



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

October 23, 2018

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

Staff: David Levitan, Senior Planner
Vera Kolias, Associate Planner
Tim Ramis, City Attorney

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 – None.

3.0 Information Items

Mr. Levitan noted tonight was Commissioner Jones' last Planning Commission meeting and thanked him for his service on the Commission and Design and Landmarks Committee (DLC).

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

5.0 Public Hearings

5.1 Summary: City Hall Chambers
Applicant/Owner: City of Milwaukie
Address: 10722 SE Main St.
File: HR-2018-001
Staff: Vera Kolias, Associate Planner

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

Commissioner Hemer noted that he sent an email regarding the Climate Action Plan (CAP) and the need for the City to go paperless to the City Council, staff, and other community leaders, including Commissioner Edge. He read the email message into the record. As it related to the current hearing item, he urged the City Manager to consider including electronic devices in the future dais to allow paperless access to meeting materials.

Commissioner Edge declared an ex parte contact, noting he was present at the October 1 meeting of the Design and Landmarks Committee (DLC). He did not participate in the discussion.

Vera Kolias, Associate Planner presented the staff report via PowerPoint and reviewed the Historic Resources and Downtown Design Review applications as well as the requested modification to the Community Service Use. The DLC's recommendations to the Commission were included in the staff report. She presented the submitted revised drawings that reflected the DLC's recommendations. Staff recommended approval of the applications and that the Commission include a condition to address any potential conditions from the State Historic Preservation Office (SHPO) once its review was complete.

Lauren Loosveldt, DLC Chair, described the DLC's recommendations to retain or protect the existing historic south side windows, provide more transparency in the roll-up doors, and install security barriers, such as bollards or landscaping, on the site at Main St.

Chair Travis called for the applicant's testimony.

Damien Farwell, City Fleet and Facilities Supervisor, described the deteriorating conditions of the windows in the 1938 building, their effect on the building, and the costs related to window maintenance and replacement. The goal was to identify a type of replacement window for the garage bay that would inform future decisions to replace windows, especially in the west facing façade within the next year. Currently, there were different window designs throughout the building and the goal for replacement windows was for low maintenance and to closely match the original design. He believed the fiberglass clad window option, with its frame dimensions and setback, was the best replacement option when compared to the original windows. Custom trim could be added.

Tracy Orvis, Project Architect, Di Loreto Architecture, compared two of the replacement window types currently seen in the building via PowerPoint, noting the differences in key elements like setbacks, window jambs, mullions, muntins, etc. She also presented the wood and fiberglass clad window options proposed for replacement.

Ms. Orvis and Mr. Farwell addressed questions from the Commission as follows:

- The fire pole would be repurposed inside the room in some way.
- The only window replacement that would require some brick to be removed was where the new ADA entrance would be constructed. The size of the existing window would remain the same.
- The top cornice design of the existing wood windows could not be replicated by the fiberglass window option. The design team was working with the manufacturer to find a way to attach an over clad of wood to mimic the design.
- The design team was still working out the details regarding the flashing technique and would be working with an envelope consultant to protect the windows from environmental conditions to protect window and minimize maintenance.
- Physical samples of the two proposed window types were presented and questions were addressed about the options and characteristics of each. Removable muntins were an option on the fiberglass window and the wood window option design most closely represented the original.
- The level of detail SHPO would provide on the project was uncertain. SHPO review usually occurred after a structure was already on the National Register of Historic Places, but City Hall was simply eligible and not yet on the registry, so the project team was surprised that SHPO needed to be involved.
- The existing driveway would be maintained allow for vehicular access to the garage bay.

Removable bollards would be used in case the garage served a different function in the future.

- Staff wanted to proceed with the hearing even without SHPO's comments, knowing the project might have to change based on SHPO's response, particularly about the windows. The Facilities Department wanted the project to move forward quickly. Staff wanted the interior and exterior work done at the same time.

Ms. Loosveldt said the DLC reviewed the sections of glazing and still had concerns about the proposed fiberglass condition being significantly off from the historical profile of the existing windows. She wanted to know if the design team had researched alternatives and considered working with other manufacturers for a custom product to get closer to the historic profiles.

Chair Travis confirmed there was no further testimony and closed the public testimony portion of the hearing.

The Planning Commission discussed waiting for SHPO's report, respecting the proper procedure and timeline, and providing the DLC opportunity to see SHPO's comments to make an informed recommendation to the Commission. Delaying the hearing would also allow the design team time to explore design options per the DLC's recommendations. **Commissioner Edge** hoped to have a revised proposal reflecting a compromise between the City and DLC. **Vice Chair Burns** preferred to move forward for efficiency, adding that a condition could be crafted about SHPO's pending recommendations.

Ms. Kolias clarified via Ms. Loosveldt that the DLC was not pushing solely for wood windows but that other options for fiberglass windows would be a better match to the original design.

Commissioner Hemer suggested having an interpretive sign and perhaps, a picture of an old fire truck, near the fire pole when it was relocated. He also suggested moving the bollards into the right-of-way because the fire bay driveway area was used as a plaza during City events.

Commissioner Jones asked if the delay from SHPO had resulted because the applicant had not submitted the materials in a timely matter.

Ms. Kolias explained staff did not believe submitting to SHPO was necessary because the building was not listed on the National Registry but learned it was necessary after speaking with SHPO

Vice Chair Burns moved and Commissioner Argo seconded to continue the hearing to a date certain of November 13, 2018. The motion passed 6 to 1 with Commissioner Jones opposed.

- 5.2 Summary: Housekeeping 2018 Code Amendments
Applicant/Owner: City of Milwaukie
Address: 10722 SE Main St.
File: ZA-2018-005
Staff: Vera Kolias, Associate Planner

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

Ms. Kolias presented the staff report via PowerPoint, reviewing the background and proposed amendments, which were limited specifically to public recreational trails and pathways to increase the maximum width to 12-ft to reflect ODOT's existing standards. The key issue regarded whether allowing low impact, at-grade paths or trails up to 12-ft in width and set back 150 ft from the river was consistent with Goal 15. She described the Kronberg Park Trail project, which facilitated the proposed amendments to exempt these specific public trails and pathways from Type III review. The only comment received was from the Department of Land Conservation and Development (DLCD), which suggested revising Code definitions regarding "change of use" and "intensification" to justify a local clarification for the construction of such trails, rather than adding such pathways to the list of activities exempted from Type III review. These changes were made in the proposed code language. Staff recommended approval of the proposed amendments, which were tentatively scheduled for public hearing at City Council on November 20, 2018 should the Planning Commission recommend approval. She addressed clarifying questions about the City's current review processes for pathways within Natural Resource and Water Quality Resource (WQR) areas and explained the 150 ft setback was the minimum required by Goal 15, adding the City's overlay zones extended well beyond that.

Commissioner Hemer expressed concern about constructing 12-ft pathways without any review or input by the general public, especially in the Willamette Greenway. Parks and natural resource areas should have master plans vetted through the public process.

Ms. Kolias clarified Kronberg Park did have a master plan that currently included a 10-ft path. A Type III review, which included a public hearing, would be required to widen the path to 12 ft. The Kronberg Park Trail project would still be posted within the park and follow all noticing requirements of a Type II Natural Resources review.

Commissioner Edge expressed concern about the 150-ft rule excluding much of Kellogg Lake from Willamette Greenway Review. Kellogg Lake was a natural floodplain of the Willamette River and a functional part of the greenway. Although much of the area was WQR and Habitat Conservation Area (HCA) and would be captured in the Natural Resources Review, it was not just recreational and scenic. 'Natural' was listed first and 'recreational' last and there was a reason for that sequence. He was hesitant to exclude portions of Kellogg Lake that were more than 150 ft from the river from Greenway Review.

Ms. Kolias noted that because much of the Kellogg Lake area was WQR and Habitat Conservation Area (HCA), it would be captured in the Natural Resources Review.

Chair Travis confirmed there was no public testimony and closed the public hearing.

Planning Commission Deliberation

Commissioner Edge explained he was concerned about protecting Kellogg Lake, which functioned historically as a floodplain of the Willamette River, with the same protections afforded other areas in the Greenway.

Commissioner Hemer confirmed that the proposed code amendment language was specific only to low impact trails 150 ft from the Willamette Greenway and that the Greenway boundary would not be changed.

Staff clarified that a significant deviation from the approved master plan for Kronberg Park would

require a public process. The Planning Director would determine if a proposed path was consistent with the master plan and whether a public hearing process was required. The proposed exemption was only for the width of the path, not for additional pathways.

Vice Chair Burns believed specifying permeable paths provided a good balance between the natural resource and recreation. He was comfortable with aligning path widths to ODOT standards and did not see anything objectionable to the proposal.

Commissioner Hemer moved and Commissioner Argo seconded to recommend to City Council approval application ZA-2018-005 and adoption of the recommended findings of approval found in Attachment 2. The motion was passed unanimously.

6.0 Worksession Items

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

David Levitan, Senior Planner, reviewed the staff report, updating the Commission on the Town Hall, Online Open House, Neighborhood Hubs concept, and upcoming meetings. On November 5th, the Comprehensive Plan Advisory Committee (CPAC) would review policies and develop preliminary policy language for the Commission's feedback at the November 13th worksession. The City received a grant from the Department of Land Conservation & Development (DLCD) to look at equitable housing policies and a grant from Metro to consider cottage cluster development and how to potentially amend the code. He noted that as a severely rent-burdened community, the City was required to hold a public meeting by the end of the year. Staff was considering if that meeting would be part of the Community Housing Forum scheduled for December 6th or a separate meeting. He would request the Community Development Director provide an update to the Commission of the current housing initiatives at a future meeting.

Technical issues with the Online Open House were briefly discussed, as well as the improvements made to how public meetings were structured, which resulted in more dialogue, more input, and more being accomplished.

Commissioners Edge and Grau confirmed they were interested in working with the housing subcommittee.

- 6.2 Summary: Work Program and Bylaws Discussion
Staff: David Levitan, Senior Planner

Mr. Levitan stated the staff report provided a high-level overview about how the Council's goals and work program influenced the Commission's work, especially with regard to housing and the Climate Action Plan, which would likely result in code amendments. He noted public involvement was beginning on the Hillside Master Plan and visioning sessions would be held at Milwaukie Providence Hospital on October 24th.

Chair Travis said she wanted to meet with the Neighborhood District Association (NDA) Land Use Committee (LUC) chairs to learn more about the challenges that they saw and ways they could work better together. She wanted to anticipate any changes as updates were made to the Comprehensive Plan around Goal 1.

Commissioner Edge added it would be appropriate to talk with the LUC chairs to learn about their concerns before beginning the final block of work on the Comprehensive Plan Update.

7.0 Planning Department Other Business/Updates

7.1 Planning Commission Notebook Interim Update Pages

Commissioner Hemer read the reply he received from the City Manager regarding his email about going paperless. The Planning Commission was no longer restricted to using paper copies of the staff report. Everyone was allowed to use their electronic devices for meetings. He did not want any paper unless it was not included in the online packet.

Commissioner Grau understood the concern was really about having the Commissioners' devices seized for accusatory actions, such as messaging each other during deliberations or anything that might jeopardize the meeting.

Tim Ramis, City Attorney, believed the concern could be addressed if the Commissioners were only accessed the information available to the public online through the agenda and packet.

8.0 Planning Commission Discussion Items

There were none.

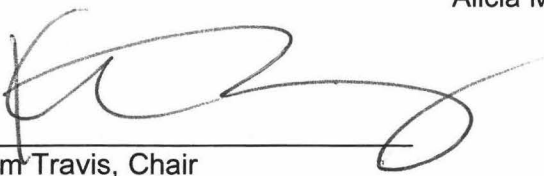
9.0 Forecast for Future Meetings:

November 13, 2018 1. Public Hearing: ZA-2018-004 Housekeeping 2018 Code Amendments
November 27, 2018 1. TBD

Meeting adjourned at approximately 9:13 pm.

Respectfully submitted,

Alicia Martin, Administrative Specialist II



Kim Travis, Chair



CITY OF MILWAUKIE

AGENDA

October 23, 2018

PLANNING COMMISSION

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

- 1.0 Call to Order - Procedural Matters — 6:30 PM**
- 2.0 Planning Commission Minutes — Motion Needed**
- 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: City Hall Chambers
Applicant/Owner: City of Milwaukie
Address: 10722 SE Main ST
File: HR-2018-001
Staff: Vera Kolas, Associate Planner
 - 5.2 Summary: Housekeeping 2018 Code Amendments
Applicant: City of Milwaukie
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- 6.0 Worksession Items**
 - 6.1 Summary: Comprehensive Plan Update project update
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Staff: David Levitan, Senior Planner
- 7.0 Planning Department Other Business/Updates**
 - 7.1 Planning Commission Notebook Interim Update Pages
- 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:**
 - November 13, 2018 1. Public Hearing: ZA-2018-004 Housekeeping 2018 Code Amendments
 - November 27, 2018 1. TBD

Milwaukie Planning Commission Statement

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

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@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 Kelter, Associate Planner
Vera Kolias, Associate Planner
Mary Heberling, Assistant Planner
Alicia Martin, Administrative Specialist II



CITY OF MILWAUKIE

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Vera Kolias, Associate Planner

Date: October 15, 2018, for October 23, 2018, Public Hearing

Subject: **File:** HR-2018-001; DR-2018-002; CSU-2018-016
Applicant: Tracy Orvis, DiLoreto Architecture
Owner(s): City of Milwaukie – Damien Farwell, Fleet and Facilities Supervisor
Address: 10722 SE Main St
Legal Description (Map & Tax Lot): 1S1E36BB02500
NDA: Historic Milwaukie

ACTION REQUESTED

Approve application HR-2018-001 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for the renovation of the fire bay at City Hall, including replacement roll up doors and the construction of a new ADA accessible door and access at the rear of the building.

BACKGROUND INFORMATION

The current council chambers in Milwaukie City Hall are proposed to be moved into the existing garage bay in the same building. The space will be updated to accommodate the necessary functional requirements of a civic space, including upgrades to meet current energy code as well as acoustical and security needs. The proposed work requires an historic resources review, community service review, and downtown design review.

A. Site and Vicinity

The site is located at 10722 SE Main St. The site contains City Hall, a sculpture garden, and an adjacent parking lot.

The surrounding area consists of downtown commercial and residential properties, the TriMet bus area, the Waldorf School, and a municipal parking lot.



Figure 1. Site area and vicinity

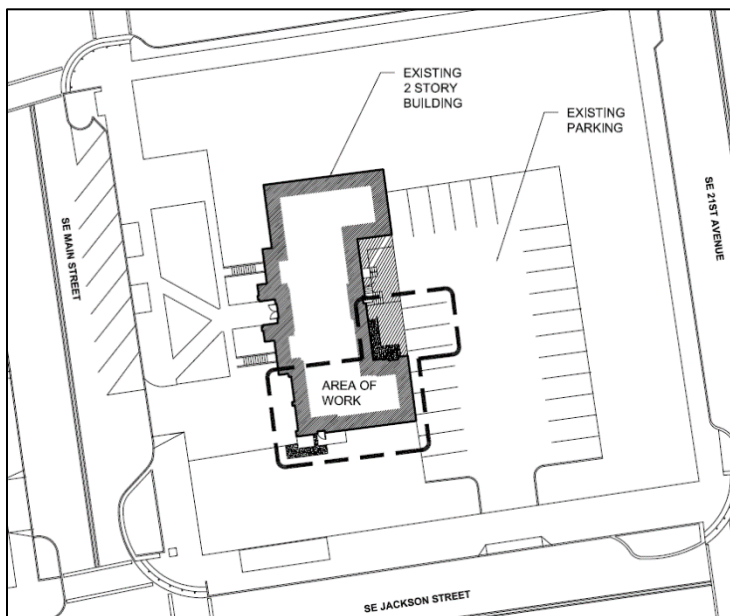


Figure 2. Area of work

B. Zoning Designation

The site is in the Downtown Mixed Use Zone (DMU).

C. Comprehensive Plan Designation

Town Center - TC

D. Land Use History

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

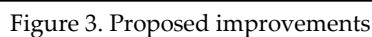
Or list:

- **2018:** CSU-2018-008: Approval to install a welcome sign.
- **2018:** CSU-2018-014: Approval to install a new ballot box.
- **2015:** DR-015-002; CSU-2015-005: Approval to install a bicycle repair stand in front of City Hall.
- **2014:** CSU-2014-001: Approval to install an information kiosk.
- **2013:** HR-2013-001: Approval to replace the garage doors.
- **2010:** HR-2010-001; CSU-2010-005: Approval to install the sculpture garden.
- **1998:** HR-1998-002: Approval to install an HVAC unit and window replacement.
- **1997:** HR-1997-002: Approval to install a 7-space bike rack.
- **1997:** HR-1997-004: Approval to remove 3 street trees and replace them with 4 Norway Maple trees.

E. Proposal

The applicant is seeking land use approval to alter the structure in order to convert the existing fire bay into a new City Council chamber. The proposal includes the following (please refer to Attachment 3, applicant's materials):

1. Addition of an accessible entrance at the rear of the building
2. Replacing the existing roll up doors with new roll up doors
3. Replacing the existing wood windows in the fire bay with new wood windows
4. Replacing the existing swing door on the south façade with a new entry door
5. Providing new exterior lighting above both swing doors



1. HR-2018-001: Exterior alteration of a landmark.
2. DR-2018-002: Downtown Design Review
3. CSU-2018-016: Minor modification to a Community Service Use

The Design and Landmarks Committee (DLC) was established to advise the Planning Commission on matters specified in MMC 2.16.010.9-10, which includes alterations to a landmark. Per MMC 19.907.3.B.3, Type III Downtown Design Review applications require review by the DLC. The proposed development was presented to the DLC on October 1, 2018. Based on the application materials submitted, the DLC voted to submit the following recommendations to the Planning Commission:

- Investigate the possibility of retaining the existing historic south-side windows by either refurbishing them with insulated glass or using storm windows (referring to General Services Administration guidelines for upgrading historic windows.
- Explore ways to provide more transparency in the new roll up doors, balancing the needs for privacy and security while maintaining a level of transparency that is closer to the original doors.
- Look into installing security barriers, such as bollards, at Main St to prevent vehicular access to the fire bay from the street.

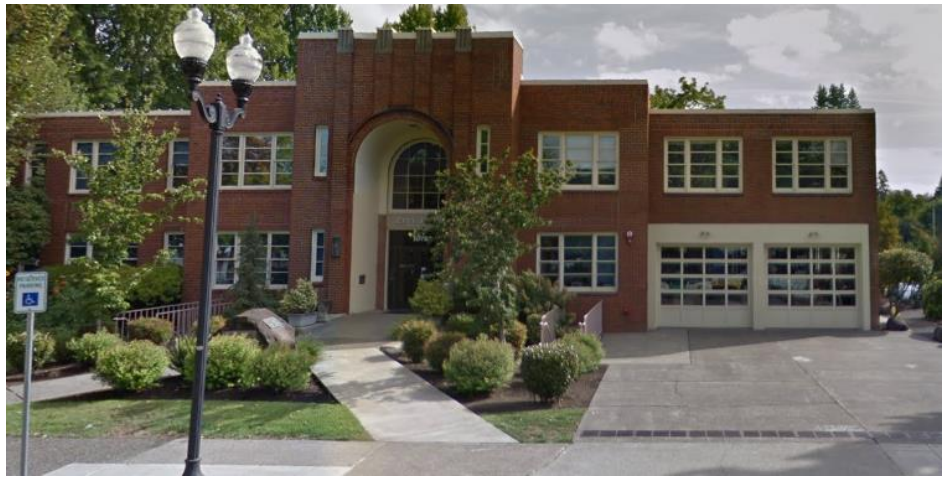


Figure 4. City Hall today



Figure 5. City Hall – 1970s - 2013

KEY ISSUES

Summary

Staff has identified the following key issue for the 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.



