

CITY OF MILWAUKIE  
PLANNING COMMISSION MINUTES  
TUESDAY, MAY 23, 2000

COMMISSIONERS PRESENT

Donald Hammang, Chair  
Judith Borden  
Barbara Cartmill  
Tracy Cook  
Mike Miller

STAFF PRESENT

Alice Rouyer,  
Planning Director  
John Gessner,  
Associate Planner  
Shirley Richardson,  
Hearings Reporter

COMMISSIONERS ABSENT

Doug Ouderkirk  
Howard Steward

1.0 CALL TO ORDER

The meeting was called to order at 6:32 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 PLANNING COMMISSION MINUTES -- April 11 and April 25, 2000

**Tracy Cook** moved to approve the Planning Commission minutes of April 11, 2000, and April 25, 2000, as presented. **Judith Borden** seconded. MOTION CARRIED 5-0.

Ayes: Hammang, Borden, Cartmill, Cook, Miller; Nays: None.

4.0 INFORMATION ITEMS -- City Council Minutes

- 4.1 4/15/00-4/17/00 Vacancy Interviews/Executive Session
- 4.2 4/17/00 City Council Worksession Minutes
- 4.3 4/18/00 City Council Meeting Minutes

5.0 PUBLIC COMMENT -- None.

6.0 PUBLIC HEARINGS -- None.

7.0 WORKSESSION

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7.1 Review and Discussion of Title 1, Title 3, and Title 6 -- Metro Functional Plan Compliance

**John Gessner** reviewed with the Commission his memo dated May 23, 2000, regarding the update on Function Plan Compliance. There are two remaining portions for Title 1; mapping the design types and compliance with the accommodation for employment and housing numbers. The Metro 2040 Plan shows two areas originally mapped for main-street development. A number of assumptions that were used then addressed the availability of high-speed mass transit. Light Rail is no longer planned so the initial assumptions are no longer valid.

Based on staff's analysis, land use at 32<sup>nd</sup> Avenue and King Road is mostly residential. These are competent well-maintained, vital buildings serving a housing need. The lower portion of 32<sup>nd</sup> Avenue is dominated by the hospital and the upper portion is residential. Staff is recommending that no official planning action be taken with regard to 32<sup>nd</sup> Avenue.

**Chair Hammang** asked if this area would have to be taken off the map before the Comprehensive Plan is reviewed? **Alice Rouyer** stated that yes this will have to come off the map, but it will be addressed at the time of Comp Plan review.

The Metro 2040 map calls for main-street type of development on the eastern portion of King Road. Staff is recommending to the Commission that the existing land uses are viable. There is no suggestion in the economic conditions that this land use will change. The corridor extends further east into the County. The County, likewise, has felt that there is no reasonable main-street type potential in this area and they will not be planning or zoning main-street development in this area.

**Mike Miller** asked if this area extended down to 42<sup>nd</sup> Avenue? **John Gessner** stated that it goes to about 53<sup>rd</sup>.

Staff is recommending that consideration for main-street type mapping be given to the King Plaza area. This area encompasses a number of land uses that are transitioning over to commercial uses. This area will be targeted for adoption of Comprehensive Plan policies that would guide future land use decision making. When conditions are appropriate, the City will consider rezoning or land use changes in this area consistent with a main-street model. Transportation improvements with the idea of supporting eventual expansion will also be recommended.

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By taking the planning-for-planning approach, Title I requirements are accommodated and the City residents starting thinking about this area as a neighborhood center. This area serves Ardenwald, Lewellyn, Hector Campbell, and Linwood neighborhoods.

**Chair Hammang** stated that he would like to see the stable single-family character remain past 44<sup>th</sup> Avenue. This would be an improvement to the community. **John Gessner** stated that this could be specified as a guiding policy for future land use decisions, to maintain and support the viability of adjacent single-family residences.

Without committing to a boundary, this is a general area where conditions may change that may warrant some areas to be removed or added. This is subject to the City's review at the time of zoning changes. The goal is to maintain a stock of single-family homes.

**Jean Michel** from the Lewelling NDA felt that this is unique plan. Development is coming and the City might as well do a good job. This area has a lot of potential. There is room for more businesses. Some types of businesses would attract more business to this area. This area has not had any improvement; it has been dormant for a long time.

