

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, July 25, 2000

COMMISSIONERS PRESENT

Tracy Cook, Chair
Judith Bordon, Vice-Chair
Barbara Cartmill
Donald Hammang
Mike Miller
Doug Ouderkirk
Howard Steward

STAFF PRESENT

Alice Rouyer,
Planning Director

COMMISSIONERS ABSENT

None

1.0 CALL TO ORDER

The meeting was called to order at 6:30 p.m.

Due to a tape recorder malfunction no recorded minutes of this meeting were made.

The first portion of the meeting was a continuation of the Downtown Plan hearing. Commission recommended City Council approval of the Downtown Plan/Rezoing project by a 7-0 vote after reviewing a finding related to traffic impacts and mitigation in downtown.

The remainder of the meeting was to discuss Planning Commission goals for 2000/2001. The completed goals are attached as the record of this discussion.

2000/2001 Planning Commission Goals

On July 25, 2000, the Planning Commission developed goals for the 2000/2001 fiscal year in a work session with staff. The goals are very similar to those adopted last year with the deletion of one goal and the addition of one goal. The Commission will be ready to speak briefly about each goal at the work session. The goals are generally listed in order of priority:

- 1. Consider amendments to the Comprehensive Plan, Zoning Ordinance, and Municipal Code that would make the codes more consistent and would better protect neighborhood livability in Milwaukie.**

Objective: Implement the Neighborhood Design Workshop Outcomes to integrate into the codes. Consider creation of a design review process.

Commission Comments:

A new Design/Site Review process should be developed to ensure that new development improves neighborhood livability, connectivity, aesthetics and safety. The following should be considered when amending the zoning ordinance and developing a design review process:

- Maintain character of neighborhoods.
- Retain mature vegetation for compatibility with existing neighborhoods.
- Implement regulations that provide balance between livability and economics.
- Give staff and the Commission expanded authority to impose conditions or modify plans to ensure high quality development.
- Create standards for scale, bulk, number of stories, mass, height, and compatibility in neighborhoods.
- Revisit flag lot regulations to strengthen them further.
- Subdivision regulations should include design guidelines/standards that address:
 - Lot shape
 - Environmental preservation
 - Open Space
 - Maximum square footage/height requirements for homes
 - Lighting standards

- 2. Continue to serve as the review body for applications for development.**

Commission Comments:

- The Commission needs stronger regulations in order to have tools to implement design goals and impose legally defensible conditions of approval.
- A Design and Landmarks Commission should be developed to support the Commission, once the new zoning ordinance amendments are adopted. The Commission should include individuals who have an interest or background in design. The Committee would convene to offer

recommendations/reports to the Planning Commission for current planning projects.

- Quality of plans and application materials submitted to staff and the Planning Commission needs to improve. Currently, imprecise or inaccurate information is submitted, making it difficult for the Commission to make a decision.

3. Reevaluate the zoning and permitted land uses for industrial properties on the northern edge of the city.

Commission Comments:

- As these properties turn over in tenancy, it may be a good time to evaluate if the market would better support different land uses than those already allowed by zoning.

4. Implement changes to the Comprehensive Plan, Zoning Ordinance to bring Milwaukie into compliance with Metro 2040 Functional Plan:

- Title 1 (Requirements for Housing and Employment Accommodation)
- Title 3 (Natural Resources)
- Title 6 (Regional Accessibility)

5. Ongoing commitment to community outreach to inform citizen about planning services and regulations.

Commission Comments:

- Continued outreach to neighborhood groups
- Information packets about city regulations for home owners, builders, real estate professionals.

6. Continue to participate in the Downtown/Riverfront Planning effort.

Commission Comments:

- Planning Commission wants to be kept "in the loop" on this project, in order to be equipped when the project will require Planning Commission actions (i.e., Zoning Ordinance, Comprehensive Plan amendments).

The following goal has been added to the goals list this year:

7. Work with Council to develop a strategy for unincorporated areas inside the City's Urban Growth Management Area

Commission Comments:

- The Commission wants to stay in the loop on these issues as Council develops policy regarding annexation or providing services outside the city limits.

The following goal was deleted by the Planning Commission from this year's list:

1. Develop and recommend a Tree Ordinance and Urban Forestry Program

Commission Comments:

- Most of the Commission's work on the ordinance and Urban Forestry program was completed in early 2000. The Commission will continue to work on this ordinance at Council's direction in 2001.