Figure 6. City Hall - 1940

Analysis

A. Is the proposal consistent with the visual integrity or style of City Hall?

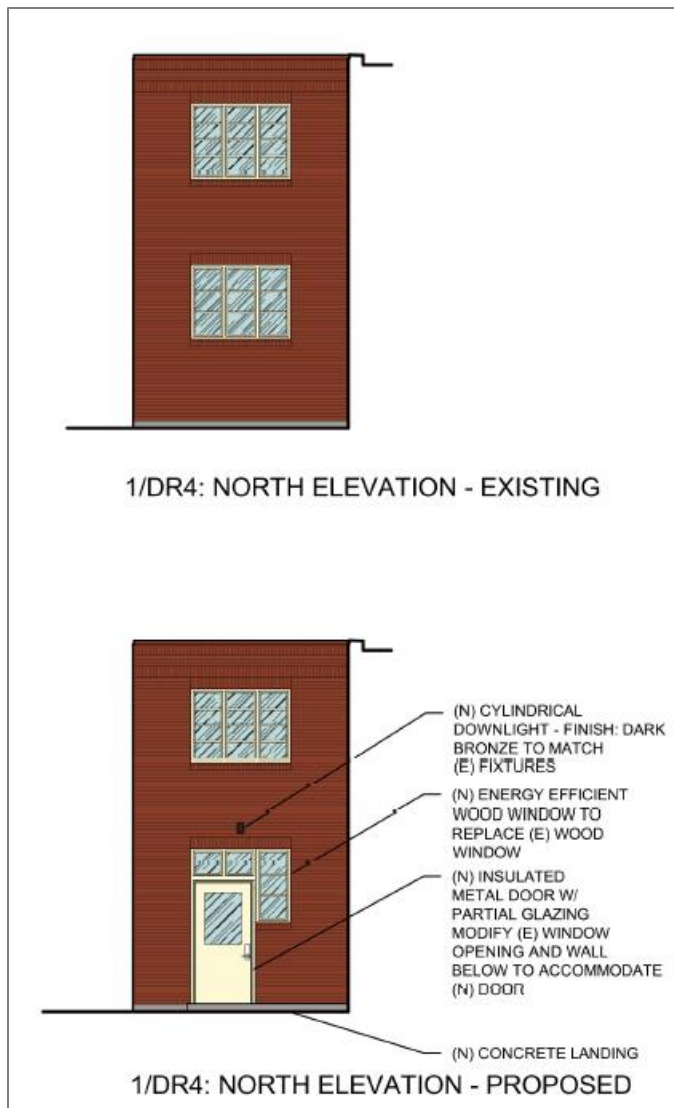
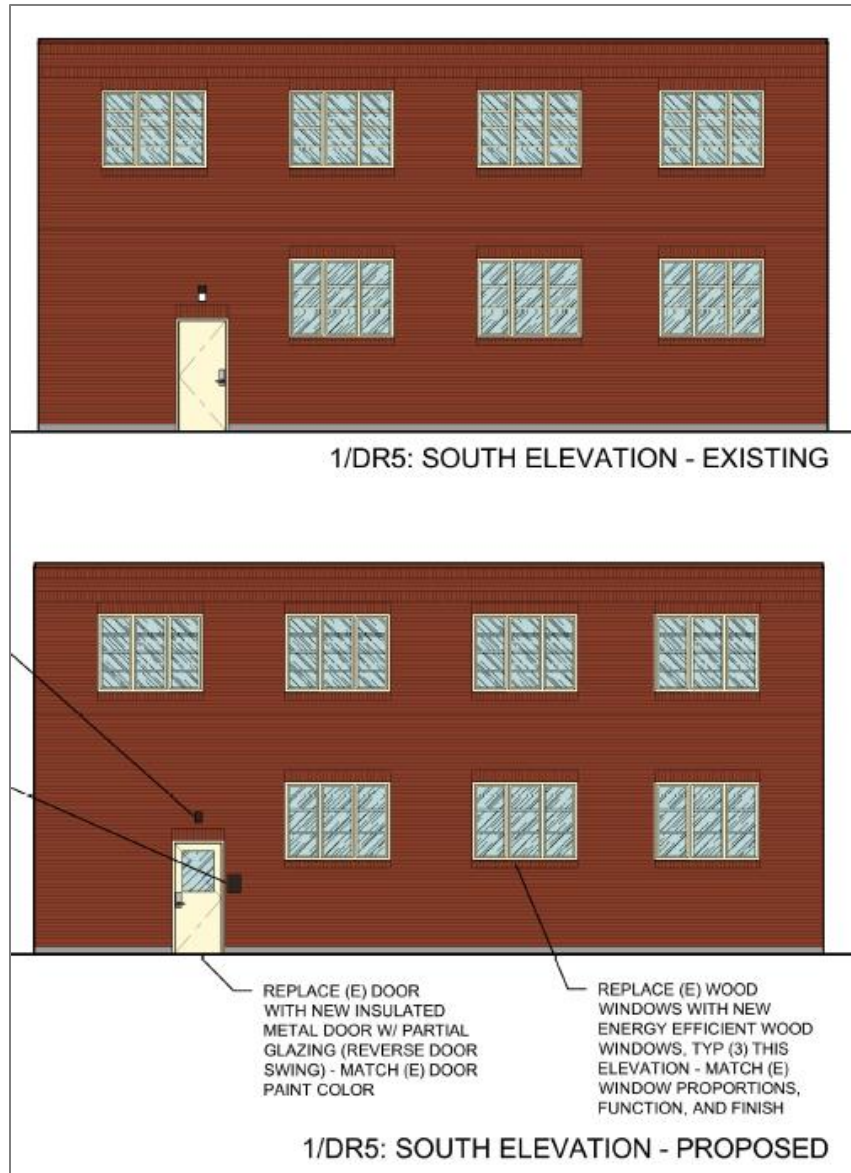


Figure 6. Proposed accessible entrance

The purpose of the proposed project is to convert the existing fire bay into a new City Council chambers, which will be used for public meetings as well as municipal court proceedings. The proposal minimizes alterations to the exterior façade while striving to meet current building and energy code requirements. To provide a code-required accessible second exit, a new door is proposed within the width of an existing window opening and will be custom sized to work with existing window proportions. The proposed accessible entrance has been located at the rear of the building adjacent to a parking lot so that the street-facing façade of the building is not significantly affected (see Figure 7).

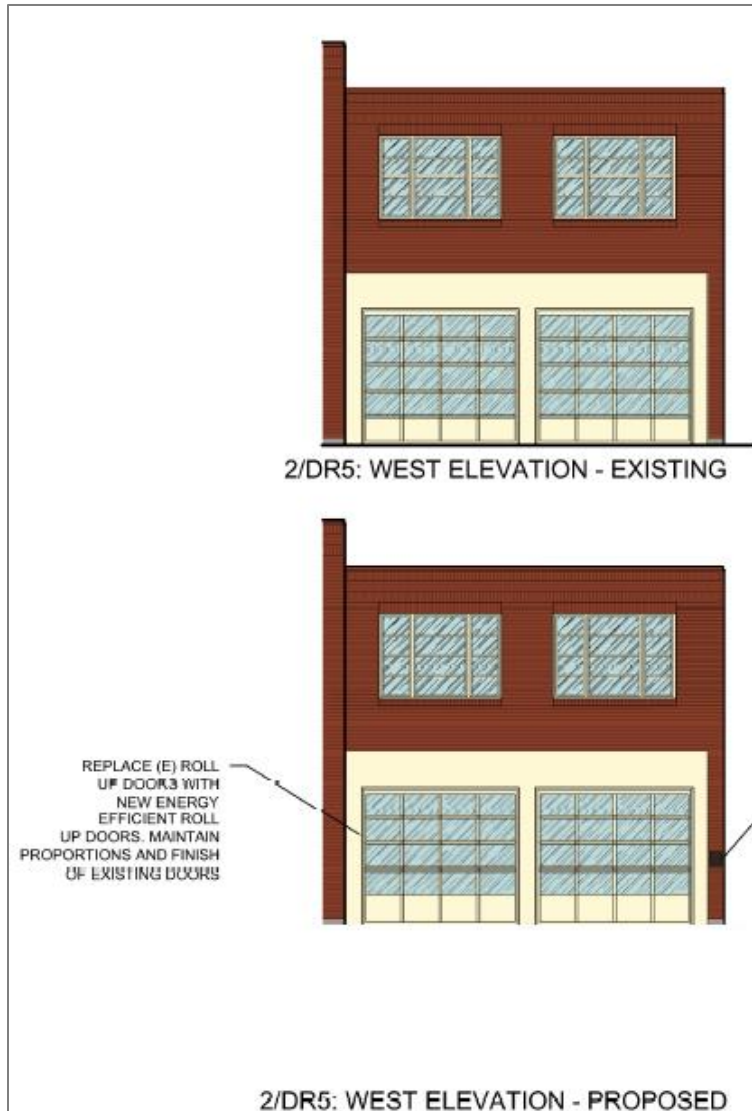
One of the recommendations from the DLC was to investigate the possibility of retaining the existing historic southside windows (see Figure 8). However, the applicant found that the condition of the existing windows is beyond simple repair or restoration. The wood on several of the windows is rotten. The windows with rot issues will need to be removed, which will allow a view of and access to water damage in framing (there has been a history of water intrusion issues at the windows). This will also provide an opportunity to upgrade flashing and



sealing as needed to keep water from further damaging the existing walls. If the existing windows are repaired in place rather than removed and replaced the pattern of water damage will continue and lead to further building degradation. The applicant also states that the original single pane glazing is not energy efficient and will not significantly improve the EUI of the building if they are restored, even with the addition of storm windows. The proposed new windows are wood and will match the window frames and mullions of the original windows.

Figure 7. South elevation – window replacement

In addition to hosting public events, the repurposed garage bay will serve Council and Court functions. When closed, the garage doors need to serve functionally as a wall, providing quiet, security, and protection from weather. The garage doors were replaced in 2013 but do not meet energy code, acoustical, and security requirements for the proposed use. As originally proposed, the garage doors were to be replaced with new insulated doors that reference the proportions of the existing doors, but to meet the abovementioned requirements, the proposed doors included a glazing pattern more reminiscent of the doors previously installed in the 1970's. After the DLC made recommendations that included finding a way to provide more transparency in the new garage doors that would be closer to the original doors, the applicant



submitted a revised plan. The revision includes garage doors that maintain the clear glazing recommended by the DLC and a suspended curtain track inside the face of the doors so that a solid curtain can be drawn across the face of the roll up doors during sensitive proceedings (see Figure 9). The wood would be painted to match the existing garage doors and trim. If wood doors that meet energy code are not available, however, then the doors would be made of another material (such as insulated metal) that would be painted to match the existing doors.

Figure 9. Roll up garage doors.

Please refer to the Findings in Attachment 1 for details regarding the proposal's response and consistency with the Downtown Design Standards and Guidelines.

CONCLUSIONS

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

1. Approve the Historic Resource review, Community Service Use, and Downtown Design Review applications. This will result in the newly configured fire bay and installation of new roll up garage doors, an accessible entrance, and replacement of existing windows and an entry door.
2. Adopt the attached Findings.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC 19.304 Downtown Zones
- MMC 19.403 Historic Preservation Overlay
- MMC 19.904 Community Service Use
- MMC 19.907 Downtown Design Review
- 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 meeting.

The Commission has 4 decision-making options as follows:

- A. Approve the application subject to the recommended Findings.
- 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 January 4, 2019, 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 Engineering, Building, and Public Works Departments, Clackamas Fire District #1, the Milwaukie Historical Society, and the Historic Milwaukie Neighborhood District Association (NDA).

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	Packet
1. Recommended Findings in Support of Approval	☐	☒	☐	☒
2. Applicant's Narrative and Supporting Documentation received September 6, 2018.				
a. Narrative	☒	☐	☒	☒
b. Site Plan	☒	☐	☒	☒
c. Window style and lighting cut sheets	☒	☐	☒	☒
d. Existing and proposed floor plans	☒	☐	☒	☒
e. Existing and proposed elevations	☒	☐	☒	☒
3. Applicant's revised materials - narrative addressing DLC comments and Supporting Documentation received October 11, 2018.	☐	☒	☒	☒

Key:

Early DLC Mailing = paper materials provided to DLC at the time of application referral.

DLC Packet = paper materials provided to DLC 7 days prior to the hearing.

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

Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-dlc/design-and-landmarks-committee-9>.

ATTACHMENT 1
Recommended Findings in Support of Approval
Master File #HR-2018-001; City Hall fire bay renovation

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, Tracy Orvis on behalf of the City of Milwaukie, has applied for approval to alter the historic structure at 10722 SE Main St. This site is in the Downtown Mixed Use (DMU) Zone. The master land use application file number is HR-2018-001.
2. The current council chambers in Milwaukie City Hall are proposed to be moved into the existing garage bay in the same building. The space will be updated to accommodate the necessary functional requirements of a civic space, including upgrades to meet current energy code as well as acoustical and security needs. The scope of work includes replacing the existing wood windows in the garage bay with new energy efficient wood windows, replacing the existing garage doors with new energy efficient garage doors, replacing the existing swing door on the south façade, creating a new second accessible exit from the garage bay, and providing new exterior lighting above both swing doors.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.304 Downtown Mixed Use Zone
 - MMC 19.403 Historic Preservation Overlay
 - MMC 19.904 Community Service Use Review
 - MMC 19.907 Downtown Design Review
 - MMC 19.1006 Type III Review

The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public review meeting with the Design and Landmarks Committee was held on October 1, 2018. A public hearing was held on October 23, 2018, as required by law.

4. MMC 19.304 Downtown Zones
 - a. MMC 19.304.3 Uses

MMC Table 19.304.3 establishes the uses that are allowed in the various downtown sub-zones, which allows Community Service Uses (CSUs) as a Limited Use.

The building at the subject property is currently used by the City of Milwaukie as a city hall, including city offices on the first floor and city offices, council chambers, and meeting spaces on the second floor.

The City considers facilities that were established prior to CSU regulations in 1984 but were otherwise properly permitted and meet the definition for CSUs provided in MMC 19.904.2 to be

de facto CSUs. MMC 19.904.2.A specifically includes government office buildings such as city halls in its definition of CSUs.

The site has been in use as a city hall since it was constructed in 1939. The site has had subsequent site and use modifications that have been approved under applicable Community Service Overlay (CSO) or Community Service Use (CSU) code provisions (the most recent was CSU-2018-014). Therefore, the Milwaukie City Hall is considered a de facto CSU. This standard is met.

b. MMC 19.304.4 Development Standards

MMC 19.304.4 establishes standards for new development projects in the downtown zones.

This site is an existing governmental building; no changes are proposed that are affected by the development standards. This standard does not apply to the proposal.

5. MMC 19.403 Historic Preservation Overlay

MMC 19.403 provides standards and procedures for review of applications related to identified historic resources.

The subject property is identified on the City historic and cultural resources inventory as a Significant resource; therefore the regulations in MMC 19.403 apply.

a. MMC 19.403.5 Alteration and Development

- (1) MMC 19.403.5.A requires review for any exterior alteration of a landmark deemed "Significant" in the City historic inventory.

The subject property is designated a "Significant" historic resource and the proposed improvements are for minor exterior alterations. The proposed improvements are subject to review under the provisions of MMC 19.403.

- (2) MMC 19.403.5.B requires that an application for exterior alteration of a landmark be submitted to the Planning Director, in such form and detail as prescribed by the Director. Applications that do not meet the requirements for projects subject to administrative approval as per MMC 19.403.5.C shall follow the Type III review process outlined in MMC 19.1006.

An application with sufficient detail has been submitted for Type III review. This standard is met.

- (3) MMC 19.403.5.D provides for approval of alteration requests that do not qualify for administrative approval.

The proposed improvement replaces the existing fire bay doors (which were installed in 2013) with new energy efficient and secure doors that have the same appearance as the current doors as well as the installation of a new accessible entrance near the rear parking lot. Because the addition of a new accessible entrance does not meet the standards for administrative approval, the application has been combined under a Type III review, per MMC 19.1006.

(4) MMC 19.403.5.E establishes approval criteria for alterations to landmarks.

The proposed improvements have been evaluated against the relevant approval criteria as follows:

(a) Retention of Original Construction

The proposal minimizes alterations to the exterior façade while striving to meet current building and energy code requirements. For example, to provide a code-required accessible second exit, a new door will be placed within the width of an existing window opening and will be custom sized to work with existing window proportions. This alteration is located at an interior corner at the rear of the building, away from primary street-facing facades.

The garage doors were replaced in 2013 but do not meet energy code, acoustical, and security requirements for the proposed use. The proposal includes replacing the doors with new insulated doors that match the clear glazing of the current and original garage doors. To address privacy and security issues, an interior curtain track will be hung so that a solid curtain can be drawn during sensitive proceedings. The goal for the project is to replace the existing wood garage doors with new wood garage doors with insulated glazing and perimeter seals. The wood would be painted to match the existing garage doors and trim. If wood doors that meet energy code are not available, however, then the doors would be made of another material (such as insulated metal) that would be painted to match the existing doors.

The proposed improvement will not alter any remaining historic features or qualities of the landmark. This criterion is met.

(b) Building Height

No changes to existing building height are proposed. This criterion is not applicable.

(c) Horizontal Additions

No additions are proposed. This criterion is not applicable.

(d) Windows

This proposal includes replacing the existing wood windows affected by the scope of work (5 total, not including the 2 roll up garage doors) with new wood windows that match the existing windows and meet current energy code. This criterion is met.

(e) Restoration Possible

If desired in the future, the proposed second exit door and its associated landing and ramp could be removed. The window and portion of wall affected by the proposed second exit could be replaced. Further restoration in the future would not be precluded. This criterion is met.

(f) Signs and Lighting

The proposal includes new exterior lighting above both exterior swing doors. The existing door on the south elevation has a vertical rectangular security fixture above it. The proposal would replace it with a small cylindrical downlight in a dark bronze finish to match other exterior fixtures. The same fixture is proposed above the new exit door, and

given its small size, puts more focus on the building itself and on the existing historic fixtures at the main entrance. See attached product information for proposed light fixture.

New signage is proposed that will direct visitors to the accessible entrance to Council Chambers, which is the door located on the south façade of the building. There is one sign proposed to the right of the garage doors as well as one adjacent to the accessible entrance. The signage will meet code requirements and will match existing signage present on the building to the greatest extent possible.

This criterion is met.

(g) Time Period Consistency

The proposal matches existing materials and finishes currently present on and around the building exterior. The proposed new garage doors reference both the current and original garage doors and seek to blend them and create doors that are relevant to the building's history while meeting both code and functional needs of the space within. This criterion is met.

(h) Visual Integrity/Style

The proposed improvements will not diminish any of the distinctive stylistic features that remain on the building. No distinctive stylistic features, primary structural elements, or examples of skilled craftsmanship are affected by the proposed design. Modifications made to the existing window to create a second accessible exit have been proposed with the existing window proportions in mind, and all materials selected correspond to existing building materials. The proposal is respectful of the existing building while still meeting current code requirements. This criterion is met.

(i) Replacement or Additional Materials

No features are in need of repair at this time. In order to meet current energy code, the existing wood windows are proposed to be replaced with new energy efficient wood windows with as close to the same appearance as possible. The garage doors are proposed to be replaced with new doors that reference the panel proportions, glazing, and materials of the currently installed doors. The new ADA exit door, landing, and sloped walkway are treated with similar materials and style as adjacent exits. This criterion is met.

(j) Buffering

No new use is proposed. This is a shifting of existing uses within the existing building footprint. This criterion is not applicable.

The proposed improvements meet the applicable standards of MMC 19.403.

6. MMC Section 19.904 Community Service Uses

MMC Subsection 19.904.5.C authorizes the Planning Director's approval of minor modifications to an approved community service per Section 19.1004 Type I Review, provided that such modification:

- a. Does not increase the intensity of any use.

The existing Council Chambers and conference room are located on the 2nd floor of City Hall. The conference room has been converted into much needed office space for 4-6 staff. The existing garage bay on the 1st floor of City Hall is currently underutilized, serving as overflow storage for events. The proposed project relocates Council Chambers to the garage bay, thus freeing up the Council Chambers space on the 2nd floor for additional office use. Currently, at peak meeting time, which is the most intense use of the building, both the Council Chambers and the conference room are used. At peak meeting times with the proposed configuration, only the fire bay would be used for meetings, streamlining the use of the building during peak use to one space. No new uses are proposed. The intensity of use of the building will remain virtually the same; the proposed use of the fire bay as the new Council Chambers, along with the additional new workspaces on the 2nd floor will have a neutral effect on the overall use of the building.

- b. Meets all requirements of the underlying zone relating to building size and location and off-street parking and the standards of Title 19.

The proposed modification does not affect any standards of the underlying zone for the existing site.

- c. Does not result in deterioration or loss of any protected natural feature or open space, and does not negatively affect nearby properties.

The subject property does not include any mapped natural resources and will not affect any nearby properties.

- d. Does not alter or contravene any conditions specifically placed on the development by the Planning Commission or City Council.

No changes to any of the conditions of any prior approvals will occur as part of the proposed project.

- e. Does not cause any public facility, including transportation, water, sewer and storm drainage, to fail to meet any applicable standards relating to adequacy of the public facility.

The proposed project does not cause any public facility to fail to meet applicable standards relating to the adequacy of the public facility.

As proposed, the applicable standards of MMC 19.904 are met.

7. MMC 19.907 Downtown Design Review

- a. Per MMC 19.907.2, the standards for downtown design review are applicable to minor exterior alterations to buildings in the downtown zones.

The proposed roll up door replacement, which is less than 25% of the surface area of the street-facing wall, is a minor exterior alteration to an existing building in the Downtown Mixed Use (DMU) zone and is therefore subject to the standards for downtown design review as provided in MMC 19.907. The addition of an accessible entrance to the rear of the building is an exempt

activity, as it is needed to bring the building into compliance with the Americans with Disabilities Act.

- b. MMC 19.907.3.B.1 requires that exterior alterations that meet the list of projects in Subsection 19.907.2.B be processed with Type I review.

The proposed improvement includes replacing the garage roll up doors, which is less than 25% of the surface area of the street-facing wall, and has been reviewed in accordance with the Type I Downtown Design Review process. This criterion is met.

- c. MMC 19.907.5.A establishes the approval criteria for Type I Downtown Design Review.

(1) Compliance with Title 19

As addressed in Finding 4, the proposed improvement complies with the applicable standards for downtown zones, as provided in MMC 19.304. As addressed in Finding 5, the proposed improvement complies with the applicable standards for historic resources, as provided in MMC 19.403. As addressed in Finding 6, the proposed improvement complies with the applicable standards for modifications to community service uses, as provided in MMC 19.904. No other standards in Title 19 are applicable to the proposed improvement.

(2) Compliance with applicable design standards in Section 19.508 and any prior land use approvals

The proposed improvements have been reviewed against the relevant design standard for ground floor windows and doors, which requires a minimum of 50% glazing. The building was constructed before this standard was in place, and had a percentage of glazing of 42% as originally built (ground floor façade with an area of 1,230 sq ft and 520 sq ft of glazing). Therefore, the percentage of glazing on the original structure is legally nonconforming.

The proposal includes replacement of the existing roll-up doors with doors that provide needed security and privacy, as well as meet energy code requirements. The proposed doors are intended to blend design with utility, given the new use of the fire bay, and the need for increased security and energy efficiency. The proposed replacement roll-up doors will match the amount of glazing of the current garage doors as well as the original garage doors and will result in no decrease in glazing on the ground floor.

The proposed improvements meet the approval criteria of MMC 19.907.5.A Type I Downtown Design Review.

8. The application was referred to the following departments and agencies on September 7, 2018:
- Milwaukie Building Division
 - Milwaukie Engineering Department
 - Milwaukie Public Works Department
 - Clackamas County Fire District #1
 - Historic Milwaukie Neighborhood District Association Chairperson and Land Use Committee

- Milwaukie Historical Society

No comments were received as of the date of these findings.



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):

Type I Review: Modification to Existing Community Service Use

Type III Review: Exterior Alterations to Existing Historic Building

...

...

...

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): Tracy Orvis, Di Loreto Architecture

Mailing address: 200 NE 20th Ave, Ste 200; Portland, OR Zip: 97232

Phone(s): 503-736-9979 E-mail: torvis@diloretoarchitecture.com

APPLICANT'S REPRESENTATIVE (if different than above):

Mailing address: Zip:

Phone(s): E-mail:

SITE INFORMATION:

Address: 10722 SE Main Street Map & Tax Lot(s): 11E36BB02500

Comprehensive Plan Designation: ... Zoning: DMU Size of property: 0.96 Acres

PROPOSAL (describe briefly):

Type I: Proposed project relocates existing council chambers from 2nd floor of City Hall to 1st floor, via conversion of existing garage bay. No new use being added to building; only relocation of existing uses within the building footprint.

Type III: Add new ADA exit with concrete landing and ramp in NE corner of existing building using existing window location. Replace existing garage bay doors with new doors that meet current energy code requirements and resemble the original garage doors. Provide new exterior lighting for both the existing garage bay entry door and the new proposed exit door. Existing entry door to be replaced with new door that meets energy code and includes partial glazing to match rest of building's exterior doors.