This issue will come back to the Planning Commission on July 11<sup>th</sup> for recommendation to City Council. Staff will draft Comprehensive Plan policies that can be reviewed and commented on at that Planning Commission meeting. Staff will make a presentation on Title I at the August 15<sup>th</sup> Council meeting.

Title VI. **John Gessner** stated that there are three sections of Title VI being addressed: roadway length, cul-de-sac length, and closed-in street system. Regulations have been written to address Title VI requirements. Title VI amendments were tabled at the request of City Council because there was concern that the road length and cul-de-sac length regulations remain flexible. These concerns were incorporated into the new regulations drafted by staff by an expansion of the exceptions to the requirements to provide these distances that include environmental constraints, roads in existing developments, and variance procedures. The regulations as written for Milwaukie will meet the Metro requirements.

**Mike Miller** asked if flag lots are being considered cul-de-sacs on Page 10 of the staff report? **John Gessner** stated that there are two separate standards for

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division of property; subdivisions and flag lots. This is being mentioned in both parts of the code. New cul-de-sac regulations will make it difficult to develop property where there are no through streets. Currently no particular landowner will feel the impact of the block length regulation. There are not that many large lots left in Milwaukie.

**Mike Miller** voiced concern about the maximum houses on a cul-de-sac being limited to five. It is his believe that cul-de-sacs are one of the safest places to live if you have kids. He has a problem with the cul-de-sacs becoming so small. **John Gessner** stated that Metro is hoping that these restrictions will lead to development of through streets. If there is a property that is ringed with existing development, it is an exception. A cul-de-sac can be developed longer than 200 feet because the exception has been met.

**Judith Borden** asked if the block lengths in Milwaukie are generally 800-feet? She also asked what was the length of blocks in Portland? **John Gessner** stated that the blocks in downtown Portland are 200 feet.

Title III. **John Gessner** presented the Title III map. Title III has three components: water quality, flood management, and erosion control. A draft is being prepared which deals with regulations for flood management and erosion control. Erosion control regulations strengthen current regulations, they do not affect those who are not already affected, and they do not become more onerous.

The draft flood management regulations have several key issues:

- (1) Creation of a new "flood management area."
- (2) "Design flood height" adds the area flooded along the Willamette River and its backwaters. The base flood elevation for FEMA purposes is 33-feet. The design flood height along the Willamette River is 34.5-feet.
- (3) New "balanced cut and fill" provisions require no net increase of fill within floodplains for construction or placement of fill over 10 cubic yards.
- (4) Off-site provisions for meeting balanced cut and fill requirements.
- (5) Prohibition of uncontained hazardous materials.
- (6) How will the new flood regulations affect Planning Commission review of natural resource regulations?

**John Gessner** then reviewed with the Commission maps on Title III issues and natural resources review. One of the existing purpose statements under flood regulations is to make people accountable for their actions in developing within floodplains. Handouts were passed to the Commissioners that are part of the

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factual documentation that will be submitted to Council at the June 5<sup>th</sup> worksession. Amendments to the Municipal Code go straight to City Council.

**Alice Rouyer** explained that there are two areas that must come into compliance with regard to Title III. The Title III Water Quality requirements establish buffers 15-feet to 150-feet; primarily 50-feet along wetlands and waterways. Milwaukie has been behind in coming into compliance with this part of the regulations. The other part of Title III is Fish and Wildlife in riparian areas. This is in response to the Endangered Species Act. Discussions have covered buffers 200-feet wide and it would impact a number of properties in the area. The regulations are still in the planning stages. Metro Council will make the ultimate decision.

8.0 DISCUSSION ITEMS -- None.

9.0 OLD BUSINESS -- None

10.0 OTHER BUSINESS/UPDATES

10.1 Matters from the Planning Director

**Alice Rouyer** stated that she will be taking a vacation and will not be at the next meeting. John Gessner, Doug Strickler, and Gary Firestone will be here to help with the meeting.

**John Gessner** reported that Jo's Saloon has requested an extension of their Conditional Use. The Applicant has not filed an application for a building permit and has not started construction. Section 1000 has a time period in which you must execute a Conditional Use approval.

Staff has determined that since none of the conditions of the area have changed, and there are no other circumstances that have changed, they recommend extension of the expiration date by six months to September 14, 2000.