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

Public Hearing Procedure

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.** THE STAFF REPORT IS FOLLOWED BY ANY VERBAL OR WRITTEN CORRESPONDENCE WHICH HAS BEEN RECEIVED SINCE THE COMMISSION WAS PRESENTED WITH ITS PACKETS.
3. **APPLICANT'S PRESENTATION.** WE WILL THEN HAVE THE APPLICANT MAKE A PRESENTATION, FOLLOWED BY:
4. **PUBLIC TESTIMONY IN SUPPORT.** TESTIMONY FROM THOSE IN FAVOR OF THE APPLICATION.
5. **COMMENTS OR QUESTIONS.** COMMENTS OR QUESTIONS FROM INTERESTED PERSONS WHO ARE NEITHER IN FAVOR NOR OPPOSED TO THE APPLICATION.
6. **PUBLIC TESTIMONY IN OPPOSITION.** WE WILL THEN TAKE TESTIMONY FROM THOSE IN OPPOSITION TO THE APPLICATION.
7. **QUESTIONS FROM COMMISSIONERS.** WHEN YOU TESTIFY, WE WILL ASK YOU TO COME TO THE FRONT PODIUM AND GIVE YOUR NAME AND ADDRESS FOR THE RECORDED MINUTES. PLEASE REMAIN AT THE PODIUM UNTIL THE CHAIR PERSON HAS ASKED IF THERE ARE ANY QUESTIONS FOR YOU FROM THE COMMISSIONERS.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** AFTER ALL TESTIMONY, WE WILL TAKE REBUTTAL TESTIMONY FROM THE APPLICANT.
9. **CLOSING OF PUBLIC HEARING.** THE CHAIR PERSON WILL CLOSE THE PUBLIC PORTION OF THE HEARING. WE WILL THEN ENTER INTO DELIBERATION AMONG THE PLANNING COMMISSIONERS. FROM THIS POINT IN THE HEARING WE WILL NOT RECEIVE ANY ADDITIONAL TESTIMONY FROM THE AUDIENCE, BUT WE MAY ASK QUESTIONS OF ANYONE WHO HAS TESTIFIED.
10. **COMMISSION DISCUSSION/ACTION.** IT IS OUR INTENTION TO MAKE A DECISION THIS EVENING ON EACH ISSUE BEFORE US. DECISIONS OF THE PLANNING COMMISSION MAY BE APPEALED TO THE CITY COUNCIL. IF YOU DESIRE TO APPEAL A DECISION, PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT DURING NORMAL OFFICE HOURS FOR INFORMATION ON THE PROCEDURES AND FEES INVOLVED.
11. **MEETING CONTINUANCE.** THE PLANNING COMMISSION MAY, IF REQUESTED BY ANY PARTY, ALLOW A CONTINUANCE OR LEAVE THE RECORD OPEN FOR THE PRESENTATION OF ADDITIONAL EVIDENCE, TESTIMONY OR ARGUMENT. ANY SUCH CONTINUANCE OR EXTENSION REQUESTED BY THE APPLICANT SHALL RESULT IN AN EXTENSION OF THE 120 DAY TIME PERIOD FOR MAKING A DECISION.

The Planning Commission's decision on these matters may be subject to further review or may be appealed to the City Council. For further information, contact the Milwaukie Planning Department office at 786-7600.

Milwaukie Planning Commission:

Tracy Cook, Chair
Judith Borden, Vice Chair
Barbara Cartmill
Donald Hammang
Mike Miller
Doug Ouderkirk
Howard Steward

Community Development Department Staff:

Martha Bennett, Community Development Director
Alice Rouyer, Planning Director
John Gessner, Associate Planner
Jeanne Garst, Staff Assistant
Marcia Hamley, Office Assistant
Shirley Richardson, Hearings Reporter



To: Planning Commission

From: Alice Rouyer, Planning Director *AR*

Subject: Continuation of Commission Deliberation: Downtown Plan/Rezoning Project

Meeting Date: July 25, 2000

Date: July 17, 2000

I. Action Requested

Continue deliberation on the Downtown Plan/Rezoning project (ZA-00-01), and prepare a recommendation to City Council for an August 29, 2000 hearing

II. Background and Next Steps

At the July 11 hearing, the Planning Commission provided a preliminary recommendation for Council approval of the package of recommendations for the Downtown Plan, subject to staff amending the finding relating to traffic impacts. The Commission directed staff to amend the finding to reflect the Commission's discussion on July 11. Below is an amendment of the finding.

III. Analysis

At the July 11 hearing, staff recommended that the Commission adopt the following finding relating to traffic impacts:

Based on an initial traffic impact analysis completed by DKS Associates dated June 27, 2000, staff recommends that the Commission approve the proposed downtown rezoning on a finding that the traffic impacts will not be significantly different than those associated with the existing downtown zoning. Staff further recommends that the Commission highlight the concerns about neighborhood traffic speed and regional traffic patterns to the City Council for consideration as part of the existing Neighborhood Traffic Management Program.

At the July 11 hearing, the Commission indicated that it is doubtful that existing downtown zoning would ever reach build-out under today's market and regulatory

conditions. The Mixed Use Overlay has resulted in barriers to redevelopment in the downtown due to its prescriptive nature and requirement for a public hearing for all development proposals. The Commission, therefore asked that the current downtown development be used as the baseline for measuring the impact of traffic generation resulting from the build-out of the downtown plan

According to the initial traffic impact analysis, downtown traffic trips will increase by approximately 130 in the P.M. peak hour at the estimated build-out of the downtown plan. Therefore, the Planning Commission finding will reflect that the traffic impacts will increase over the current downtown development.

The Commission also asked that staff draft the findings to reflect possible ways to mitigate this increased impact expected at time of build-out of downtown. On July 11, the Commission indicated that they did not want to delay recommending adoption of the plan, but did want to ensure that possible mitigation measures and traffic concerns were highlighted for Council consideration on August 29.

Staff recommends that the Commission consider the following new finding concerning downtown traffic impacts:

Based on an initial traffic impact analysis completed by DKS Associates dated June 27, 2000, the Commission finds that proposed rezoning will result in increased traffic impacts over existing downtown development. The Commission is basing this finding on existing downtown development rather than the build-out of existing downtown zoning because the Commission believes that build-out under existing zoning is unlikely in the long-term due to regulatory and market barriers to developing properties at their full potential. Therefore, the Commission recommends that the Council consider adopting the Downtown Plan/Rezoning amendments and direct staff in the near future to address:

- **Traffic generation will increase in downtown and neighborhoods east of downtown as the Downtown Plan approaches development build-out.**
- **Automobile traffic speeds now exceed the posted neighborhood speeds on east to west streets including but not limited to Washington, Monroe and Lake Road.**
- **Regional traffic forecasting data indicates that more trips will be drawn to eastern destinations (such as the Clackamas Town Center and 82nd corridor) as opposed to the current draw toward northern destinations, such as downtown Portland.**

Some recommended approaches to mitigating these impacts for Council consideration are:

1. **Developing a Town Center Traffic Management Study.** Based upon the additional vehicle traffic generated on adjacent streets by the revitalization of the downtown and riverfront areas, an area wide approach to neighborhood traffic management should be considered for the neighborhoods east of downtown. Strategies to calm traffic should be developed in coordination with the neighborhoods, public works and public safety staff. The boundary of this area of consideration should be ORE 224 to the north, the railroad tracks to the west and Lake Road to the south, and ORE 224 (to Washington/Oak) and 34th (from Washington/Oak to Lake Road) to the east.
2. The Planning Commission supports staff's work on a state grant funded project to improve the Zoning Ordinance requirements relating to traffic impact exactions for new development. The Planning Department was awarded a grant to improve the city's regulations in order to give staff, the Planning Commission and City Council more tools to require transportation improvements at time of development/redevelopment both in the downtown and city-wide, commensurate with new impacts. If approved by Council, this code revision will be implemented city-wide by summer 2001.
3. In conjunction with the Budget Committee process in spring 2001, the Planning Commission supports staff's study of city-wide transportation funding to explore how transportation projects, including traffic safety measures, can be funded and prioritized as Capital Improvement Projects, as needed, in the areas east of downtown.