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: Tracy Orvis

Digitally signed by Tracy Orvis
Date: 2018.08.29 10:56:12 -07'00'

Date: September 5, 2018

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)



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) Tracy Orvis, 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: _____

Date: 09.05.18

Official Use Only

Date Received (date stamp below):



CITY OF MILWAUKIE

City of Milwaukie City Hall Garage Bay Design Project. 9.1.18

Tracy Orvis, of Di Loreto Architecture, is authorized by the City of Milwaukie to apply for Design Review regarding City Hall Garage Bay Project.

Damien Farwell

Fleet and Facilities Supervisor



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

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

Preapplication Conference Waiver

I/We, Tracy Orvis (print), as applicant(s) property owner(s) of 10722 SE Main Street (address of property), request to waive the requirement for a preapplication conference for the submission of a **Type II / III / IV / V** (circle one) land use application per MMC Subsection 19.1002.2 Applicability.

Please provide an explanation for the waiver request:

MMC Section 19.1002 Preapplication Conference is provided on the reverse

19.1002.2 (B) (Exception 1):

After an initial review meeting with Vera Koliass, Associate Planner, and Denny Egner, Planning Director, on 8/17/18, it was agreed that the meeting provided enough information and direction moving forward that a pre-application conference was not necessary.

Signed: **Tracy Orvis**
Digitally signed by Tracy Orvis
Date: 2018.08.29 10:47:07
-07'00'
Applicant/Property Owner

Approved: 
Planning Director

Land Use Review: Historic Resource Review

September 5, 2018

GENERAL INFORMATION:

Case Type: Land Use Review – Historic Design Review

Procedure: Type I: Modification to Existing Community Service Use
Type III: Historic Review for Exterior Alterations to Existing
Historic Building

Applicant/Architect: **di loreto**ARCHITECTURE, llc
200 NE 20th Avenue, Suite 200
Portland, Oregon 97232
phone: 503-736-9979
www.diloretoarchitecture.com

Contact: Tracy Orvis
torvis@diloretoarchitecture.com

Owner: City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206
Phone: 503-786-7621
Contact: Damien Farwell

Project address: Milwaukie City Hall
10722 SE Main Street
Milwaukie, OR 97222

Map & Tax Lots: 11E36BB02500

NDA: Historic Milwaukie

Project Description

The current council chambers in Milwaukie City Hall are proposed to be moved into the existing garage bay in the same building. The space will be updated to accommodate the necessary functional requirements of a civic space, including upgrades to meet current energy code as well as acoustical and security needs.

The scope of work includes replacing the existing wood windows in the garage bay with new energy efficient wood windows, replacing the existing garage doors with new energy efficient garage doors, replacing the existing swing door on the south façade with a new door more befitting of an entry door, creating a new second accessible exit from the garage bay (to be located in the NE corner of the garage bay, exiting out into the existing parking lot), and providing new exterior lighting above both swing doors.

Approval Criteria

GUIDELINES FOR TYPE I REVIEW FOR MINOR MODIFICATION (19.904.5(C)):

Guideline 1: Does not increase the intensity of any use.

Response: The existing Council Chambers is located on the 2nd floor of City Hall. Current office staff are crowded into existing rooms that were not originally intended for that number of people. The existing garage bay on the 1st floor of City Hall is currently underutilized, serving as overflow storage for events. The proposed project relocates Council Chambers to the garage bay, thus freeing up space on the 2nd floor for much needed office use. No new uses are proposed. This project is a shifting of existing uses to other parts of the building.

Guideline 2: Meets all requirements of the underlying zone relating to building size and location and off-street parking and the standards of Title 19

Response: This guideline is not applicable. Uses within the building are not changing; existing uses are being relocated into other parts of the existing building.

Guideline 3: Does not result in deterioration or loss of any protected natural feature or open space, and does not negatively affect nearby properties.

Response: The proposed project does not affect protected natural features or open spaces and does not negatively affect nearby properties.

Requirement 4: Does not alter or contravene any conditions specifically placed on the development by the Planning Commission or City Council.

Response: The proposed project does not, to the knowledge of the applicant, alter or contravene any conditions specifically placed on the development by the Planning Commission or City Council

Requirement 5: Does not cause any public facility, including transportation, water, sewer and storm drainage, to fail to meet any applicable standards relating to the adequacy of the public facility.

Response: The proposed project does not cause any public facility to fail to meet applicable standards relating to the adequacy of the public facility.

GUIDELINES FOR ALTERATION AND DEVELOPMENT IN THE HISTORIC PRESERVATION OVERLAY ZONE (19.403.5(E)):

Guideline 1: Retention of Original Construction. Distinguishing original qualities defining a resource's character shall not be destroyed. Removal or alteration of historic materials or distinctive architectural features should be avoided when possible.

Response: The proposal minimizes alterations to the exterior façade while striving to meet current building and energy code requirements. For example, to provide a code-required accessible second exit, a new door will be placed within the width of an existing window opening and will be custom sized to work with existing window proportions (see 1/DR4). This alteration is located at an interior corner at the rear of the building, away from primary street-facing facades.

In addition to serving Council and Court functions, the repurposed garage bay will retain both roll up garage doors, allowing City Hall to continue hosting events that engage the public and create indoor-outdoor connections. When closed, the garage doors need to serve functionally as a wall, providing quiet, security, and protection from weather.

The garage doors were replaced in 2013 but do not meet energy code, acoustical, and security requirements for the proposed use. The proposal includes replacing the doors with new insulated doors that reference the proportions of the existing doors, but to meet the abovementioned requirements, we are proposing a glazing pattern more reminiscent of the doors previously installed in the 1970's (see 2/DR5 to see existing conditions and proposed conditions, as well as attached photos referencing the 1940's doors and the 1970's doors).

Guideline 2: Building Height. Existing building heights should be maintained. Alteration of roof pitches shall be avoided. Raising or lowering a building's permanent elevation when constructing a foundation shall be avoided, except as required by building code or floodplain development permit.

Response: The existing building height will be maintained. This guideline is not applicable.

Guideline 3: Horizontal Additions. The scale and proportion of building additions, including the relationship of windows to walls, shall be visually compatible with the traditional architectural character of the historic building. Contemporary design for alterations and additions is acceptable if the design respects the building's original design and is compatible with the original scale, materials, and window and door-opening proportions of the building.

Response: No new horizontal additions are proposed. This guideline is not applicable.

Guideline 4: Windows. Window replacements shall match the visual qualities of original windows as closely as possible. Wood window frames are preferred in meeting this standard. However, if non-wood replacements exhibit similar visual qualities as their wooden counterparts, they may be acceptable. The original number of window panes shall be maintained or restored when replacements are required.

Response: This proposal includes replacing the existing wood windows affected by the scope of work (5 total, not including the 2 roll up garage doors) with new wood windows that match the existing windows and meet current energy code. See attached product information for proposed window system (Renewal by Andersen).

Guideline 5: Restoration Possible. Except where building code precludes it, new additions or alteration to buildings shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original building could be restored.

Response: If desired in the future, the proposed second exit door and its associated landing and ramp could be removed. The window and portion of wall affected by the proposed second exit could be replaced. If future stakeholders decide that fully glazed garage doors are more desirable, the doors can be replaced with minimal building disturbance.

Guideline 6: Signs and Lighting. Signs, lighting and other appurtenances (such as walls, fences, awnings, and landscaping) shall be visually compatible with the original character of the building.

Response: This proposal includes new exterior lighting above both exterior swing doors. The existing door on the south elevation (see 1/DR5) has a vertical rectangular security fixture above it. We are proposing to replace it with a small cylindrical downlight in a dark bronze finish to match other exterior fixtures. The same fixture is proposed above the new exit door (see 1/DR4). The thought with this fixture is that it is small and subtle, thus putting more focus on the building itself and on the existing historic fixtures at the main entrance. See attached product information for proposed light fixture (Progress Lighting 3IN Wall Mount Up/Down Cylinder).

There is new signage proposed that will direct visitors to the accessible entrance to Council Chambers, which is the door located on the south façade of the building. There is one sign proposed to the right of the garage doors (see 2/DR5) as well as one adjacent to the accessible entrance (see 1/DR5). The signage will match existing signage present on the building to the greatest extent possible.

Guideline 7: Time Period Consistency. Buildings shall be recognized as products of their own time. Alterations that have no historical basis or which seek to create an earlier appearance shall be avoided.

Response: We are proposing to match existing materials and finishes currently present on and around the building exterior. The proposed new garage doors reference both the current and previous garage door iterations and seek to blend them and create doors that are relevant to the building's history while meeting both code and functional needs of the space within.

Guideline 8: Visual Integrity / Style. Distinctive stylistic features, such as a line of columns, piers, spandrels, or other primary structural elements, or examples of skilled craftsmanship which characterize a building, shall be maintained or restored as far as is practicable.

Response: No distinctive stylistic features, primary structural elements, or examples of skilled craftsmanship are affected by the proposed design. Modifications made to the existing window to create a second accessible exit (see 1/DR4) have been proposed with the existing window proportions in mind, and all materials selected correspond to existing building materials. All attempts are being made to be respectful of the existing building while still meeting current code requirements.

Guideline 9: Replacement or Additional Materials. Whenever possible, deteriorated architectural features shall be repaired rather than replaced. In the event replacement of an existing feature is necessary, or an addition is proposed, new materials should match those of the original building, to the extent possible, in composition, design, color, texture, and other visual qualities.

Response: No features are in need of repair at this time. In order to meet current energy code, the existing wood windows are proposed to be replaced with new energy efficient wood windows with as close to the same appearance as possible. The garage doors are proposed to be replaced with new doors that reference the panel proportions and materials of the currently installed doors but provide glazing similar to the garage doors previously in place from the 1970's to 2013. The new ADA exit door, landing and sloped walkway are treated with similar materials and style as adjacent exits.

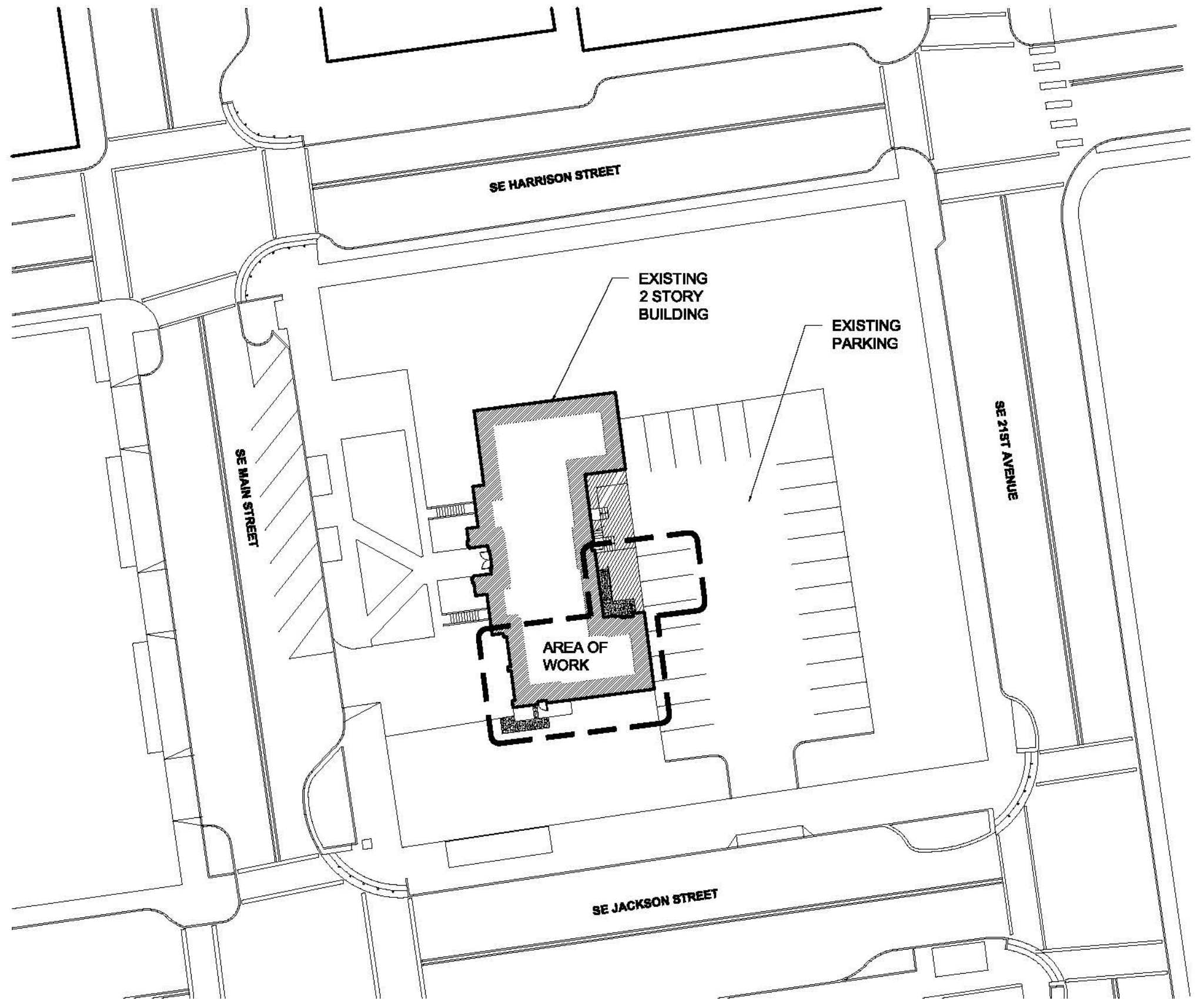
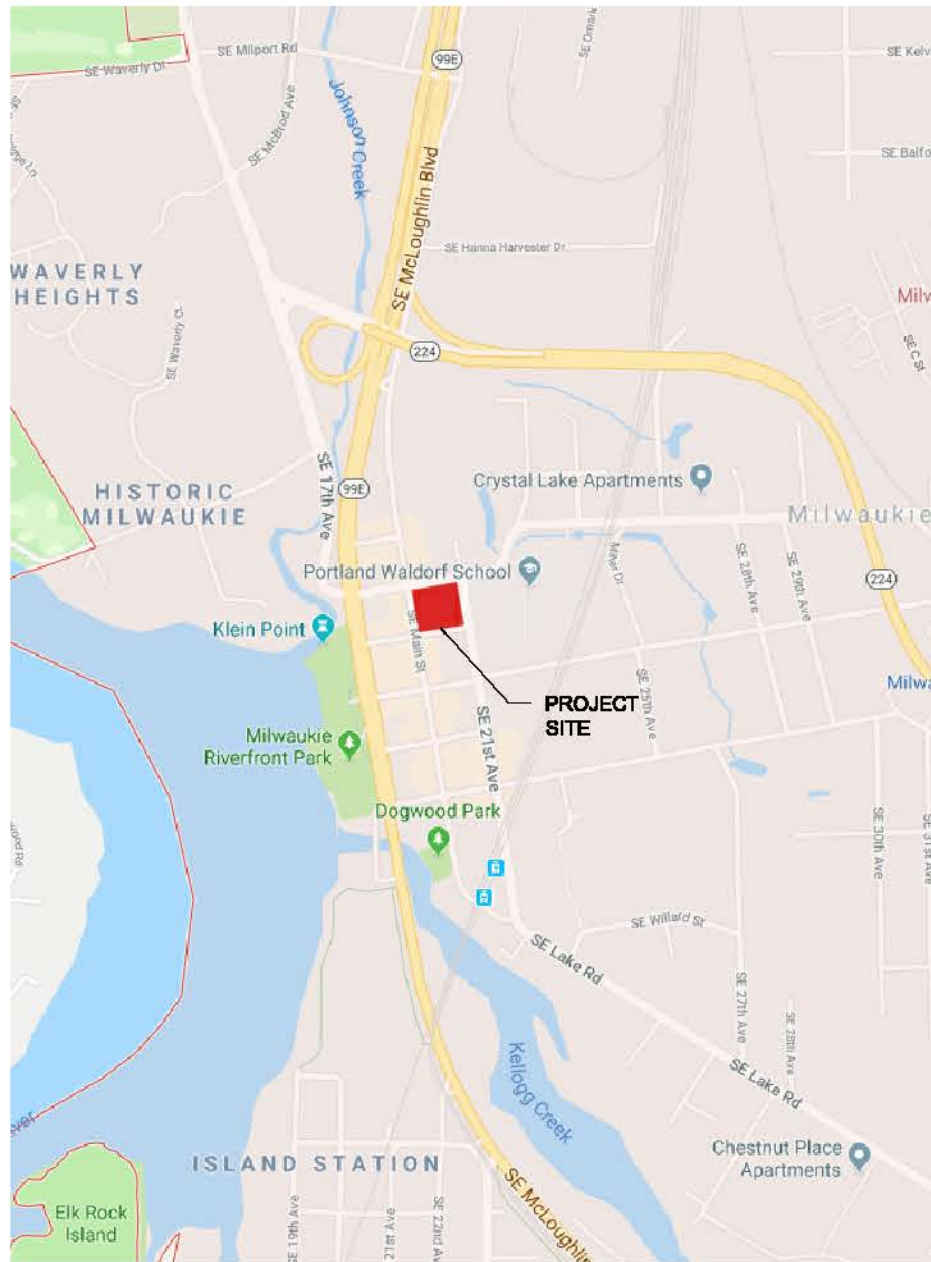
Guideline 10: Buffering. An appropriate buffer or screen, as provided under Subsection 19.504.6, may be required when a new commercial or industrial improvement or use is proposed on or adjacent to a designated resource, or within or adjacent to an historic district.

Response: No new use is proposed. This is a shifting of existing uses within the existing building footprint. This guideline is not applicable.

GUIDELINES FOR DOWNTOWN DESIGN STANDARDS FOR ROOFTOP EQUIPMENT (19.508.4.F.3):

Guideline: The following rooftop equipment does not require screening:
(2) Equipment under 2 ft high, if set back a minimum from the outer edge of the roof.

Response: Exact mechanical equipment is not known at this time. Any new equipment proposed will meet the above guideline requirement and will be set well back from the edge of the roof.



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MILWAUKIE CITY HALL
 ALTERATIONS FOR RELOCATED COUNCIL CHAMBERS
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 MILWAUKIE, OREGON 97222


 SCALE: 1" = 40'-0"

SITE PLAN
DR1
 18017 09.05.18

Picture

WINDOWS

Transform your home with picture windows that can stand alone beautifully or can be combined with other window styles for added curb appeal.

ADAPTABLE

Match or change your home's appearance by combining picture windows with other windows.

STRONG

Using strong Fibrex® material frames, our picture windows easily support the weight of the heavy glass commonly needed for large picture windows.

VERSATILE

Like all of our windows, picture window glass is available tempered, tinted, or in a wide variety of decorative patterns.



Picture Window



Fixed Picture Window



Combination Window



Picture Windows / Pine Interior



Picture and Specialty Windows / Terratone Exterior



Picture Window / White Interior

“The new windows are gorgeous and receive rave reviews from our visitors.”

ROBERT R.

Schedule Your FREE In-Home Consultation

 **Call** your local Renewal by Andersen representative

 **Click** over to
RENEWALBYANDERSEN.COM

 **Visit** your local Renewal by Andersen showroom



Picture Window / Sandtone Interior



Picture and Specialty Equal Leg Arch
Combination Window / Oak Interior

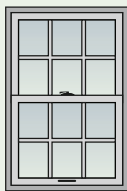
Grille OPTIONS

Customize Your Windows

Renewal by Andersen offers a wide range of creative grille patterns to enhance the look of your home.

All of our grilles are designed to be long-lasting¹ with low-maintenance performance. With such a broad range of high-profile grille options, you can match your home's current architecture, change the look and style of your home or incorporate them into a renovation project for historical accuracy.

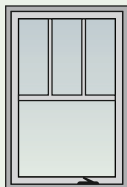
Patterns



Colonial

Specific number of squares per sash.

Double-hung window shown



Farmhouse

Two vertical bars meet a wider horizontal rail or bar at the center of the window.

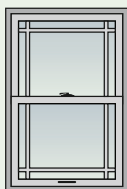
Casement window shown



Prairie

Two vertical and two horizontal bars per sash to form 4 inch corner squares.

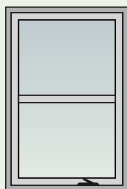
Double-hung window shown



Modified Prairie

Two vertical bars and one horizontal bar per sash.

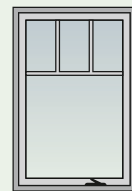
Double-hung window shown



Simulated Double-Hung

Preserve the look of a traditional window.

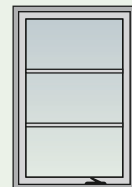
Casement window shown



Fractional

Specific number of vertical bars and horizontal bar.

Casement window shown



Equal Light

Specified number of horizontal bars, equal distance apart.

Casement window shown



**EXPRESS
YOUR
STYLE**

Custom

Create a new pattern or revive one from the past.

Casement window shown
with short fractional diamond custom pattern



More

Ask your replacement consultant for more grille options.

Picture window shown



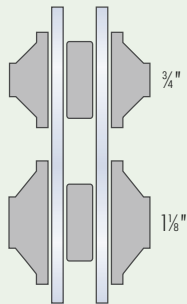
Picture Windows / Pine Interior / Colonial Grilles



Casement and Double-Hung Windows / White Exterior / Colonial Grilles

Whether it's for historical accuracy or creating an eye-catching new look, window grilles create instant curb appeal.

Profiles

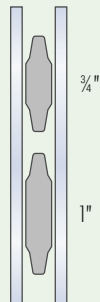


Full Divided Light Grilles

Full divided light grilles provide a visual representation of true divided glass. The option consists of a permanently applied exterior Fibrex® material grille, an aluminum spacer between the glass, and a removable or permanently applied interior grille. Available in two widths and an array of colors.



PERMANENT

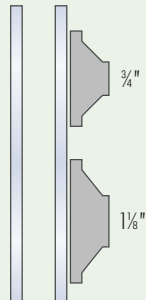


Grilles Between-the-Glass

Aluminum grilles are permanently installed between the panes during manufacturing, providing the beauty of grilles with the quick cleaning of a smooth glass surface. Available in two widths and an array of colors.



REMOVABLE



Interior Wood Grilles

Made of hardwood, these grilles snap into clips on the interior of the sash and can be easily removed to make glass cleaning a breeze. Available in two widths.

