a local park or storytime at the library. It is equally important for community vitality that there are the spaces and talent to produce these art and cultural events as it is to have people attend and experience them. Planning for a community that supports the arts includes weaving art and performances into the physical and cultural fabric of the city while also fostering a community culture that supports and engages in the arts.

Local Historic Resources

Past expressions of art are a part of our community heritage. Seeking to preserve architecture, photography, writing, and other works of art from the past is a key activity in building and understanding our community's identity. One of the ways that Milwaukie has ensured the incorporation of the arts into our community fabric over the years is through the preservation of local historic buildings and architecture. The City's [inventory of historic properties](#) lists both significant and contributing resources and includes homes and commercial buildings. Milwaukie's zoning code supports local historic preservation by requiring Planning Commission review for the designation, deletion, alteration, or demolition of an identified contributing historic resource. This process helps to preserve these resources for continued enjoyment, a better understanding of our city's history, and an increased sense of community pride.

Art & the Local Economy

Supporting arts and culture activities also supports local businesses. By creating opportunities for local artisans and performers to support themselves through their work, we encourage their work to continue to benefit our community. As identified in the North Milwaukie Industrial Area (NMIA) plan framework, Milwaukie can support local economic development by encouraging emerging and small-scale businesses through the provision of "maker" spaces that offer the flexible, light industrial type of workspaces needed to foster this type of growth. In addition to supporting local artists, a thriving arts and culture sector helps attract and retain skilled workers in our area that appreciate this type of livability-enhancing amenity. Similarly, a strong arts and culture sector also helps engage youth and introduces them to the lifelong skills of innovation and creativity which can serve them well in their future careers.

Sense of Place

The American Planning Association notes that "arts and culture contribute specifically to strengthening cultural values and preserving heritage and history, building community character and sense of place, enhancing community engagement and participation, [and] enhancing economic vitality." As the people of Milwaukie have discovered, art can help us understand the context and diversity of our community at the same time it strengthens our sense of community culture. Continuing to support and promote Milwaukie's current arts-based community culture activities while encouraging and supporting new ones will help meet the goals of the community that are outlined in Milwaukie's 2040 Vision Statement.

Opportunities & Challenges Influencing Arts & Culture Planning

Several cities of all sizes around the country have begun to recognize the personal, economic, and community benefits of the arts their long-range planning efforts. These benefits can be pursued in a way that best suits the needs of a given city and can include exploring shared or differing narratives within the community, building a better understanding of one another, and building an enhanced sense of place.

Community Character and Culture

Art and culture events allow for the development and expression of community character for community members themselves, as well as for visitors who are drawn to experience these events that celebrate our community. Exploring each other's stories and experiences via art helps us learn about our different experiences in a way that allows for multiple stories to coexist simultaneously. The resulting expression of community character and culture is a truer representation of a diverse community fabric and helps create a shared understanding of how our community might develop in the future. Continuing to hold community events such as First Fridays and Milwaukie's holiday celebrations while also discovering new ways to reach out to our community members, especially those who may not be engaging in these celebrations currently, can help build and strengthen our collective sense of community culture.

Preservation

Ensuring that the artistic endeavors of past and present generations are preserved builds a richness of local culture that helps tell our city's story for present and future generations. While Milwaukie does maintain a list of historic resources throughout the city, the City's most recent Historic Inventory was completed in 1988. Among other considerations, one of the criteria for a building, site, structure, or object to qualify as a "significant" resource is that it is over 50 years old. With Milwaukie's most current Historic Inventory turning 30 years old in 2018, there are likely many more resources that may now qualify to rank as a historic resource, including our midcentury modern buildings and buildings that have been annexed into the city since the last inventory. Updating this inventory to create a more current list of historic resources will help us continue to preserve the local landmarks that contribute to our community's sense of place. At the same time, we also have the opportunity to strengthen our current mechanisms for protecting historic resources to better meet the requirements of Oregon Statewide Planning Goal 5 - *Natural Resources, Scenic and Historic Areas, and Open Spaces*. We can consider whether our community's preservation goals could be better met with different program elements, potentially including education programs and incentives for preservation.