VI. Findings in Support of the Comprehensive Plan, Zoning Ordinance and Municipal Code Amendments

A full analysis of this proposal's conformance with criteria in Section 904 and 905 "Amendments", as amended by the Commission on July 11 is included in Exhibit A.

VII. Recommendation

Staff recommends that the Planning Commission recommend approval of an ordinance authorizing the following to City Council:

1. Adopt the Downtown and Riverfront Land Use Framework Plan (Framework Plan) as an ancillary document to the Milwaukie Comprehensive Plan. The Framework Plan is attached in the June 27 staff report as Exhibit B, and amended in the July 11 staff report in Attachment B.

2. Amend the Comprehensive Plan Map (Map 7) for the Downtown Area. Existing and proposed designations are shown in Exhibit C. Key changes include renaming the "Regional Center" to "Town Center," and some modifications to the "Town Center" and "Public" district boundaries on the Comprehensive Plan Map. The map was further amended in the July 11 staff report—Attachment E.
3. Amend the text of the Comprehensive Plan as outlined in Exhibit D of the June 27 staff report. Key changes include renaming the "Regional Center" to "Town Center," revising policies for the Kellogg Creek Sewage Treatment Plant, including references to the Downtown and Riverfront Land Use Framework Plan, and adding net density ranges for the Town Center.
4. Amend the Zoning Map for the Downtown Area. Existing and proposed zones are shown in Exhibit E of the June 27 staff report. Delete the Mixed Use Overlay from all Downtown Zones. Delete the McLoughlin Corridor Overlay from the Zoning Map and replace with new public area requirements. Adopt and apply five new zones for the Downtown: Downtown Storefront (DS), Downtown Commercial (DC), Downtown Office (DO), Downtown Residential (DR), and Downtown Open Space (DOS).
5. Amend several sections of the Zoning Ordinance (ZO) as outlined in Exhibit F of the June 27 staff report to implement the Downtown Land Use Framework Plan. Key changes include the following:
 - Add several new definitions to Section 100
 - Delete entire Section 312, "Central Commercial Zone," and replace with new Section 312, "Downtown Zones" as amended in Attachment B of the July 11 staff report and summarized below:
 - a. Reduce the minimum density in the Downtown Residential Zone from 40 units per acre to 30 units per acre.
 - b. Reduce the maximum building height for the northern Downtown Residential Zone from 75 feet to 65 feet or 5 floors, whichever is less.
 - c. Provide an incentive for housing in the Downtown Storefront Zone by allowing a building height of 4 floors or 55 feet, whichever is less, if at least one floor of the building is devoted to housing. Buildings without housing would be limited to a maximum height of 3 floors or 45 feet, whichever is less.
 - d. Reduce the small island of 65 foot building height to 45 feet on lots fronting on McLoughlin, between Monroe and Jackson.
 - e. Amend Figure 312-3 "Downtown Maximum Building Heights to reflect changes to building heights outlined above.

- Delete applicability of the Section 318 Mixed Use Overlay Zone requirements from the downtown and former Pendleton (ODS) property
 - Amend Section 323 to change the commission name from "Historic Review" to "Design and Landmarks" Commission
 - Delete entire Section 325, "McLoughlin Corridor Overlay Zone"
 - Exempt Downtown Storefront Zone from off-street parking and loading requirements of Section 500
 - Limit applicability of Section 1400 to the Downtown Zones
6. Amend the Milwaukie Municipal Code (MMC) as outlined in Exhibit G of the June 27 staff report to implement the Downtown Land Use Framework Plan. Key changes include the following:
- Amend Chapter 2.18 to change the commission name from "Historic Resources" to "Design and Landmarks" Commission and give the commission oversight of historic resources review and design review, as amended in the July 11 staff report--Attachment F.
 - Amend Chapter 14.04 to adopt modified sign requirements for the Downtown Zones
 - Adopt new Chapter 15.36, Public Works Standards, to authorize the Council to adopt public works standards like the Downtown and Riverfront Public Area Requirements
 - Amend Chapter 17.28 to adopt modified subdivision design standards for the Downtown Zones.
7. Adopt the Downtown & Riverfront Public Area Requirements as authorized by the new Chapter 15.36 of the Milwaukie Municipal Code. The full text of the Public Area Requirements are attached to the June 27 staff report in Exhibit H and as further amended in Attachment D of the July 11 staff report.
8. Based on an initial traffic impact analysis completed by DKS Associates dated June 27, 2000, the Commission finds that proposed rezoning will result in increased traffic impacts over existing downtown development. The Commission is basing this finding on existing downtown development rather than the build-out of existing downtown zoning because the Commission believes that build-out under existing zoning is unlikely in the long-term due to regulatory and market barriers to developing properties at their full potential. Therefore, the Commission recommends that the Council consider adopting the Downtown Plan/Rezoning amendments and direct staff in the near future to address:
- Increased traffic generation in downtown and neighborhoods east of downtown as the Downtown Plan approaches development build-out.

- Automobile traffic speeds now exceed the posted neighborhood speeds on east to west streets including but not limited to Washington, Monroe and Lake Road.
- Traffic forecasting analysis indicates that more trips will be drawn to eastern destinations (such as the Clackamas Town Center and 82nd corridor) as opposed to the current draw toward northern destinations, such as downtown Portland.