Home Exterior
Between Glass
Home Interior



5.1 Page 33
Casement Window, White Interior / Prairie Grilles



Double-Hung Window
Black Exterior / Custom Grilles

3IN Wall Mount Up/ Down Cylinder

Wall mounted • Wet location listed



Description:

Sleek, cylindrical forms in elegant finish selections. Die-cast aluminum wall brackets and heavy-duty aluminum framing. Fade and chip-resistant. CSA listed for wet locations. Can be used indoor or outdoor. Ideal for residential and commercial applications.

Specifications:

- Graphite (-143) (Powder Coat)
- Aluminum construction
- Clear glass lens
- 3" LED wall mount up/downlight cylinder
- Ideal for indoor or outdoor applications
- Warm white, 3000K, color temperature, 90 CRI
- Dimmable to 10% brightness (See Dimming Notes)
- Backplate covers a standard 4" octagonal recessed outlet box
- Mounting strap for outlet box included
- 6" of wire supplied
- ENERGY STAR® qualified
- Meets California Title 24 JA8-2016

Performance:

Number of Modules	2
Input Power	24w
Input Voltage	120 V
Input Frequency	60 Hz
Lumens/LPW	1766/73 (LM-79) per module
CCT	3000 K
CRI	90 CRI
Life (hours)	50,000 (L70/TM-21)
FCC	FCC Title 47, Part 15 Class B
Min. Start Temp	-10 °C
Max. Operating Temp	40 °C
Warranty	5 year warranty
Labels	CSA Wet location listed ENERGY STAR® qualified Meets California Title 24 JA8-2016

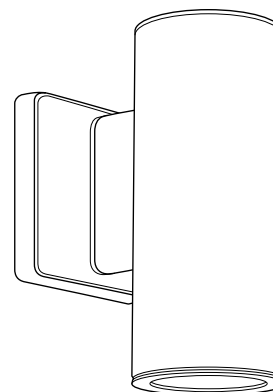
P563001-143-30K

Images:



Dimensions:

Diameter: Width: 4-1/2"
Depth: 5-1/2"
Height: 8-1/4"
H/CTR: 5"



3IN Wall Mount Up/ Down Cylinder

Wall mounted • Wet location listed **PROGRESS LED**



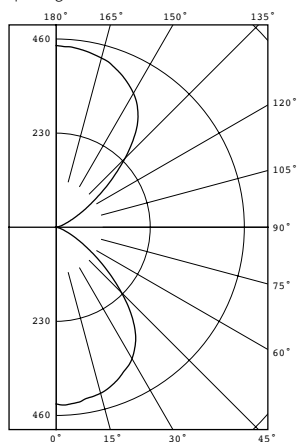
Photometrics:

P563001-143-30K

ELECTRICAL DATA	P563001-143-30K
Input Voltage	120 V
Input Frequency	60 Hz
Input Current	0.202 A
Input Power	24
Power Factor	
THD	<20%
FCC	FCC Title 47, Part 15 Class B
Operating Temperature	-10 °C to 40 °C
Dimming	Yes*
Over-voltage, over-current, short-circuit protected	
*See Dimming Notes for more information	

P563001-143-30K

LED Light Engine: 3000 K 90 CRI CRI
System Wattage: 24
Fixture delivered lumens: 1766
Fixture Efficacy: 73
Spacing Criteria: 1.26



CANDELA DISTRIBUTION

DEG	CANDELA	LUMENS
0	432	
5	433	41
15	420	118
25	390	180
35	339	210
45	226	174
55	105	96
65	35	36
75	9	10
85	1	1
90	0	
95	1	1
105	10	12
115	38	40
125	112	102
135	238	182
145	348	216
155	399	184
165	428	121
175	442	42
180	444	

ZONAL LUMEN SUMMARY

ZONE	LUMENS	%FIXT
0-30	340	19.2
0-40	550	31.1
0-60	819	46.4
0-90	866	49.0
90-120	53	3.0
90-130	155	8.8
90-150	553	31.3
90-180	900	51.0
0-180	1766	100.0

P563001-143-30K

Dimming Notes:

P563001 is designed to be compatible with many Triac/Forward Phase controls.

The following is a partial list of known compatible dimmer controls.

Dimming Controls

Lutron DVELV-300P

Lutron Caseta Wireless

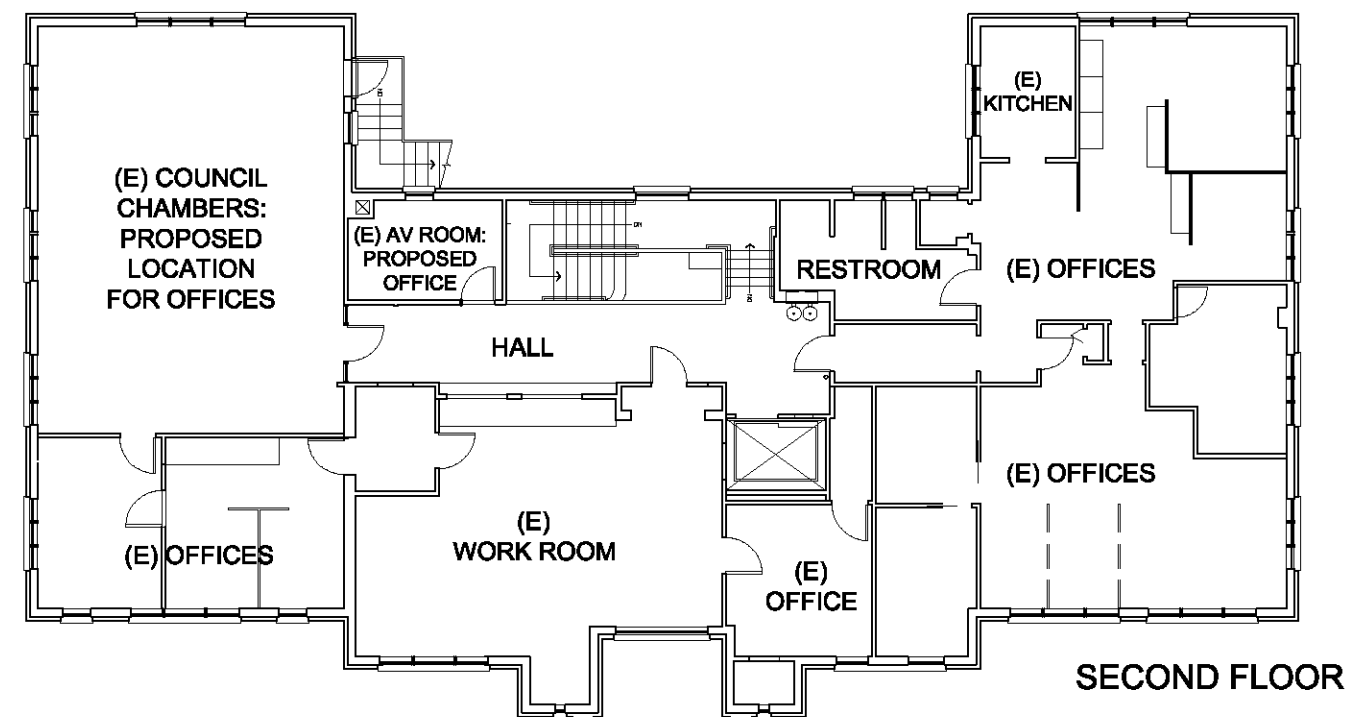
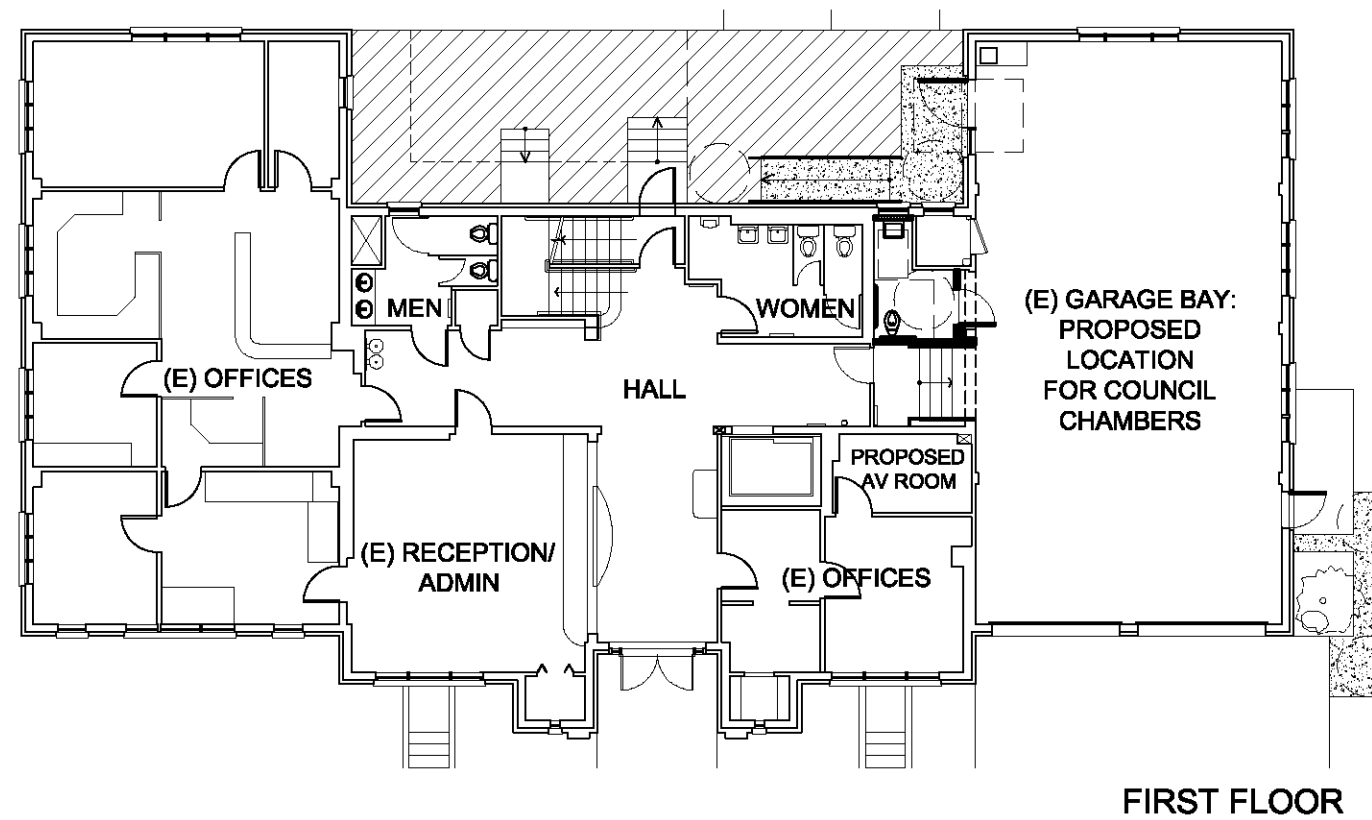
Leviton 6672

Lutron AYCL-153P

Lutron TGCL-153-PH-WH

Dimming capabilities will vary depending on the dimmer control, load, and circuit installation. Always refer to dimmer manufacturer instructions or a controls specialist for specific requirements.

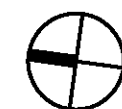
Dimmer control brand names where identified above are trade names or registered trademarks of each respective company.



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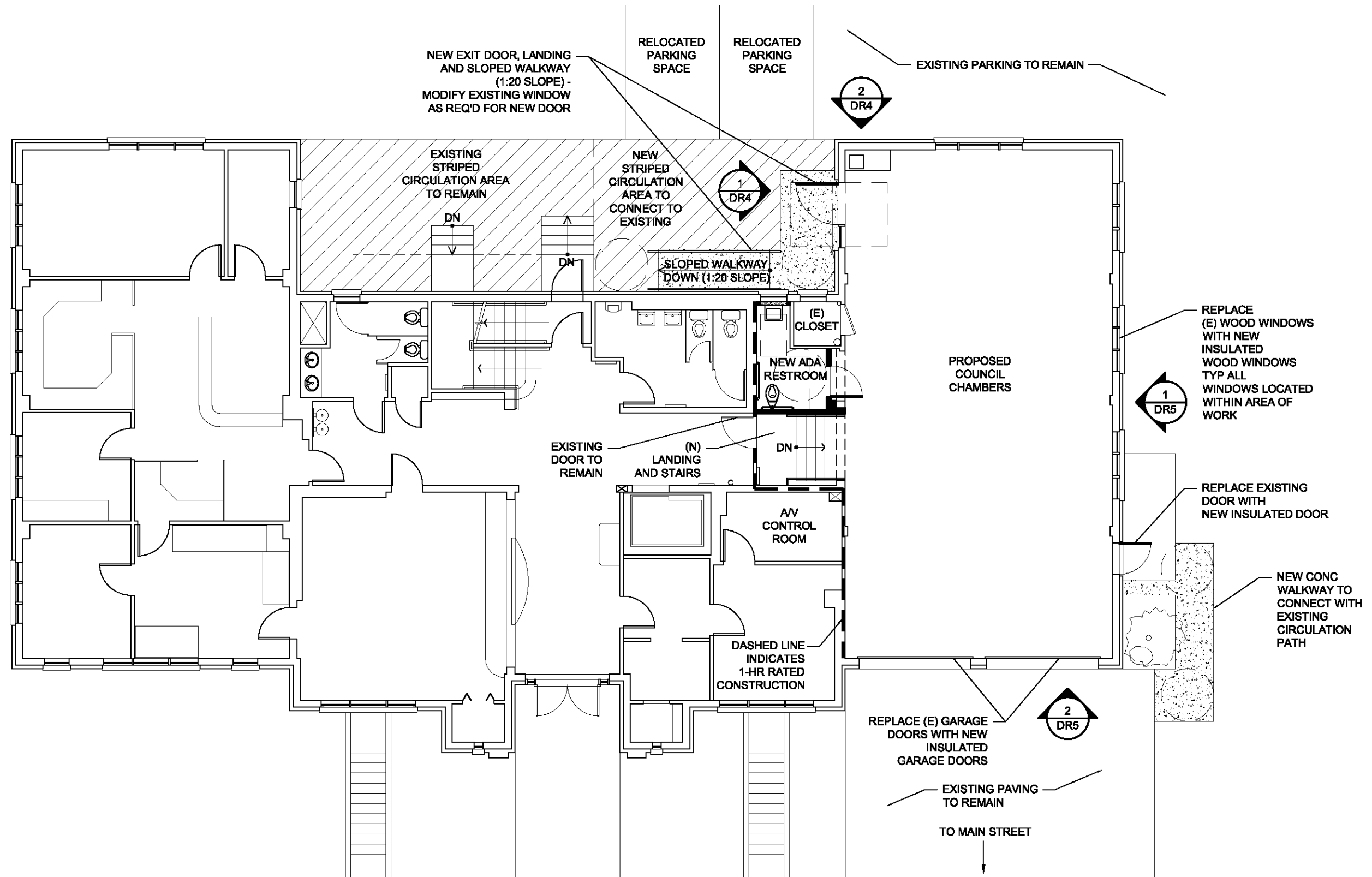


SCALE: 1/16" = 1'-0"

USE DIAGRAMS

DR2

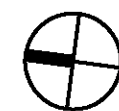
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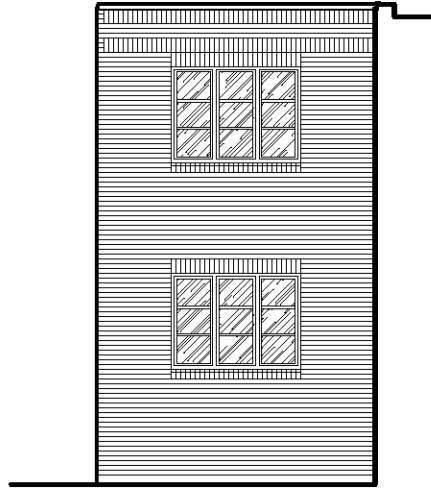
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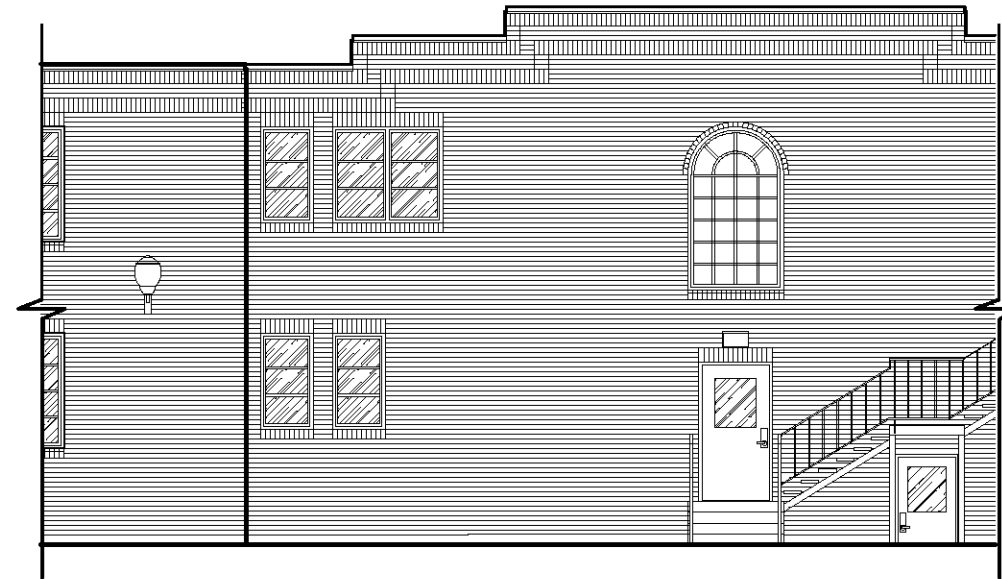
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FLOOR PLAN
DR3

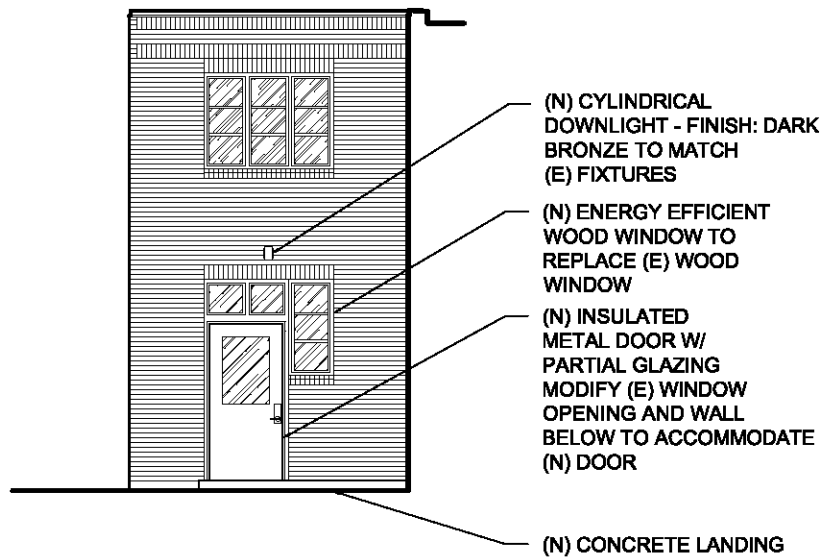
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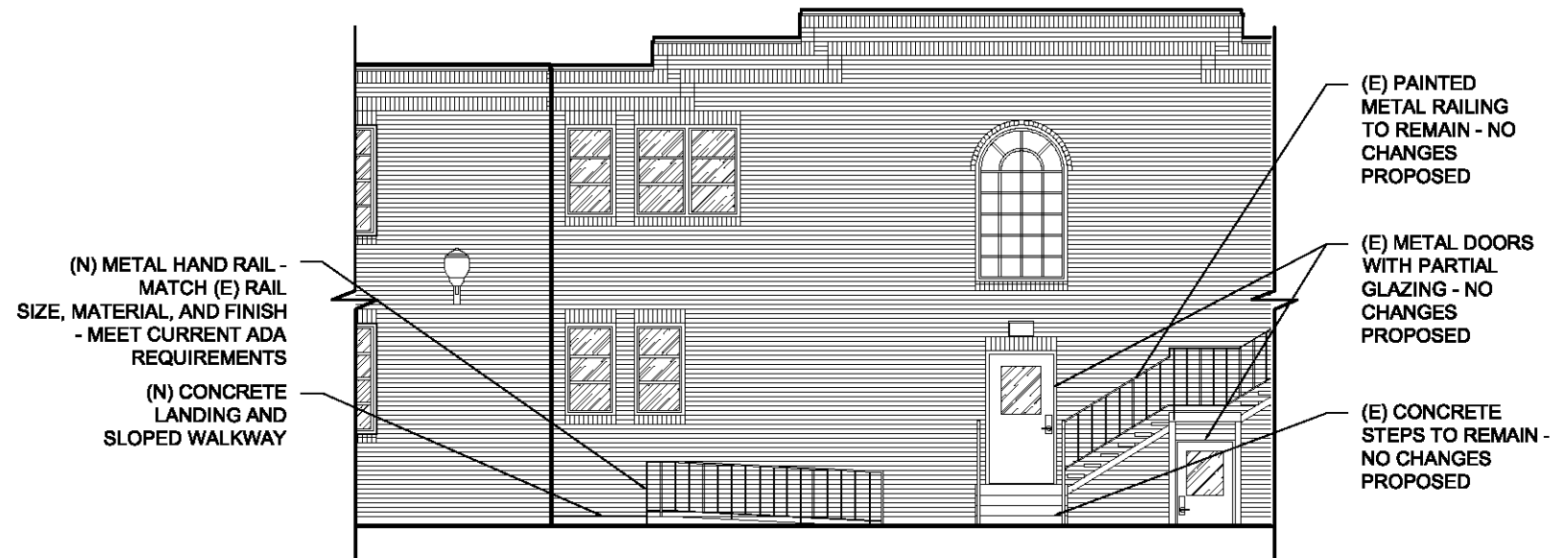
1/DR4: NORTH ELEVATION - EXISTING