It was the consensus of the Commission to extend the time period for Jo's Saloon.

**Alice Rouyer** reported that the building to be remodeled on Oak Street (for Comfort Care Dental) had been removed. The Application was a variance and conditional use for a dental office in a residential zone. The Commission approved the variance on the basis that it would be a remodel of an existing structure.

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Staff has reviewed the Code and found an allowance to make an adjustment on this issue so there is no reason to take any enforcement action.


Discussion followed on solutions to applicants who state they are remodeling and the existing structure is demolished. It is important that what is being represented is upheld in an application. Staff needs to be more clear in the future that when the applicant is recommending remodel, that there are construction limits. There is a definition for remodel in the Building Code and these requirements must be enforced.

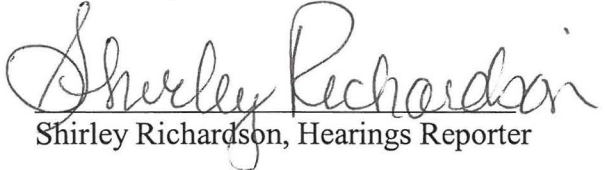
10.2 Election of Officers **Chair Hammang** announced that he would be resigning from the position of Planning Commissioner on July 1, 2000. He has served two years on Planning Commission. Election of officers will be placed on the agenda for the next meeting on June 13<sup>th</sup>, 2000.

11.0 NEXT MEETING -- June 13, 2000

11.1 CSO-99-05/HR-99-01/TPR-99-05 -- NCSD – Milwaukie High School

**Tracy Cook** moved to adjourn the meeting of May 23, 2000. **Mike Miller** seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 8:05 p.m.

  
Donald Hammang, Chair

  
Shirley Richardson, Hearings Reporter

**AGENDA**  
**MILWAUKIE PLANNING COMMISSION**  
**Milwaukie City Hall**  
**10722 SE Main Street**  
**Tuesday, May 23, 2000**  
**6:30 pm**

		<b>ACTION REQUIRED</b>
<b>1.0</b>	<b>Call to Order</b>	
<b>2.0</b>	<b>Procedural Questions</b>	
<b>3.0</b>	<b>Planning Commission Minutes</b>	<b>Motion Needed</b>
3.1	April 11, 2000	
3.2	April 25, 2000	
<b>4.0</b>	<b>Information Items</b>	<b>Information Only</b>
4.1	4/15/00-4/17/00 Vacancy Interviews/Executive Session – to PC only	
4.2	4/17/00 City Council Worksession Minutes (upon approval by Council) – to PC only	
4.3	4/18/00 City Council Minutes (upon approval by Council) – to PC only City	
<b>5.0</b>	<b>Public Comment</b> This is an opportunity for the public to comment on any item not on the agenda	
<b>6.0</b>	<b>Public Hearings – None</b>	
<b>7.0</b>	<b>Worksession</b>	
7.1	Review and discussion of Title 1, Title 3, and Title 6 – Metro Functional Plan Compliance	
<b>8.0</b>	<b>Discussion Items</b> This is an opportunity for comment or discussion by the Planning Commission for items not on the agenda.	<b>Review and Decision</b>
<b>9.0</b>	<b>Old Business</b>	
<b>10.0</b>	<b>Other Business/Updates</b>	<b>Information Only Review and Comment</b>
10.1	Matters from the Planning Director	
10.1.a	Extension of CU-99-02, Anthony Harwood, dba – Jo’s Saloon	
10.1.b	Comfort Dental variance review – verbal only	
10.1.c	Election of Officers?	
10.2	Historic Resources Commission Report	
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<b>11.0</b>	<b>Next Meeting: June 13, 2000</b>	
11.1	CSO-99-05/TPR-99-05 – NCDS – Milwaukie High School	
11.2	<b>The above items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.</b>	
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**The Milwaukie Planning Commission welcomes your interest in these agenda items. Feel free to come and go as you please.**

## 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:

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

#### Community Development Department Staff:

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



**To:** Planning Commission *sch*

**Through:** Alice Rouyer, Planning Director

**From:** John Gessner, Associate Planner *JG*

**Date:** May 23, 2000

**Re:** Matter from Director  
Extension of CU-99-02, Anthony Harwood d.b.a. Jo's Saloon  
4400 SE International Way

**ACTION REQUESTED**

**Approve extension of the time period in which to commence construction authorized under Conditional Use application CU-99-02 to September 14, 2000.**