Some recommended approaches to mitigating these impacts for Council consideration are:

- a. Developing a Town Center Traffic Management Study. Based upon the additional vehicle traffic generated on adjacent streets by the revitalization of the downtown and riverfront areas, an area wide approach to neighborhood traffic management should be considered for the neighborhoods east of downtown. Strategies to calm traffic should be developed in coordination with the neighborhoods, public works and public safety staff. The boundary of this area of consideration should be ORE 224 to the north, the railroad tracks to the west and Lake Road to the south, and 34th to the east.
- b. The Planning Commission supports staff's work on a state grant funded project to improve the Zoning Ordinance requirements relating to traffic impact exactions for new development. The Planning Department was awarded a grant to improve the city's regulations in order to give staff, the Planning Commission and City staff more tools to require transportation improvements at time of development/redevelopment both in the downtown and city-wide, commensurate with new impacts. If approved by Council, this code revision will be implemented city-wide by summer 2001.
- c. In conjunction with the Budget Committee process in spring 2000, the Planning Commission supports staff's study of city-wide transportation funding to ensure that transportation projects, including traffic safety measures, can be funded and prioritized as Capital Improvement Projects, as needed, in the areas east of downtown.

VII. Attachments

Attachment A: Zoning Ordinance Amendment Analysis
Approval Criteria of ZO 904 and ZO 905

EXHIBIT A

COMPREHENSIVE PLAN AND ZONING ORDINANCE AMENDMENT ANALYSIS

APPROVAL CRITERIA OF CHAPTER 2 OF THE COMPREHENSIVE PLAN AND ZONING ORDINANCE SECTIONS 904 AND 905

MILWAUKIE COMPREHENSIVE PLAN CHAPTER 2 – PLAN REVIEW AND AMENDMENT PROCESS

A. OBJECTIVE #1 – AMENDING THE PLAN

Review, revise, and amend the Comprehensive Plan on a regular basis, assuring that the Plan and implementing ordinances meet regional, State, and Federal guidelines.

Policy 3 of Objective #1 states that individuals, the Planning Commission, or the City Council may request Plan amendments at any time separate from the normal Comprehensive Plan Amendment application process.

Policy 4 of Objective #1 states that copies of proposed Plan changes shall be submitted to affected governmental units at the draft amendment stage and following final adoption of changes.

Policy 5 of Objective #1 states that all proposed legislative Comprehensive Plan amendments will be considered at advertised public hearings before the Planning Commission and City Council. At least 30 days prior to a public hearing, a public notice shall be printed in a local newspaper and will appear on the public information cable television station. A second notice shall appear at least ten days prior to the public hearing.

Findings: The Downtown Plan and Rezoning Project has met all of the procedural requirements for a legislative Comprehensive Plan Amendment. The amendment was initiated as a legislative amendment by the Milwaukie Planning Commission, consistent with Policy 3. The City of Milwaukie provided copies of the full amendment package to the Department of Land Conservation & Development (DLCD), Metro and Clackamas County on May 12, 2000, consistent with Policy 4. The City of Milwaukie has provided notice of the proposed amendments consistent with the requirements of Policy 5. In addition, the City provided individual mailed notice of the proposal as required by Ballot Measure 56. Notice was mailed more than six weeks prior to the first scheduled hearing before the Planning Commission to provide sufficient time for public review and consideration of the proposed amendments. Therefore, the proposed legislative amendment of the Milwaukie Comprehensive Plan has met the requirements of Objective #1 and relevant policies.

Policy 7. All Plan amendments will be evaluated based on the following criteria:

- conformance with the Comprehensive Plan, its goals, policies, and spirit,
- public need for the change,
- public need is best satisfied by this particular change,
- the change will not adversely affect the health, safety, and welfare of the community,
- the change is in conformance with applicable Statewide Planning Goals,
- the change is consistent with Metro Growth Management Functional Plan and applicable regional policies.

Findings: The proposed Downtown Plan and Rezoning project is in conformance with the goals, policies and spirit of the Milwaukie Comprehensive Plan. The plan recognizes that it is appropriate to adopt ancillary documents to the Comprehensive Plan to address specific geographic areas or topics. The Town Center Master Plan (TCMP) was adopted as an ancillary document in 1997 to set the framework for the city center. The TCMP outlined objectives for housing, transportation, commercial, urban design, and general land use changes in the Town Center. The downtown area was identified as one of six subareas (Subarea 1) addressed in the TCMP.

The Downtown Plan and Rezoning project details and implements the Comprehensive Plan and Town Center Master Plan policies and objectives for the Downtown. The Downtown Land Use Framework Plan will also be adopted as an ancillary document to the Milwaukie Comprehensive Plan. Several themes articulated in the Comprehensive Plan and TCMP are carried forward in the Downtown Land Use Framework Plan, including the following:

- emphasis on creating a compact mixed use environment downtown – with pedestrian amenities and high quality transit service and multimodal street networks
- capitalize on natural resources by restoring creeks and connecting the Willamette River to the historic blocks of downtown
- within the Town Center areas, mixed use development combining residential high density housing with retail, service commercial, and/or offices is encouraged
- a mixed use zone will be applied as an interim tool to implement the Town Center Master Plan

The Downtown Plan and Rezoning project is consistent with the policy framework established in the Milwaukie Comprehensive Plan and the Town Center Master Plan. The integrated package of plan and ordinance amendments will replace the interim Mixed Use Overlay and provide a more streamlined and specific

regulatory framework to implement the vision for Downtown Milwaukie and the Riverfront.

There is a public need for the proposed amendments. Private property owners, city staff and decision-makers have found that the overly broad and prescriptive standards of the Mixed Use Overlay have not been responsive to the market or moved the City toward the vision for Downtown and the Willamette Riverfront. During 1999 and early 2000, the City hosted five Town Hall meetings to hear from citizens about ways to create more vitality in the downtown, to draw businesses and residents to the core area and to connect the riverfront with downtown.