2/DR4: EAST ELEVATION - EXISTING



1/DR4: NORTH ELEVATION - PROPOSED



2/DR4: EAST ELEVATION - PROPOSED

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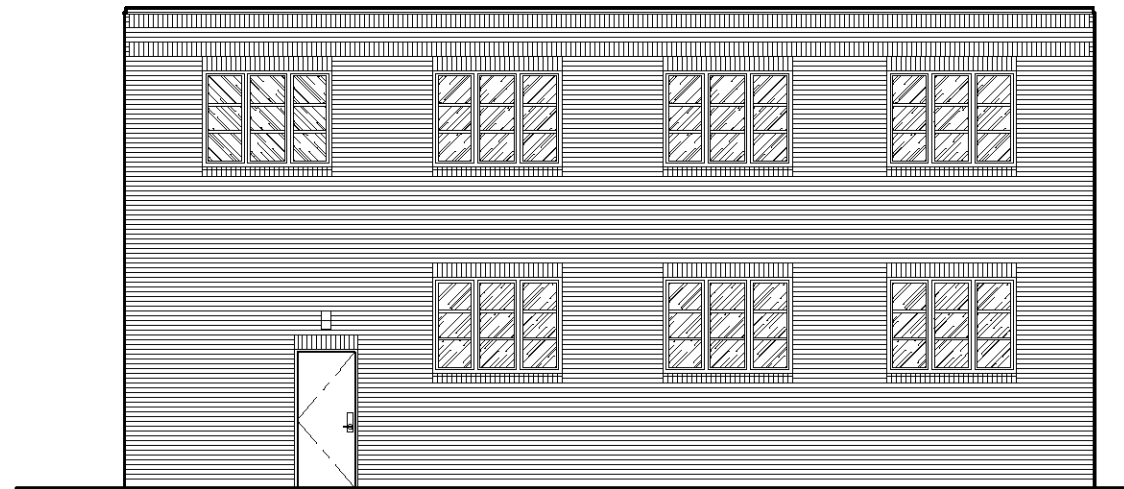
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SCALE: 1" = 10'-0"

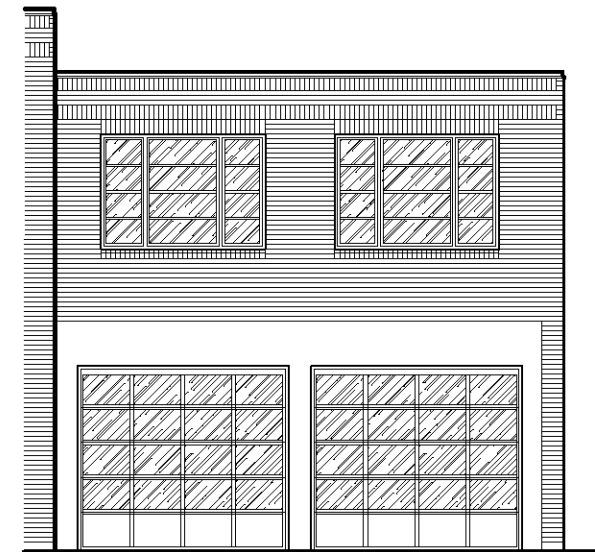
ELEVATIONS

DR4

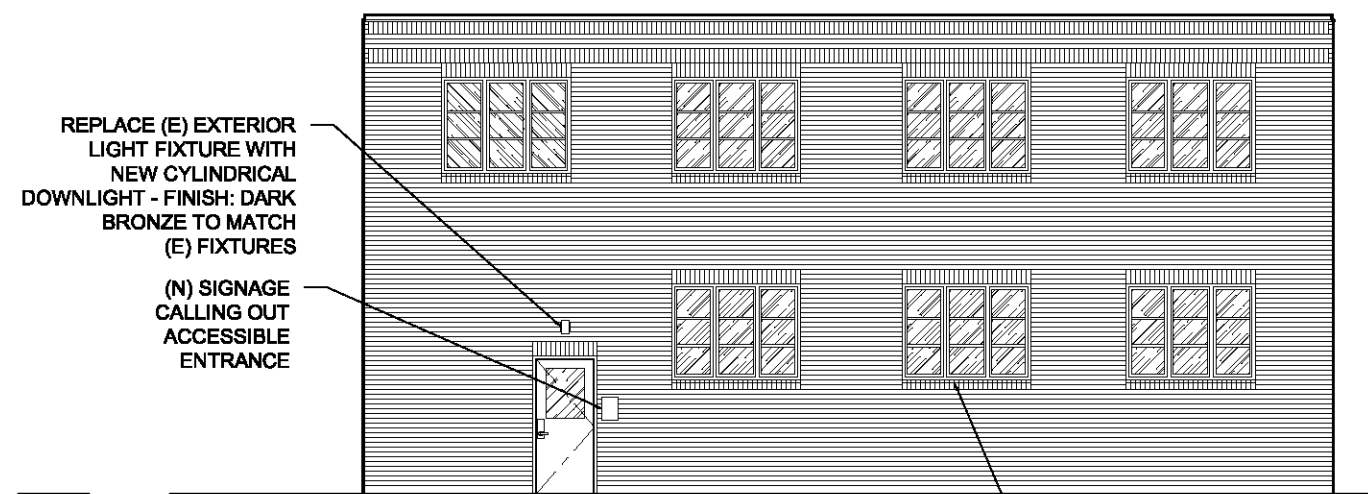
18017 09.05.18



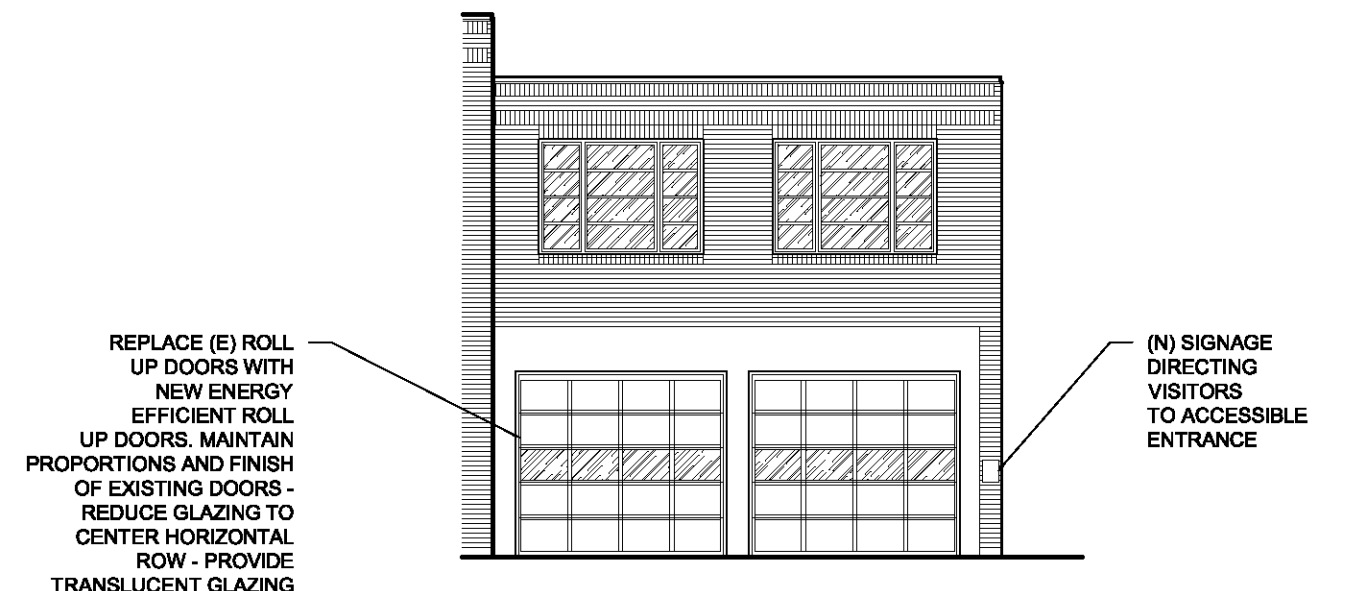
1/DR5: SOUTH ELEVATION - EXISTING



2/DR5: WEST ELEVATION - EXISTING



1/DR5: SOUTH ELEVATION - PROPOSED



2/DR5: WEST ELEVATION - PROPOSED

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SCALE: 1" = 10'-0"

ELEVATIONS

DR5

18017 09.05.18

10.11.18

Re: Milwaukie City Hall, Amendment to Type III Review

To address the issues brought forth in the DLC meeting on October 1st, we have made some revisions to our submittal package, which have been provided as attachments for reference. Below is a summary of the DLC's concerns and how we plan to address them:

1. *Investigate the possibility of retaining the existing historic south-side windows by either refurbishing them with insulated glass or using storm windows (referring to GSA guidelines for upgrading historic windows).*

The condition of the existing windows is beyond simple repair or restoration. The wood on several of the windows is rotten. The original single pane glazing is not energy efficient and will not significantly improve the EUI of the building if they are restored (even with the addition of storm windows). Making city buildings as energy efficient as possible is one of the goals of the current Milwaukie Climate Action Plan, and replacing the existing windows with energy efficient windows will help contribute to that goal.

The windows with rot issues will need to be removed, which will allow a view of and access to water damage in framing (there has been a history of water intrusion issues at the windows). This will also provide an opportunity to upgrade flashing and sealing as needed to keep water from further damaging the existing walls. If the existing windows are repaired in place rather than removed and replaced the pattern of water damage will continue and lead to further building degradation.

The existing windows are only original in a small portion of the building – most of the windows have been replaced once (twice in a couple of areas). We would like to set a precedent with this project that can then be used to eventually replace the windows in the rest of the building so they are all consistent. We will do everything possible to ensure the profile of the window frames and mullions are respectful of the size, proportion and style of the original window frames.

We currently have quotes from Versatile Wood Products for wood replacement windows and from Milgard Essence for fiberglass clad wood replacement windows. The Fiberglass clad wood windows are more cost effective (almost half the cost of the wood replacement windows) and will last longer with less maintenance than the wood replacement windows. They are the preferred window choice for this project.

(cont.)

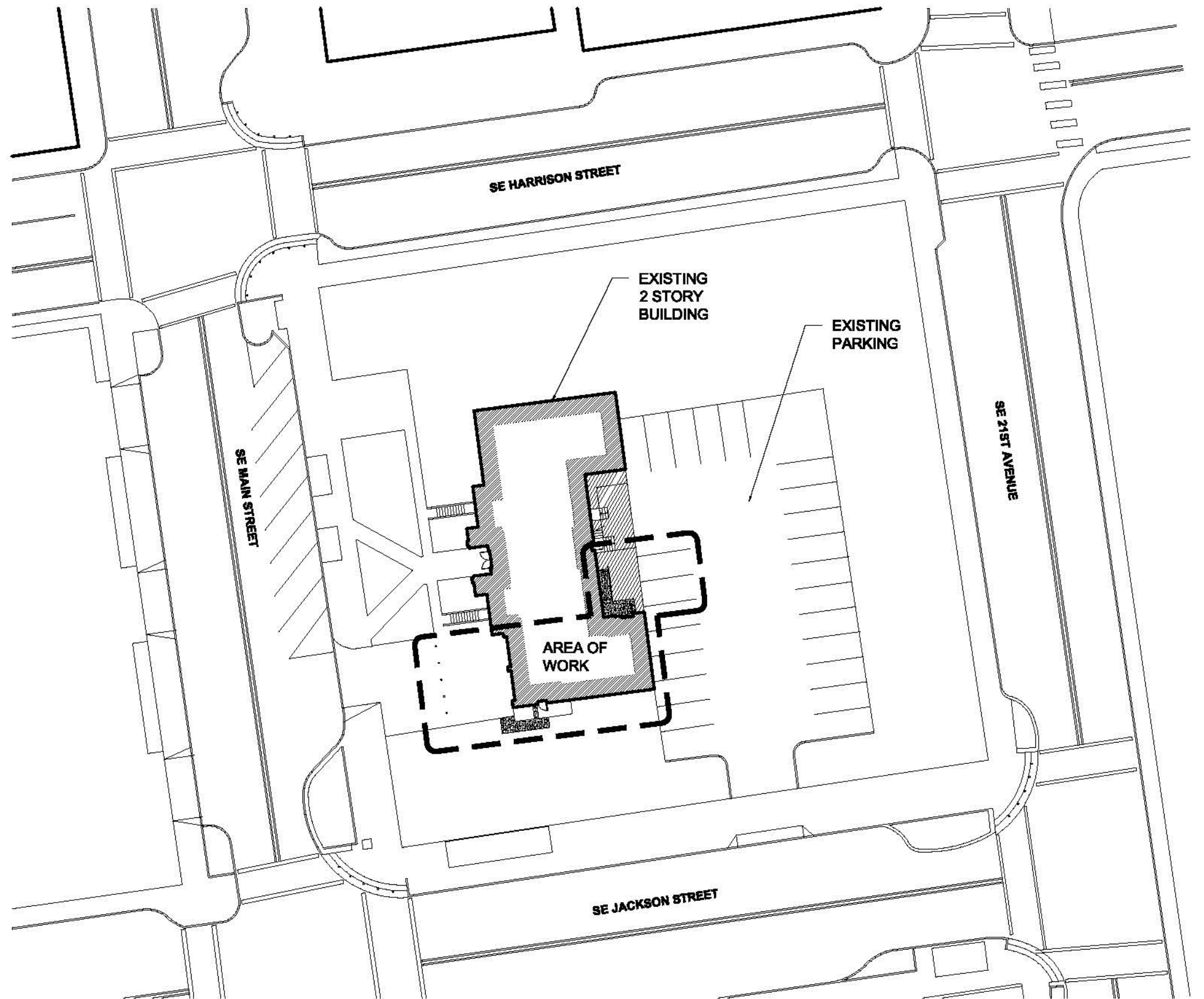
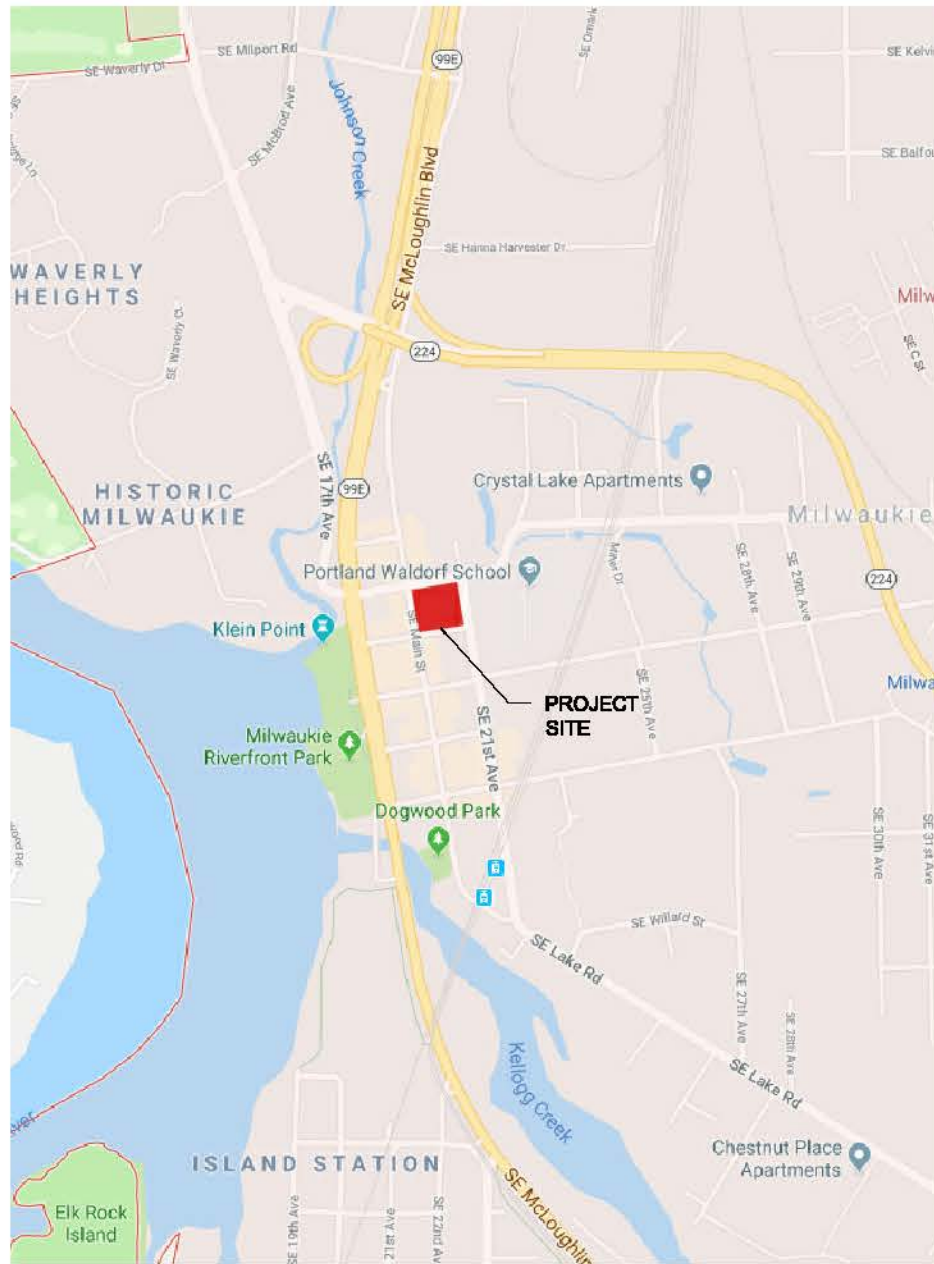
2. *Explore ways to provide more transparency in the new roll up doors, balancing the needs for privacy and security while maintaining a level of transparency that is closer to the original doors.*

Response: After meeting again with members of Court Administration and City Hall Staff, it was agreed that visibility is the primary concern of those using the proposed area during council meetings and court proceedings. After looking into options for ballistic glazing and ballistic curtains, it was agreed that a more cost-effective solution was needed to maintain the clear glazing in the garage doors (as desired by the DLC) while still providing privacy and security when needed (as desired by Council and Court).

The proposed solution involves suspending a curtain track just proud of the inside face of the roll up doors (enough to clear the door tracks and doors in both closed and open positions) so that a solid curtain can be drawn across the face of the roll up doors during sensitive proceedings.

3. *Look into installing security barriers, such as bollards, at Main St to prevent vehicular access to the fire bay from the street.*

Bollards are now proposed to be added to the existing driveway to prevent vehicular access to the fire bay from the street. The current proposal is to locate them halfway between the sidewalk and roll up doors to allow for City Vehicles to park while visiting city hall (they currently park in the driveway for brief visits). The design of the bollards will match those located at the adjacent intersections.



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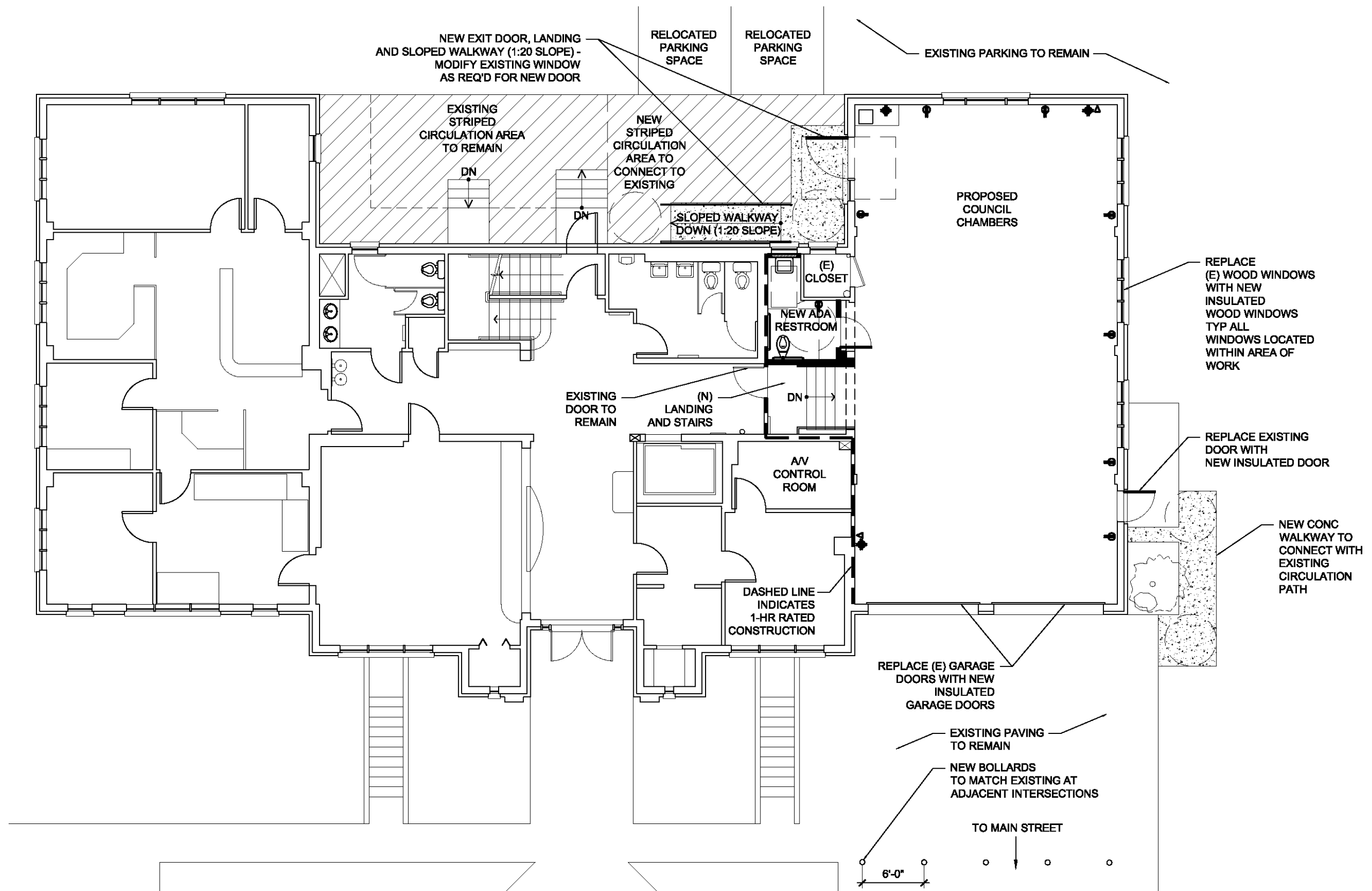
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 SCALE: 1" = 40'-0"

SITE PLAN

DR1

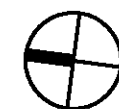
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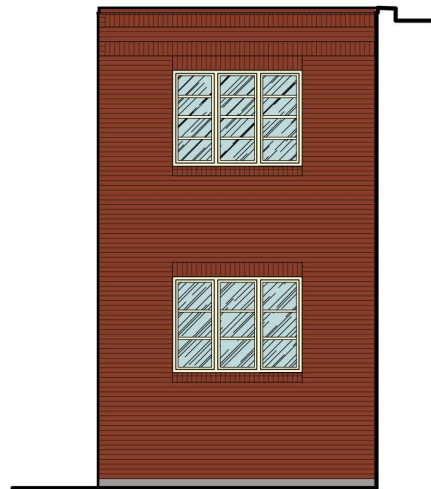
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FLOOR PLAN