**BACKGROUND**

On September 14, 1999 the Planning Commission approved the conditional use application for conversion of the former Clackamas Federal Credit Union branch office located at 4400 SE International Way to a restaurant and bar. Milwaukie Zoning Ordinance Section 1013 specifies that "substantial construction" be started within 6 months of any conditional use approval. The regulations allow the Planning Commission to extend this period up to one year. The effect of the time limit on approvals ensures that conditions examined by the Planning Commission in its decision do not appreciably change, thereby potentially affecting any basis or consideration of the original approval. The six-month period for this application expired on March 14, 2000.

The applicant has indicated that it has been their ongoing intention to complete the project, but that logistical delays have slowed progress towards construction. Staff is meeting with the project architect on May 24, 2000. See attached April 17, 2000 letter of Anthony Harwood.

Staff believes there are no site conditions, or circumstances within the surrounding area that differ appreciably from when the application was first approved. It is recommended that the extension be granted to September 14, 2000, which is six months from the March 14, 2000, expiration date of the original conditional use approval.

April 17, 2000

RE: CU-99-02 TPR-99-02

City of Milwaukie Planning Commission  
Community Development Department  
6101 SE Johnson Creek Blvd.  
Milwaukie, OR 97206

To Whom It May Concern:

SUBJECT: CONDITIONAL USE APPROVAL GRANTED SEPTEMBER 16, 1999  
FOR JO'S PLACE SALOON, INC.

The application for the conditional use variance was originally submitted June 5, 1999. However, it was deemed incomplete and therefore ineligible for the next meeting of commissioners slated for August 10, 1999. Unfortunately, the architects hired for the design process, Barry Eastwood and Assoc., had scheduled this project for late August. As a result of the postponement, Barry Eastwood and Assoc. were unable to reschedule this project immediately following the approval granted September 16, 1999 because of prior commitments. We have been assured that the project is progressing and we should have all pertinent architectural specifications and floor plans as required by the Commission for consideration within the next two weeks.

Sincerely,

*Anthony P. Harwood*  
Anthony P. Harwood  
Jo's Place Saloon, Inc.

RECEIVED  
APR 17 2000  
CITY OF MILWAUKIE  
PLANNING DEPARTMENT



**To:** Planning Commission

**Through:** Alice Rouyer, Planning Director *AR*

**From:** John Gessner, Associate Planner *JG*

**Date:** May 23, 2000

**Re:** Update on Functional Plan Compliance

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## I. ACTIONS REQUESTED

### **Title 1-“Main Street” Design-Type Planning**

Review and comment on “main street” policy issues including designation of a new planning district for the King Plaza area of Harrison, 42<sup>nd</sup>, and King Road.

### **Title 6- Street Design Standards**

Review and comment on roadway design standards including new limits on block and cul-de-sac length lengths, and number of units on “closed end street systems”.

### **Title 3- Floodplain Management and Erosion Control**

Information only; project update

## II. KEY POLICY QUESTIONS AND ISSUES

### **Title 1**

- a. Are the existing Metro 2040 mapped areas appropriate for “main street “ development? Existing mapped areas are along 32<sup>nd</sup> Avenue between Harrison and Filbert, and along King Road between 55<sup>th</sup> and Linwood Avenue.
- b. Is another area more appropriate for future consideration of potential “main street” development? Another area to consider is King Plaza including King Road, 42<sup>nd</sup> Avenue, and Harrison Street.

### **Title 6**

Staff has prepared draft regulations that meet Metro requirements for maximum block and cul-de-sac length, and limits on the maximum number of units that can developed on a “closed end street system”. Are the proposed regulations appropriate for Milwaukie?

### Title 3

The Milwaukie Title 3 Project Management Team has prepared draft regulations that implement floodplain management and erosion control provisions of Title 3; water quality provisions such as required setbacks will be addressed in coming months. Key policy questions for this part of the project will center around balancing new restrictions on land development with private property rights for lots located in flood plains.

### III BACKGROUND

All cities and counties within the Metro region are required to amend their comprehensive plans and implementing ordinances as needed to comply with provisions of the Metro Urban Growth Management Functional Plan. In April of 1999, Milwaukie completed code changes needed for compliance with Titles 2, 4, and 8 and portions of Titles 1 and 6. Staff is now working on compliance with outstanding provisions of Titles 1, 3, and 6.