In the summer of 1999, the City asked citizens to vote at community kiosks on four downtown/riverfront design options. From this, a Downtown Land Use Framework Plan was developed. To implement the framework plan, the City's Comprehensive Plan, Zoning Ordinance and Zoning Map all need to be amended to adopt new land use regulations for downtown.

The public need to create more vitality in the downtown, to draw businesses and residents to the core area and to connect the riverfront with downtown is best satisfied by the package of changes proposed in the Downtown Plan & Rezoning project. Rather than requiring mixed-use development throughout the downtown area, the Downtown Land Use Framework Plan targets key land uses to specific locations to achieve the right mix of land uses. The proposed design standards and public area requirements will result in high quality and consistent public and private improvements. The standards and requirements are clear and objective and reduce the burden of discretionary reviews and public hearings. Overall, the proposed amendments are more responsive to the market than existing regulations.

The proposed amendments will not adversely affect the health, safety, and welfare of the community. Existing regulations pertaining to sensitive lands and hazard areas are not being changed. The new Downtown Open Space zone provides an appropriate tool to accommodate and protect park, open space and riverfront uses on lands that are in public ownership along the Willamette River, Kellogg Creek, Spring Creek, and Johnson Creek in the downtown area. The Downtown Land Use Framework Plan and the public area requirements provide details to improve the street environment for pedestrians, cyclists and transit users. In addition, anticipated boulevard enhancements along McLoughlin Boulevard will improve the connection of downtown to the Willamette River and make it easier for pedestrians to access the riverfront.

The city has contracted with a traffic consultant to complete an analysis of the traffic impacts of the proposed amendments. The report dated June 27 is the basis of Planning Commission findings outlined below under the analysis of ZO amendment criterion Section 905(B).

The proposed amendments are in conformance with applicable Statewide Planning Goals as highlighted below.

Goal 1 – Citizen Participation. The Downtown & Riverfront Land Use Framework Plan has been developed with extensive citizen input. The City hosted five Town Hall meetings to hear from citizens about their vision for the downtown and riverfront. Numerous meetings have been held with interested neighborhood and business groups to discuss the plan and proposed regulations. Individual mailed notice of the full package of amendments was provided to approximately 775 property owners and interested parties. An open house on the proposed amendments was held on May 31, 2000. Therefore, the proposed amendments have been developed with extensive public input and numerous opportunities have been provided for public review and comment on the proposed amendments. All public comments received to date are attached to this staff report as Exhibit I. Additional opportunities will be available for public testimony and input during the public hearings before the Planning Commission and City Council.

Goal 2 – Land Use Planning. The Downtown Plan & Rezoning project has been based on identification of issues and problems, inventories and other factual information. The plans and implementing measures have been available and accessible for public review and comment. The proposed Downtown Zones are based on and consistent with the policy direction established in the Downtown Land Use Framework Plan. The City of Milwaukie has coordinated the planning effort with relevant local regional and state agencies, including the Department of Land Conservation and Development, Metro, Tri-Met, Clackamas County and the Oregon Department of Transportation. Therefore, the proposed amendments are consistent with the relevant requirements of Goal 2.

Goal 3 – Agricultural Lands. This goal is not applicable.

Goal 4 – Forest Lands. This goal is not applicable.

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources. The Downtown & Riverfront Framework Plan builds upon existing assets, capitalizes upon significant existing uses, and features the natural environment. The plan recognizes and builds upon the rich character and history of Milwaukie. The plan reconnects downtown Milwaukie to the Willamette River. It creates the new Riverfront Park as the city's "living room." And it calls for revitalizing historic buildings while designing new structures to harmonize with the town's historic character. The Willamette River, Johnson Creek, and Kellogg Creek all provide beautiful natural borders to the downtown area. The plan capitalizes on these

natural resources by restoring the creeks and connecting the river to the historic blocks of downtown. Existing regulations pertaining to historic resources, natural resources and the Willamette River Greenway are not changed by the proposed Downtown Plan & Rezoning Project. Therefore, the proposed amendments are consistent with the relevant requirements of Goal 5.

Goal 6 – Air, Water, and Land Resources Quality. The proposed Downtown Plan & Rezoning regulations will protect the city’s overall air, water, and land resources by giving the City of Milwaukie an opportunity to implement a program that “manages land conservation and development activities in a manner that accurately reflects the community’s desires for a quality environment...” The amendments also recognize the City’s goal to have the Kellogg Creek Sewage Treatment Plan decommissioned in the future to allow for redevelopment of the riverfront.

Goal 7 – Areas Subject to Natural Disasters and Hazards. The proposed amendments do not affect existing regulations that pertain to development in floodplain or other hazard areas.

Goal 8 – Recreational Needs. The Willamette Riverfront is currently zoned for Limited Commercial development. The proposed amendments apply a new Downtown Open Space Zone to the Willamette Riverfront to more accurately reflect planned open space and recreational uses.

Goal 9 – Economic Development. The proposed amendments support and reinforce the role of downtown Milwaukie as a retail, service and civic center of the community. The Downtown Land Use Framework Plan defines key locations for specific uses, such as ground floor retail uses along Main Street, office commercial uses along high-visibility arterials, and residential uses at the edge of downtown in proximity to transit, service and civic uses. The proposed regulations pertaining to floor area ratios, building heights, build-to-lines and parking are all tailored to the specific zone. The proposed development and design standards are clear and objective and compliance with the standards can be checked at building plan review. When compared with the current Mixed Use Overlay regulations that require Planning Commission review and approval of development, the proposed regulations streamline the review process and are more responsive to the market. The design standards for private development and improvements within the public right-of-way will assure a consistent urban design framework for the downtown, an important element to attract and support public and private investment.