DR3

18017 09.05.18

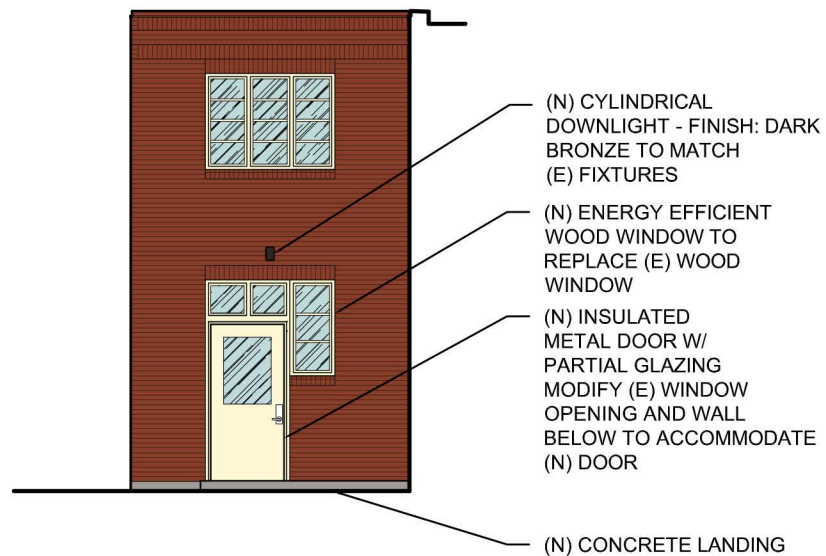
REV 1 10.11.18



1/DR4: NORTH ELEVATION - EXISTING



2/DR4: EAST ELEVATION - EXISTING



1/DR4: NORTH ELEVATION - PROPOSED

- (N) ENERGY EFFICIENT WOOD WINDOW TO REPLACE (E) WOOD WINDOW
- (N) METAL HAND RAIL - MATCH (E) RAIL SIZE, MATERIAL, AND FINISH - MEET CURRENT ADA REQUIREMENTS
- (N) CONCRETE LANDING AND SLOPED WALKWAY



2/DR4: EAST ELEVATION - PROPOSED

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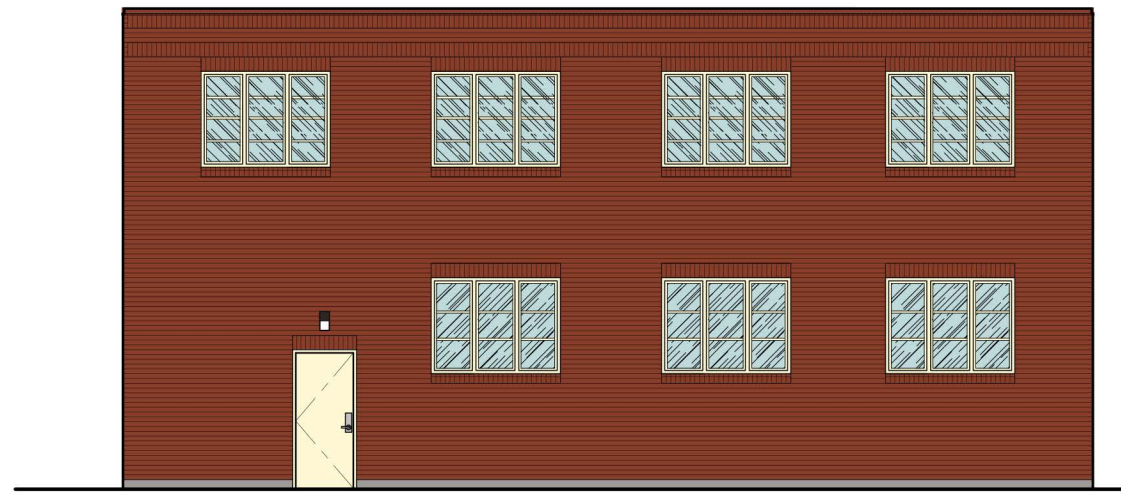
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ELEVATIONS

DR4

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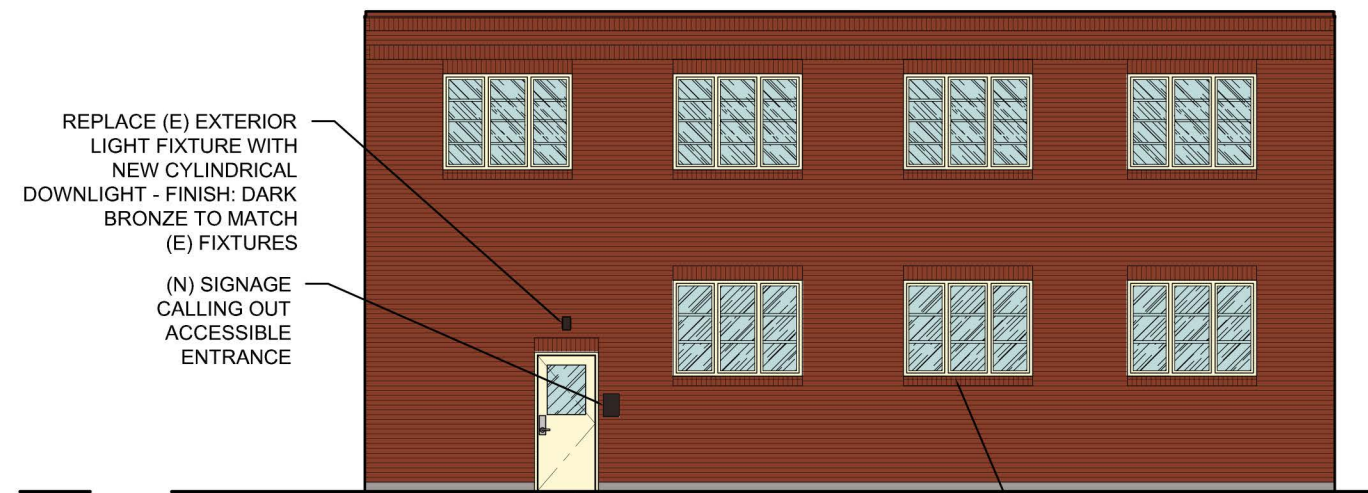
REV 1 10.11.18



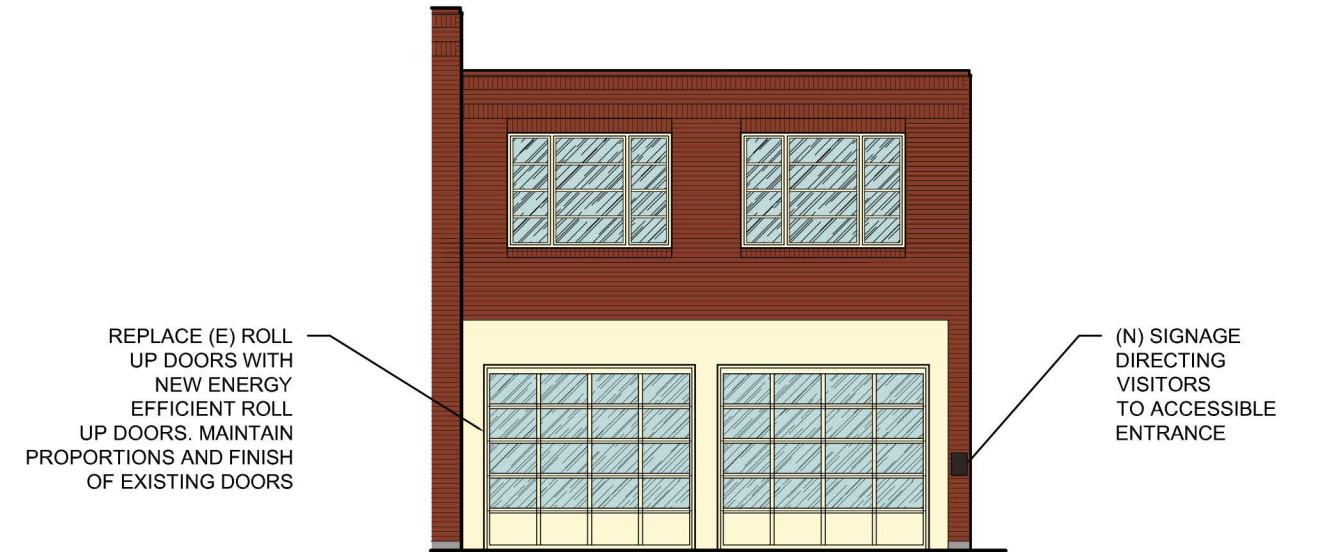
1/DR5: SOUTH ELEVATION - EXISTING



2/DR5: WEST ELEVATION - EXISTING



1/DR5: SOUTH ELEVATION - PROPOSED



2/DR5: WEST ELEVATION - PROPOSED

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SCALE: 1" = 10'-0"

ELEVATIONS

DR5

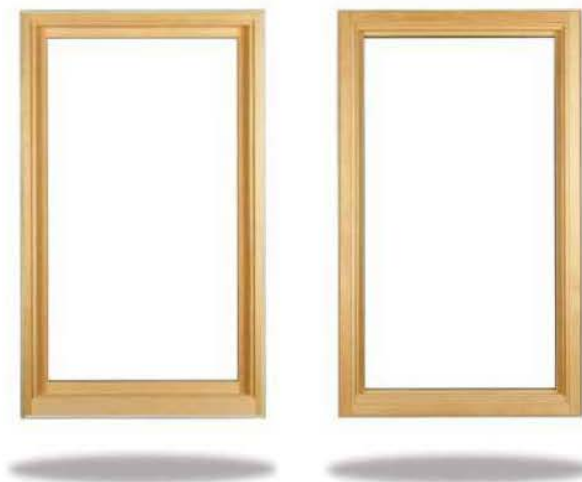
18017 09.05.18

REV 1 10.11.18



Above - Casement Picture windows
Below - Picture-over-Casement windows

18 | milgard.com



PICTURE WINDOW

Essence Series® picture windows are available in double hung (left), casement (right) or standard picture window styles. With no obstructing rails, picture windows help you make the most of a great view. They are also ideal for window groupings.



Casement window with 1-1/8" SDL grids and simulated check rail

It's all in the *Details*

Between the glass grids

(available only in Fog, Frost, Harmony and Bark exterior colors)



Flat grid



Sculptured grid

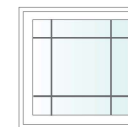
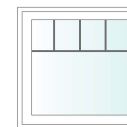
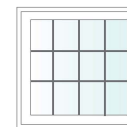
Simulated Divided Lites



-  3/4" Vintage SDL
-  1-1/8" Vintage SDL
-  2-1/4" Vintage SDL (available only for simulated check rail)

Grid Patterns

Grids come in Standard, Valance and Perimeter styles in a seemingly endless array of combinations.



Decorative Glass

For rooms, such as the bathroom, where you want a little more privacy, we offer glass options in these and more styles.

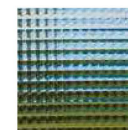
Obscure glass for privacy or decorative flair:



P516



Narrow Reed



Cross Reed



Aquatex



#42 Clear



Glue Chip



Rain



Delta Frost

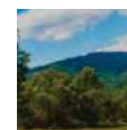
Tempered Glass

For applications where safety glass is required, such as bathrooms and patio doors, tempered glass is ideal for reducing the likelihood of injury in the event of glass breakage.

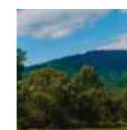
Laminated Glass

Laminated glass is very effective in reducing exterior noise transmission.

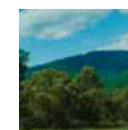
Tinted glass for additional shading from direct sunlight:



Bronze



Gray



Evergreen



Azurilite

Behind Great *Windows*

Design that never goes out of style

Every Essence Series® window is made to your exact size and specifications.

Abundant design possibilities with options on exterior color, interior finish, windows in combinations, decorative glass and traditional or contemporary grids.

Sleek tilt latches with recessed push buttons on our double hung and slider windows allow for easy tilt opening and convenient cleaning.



Decorative Glass



Simulated Divided Lites



Flush Tilt Latches

Durability from the inside out

The Essence Series fiberglass exterior is resistant to water, cold, heat, insects, salt air and ultraviolet rays which make our windows last longer and require very little maintenance.

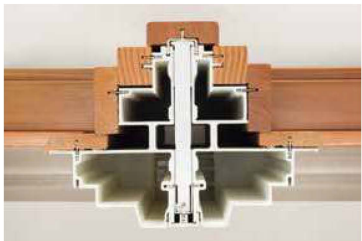
The powder-coated fiberglass exterior finish won't crack, peel, bend, warp or stick due to expansion and contraction, and don't require painting.



16 Powder Coated Finishes



Mulled Combination Windows



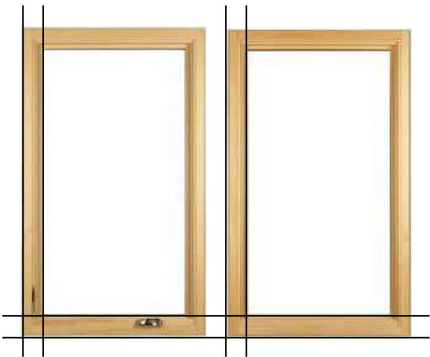
Windows in combinations

Essence Series windows use a newly engineered mulling system that easily connects multiple units, creating a tight seal that protects against air and water infiltration.

Perfectly detailed with even sight lines

Essence Series windows give you the option of creating even sight lines throughout your home.

Picture windows are available in casement, awning, slider and double hung frames that create a clean, consistent look when used in combinations.

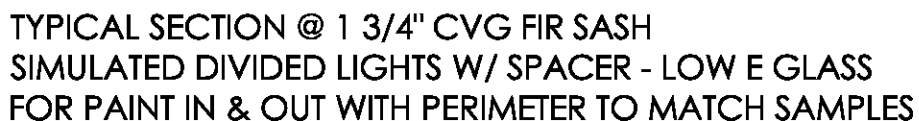


Exclusive to Milgard SmartTouch® Lock

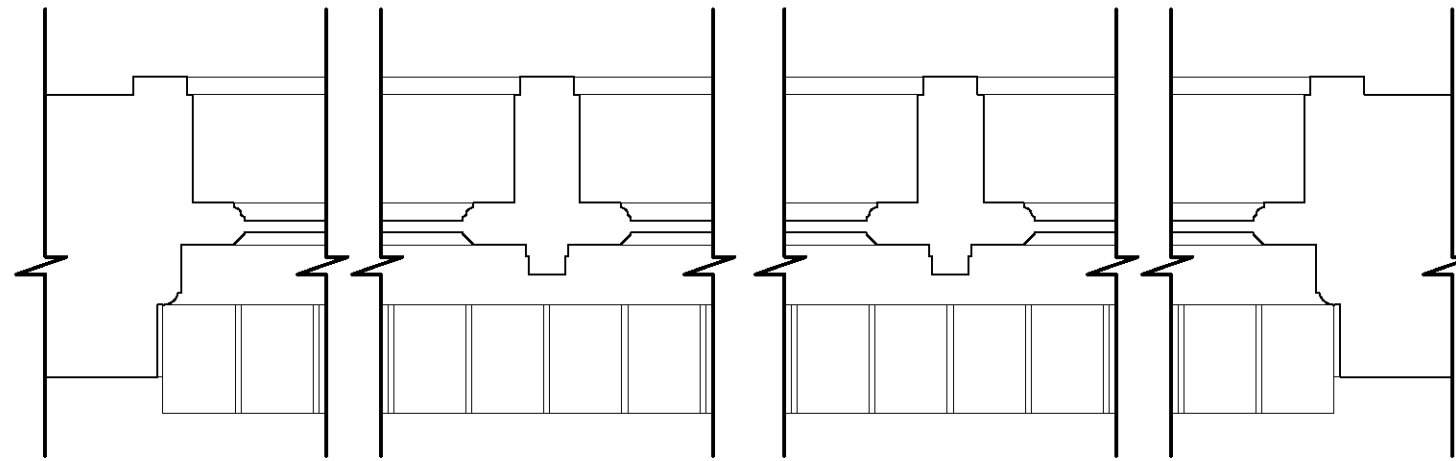
Double Hung and Horizontal Sliders feature the innovative SmartTouch Lock. Not only sleek and beautiful, but it's the easiest, smartest way to lock and unlock a window. It shows you that when your window is closed, it's locked.



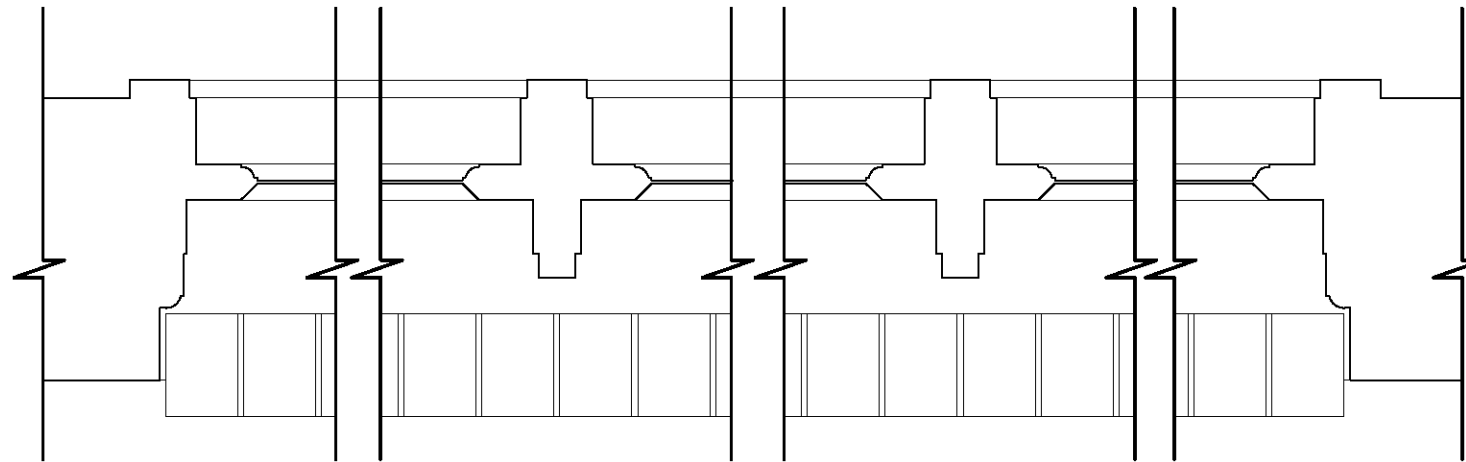
22303 N. RANDOLPH AVE. ♦ PORTLAND, OR 97227



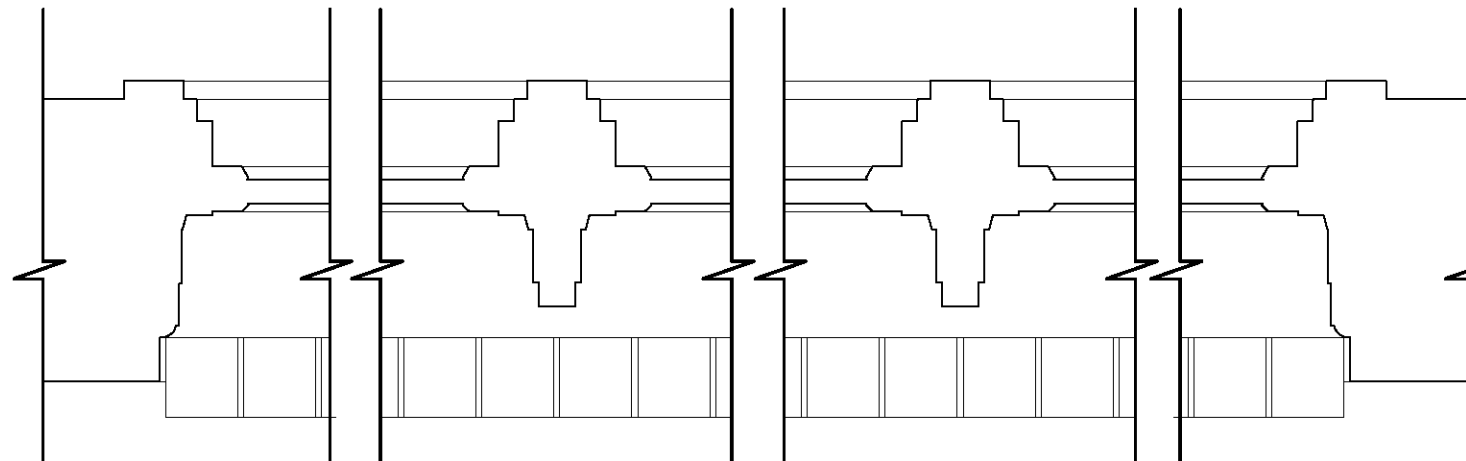
5.1 Page 51



VERSATILE WOOD
REPLACEMENT WINDOWS



EXISTING GARAGE BAY
WINDOWS



MILGARD ESSENCE FIBERGLASS
CLAD WOOD REPLACEMENT
WINDOWS

di loretoARCHITECTURE, llc

200 Northeast Twentieth Avenue, Suite 200
Portland, Oregon USA 97232-3021
www.diloretoarchitecture.com
Telephone: 503/736-9979
Fax: 503/736-9975

MILWAUKIE CITY HALL
ALTERATIONS FOR RELOCATED COUNCIL CHAMBERS
10722 SE MAIN STREET
MILWAUKIE, OREGON 97222

SCALE: 1" = 1'-0"

WINDOW
PROFILES
DR6
18017 10.11.18



CITY OF MILWAUKIE

To: Planning Commission
Through: Dennis Egner, Planning Director
From: Vera Kolas, Associate Planner
Date: October 16, 2018, for October 23, 2018, Public Hearing
Subject: 2018 Housekeeping Code Amendments: Round 3

ACTION REQUESTED

Open the public hearing for application ZA-2018-005. Discuss the proposed amendments, take public testimony, and provide direction to staff regarding any desired revisions to the proposed amendments. Recommend City Council approval of application ZA-2018-005 and adoption of the recommended Findings of Approval found in Attachment 2. This action would allow for the adoption of amendments to the Milwaukie Zoning Ordinance.