Our Community's Youth

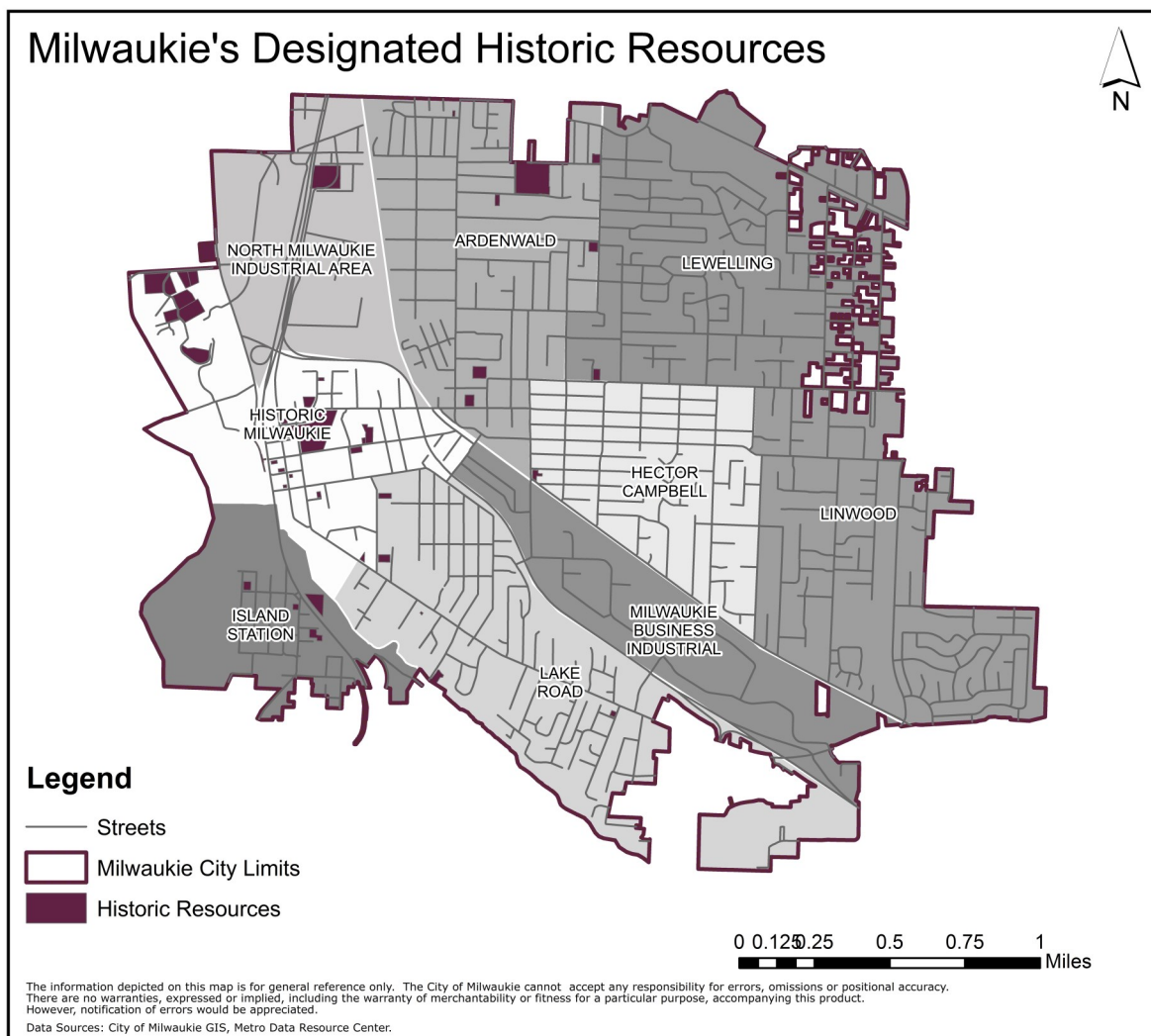
Art offers opportunities for expression and helps develop new ways of thinking about our world. By immersing our young people in the arts at an early age, we can encourage their appreciation of and participation in the arts and cultural events that help give our community its identity. The Milwaukee Academy of the Arts (MAA) is a free public charter option for high school students that provides academics geared toward college preparation with a strong focus on the visual and performing arts. MAA's approach of using the arts to teach academic core subjects has resulted in high scores on statewide tests and high levels of student and family satisfaction, demonstrating the importance of continuing to engage our community's youth in the arts. MAA's approach can provide inspiration and guidance for further programming that seeks to involve young people with the arts.

Funding

Securing financial resources for arts and cultural activities can present challenges. Funding typically comes from multiple and varied sources, including non-profit organizations. Understanding the economic benefits that are borne by having art and cultural events can also encourage support from businesses and downtown associations. The state of Oregon was one of the first in the nation to pass "Percent for the Arts" legislation, which has resulted in a statewide art collection of more than 2,500 artworks created by more than 1,000 artists that have generated over \$6 million of revenue to these artists. Smaller communities across the country have successfully incorporated similar funding programs such as a "1% for the Arts" to support their own goals of creating public art, building community culture, and supporting local artists.

Geographic Observations of Art in Milwaukie

Consistent with settlement patterns over time, Milwaukie's historic resources tend to be clustered around the downtown area where the town was originally founded. However, there are additional significant and contributing resources distributed throughout the surrounding neighborhoods as shown on the map below. In the time since the last historic resource inventory was completed, there may also be other historic resources located throughout the city.



Milwaukie also has public works of art distributed throughout the city. TriMet's public art installations along the Orange MAX line have brought sculptures and mosaics to the SE Tacoma St/Johnson Creek station, the Milwaukee/Main Street station, and the Kellogg Light Rail Bridge. The sculpture garden at Milwaukee City Hall includes works from over a dozen local artists, including those shown on the following page. The garden is open to the public for viewing and is enjoyed by locals and visitors alike.

Community art should be accessible by all, yet this has not always been the case. A unique aspect of art is its ability to showcase multiple simultaneous histories, figures, and events. Even within a shared history, there are different interpretations and experiences within groups. Art and performance are mediums which allow the expression of dichotomous experiences for the acknowledgement and celebration of all. The placement and prioritization of works of art and

performance for the public should be done in a thoughtful and logical manner so that the benefits of these works reach the most number of people, with an emphasis on communities and populations who have been traditionally underserved.



Sculpture Garden at Milwaukie City Hall

Policy Questions, Observations, and Implications

Milwaukie's 2040 Vision Statement declares that:

"Milwaukie's government ... strongly encourages engagement and participation by all and nurtures a deep sense of community through celebrations and collective action."

In determining how the Comprehensive Plan Update can support Milwaukie's Community Vision, we can consider the following questions and observations:

- What does "supporting the arts" look like in terms of policy language?
- How do these Arts & Community Culture policy goals support our "quadruple bottom line" framework categories of *People, Place, Planet, and Prosperity*?
- How can we ensure that the benefits of a strong arts and culture program are accessible by all?
- How can we address funding challenges? Should we institute a "Percent for the Arts" program? Who would this affect and what are the benefits and drawbacks of doing so?
- How do we both support our existing community culture while allowing for it to change and grow as our community changes over time?