Goal 10 – Housing. The proposed amendments are consistent with the overall housing goals and objectives of the State of Oregon, Metro and Milwaukie. Specific locations are identified and zoned for Downtown Residential development. A “transition area” has been defined for a step-down in densities

adjacent to an existing lower density residential area. The application of minimum densities will ensure that the minimal amount of land available for housing is used efficiently. Opportunities for development of mixed use buildings, including housing, will be available throughout the downtown area. The design standards address key elements to assure use of high quality and durable building materials. Implementation of the amenities associated with the Downtown Plan, including pedestrian improvements, plazas and waterfront improvements, will enhance the overall

attractiveness of the downtown for housing. The Downtown Land Use Framework Plan achieves the housing targets established for the downtown area in the Town Center Master Plan.

Goal 11 – Public Facilities & Services. Existing and planned public facilities and services are adequate to accommodate the level and intensity of development planned under the Downtown Plan & Rezoning project. The overall level of development is not dramatically different from those expected under existing plans and zoning.

Goal 12 – Transportation. The proposed amendments are consistent with the Transportation Goal and the Transportation Planning Rule. The plan and the public area requirements emphasize a multi-modal street environment for the downtown area. Specific improvements are targeted for pedestrian, bicycle and transit facilities. The specific mix of land uses, densities and development and design standards will all work together to achieve a compact downtown that is attractive and walkable for residents, shoppers and employees. Buildings will be located close to the sidewalk, with entrances and ground floor windows along building facades.

A traffic impact analysis completed by the City in conjunction with this project has concluded on that the proposed land uses and densities can be accommodated by the existing transportation systems.

Goal 13 – Energy. The proposed amendments are consistent with the general requirements of the energy conservation goal. By providing a mix of land uses in a compact area, opportunities are provided to minimize energy consumption associated with driving. Additionally, a specific design for the Milwaukie transit center is integrated into the downtown plan and supported by nearby land uses and densities.

Goal 14 – Urbanization. The proposed amendments are consistent with the objectives of the urbanization goal. By providing opportunities for higher-density mixed-use development in the town center in an area served by transit, pressures are reduced for development at the fringe of the Urban Growth Boundary.

Goal 15 – Willamette River Greenway. The proposed amendments are consistent with the requirements of the Greenway Goal. The proposed Downtown Open Space zone is an appropriate zone to apply along the publicly owned riverfront. The amendments do not affect requirements for review of all development proposed within the greenway boundary.

In summary, the proposed amendments are consistent with the relevant Statewide Planning Goals. The amendments are also consistent with the Metro Growth Management Functional Plan and applicable regional policies. The proposed plan and regulations implement the “vision” for a town center as articulated in the 2040 Growth Concept. The minimum floor area ratios and minimum densities will provide the capacity for Milwaukie to achieve the housing and employment targets established for

the downtown subarea. The proposed enhancement of McLoughlin Boulevard is consistent with the Regional Transportation Plan classification of this segment of the highway as a "regional boulevard." Proposals to extend the downtown street grid and improve on-street parking and pedestrian facilities are also consistent with policies in the Regional Transportation Plan.

Based on the findings above, the proposed package of amendments is consistent with all of the criteria for Plan Amendments as outlined in Policy 7 of the Milwaukie Comprehensive Plan.

OBJECTIVE #2 – IMPLEMENTING THE PLAN

Implement this Plan through appropriate ordinances and action.

Policies

- 1. Amend existing ordinances and adopt new ordinances to carry out the policies of this Plan as necessary.**
- 2. Apply zoning in a timely manner which is consistent with this Plan.**
- 3. All zoning and subdivision ordinances will be consistent with the intent and be based on this Comprehensive Plan.**

Findings: The proposed amendments to the Zoning Map (Exhibit E), Zoning Ordinance (Exhibit F), and Municipal Code (Exhibit G) have been drafted to implement the Downtown & Riverfront Land Use Framework Plan with integrated and consistent regulations. The new Downtown Zones and related regulations will replace the interim Mixed Use Overlay regulations. By proceeding with an integrated package of amendments, the City is complying with the spirit and intent of Objective #2.

MILWAUKIE ZONING ORDINANCE

904 REQUIREMENTS FOR ZONING TEXT AMENDMENTS

904.1 Proposals for zoning text amendments must provide written evidence that the following requirements are satisfied:

A. Applicable requirements of Section 1003.

All requirements of Section 1003 have been met as they apply to legislative amendments.

B. Reasons for requesting the proposed text amendments.

The purpose of the proposed regulations is outlined in the staff report, and briefly summarized below.

1. Make sure that the new Land Use Framework Plan for downtown is implemented in the day-to-day regulations.
2. Ensure that new development and redevelopment is consistent with the plan.
3. Begin implementing elements of the local vision for the downtown and riverfront area soon.
4. Simplify regulations in the downtown area and replace the interim Mixed Use Overlay.
5. Adopt public area requirements and design standards to ensure high quality and consistent design of public and private improvements in the downtown.

C. Explanation of how the proposed text amendment is consistent with other provisions of this Ordinance.

The proposed Zoning Ordinance amendments were written to provide permanent regulations to replace the interim Mixed Use Overlay in the downtown area. The amendments are part of an integrated package of amendments to the Milwaukie Comprehensive Plan, Zoning Ordinance and Municipal Code. By adopting the new downtown plan and zones as an integrated package, the City of Milwaukie will be able to move forward with implementing the local vision for the downtown and riverfront. Several related text amendments are proposed to make sure that the regulations are internally consistent and clear and objective.

- D. The approval criteria of Section 905.**
See below.

905 APPROVAL CRITERIA FOR ALL AMENDMENTS

For all proposals, the applicant shall have the burden of proof regarding the following criteria:

- A. The proposed amendment must conform to applicable Comprehensive Plan goals, policies and objectives and be consistent with provisions of City ordinances, Metro Urban Growth Functional Plan, and applicable regional policies.**

Please see the Comprehensive Plan Amendment findings that addressed this same criterion.