BACKGROUND INFORMATION

The proposed amendments relate to public recreational trails and pathways. The issue was discovered during preliminary review of the proposed improvements at Kronberg Park, which include a multi-use pathway. The current code would require both Greenway Review and Type III Natural Resources review. The proposed amendments would exempt these types of trails from Willamette Greenway conditional use review if they are located more than 150 ft from the river. The amendments would also increase the maximum width of a trail or pathway allowed under Type II review from 10 ft to 12 ft. This change makes trails and pathways consistent with current Oregon Department of Transportation standards for multi-use paths. These amendments are minor, and are not intended to affect the overall intent of existing regulations; these amendments do not reflect a significant change in policy.

KEY ISSUES

Is the proposed revision to the definitions of “change of use” and “intensification”, consistent with Goal 15?

The proposed revision adds the construction and/or maintenance of trails and pathways in public parks to the list of activities which would not be considered a change of use or intensification. Other activities within this list, as identified in Goal 15 are:

- Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use for the purposes of this Goal.

- Landscaping, construction of driveways, modification of existing structures or construction or placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purposes of this Goal. Seasonal increases in gravel operations shall not be considered an intensification of use.

The proposed amendments allow development of public recreational trails, pathways, and walkways through the greenway in a manner that protects the natural qualities of the greenway while meeting recreational objectives. The proposal includes construction and maintenance of a public recreational trail up to 12 feet in width that is set back by 150 feet from the bank of the river to the list of activities that are not considered a change of use or intensification of use. It will provide adequate width for walking and biking while having minimal impact on the riparian area along the river.

Property in the greenway includes Milwaukie Bay Park, the Kellogg Creek Waste Water Treatment Plan, Spring Park, Elk Rock Island, and Kronberg Park. Improved trails currently exist through Milwaukie Bay Park, the Kellogg Waste Water Treatment Plant site, and Spring Park. Unimproved trails exist on the Elk Rock Island property. As noted above, several activities that are currently exempt from greenway review (such as construction of paved driveways and installation of structures associated with residential development) are similar in terms of environmental impact yet do not provide a public recreational benefit. Including public trails and paths within public parks in the Willamette Greenway is consistent with the type of recreational use that is expected to occur in parks.

ATTACHMENTS

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

	PC Packet	Public Copies	EPacket
1. Ordinance	☒	☒	☒
a. Recommended Findings in Support of Approval	☒	☒	☒
b. Draft code amendment language (underline/strikeout)	☒	☒	☒

Key:

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

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

E-Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-18>.



COUNCIL ORDINANCE No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLE 19 ZONING TO MAKE MINOR CHANGES TO SELECT SECTIONS FOR THE PURPOSE OF CLARIFICATION AND IMPROVED EFFECTIVENESS (FILE #ZA-2018-005).

WHEREAS, the proposed amendments to Title 19 make changes and clarifications that will more effectively communicate and implement existing policy related to the Willamette Greenway and Natural Resources; and

WHEREAS, legal and public notices have been provided as required by law; and

WHEREAS, on October 23, 2018, the Milwaukie Planning Commission conducted a public hearing, as required by MMC 19.1008.5 and adopted a motion in support of the amendment; and

WHEREAS, the Milwaukie City Council finds that the proposed amendments are in the public interest of the City of Milwaukie.

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

Section 1. Findings. Findings of fact in support of the amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The Milwaukie Municipal Code is amended as described in Exhibit B (Title 19 Zoning underline/strikeout version), and Exhibit C (Title 19 Zoning clean version).

Section 3. Effective Date. The amendments shall become effective 30 days from the date of adoption.

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

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

Signed by the Mayor on _____.

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott Stauffer, City Recorder

Justin D. Gericke, City Attorney

**Recommended Findings in Support of Approval
File #ZA-2018-005, Housekeeping Round 3 Code Amendments**

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

1. The applicant, the City of Milwaukie, proposes to amend regulations that are contained in Title 19 Zoning Ordinance of the Milwaukie Municipal Code (MMC). The land use application file number is ZA-2018-005.
2. The purpose of the proposed code amendments is to amend two sections of the code to provide for the construction of public recreation paths and trails in certain areas of the Willamette Greenway and in mapped natural resource areas. The proposed amendments are not intended to be a change of the intent of current policies. The amendments are located in the following titles of the municipal code:

Zoning Ordinance

- MMC 19.401 – Willamette Greenway Overlay – revisions to the definitions of intensification and change of use to include an exemption for the construction of low-impact pathways that are not adjacent to the river and the improvement of existing paved trails.
 - MMC 19.402 – Natural Resources – increase the permitted width of a walkway or bikepath to be consistent with ODOT trail standards.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.902 Amendments to Maps and Ordinances
 - MMC Chapter 19.1000 Review Procedures
 4. Sections of the MMC or MCP not addressed in these findings are found to be not applicable to the decision on this land use application.
 5. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. A public hearing was held on December 13, 2016 and February 7, 2017 as required by law.
 6. MMC Chapter 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.
 - a. MMC Subsection 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Director, or any individual.

The amendments were initiated by the Planning Director on September 5, 2018.
 - b. MMC Section 19.1008 establishes requirements for Type V review. The procedures for Type V Review have been met as follows:
 - (1) Subsection 19.1008.3.A.1 requires opportunity for public comment.

Opportunity for public comment and review has been provided. The current version of the draft amendments has been posted on the City's web site since September 7, 2018. On September 7, 2018 staff e-mailed NDA leaders with information about the Planning Commission hearing and a link to the draft proposed amendments.

- (2) Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing.

A notice of the Planning Commission's October 23, 2018, hearing was posted as required on September 21, 2018. A notice of the City Council's November 20, 2018 hearing was posted as required on October 19, 2018.

- (3) Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.

The Planning Director has determined that the proposal affects a large geographic area.

- (4) Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to DLCD on September 7, 2018.

- (5) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 45 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to Metro on September 7, 2018.

- (6) Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners.

The proposed amendments generally do not further restrict the use of property. In general, the proposed amendments add flexibility.

- (7) Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application.

The Planning Commission held a duly advertised public hearing on October 23, 2018 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on November 20, 2018 and approved the amendments.

7. MMC 19.902 Amendments to Maps and Ordinances

- a. MMC 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows.

- (1) MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the Milwaukie Municipal Code shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held a duly advertised public hearing on October 23, 2018. A public hearing before City Council is tentatively scheduled for November 20, 2018. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- (2) MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.

- (a) MMC Subsection 19.905.B.1 requires that the proposed amendment be consistent with other provisions of the Milwaukie Municipal Code.

The proposed amendments have been coordinated with and are consistent with other provisions of the Milwaukie Municipal Code. The amendments are not intended to affect policy.

- (b) MMC Subsection 19.902.5.B.2 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan.

Only the goals, objectives, and policies of Comprehensive Plan that are listed below are found to be relevant to the proposed text amendment.

The Goal statement of the Open Spaces, Scenic Areas, and Natural Resources Element reads as follows:

To conserve open space and protect and enhance natural and scenic resources in order to create an aesthetically pleasing urban environment, while preserving and enhancing significant natural resources.

Objective #2 – Natural Resources states:

To preserve and maintain important natural habitats and vegetation by protecting and enhancing major drainageways, springs, existing wetlands, riparian areas, water bodies, and significant tree and vegetative cover while retaining their functions and values related to flood protection, sediment and erosion control, groundwater discharge and re-charge, aesthetics, education, recreation, vegetation, and wildlife habitat. Regulate development within designated water bodies, riparian areas, wetlands, uplands, and drainage areas.

The Goal statement of the Recreational Needs Element reads as follows:

To provide for the recreational needs of present and future City residents by maximizing the use of existing public facilities, encouraging the development of private recreational facilities, and preserving the opportunity for future public recreational use of vacant private lands.

Objective #7 – Riverfront Recreation states:

To maximize the recreational use of the Willamette River shoreland and waterways.

Policy #2, within Objective #7, states:

Existing waterfront park lands will be developed to maximize use and enjoyment of the river, while maintaining the environmental integrity of sensitive areas.

The Goal statement of the Willamette Greenway Element reads as follows:

To protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Objective #3 – Land Use states:

To encourage the cooperation of public and private ownerships to provide compatible uses within the Willamette Greenway.

Policy #3, within Objective #3, states:

Within the Willamette Greenway Boundary, a Willamette Greenway Conditional Use Permit must be obtained prior to any new construction or intensification of an existing use. This policy applies until the Greenway Design Plan is adopted.

Objective #4 – Recreation states:

To maximize the recreational use of lands within the Willamette Greenway boundaries and the related waterways.

Objective #5 – Public Access and View Protection states:

To provide, improve, and maintain public access and visual access within the Greenway and to the Willamette River and Kellogg Lake.

The proposed amendments:

- *Add new low-impact trails and improvements to existing hard surface trails to a list of minor projects that are not considered a “change of use” or “intensification” in the Willamette Greenway Zone.*
 - *Public trails and pathways within parks provide a recreational benefit. The amendments include that new trails must be low-impact, which includes that they must be constructed of permeable surface material and are located a minimum of 150 ft from the river.*
 - *Several activities that are currently exempt from greenway review (such as construction of paved driveways and installation of structures associated with residential development) are similar in*

terms of environmental impact yet do not provide a public recreational benefit. Including public trails and paths within public parks in the Willamette Greenway is consistent with the type of recreational use that is expected to occur in parks.

- o *A Greenway Design Plan is unnecessary as park master plans have been completed, adopted, and have been included within the Comprehensive Plan.*
 - *Increase the permitted width of a walkway, trail, pathways, or bikepath subject to Type II review to be consistent with ODOT trail standards which provides clearer direction for applicability of the code provisions.*
- (c) MMC Subsection 19.902.5.B.3 requires that the proposed amendment be consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

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

- (d) MMC Subsection 19.902.5.B.4 requires that the proposed amendment be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

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

The proposed code amendments comply with the relevant portions of Statewide Planning Goal 15 as set forth in the findings included below. Those portions of Goal 15 that are not addressed are found not to be applicable to the proposed amendments.

GOAL 15: WILLAMETTE RIVER GREENWAY: To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

The proposed amendments allow development of public recreational trails, pathways, and walkways through the greenway in a manner that protects the natural qualities of the greenway while meeting recreational objectives. The proposal allows improvement of existing paved trail within the Greenway boundary and includes new construction and maintenance of a trail up to 12 feet in width that is set back by 150 feet from the bank of the river. This type of trail would be called a low-impact pathway, and a new definition is included. These trails will provide adequate width for walking and biking while having minimal impact on the riparian area along the river. These changes are addressed with a

new definition and in the list of activities that are not considered a change of use or intensification of use.

A. GENERAL

3. The Greenway Program shall include:

b. Management of uses on lands within and near the Greenway to maintain the qualities of the Greenway;

The proposed amendments include a minor change to the City's Willamette Greenway Overlay Zone (MMC 19.401). This is the code section that the City uses to manage land within the Greenway consistent with the state goal requirements. The change allows improvement of existing paved trails and construction of a new trail up to 12 feet wide to be exempt from greenway review provided it meets the required river setback.

C. CONSIDERATIONS AND REQUIREMENTS

The Oregon Department of Transportation (DOT) Greenway Plan, the portions of each city and county comprehensive plan within the Greenway, and the portions of plans and programs and implementation measures of all special districts, state and federal agencies within the Greenway shall be based on the following factors:

3. Use Management Considerations and Requirements. Plans and implementation measures shall provide for the following:

b. Recreation -- (1) Local, regional and state recreational needs shall be provided for consistent with the carrying capacity of the land; (2) Zoning provisions shall allow recreational uses on lands to the extent that such use would not substantially interfere with the long-term capacity of the land for farm use are defined in ORS 215.203; (3) The possibility that public recreation use might disturb adjacent property shall be considered and minimized to the greatest extent practicable;

MMC 19.401 implements Goal 15 in the City of Milwaukie. The provisions of the code require conditional use review for most development within the greenway.

Much of the greenway in the City is in public ownership so that the City has a high level of control over what happens in the greenway. Property in the greenway includes Milwaukie Bay Park, the Kellogg Creek Waste Water Treatment Plant, Spring Park, Elk Rock Island, and Kronberg Park. Improved trails currently exist through Milwaukie Bay Park, the Kellogg Waste Water Treatment Plant site, and Spring Park. Unimproved trails exist on the Elk Rock Island property. Key findings corresponding to the Use Management Considerations and Requirements for Recreation include:

- 1) A new trail is planned for Kronberg Park consistent with the Kronberg Park Master Plan which was adopted and incorporated into the City Comprehensive Plan in 2016. This trail was identified as a key feature to help meet the community's recreational needs by providing access to the park and a key connection between the downtown and the Island Station.*
- 2) The code change will have no impact on farm use since all land within Milwaukie's greenway are urban lands.*
- 3) The proposed trail traverses a currently unimproved City park which will have little or no impact on nearby private property. Trails currently exist through the other public property within the greenway.*

c. Access -- Adequate public access to the river shall be provided for, with emphasis on urban and urbanizable areas;

The proposed amendment enhances the opportunity to create trail access through the greenway.

d. Fish and wildlife habitat -- Significant fish and wildlife habitats shall be protected;

The proposed amendment for new low-impact trails ensures protection of fish and wildlife habitat through a substantial 150-ft setback from the bank of the river. In addition, for new trail projects that are wider than 12 feet or closer to the river, Willamette River Greenway review must occur through the conditional use process and the City's natural resource standards and review process apply (MMC 19.402). Trail improvements are allowed for existing paved trails.

e. Scenic qualities and views -- identified scenic qualities and viewpoints shall be preserved;

The proposed amendments will not have a negative impact on scenic qualities or viewpoints. It is more likely that the amendments will facilitate trail construction that enhances access to scenic qualities viewpoints.

f. Protection and safety -- The Willamette River Greenway Program shall provide for the maintenance of public safety and protection of public and private property, especially from vandalism and trespass in both rural and urban areas to the maximum extent practicable;

The proposed amendments will increase the opportunity for public access and recreation through public land. These areas have regular police patrols.

g. Vegetative fringe -- The natural vegetative fringe along the River shall be enhanced and protected to the maximum extent practicable;

The proposed amendments for new trails will protect the natural vegetative fringe through the required minimum 150-ft setback from the river bank for public recreational trails. Allowance for improvements to existing paved trails will have limited impacts.

k. Greenway setback -- A setback line will be established to keep structures separated from the river in order to protect, maintain preserve and enhance the natural, scenic, historic and recreational qualities of the Willamette River Greenway, as identified in the Greenway Inventories. The setback line shall not apply to water-related or water-dependent uses.

The proposed amendments create a mandatory 150-ft setback for new trails that are subject to the provisions of the amendment. The City's Willamette Greenway Overlay regulates setbacks for other types of development activity.

E. COMPREHENSIVE PLANS OF CITIES AND COUNTIES

Each city and county in which the Willamette River Greenway is located, shall incorporate the portions of the approved DOT Greenway Plan in its comprehensive plan and implementing ordinances and other implementation measures.

2. Uses: Each comprehensive plan shall designate the uses to be permitted for the rural and urban areas of each jurisdiction, which uses shall be consistent with the approved DOT Greenway Plan, the Greenway Statutes and this Goal.

MMC 19.401 includes code provisions to manage uses and development within the greenway. The proposed amendments simply set out an exemption for certain types of trails.

3. Greenway Compatibility Review: Cities and counties shall establish provisions by ordinance for the review of intensifications, changes of use or developments to insure their compatibility with the Willamette River Greenway. Such ordinances shall include the matters in a through e below:

- a. The establishment of Greenway compatibility review boundaries adjacent to the river within which review of developments shall take place. Such boundaries in urban areas shall be not less than 150 feet from the ordinary low water line of the Willamette River; in rural areas such boundaries shall include all lands within the boundaries of the Willamette River Greenway;
- b. The review of intensification, changes of use and developments as authorized by the Comprehensive Plan and zoning ordinance to insure their compatibility with the Greenway statutes and to insure that the best possible appearance, landscaping and public access are provided. Such review shall include the following findings, that to the greatest possible degree: (1) The intensification, change of use or development will provide the maximum possible landscaped area, open space or vegetation between the activity and the river; (2) Necessary public access will be provided to and along the river by appropriate legal means;
- c. Provision is made for at least one public hearing on each application to allow any interested person an opportunity to speak;
- d. Provision is made for giving notice of such hearing at least to owners of record of contiguous property and to 6 any individual or groups requesting notice; and
- e. Provision is made to allow the imposing of conditions on the permit to carry out the purpose and intent of the Willamette River Greenway Statutes.

MMC 19.401 includes code provisions to address Greenway Compatibility Review. In most cases, development is reviewed through a conditional use process. In instances where impacts have been judged to be minor (maintenance, residential

accessory uses, etc.), the use is exempt from the code provisions. The proposed amendments simply set out an additional exemption for certain trails.

Implementation of the greenway program is through MMC 19.401, and includes specific uses and applicability of greenway review. The proposed code amendment would add construction of new low-impact trails, and maintenance of existing paved trails, to the list of activities that do not constitute a change in use or intensification and are therefore exempt from Willamette Greenway Conditional Use review. This ensures that public recreational trails that are not adjacent to the river are not unnecessarily delayed from construction, which adheres to the purpose statement of enhancing recreational opportunities near the river. The proposed amendment of allowing very specific types of trails to be exempt from greenway review is consistent and compatible with the stated purpose of Goal 15.

The proposed amendments are found to be consistent with the Transportation Planning Rule for the following reasons. The proposed text amendment does not impact the transportation system given that the amendments are clarifying in nature and do not create the opportunity for any more vehicle trips than are currently allowed by other similar uses in each respective zone. The proposed amendment helps to carry out a planned improvement in the City's Transportation System Plan: the Kronberg Park Trail.

- (e) MMC Subsection 19.902.5.B.5 requires that the proposed amendment be consistent with relevant federal regulations.

Relevant federal regulations are those that address land use, the environment, or development in the context of local government planning. Typically, regulations such as those set forth under the following acts may be relevant to a local government land use process: the Americans with Disabilities Act, the Clean Air Act, the Clean Water Act, the Endangered Species Act, the Fair Housing Act, the National Environmental Policy Act, the Religious Land Use and Institutionalized Persons Act, and the Resource Conservation and Recovery Act. None of these acts include regulations that impact the subject proposal or that cannot be met through normal permitting procedures. Therefore, the proposal is found to be consistent with federal regulations that are relevant to local government planning.

Underline/Strikeout Amendments

TITLE 19 ZONING ORDINANCE

CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

19.401 WILLAMETTE GREENWAY ZONE WG

19.401.4 Definitions

“Change of use” means making a different use of the land or water which requires construction; alterations of the land, river bed, bank, water, or other areas outside of existing buildings or structures; and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure that does not substantially alter or affect the land or water upon which it is situated. Landscaping, construction of driveways, modifications of existing structures, ~~or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements (such as swing sets and patios), the improvement of existing paved recreational trails, or the construction of new low-impact pathways within parks~~ shall not be considered a change of use.

“Intensification” means any change of use; or action which increases or expands the area or amount of an existing use or the level of activity, including remodeling the exterior of a structure if the remodeling substantially alters the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of lands within the WG Zone includes the practices and activities customarily related to the use and enjoyment of one’s home. Landscaping, construction of driveways, modifications of existing structures, ~~or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements (such as swing sets and patios), the improvement of existing paved recreational trails, or the construction of new low-impact pathways within parks~~ shall not be considered an intensification of use.

“Low-Impact Pathways” means at-grade, public recreational trails or public walkways located a minimum of 150 ft from the top of Willamette riverbank and constructed of permeable material, up to 12 ft in width.

19.402 NATURAL RESOURCES NR

19.402.11 Development Standards

E. Standards for Special Uses

Unless they are exempt per Subsection 19.402.4, or do not meet the nondiscretionary standards for HCAs provided in 19.402.11.D, the special uses listed in Subsection 19.402.7.A are subject to Type II review if they comply with the applicable standards in Subsection 19.402.11.E. Otherwise, the special uses listed in Subsection 19.402.7.A are

subject to Type III review and the general discretionary review criteria provided in Subsection 19.402.12.

4. Walkways and Bike Paths

In addition to the requirements of Subsection 19.402.11.E.1; walkways and bike paths that are not exempted by Subsection 19.402.4, or that do not meet the nondiscretionary standards for HCAs provided in Subsection 19.402.11.D, and that are proposed to be constructed or improved with gravel, permeable pavement, pavers, wood, or other materials, shall comply with the following standards:

- a. Walkways and bike paths within WQRs or HCAs shall not exceed a ~~10~~12-ft width.



CITY OF MILWAUKIE

To: Planning Commission

Through: Dennis Egner, Planning Director

From: David Levitan, Senior Planner

Date: October 16, 2018, for October 23, 2018 Worksession

Subject: Check-in on Comprehensive Plan, Housing, and Neighborhood Hubs Work

ACTION REQUESTED

No formal action is required. Staff will provide a status report on the Comprehensive Plan Update, including Block 2 topics, the separate housing track, and work on the “neighborhood hubs” concept. The Planning Commission will be participating in a number of Comp Plan-related events and meetings in November and December, which staff will outline.

BACKGROUND INFORMATION

History of Prior Actions and Discussions

- [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.
- [February 13, 2018](#): Staff updated the Planning Commission on the first two CPAC meetings and upcoming public engagement efforts, including the April 4 Town Hall.
- [May 22, 2018](#): The Planning Commission provided feedback on the Block 1 policies.
- [June 26, 2018](#): The Planning Commission provided additional feedback on the Block 1 policies, which were subsequently “pinned down” by the City Council on August 7.
- [August 14, 2018](#): Staff solicited Commission feedback on the proposed scope of the Comprehensive Plan’s housing policy work, which has since been shifted to its own work track.

BACKGROUND

On August 7, the City Council adopted a resolution “pinning down” the first block of Comprehensive goals and policies, which covered four topics: Community Engagement, Economic Development, Urban Growth Management, and History, Arts and Culture. Work is now well underway on the second block of topic areas: Parks and Recreation, the Willamette Greenway, Natural Hazards, and Energy and Climate Change.

Block 2 was originally slated to cover the topic of housing. However, given the importance of the topic and the number of concurrent housing-related efforts that are currently ongoing (detailed below), a decision was made to put the housing policy work on a separate track that bridges the work on Blocks 2 and 3. At the same time, staff is working with its consultant team to continue refining the “neighborhood hubs” concept, many components of which naturally align with the housing policy work.

This meeting serves to update the Commission on the status of the Block 2 policy work, housing work plan, and neighborhood hubs work, and detail upcoming meetings and events that will require Commission participation and review (*listed in italics at the end of each section*).