- B. The anticipated development must meet the intent of the proposed zone, taking into consideration the following factors: site location and character of the area, the predominant land use pattern and density of the area, the potential for mitigation measures adequately addressing development effects, any expected changes in the development pattern for the area, the need for uses allowed by the proposed zone amendment, and the lack of suitable alternative sites already appropriately zoned for the intended use or uses. The Planning Commission and City Council shall use its discretion to weight these factors in determining the intent of the proposed zone.**

This criterion is more applicable to a site-specific zone change proposal. The proposed ordinance text amendments do not involve a specific development proposal. However, the proposed Downtown Zones do reflect the location and character of specific areas of the downtown. The new zones do not represent a dramatic departure from existing zoning in terms of the types of uses permitted or the anticipated density of development. The downtown and riverfront area is recognized as the "Town Center" for Milwaukie, and the proposed zoning changes provide more specific details and standards to implement the Town Center concept.

Based on an initial traffic impact analysis completed by DKS Associates dated June 27, 2000, the Commission finds that proposed rezoning will result in increased traffic impacts over existing downtown development. The Commission is basing this finding on existing downtown development rather than the build-out of existing downtown zoning because the Commission believes that build-out under existing zoning is unlikely in the long-term due to regulatory and market barriers to developing properties at their full potential. Therefore, the

Commission recommends that the Council consider adopting the Downtown Plan/Rezoning amendments and direct staff in the near future to address:

- Increased traffic generation in downtown and neighborhoods east of downtown as the Downtown Plan approaches development build-out.
- Automobile traffic speeds now exceed the posted neighborhood speeds on east to west streets including but not limited to Washington, Monroe and Lake Road.
- Traffic forecasting analysis indicates that more trips will be drawn to eastern destinations (such as the Clackamas Town Center and 82nd corridor) as opposed to the current draw toward northern destinations, such as downtown Portland.

Some recommended approaches to mitigating these impacts for Council consideration are:

- a. Developing a Town Center Traffic Management Study. Based upon the additional vehicle traffic generated on adjacent streets by the revitalization of the downtown and riverfront areas, an area wide approach to neighborhood traffic management should be considered for the neighborhoods east of downtown. Strategies to calm traffic should be developed in coordination with the neighborhoods, public works and public safety staff. The boundary of this area of consideration should be ORE 224 to the north, the railroad tracks to the west and Lake Road to the south, and 34th to the east.
- b. The Planning Commission supports staff's work on a state grant funded project to improve the Zoning Ordinance requirements relating to traffic impact exactions for new development. The Planning Department was awarded a grant to improve the city's regulations in order to give staff, the Planning Commission and City staff more tools to require transportation improvements at time of development/redevelopment both in the downtown and city-wide, commensurate with new impacts. If approved by Council, this code revision will be implemented city-wide by summer 2001.
- c. In conjunction with the Budget Committee process in spring 2000, the Planning Commission supports staff's study of city-wide transportation funding to ensure that transportation projects, including traffic safety measures, can be funded and prioritized as Capital Improvement Projects, as needed, in the areas east of downtown.

At the June 27 hearing, the Commission received a letter from Milwaukie Lumber regarding the proposed rezoning of their property at 10998 SE 21st Avenue from C-C (Central Commercial) to DS (Downtown Residential). In the letter, Mr. Steve Morse highlights that Milwaukie Lumber has no current plans to relocate its commercial operation from this site. Additionally, he questions the marketability of the site for high density residential.

In response to these issues, staff has prepared the following responses and findings:

- a. The City of Milwaukie allows for “building materials supply” outlets only in the C-G (General Commercial) zone. Any alteration to the use is currently subject to the Nonconforming Uses section outlined in Section 800. This condition will not change for Milwaukie Lumber as the property is rezoned for Downtown Residential Uses. Given the fact that nonconforming use standards already apply to this site, retaining the existing C-C zone does not appear to give any added land use benefits to Milwaukie Lumber’s existing use.
- b. Likewise, staff has evaluated different land uses for this site and finds it best suited for Downtown Residential uses, as opposed to office or retail uses. First, future redevelopment of retail uses on this site will only serve to draw attention away from the retail focus of Main Street. Secondly, office developers are more often attracted to sites that are visible and provide easily recognizable street addresses. This site is tucked behind more visible sites along Main Street and McLoughlin, that staff has already proposed to rezone for Downtown Office uses. The City’s urban design consultant has concluded that this site is highly marketable for Downtown Residential uses. Noise from the rail line should be acknowledged as a potential impact to residents. However, trains currently run on this line only about four times per day. In addition, developers can use building construction methods to reduce noise impacts. This site is centrally located, offering easy pedestrian/bicycle access for residents to Main Street, the transit center, Milwaukie Junior High, Milwaukie High School and the riverfront. Retaining the C-C zone will undermine the downtown planning effort because the project is effectively eliminating the C-C zone from the project. Retaining one pocket of C-C zone in this location is inconsistent with zoning in the remainder of downtown. Therefore, staff is recommending to retain the proposed DR zone on the Milwaukie Lumber site and adjacent tax lots.

- C. The proposed amendment will meet or can be determined to reasonably meet applicable regional, State or federal regulations.**

Please see Comprehensive Plan Amendment findings addressing compliance with the Statewide Planning Goals and applicable regional plans.

- D. The proposed amendment demonstrates that existing or planned public facilities and services can accommodate anticipated development of the subject site without significantly restricting potential development within the affected service area.**

Existing and planned public facilities and services are adequate to accommodate the level and intensity of development planned under the Downtown Plan & Rezoning project. The overall level of development is not dramatically different from those expected under existing plans and zoning.



To: Planning Commission

From: Alice Rouyer, Planning Director *AR*

Subject: Planning Commission Goals Review

Date: July 18, 2000

Meeting Date: July 25, 2000

Action Requested

- a. Review the 1999/2000 Planning Commission Goals and develop new goals for 2000/2001.
- b. Review the 1999/2000 Planning Department Work Program and project status report.
- c. Develop a DRAFT 2000/2001 Planning Commission Work Program for consideration with City Council.

Background—Planning Commission Goals

On July 27, 1999, the Planning Commission refined the 1999/2000 goals in a work session with staff. The following are the goals and objectives outlined by the Planning Commission, with commentary following. At the July 25, 2000 meeting, staff will review the goals with the Commission with ask the Commission to adopt new goals for the 2000/2001 year:

- 1. **Consider amendments to the Comprehensive Plan, Zoning Ordinance, and Municipal Code that would make the codes more consistent and would better protect neighborhood livability in Milwaukie.**

Objective: Implement the Neighborhood Design Workshop Outcomes to integrate into the codes. Consider creation of a design review process.

Commission Comments:

A new Design Review process should be developed to ensure that new development improves neighborhood livability, connectivity, aesthetics and safety. The following should be considered when amending the zoning ordinance and developing a design review process:

- Maintain character of neighborhoods.

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Planning Commission Work Program

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- Retain mature vegetation for compatibility with existing neighborhoods.
- Implement regulations that provide balance between livability and economics.
- Give staff and the Commission expanded authority to impose conditions or modify plans to ensure high quality development.
- Create standards for scale, bulk, number of stories, mass, height, and compatibility in neighborhoods.
- Revisit flag lot regulations to strengthen them further.
- Subdivision regulations should include design guidelines/standards that address:
 - Lot shape
 - Environmental preservation
 - Open Space
 - Maximum square footage/height requirements for homes

2. Continue to serve as the review body for applications for development.

Commission Comments:

- A Design Review Committee should be developed to support the Commission, once the new zoning ordinance amendments are adopted. The Committee should be a citizen volunteer group composed of individuals who have an interest or background in design. The Committee would convene to offer recommendations/reports to the Planning Commission for current planning projects. The Committee could be composed of three Planning Commission members for now, then more citizen volunteers could be folded in once the Committee begins to function and more interested citizens are identified.
- Quality of plans and application materials submitted to staff and the Planning Commission needs to improve. Currently, imprecise or inaccurate information is submitted, making it difficult for the Commission to make a decision.
- Relating to Goal #1, the Commission needs stronger regulations in order to have tools to implement design goals and impose legally defensible conditions of approval.

3. Develop and recommend a Tree Ordinance and Urban Forestry Program

Commission Comments:

- Ordinance and program needs to meet Tree City USA standards
- City Street Tree Planting Program as part of City Capital Improvement Program (CIP).
- Promotions, education, and incentives for home owners.
- Program should promote the unique character of Milwaukie as a tree city.
- The adopted Ordinance should retain the integrity of 1996 Ordinance draft.

4. Implement changes to the Comprehensive Plan, Zoning Ordinance to bring Milwaukie into compliance with Metro 2040 Functional Plan:

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Planning Commission Work Program

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- Title 1 (Requirements for Housing and Employment Accommodation)
- Title 3 (Natural Resources)
- Title 6 (Regional Accessibility)

Commission Comments:

- Economic conditions may not be ripe now for Title 1 or Title 6 changes.
- Neighborhood input is important.
- Staff should consider delay action on Title 1 and Title 6 in order to allow resources to be concentrated on other work projects.

5. Participate in the Downtown/Riverfront Planning effort.Commission Comments:

- Planning Commission wants to receive Riverfront Board minutes to be kept "in the loop" on this project, in order to be equipped when the project will require Planning Commission actions (i.e., Zoning Ordinance, Comprehensive Plan amendments).
- Support all efforts to complete the project this time.
- Do not revisit neighborhood issues around the downtown.

6. Ongoing commitment to community outreach to inform citizen about planning services and regulations.Commission Comments:

- More outreach to neighborhood groups
- Information packets about city regulations for home owners, builders, real estate professionals.

7. Reevaluate the zoning and permitted land uses for industrial properties on the northern edge of the city.Commission Comments:

- As these properties turn over in tenancy, it may be a good time to evaluate if the market would better support different land uses than those already allowed by zoning.

Background--Planning Division Work Program

In response to these goals and other ongoing projects with the State and Metro, Staff developed a long-range planning project work program for the 1999/2000 fiscal year. Staff also included only a list at this time, but will be prepared to distribute a revised list with a status report at the July 27 meeting.

1. **Urban Forestry: Program Development and Adoption of Regulations.**
2. **New Annexation Ordinance: Revise the Milwaukie Zoning Ordinance to be compliant with Metro regulations and Oregon Revised Statutes.**
3. **Downtown/Riverfront Redevelopment Implementation:**

- a. **Adopt a downtown/riverfront land use framework plan, with Comprehensive Plan amendments**
 - b. **Adopt zoning map and zoning ordinance amendments, design standards and a design review process to support the land use framework plan.**
4. **Title 3: Bring the City's Natural Resource Overlay regulations into compliance with Title 3 of the Metro Functional Plan—Flood Control, Erosion Control, and Water Quality regulations.**
5. **Functional Plan Phase II: Second round of revisions to the bring the Milwaukie Zoning and Subdivision Ordinances into compliance with the Metro Functional Plan. This project is referred to as "Title 1 and Title 6" because these are the portions of the Metro Functional Plan with outstanding sections requiring compliance.**
6. **Zoning Ordinance Revisions: Revise the Milwaukie Zoning Ordinance to respond to concerns about neighborhood livability, Planning Commission Goals, and Neighborhood Visions.**
7. **Transportation Impact Code Revisions: State Transportation & Growth Management (TGM) grant to revise Milwaukie's Zoning Ordinance to give staff and Planning Commission more tools to require Traffic Impact Analysis Reports and require that transportation improvements are built concurrent with new impacts created by development.**
8. **McLoughlin Downtown Corridor Plan: State TGM grant to develop a McLoughlin corridor preliminary engineering plan through downtown. Reconstruction of this segment of roadway is slated for 2003.**
9. **Annexation Phase II: Develop an annexation strategy for the unsewered areas surrounding Milwaukie.**
10. **Permit/Development Review Automation: Automate the City's development review/building permit process to increase efficiency, tracking capabilities, and improve customer service.**