CPAC Meetings

After meeting five times to draft the goals and policies for the Block 1 topics, the Comprehensive Plan Advisory Committee (CPAC) has met twice to date to discuss the Block 2 topics. [CPAC Meeting 6](#) was held on September 10, and served to introduce the Block 2 topics and review the background reports. [CPAC Meeting 7](#) was a short three weeks later on October 1, and focused on developing a list of questions to ask the community at the October 15 Town Hall and the Online Open House.

The CPAC will be meeting two more times to work on the Block 2 goals and policies. [CPAC Meeting 8](#) is scheduled for November 5, and will focus on analyzing feedback from the Town Hall and Online Open House and reviewing/refining preliminary policy language developed by staff that is based on that community feedback. [CPAC Meeting 9](#) will be the final meeting of Block 2, with the intent of that meeting being to develop a list of CPAC-recommended Block 2 goals and policies for the City Council to “pin down” by resolution on December 18.

During the Commission’s November 13 meeting, staff will be presenting the preliminary goal and policy recommendations developed at CPAC Meeting 7. Commissioners will be asked to provide recommendations on policy additions, deletions, and edits for the CPAC to review and consider at CPAC Meeting 8.

Separate from the Block 2 work, staff will be scheduling a series of CPAC meetings focused on housing. The dates and logistics for those meetings are currently be developed, and staff will update the Commission as those are finalized.

*Upcoming Meetings: CPAC Meeting 7 (November 5), CPAC Meeting 8 (December 3)
PC Work Session (November 13)*

Block 2 Town Hall and Online Open House

On October 15, the City hosted its second [Comprehensive Plan Town Hall](#) at the Waldorf School. Approximately 100 people attended and participated in a “World Café” format of small group discussions, with attendees moving from table to table to answer a series of questions that were grouped into two categories: Parks and Recreation/Willamette Greenway and Natural Hazards/Climate Change/Energy. Conversation was spirited and robust, and resulted in a number of great ideas that will be synthesized into policy recommendations at the upcoming CPAC meetings. Staff is currently reviewing all of feedback, and will provide a high-level summary during the October 23 work session.

Complementing the Town Hall, on October 10 the City launched the Block 2 [Online Open House](#), which is also available in [Spanish](#). The Open House runs through October 24, and encourages respondents to provide detailed feedback on a number of questions related to the four Block 2 topic areas.

“Neighborhood Hubs” Work

The [“neighborhood hub” concept](#) originated in the Community Vision and has proven to be a popular idea with Milwaukie community members. Following two early rounds of outreach with neighborhood district associations (NDAs) in March and May, City staff worked with its consultants to create a series of neighborhood hub concepts for ten locations throughout the City. Staff presented these concepts at a number of community events in August and via a highly successful online survey, which generated over 300 responses.

Staff is currently working with its consultants to incorporate that feedback into a series of updated hub maps and graphics, which will be categorized into a series of hub typologies. The consultants will also be preparing a market analysis to determine the economic feasibility of the proposed hub typologies based on neighborhood demographics, existing infrastructure, and existing land uses.

Given that additional residential development/density will likely be needed to support many of the neighborhood uses desired by community members, there appears to be a natural synergy between the housing and neighborhood hubs work. Staff is working on a work plan that aims to bring those two topics together, and both topics will be the focus of a joint meeting between the Planning Commission and City Council on December 11. Neighborhood hubs work is expected to wrap up in Spring 2018, and will involve least one more round of community outreach.

*Upcoming Meetings: **Joint PC/CC Meeting on Housing and Neighborhood Hubs (December 11)***

Housing Work

The decision to remove housing from the Block 2 work plan and put it on its own track was based both on the importance/complexity of the topic as well as the sheer number of housing-related projects that are either ongoing or recently completed. These projects, which will feed directly into the Comprehensive Plan work, include:

- the [Milwaukie Housing Affordability Strategy](#) (adopted by Council on July 17)
- a Metro-funded study of cottage cluster development (ongoing through June 2019)
- DLCD-funded work on equitable housing policies (ongoing through June 2019)
- ADU Development Code updates (adoption anticipated in Summer 2019)
- Required meeting and reporting for severely rent-burdened communities under House Bill (HB) 4006 (must be completed by December 31, 2018).

Earlier this month, the Planning Director and Community Development Director met with four out of five City Councilors to discuss their thoughts about the scope of the housing work and specific policy areas that the City should be focusing on. All four councilors expressed an interest in being bold and innovative in our approach to housing, with an emphasis on housing affordability and supply. They generally agreed to explore concepts that would allow a greater

range of housing types throughout the community subject to standards addressing residential building form.

On December 6, the City will be hosting a Housing Forum at Clackamas Community College that will feature a presentation (via Skype) from Richard Rothstein, the author of [The Color of Law](#), as well as two professors from Portland State University. The Commission, CPAC, and Council will all be invited to this event, and it will be designed to launch the community outreach for the Comprehensive Plan's housing work as well as meet the public meeting requirements under HB 4006. All commissioners were provided a copy of The Color of Law, and we would encourage you to read that in advance of the December 6 event.

Planning staff is currently working to develop a master schedule for all of the housing work, including separate CPAC meetings that focus on housing (which will run concurrently with the Block 2 and Block 3 meetings). As noted above, the housing work naturally aligns with the neighborhood hubs work, and both topics will be discussed at the December 11 joint meeting with the City Council.

*Upcoming Meetings: **Housing Community Forum** at Clackamas Community College (December 6)
Joint PC/CC Meeting on Housing and Neighborhood Hubs (December 11)*

Questions for Commission

1. What are your thoughts about the proposed approach?
2. The CPAC's work on housing may involve some sub-committee meetings to really "get into the weeds". Are any commissioners interested in working with that group?

ATTACHMENTS — None



CITY OF MILWAUKIE

To: Planning Commission
Through: Dennis Egner, Planning Director
From: Denny Egner, Planning Director
Date: October 11, 2018, for October 23, 2018, Worksession
Subject: 2019 Planning Commission Work Program and Bylaws Review

ACTION REQUESTED

Review and comment on the draft Planning Commission work program and goals for 2019 and the Commission's bylaws. The Commission is scheduled to meet with the City Council to discuss its work program and bylaws on November 13, 2018 at 5:15 p.m.

BACKGROUND INFORMATION

The City Council and Planning Commission meet annually to discuss the Planning Commission's work program and goals. The last joint meeting to discuss the Planning Commission work program and goals was on October 10, 2017.

The Planning Commission serves the City by reviewing and advising on matters related to planning and zoning, as set forth in the Comprehensive Plan and Zoning, Sign, and Land Division ordinances. It does this by deciding land use and development applications, developing long-range plans, and proposing updates and amendments to the Milwaukie Municipal Code and Comprehensive Plan. Planning staff works closely with the Commission to make progress in all of these areas.

A. Major Accomplishments in 2017/18

The Planning Commission has worked on a number of significant projects since the last discussion of the Commission's work program. Projects included:

Projects

- **Comprehensive Plan Update** – In late 2017, the City kicked off a two-year project to update the Comprehensive Plan. The Commission held several work sessions regarding the plan process and the policy categories that make-up the first block of work. Block 1 work included policies addressing Economic Development, Community Culture (Arts and Historic Preservation), Public Involvement, and Growth Management. The Block 1 policies were “pinned down” through a resolution adopted by the City Council on August 7, 2018.

- **North Milwaukie Industrial Area** – In November and December of 2017, the Planning Commission held public hearings regarding code and comprehensive plan amendments related to the North Milwaukie Industrial Area. The Commission held a final hearing on January 9, 2018 and recommended that the Council approve the plan and code amendments. Following hearings held in the spring and a series of continuances, the City Council approved the plan and code amendments on August 21, 2018. The Council renamed the area as the North Milwaukie Innovation Area.
- **Housekeeping Code Amendments** – The Planning Commission held a public hearing on the Housekeeping Code amendments on May 8, 2018. The amendments were adopted by the Council on June 19, 2018.
- **Development Review** – Development review has required a large component of the Commission's time over the past year. The Commission held 13 public hearings on 12 different land use applications including:
 - 1 Residential Subdivision;
 - 5 Community Service Uses (one required two hearings);
 - 1 Conditional Uses;
 - 3 Variances (one included a Natural Resource review);
 - 1 Historic Resource Deletion;
 - 1 Zone Change;
 - 1 Comprehensive Plan Amendment (Scott Park).

B. Draft Work Program and Goals for 2018

City Council Goals

City Council goals for the 2017/19 biennium were adopted on May 2, 2017 and include the following:

- **Housing** - Find and work with partners to add new affordable housing units, and to encourage the private market to develop housing options that are affordable for Milwaukians at every income level and stage of life.
- **Climate Action Plan** - Create a Milwaukie Climate Action Plan and determine the city's current carbon footprint as a first step towards dramatically reducing the city's carbon impact.
- **Milwaukie Bay Park** - Work with North Clackamas Parks and Recreation Department (NCPRD) and our Parks and Recreation Board (PARB) to explore potential changes to the current master plan and to prioritize the accumulation of funding necessary to complete Milwaukie Bay Park by 2022.

Depending on the goal, involvement by the Commission has varied. Each goal is addressed briefly below:

- **Housing** – The Planning Commission will be involved in any changes to the Comprehensive Plan and zoning ordinance that stem from this goal. Community Development staff produced a Housing Affordability Strategy that was adopted by the Council this summer. Currently, staff is working on projects related to cottage cluster development and accessory dwelling units. Both are likely to produce code amendments. *Commission involvement in 2019: high.*
- **Climate Action Plan** – On October 2, 2018, the Council adopted a Climate Action Plan. Plan strategies are influencing the direction of policies being developed for the Comprehensive Plan. Code amendments may be required for implementation. *Commission involvement in 2019: moderate.*
- **Milwaukie Bay Park** – The current plan for the park was approved through the development review process. A plan for the next phase of the park is under development and a funding campaign will be initiated shortly. Depending on what changes are proposed, it is unclear whether the Planning Commission will be involved in the review. *Commission involvement in 2019: low.*

Planning and Community Development Projects

The following projects are those that are currently being addressed by the Planning staff. All of these projects will require involvement by the Planning Commission.

- **Comprehensive Plan Update** – The City has initiated a major effort to update the Comprehensive Plan. Chair Travis services as the Commission's representative on the Comprehensive Plan Advisory Committee. The project is updating background information for all elements of the plan and involves a detailed review of all plan policies. Key elements to be discussed in the coming months include Natural Hazards, Climate Change and Energy, Parks and Recreation, the Willamette Greenway, and Housing. *Commission involvement in 2019: high.*
- **Annual Code Maintenance** – A hearing has been scheduled to address a set of code amendments that were split off from the 2018 Housekeeping Amendments. This set includes changes to the downtown height bonus that is tied to the provision of green building features. Staff intends to initiate another set of amendments in mid-2019. *Commission involvement in 2019: moderate.*
- **Cottage Cluster Study** – The City received a grant from Metro to identify candidate sites for cottage cluster development. An outcome of the project is likely to be a set of recommendations to significantly modify and amend the City's current cottage cluster code standards to make it easier to develop cottage clusters. *Commission involvement in 2019: moderate.*
- **Hillside Manor Master Plan** – The Clackamas County Housing Authority received a grant to develop a new master plan for redevelopment of the Hillside Manor site. City staff is supporting County staff on the project. A comprehensive plan amendment and zone change are expected to result from the project. *Commission involvement in 2019: moderate.*

- **Development Review** – Land use applications are expected for the following projects in the coming year:
 - Bonaventure Senior Housing on the Turning Point Church site off Rusk Road;
 - Transportation Demand Management Plans for Milwaukie High School and the High School Athletic Fields on Lake Road;
 - The redevelopment of the high school tennis courts for parking;
 - Reconfiguration of the parking and bus pick-up/drop-off and Ardenwald Elementary School; and
 - Coho Point at Kellogg Creek (Cash Spot site) redevelopment.

Commission involvement in 2018: high.

C. Planning Commission Bylaws

The joint meetings with City Council provide an opportunity to review bylaws and suggest any changes that are needed. Staff has not identified issues with the bylaws. A copy of the bylaws is attached. The City Recorder is expected to propose changes to bylaws for all City boards to make them more uniform. The timeline for this is currently undetermined,

D. Commission and Council Discussion

At the October 23, 2018, Planning Commission meeting, staff seeks the Commission's input regarding the draft 2019 work program prior to the Commission discussion with City Council on November 11, 2018. Staff believes that the Comprehensive Plan update project will require a significant amount of attention from the Planning Commission during this work period but there should be time for additional projects. The Planning Commission, in consultation with City Council, will need to prioritize which projects will receive attention. Suggested points for discussion at the meetings include:

- Are there questions or clarifications needed regarding any of the projects listed above?
- Are there other projects that you would add for consideration in the work program?
- How should projects be prioritized?

ATTACHMENTS

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

	PC Packet	Public Copies	Packet
1. Milwaukie Planning Commission Bylaws	☒	☒	☒

Key:

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

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

E-Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-18>.

MILWAUKIE PLANNING COMMISSION BYLAWS

ARTICLE I NAME

The name of this commission is the Planning Commission (Commission).

ARTICLE II PURPOSE, AUTHORITY, AND OBJECTIVE

- A. **Purpose.** The purpose of the Commission is to serve as an advisory body to, and a resource for, the City Council in land use matters. In addition, the Commission shall carry out the roles and responsibilities as assigned under Milwaukie Municipal Code (MMC) Section 2.16.010.
- B. **Authority.** The Commission is authorized by ORS 227 and MMC Chapter 2.16.
- C. **Objective.** The Commission's objectives include articulating the community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan.
- D. **Open Meetings.** All meetings of the Commission are open to the public. The Commission has the authority to conduct an executive session under ORS 192.660.

ARTICLE III MEMBERSHIP

- A. **Appointment.** Each Commission member shall be appointed by the Mayor with the consent of Council, consistent with MMC 2.10.030 G. Members shall serve at the pleasure of the Council.
- B. **Term of Office.** Terms are for a period of four years. Commission members may serve no more than two consecutive full terms, unless there is an interval of at least one term prior to reappointment. The Council may waive this limitation if it is in the public interest to do so.
- C. **Membership.** The Commission consists of seven members. No more than two members may be non-residents, and no more than two members shall be engaged in the same kind of occupation, business, trade, or profession. No member may be a City of Milwaukie officer, agent, or employee; and no more than two voting members of the Commission may engage principally in the buying, selling, or developing of real estate for profit as individuals; or members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling, or developing of real estate for profit.
- D. **Vacancies and Removal.** Vacancies are filled in the same manner as the original appointments. A member of the Commission may be removed by the appointing authority, after hearing, for misconduct or nonperformance of duty.
- E. **Attendance.** Upon failure of any member to attend three consecutive meetings, the Commission may recommend termination of that appointment to the Council, and the Council may remove the incumbent from the Commission and declare the position vacant to be filled in the manner of a regular appointment.

- F. **Compensation.** Commission members shall receive no compensation for their service, but shall be fully reimbursed for all duly authorized expenses.

ARTICLE IV OFFICERS AND STAFFING

- A. **Officers.** The officers consist of a Chair and a Vice Chair who shall be selected by the membership and who shall serve at the pleasure of the membership for one year. Nominations and election of new officers shall be taken from the floor at the Commission's first meeting of the calendar year. Officers may be re-elected. In the event that an officer is unable to complete the specified term, a special election shall be held for the completion of the term.
- B. **Chair.** The Chair shall preside at all deliberations and meetings of the Commission and call special meetings in accordance with these Bylaws and review Commission agendas with the staff liaison. The Chair shall sign all documents memorializing Commission actions in a timely manner after action by the Commission.
- C. **Vice Chair.** During the absence, disability, or disqualification of the Chair, the Vice Chair shall exercise or perform all duties and be subject to all the responsibilities of the Chair. In the absence of the Chair and Vice Chair, the remaining members present shall elect an acting Chair.
- D. **Staff.** The City of Milwaukie Planning Department will provide staff support to the Commission for: land use issues, meeting notifications, postponements, final disposition of matters, and other steps taken or acts performed by the Commission, which include administrative housekeeping functions such as word processing, minutes preparation, copying, and information gathering to the extent the budget permits.

ARTICLE V ORGANIZATIONAL PROCEDURES

- A. **Meetings.** The Commission shall hold meetings as necessary at a time and place designated by staff consistent with Oregon Public Meetings Law. Typically, the Commission meets at least once a month on the second and/or fourth Tuesday at 6:30 p.m. at City Hall. Commission meetings shall end no later than 10:00 p.m., unless extended by majority vote of the Commissioners present and participating in the Agenda item that is under consideration at that time. An extension to 10:30 p.m. is allowed by Commission action. If a meeting has not concluded at 10:30 p.m., the Commission may vote on the Agenda item, consider another extension of up to 30 minutes, or vote to continue the item to the next available meeting.
- B. **Quorum.** A quorum is four of the voting membership of the Commission. The concurrence of a majority of the Commission members present shall be required to decide any matter. In the case of a tie vote, the matter is not complete. One new motion may be made. If a majority vote is not obtained on that motion the agenda item fails. If a quorum is not attained fifteen minutes following the scheduled time of call to order, the meeting shall be cancelled. In the event it is known by the Director prior to a meeting that a quorum will not be present at any meeting, the Director shall notify the Commission members. All items scheduled for the meeting shall be automatically continued to a regularly scheduled meeting unless the Director determines that a special meeting is needed. The Director shall post notice of the continuance on the exterior

doors of City Hall notifying the public of the continuance and specifying the date and time when the continued items will be before the Commission. The Notice shall remain through the evening on which the meeting is originally scheduled.

- C. **Order of Business.** The Chair shall have the authority to arrange the order of business as is deemed necessary to achieve an orderly and efficient meeting. In general, the order of business will be as follows:

1. Call to order – Procedural Matters
2. Minutes
3. Information Items
4. Audience Participation
5. Public Hearings
6. Worksession Items
7. Planning Department Other Business/Updates
8. Planning Commission Discussion Items
9. Forecast for Future Meetings.

- D. **Voting.** All members who are present at a Commission Meeting, including the Chair and Vice Chair, are allotted one vote each on all motions. A motion may be made by any Commissioner with the exception of the presiding officer. All Commissioners, when a vote is taken, shall vote unless he or she abstains from voting and cites the reason for the record. Staff shall call the roll, altering the order of members called. The Chair shall vote last.

- E. **Reconsideration of Actions Taken.** A member who voted with the majority may move for a reconsideration of an action at the same meeting only. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Commission.

- F. **Minutes.** A staff representative or designee shall be present at each meeting and shall provide for a sound, video, or digital recording, or written minutes of each meeting. The record of the meeting, whether preserved in written minutes or sound, video, or digital recording, shall include at least the following information:

- Names of the Commission members present;
- All motions and proposals, and their disposition;
- The results of all votes and the vote of each Commission member by name;
- The substance of any discussion on any matters; and,
- A reference to any document discussed at the meeting;

Written minutes need not be a verbatim transcript, but give a true reflection of the matters discussed at the meeting and the views of the participants.

Written minutes of a meeting will be made available to the public within a reasonable time after the meeting.

Minutes shall be reviewed and voted upon by the Commission at a regular meeting.

- G. **Repeal or Amendments.** The Commission may review these bylaws periodically and forward suggested revisions to the Council for approval. These bylaws may be repealed or amended, or new bylaws may be adopted by a majority vote of the Council on its own initiative, or upon a recommendation from the Commission.
- H. **Meeting Conduct.** The meeting conduct for this Commission is these bylaws except where superseded by or local, state, or federal law.
- I. **Statement of Economic Interest.** Commissioners are required to file annual statements of economic interest as required by ORS 244.050 with the Oregon Government Standards and Practices Commission.

ARTICLE VI DUTIES OF OFFICERS

- A. **Duties of the Chair.** The Chair or Vice Chair, in addition to the duties in Article IV, shall preserve the order and decorum of the meeting.
 - 1. The Chair may assess the audience at the beginning of the meeting, and, with the consent of the Commission, announce reasonable time limits.
 - 2. The Chair will direct the planning staff to summarize the issues to be addressed and the criteria to be applied by the Commission during its deliberations, following the conclusion of public hearing testimony.
 - 3. The Chair will summarize the hearing results and state the appeal process at the conclusion of the public hearing.
- B. **Requesting Response and Opinion.** The Chair will ask for response and opinion from the members of the Commission.
- C. **Appointments to Specific Projects on Committees.** The Chair may appoint Commissioners to specific projects or committees, and may select a Commissioner to be spokesperson for the Commission when the Chair or Vice Chair is unavailable.
- D. **Confer with Director.** The Chair or Vice Chair shall confer with the Planning Director (Director) on a regular basis outside scheduled meetings concerning the direction each expects of the Commission.
- E. **Orientation of New Members.** The Chair, in conjunction with the Director, shall orient new members.

ARTICLE VII DUTIES OF THE COMMISSION

- A. **Duty of Commissioner.** Commissioners shall address all those who come before the Commission in a formal and courteous manner.
- B. **Absence From a Meeting.** If a Commissioner is unable to attend a meeting, it is that Commissioner's responsibility to inform the Community Development staff and/or the Commission Chair of that fact prior to the meeting to be missed.

- C. **Site Visits.** Prior to Commission meetings, Commissioners are encouraged to visit sites that are subjects for land use actions. If a Commissioner visits a site, he or she shall report on the record any information gained from the site visit that is not consistent with the information included in the application or staff report.
- D. **Method of Handling Conflicts by Members.** In accordance with ORS 244.135: (1) A member of the Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest:
1. The Commission or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the Commissioner;
 2. Any business in which the Commissioner is then serving or has served within the previous two years; or
 3. Any business with which the Commissioner is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
 4. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken.
- E. **Meeting Preparation.** Commissioners shall prepare for participation at a meeting by fully reviewing the staff report and materials provided by the Director. If a Commissioner is unable to attend a hearing on a quasi-judicial application that is continued to another hearing, the Commissioner shall not take part in the continuance hearing unless the Commissioner:
1. Reviews the staff report and materials provided by the Director as well as:
 - a. all materials submitted at the hearing, and
 - b. any additional materials prepared by the planning staff applicable to the application, and
 - c. either the audio recording of the hearing or the draft minutes of the hearing.
 2. Declares that they are prepared to participate.
- F. **Duties Assigned by Council.** The Commission shall carry out the duties assigned to it by Council relating to development, updating, and general maintenance of the Milwaukie Zoning Ordinance and the Milwaukie Comprehensive Plan.

ARTICLE VIII GOALS AND OBJECTIVES

- A. **Annual Goal Review.** The Commission shall review the Council goals annually for establishment of Commission goals which enhance and augment those of the Council.
- B. **Establishment of Commission Goals.** The Commission shall establish goals, at a minimum, annually.