### IV. Title 1-“Main Street” Design-Type Planning

#### ***Summary Conclusion***

***The mapped areas on eastern King Road and 32<sup>nd</sup> Avenue are inappropriate for “Main Street” development. The King Plaza area represents a good opportunity to meet Title 1 objectives and sustain a vital neighborhood scale commercial and residential area.***

***If the Commission directs staff to proceed on the suggested approach, policy options will be more fully developed and brought back to the Planning Commission for further review.***

The Functional Plan includes policies that seek to increase the efficiency of land use and transportation facilities within the Urban Growth Boundary. Title 1 requires consideration of housing and employment capacity as well as identification of areas for special land use designations such as “town centers” and “main streets”, which are known as “Metro 2040 design types”.

Milwaukie is in substantial compliance with Title 1 except for planning the main street areas that are shown on the Metro 2040 regional map and employment numbers for which an exception will be requested. Milwaukie’s two Metro 2040 main street area designations are along 32<sup>nd</sup> Avenue between Harrison and Filbert and along King Road, between Linwood and 55<sup>th</sup> Avenue.

#### *What is a “Main Street”?*

According to Metro, the main street functions as a neighborhood center by providing a variety of neighborhood scale commercial opportunities such as retail, restaurants, personal and professional services. It also allows for somewhat higher residential densities. The main street “works” because of good transportation linkages, including roads, transit, pedestrian, and bicycle links, and because nearby residences and others support its businesses.

Analysis of Mapped Main Streets

Staff has completed preliminary analysis of the two main street areas designated on the Metro 2040 map and believe that existing conditions do not support the level of change needed to implement the main street model of development. In addition, since existing residential uses in the mapped main street areas appear to be very stable and the land supply is largely built-out, the time in the future when these areas might be appropriately planned for main street development cannot be reasonably estimated.

Staff is recommending, however, that the City consider designating the King Plaza shopping area for future main street planning.

Method of Analysis

The 32<sup>nd</sup> Avenue, King & Linwood, and King Plaza alternatives have been analyzed based on several criteria and assumptions that are specified in Exhibit 1-Main Street Comparison Matrix. The matrix allows a side-by-side comparison of alternatives based on criteria including compatibility with existing land uses, feasibility of near term implementation, and "neighborhood fit", among others.

Based on field inspections, comparison of alternatives, and consideration of neighborhood, economic, and other issues, staff believes that neither 32<sup>nd</sup> Avenue nor eastern King Road areas are appropriate for new policies and zoning changes that would be required to implement the main street development model. This conclusion is based primarily on the following conclusions.

1. Existing residential development along 32<sup>nd</sup> Avenue and King Road and Linwood area is stable, sound, and unlikely to change within the foreseeable future.
2. Full implementation of the main street development model requires radical conversion of existing land uses, of which, housing would be most affected.

The King Plaza Neighborhood Center

The King Plaza area, which is defined by the shopping center, King Road, 42<sup>nd</sup> Avenue, and Harrison Street, (and potentially short sections of nearby side streets) is a good candidate for main street type of development. The area already has many characteristics of the Metro model, provides a diverse range of commercial activities, and has a strong relationship with the adjacent Ardenwald, Lewelling, and Hector Campbell neighborhoods. While further analysis is required, staff believes that new Comprehensive Plan policies and zoning regulations can be tailored to take advantage of opportunities within the area, protect its surrounding neighborhoods, support downtown redevelopment, and meet Title 1 requirements.

In order to facilitate downtown redevelopment by limiting the creation of new commercial real estate market demand outside the downtown area, staff recommends the City *not* adopt new development oriented policies at this time. Rather, it is recommended that the King Plaza be identified as a future main street and capital improvement planning area. In order to do this, the following is suggested.

1. Adopt Comprehensive Plan policies to that ensure future capital projects such as road and sidewalk improvements are consistent with long-term goals for

enhancing the King Road Plaza area, accessibility, and its relationship with the surrounding neighborhoods. These polices should include specification of and sidewalk and road improvements that benefit the center and nearby neighborhoods, thereby improving traffic and parking conditions, and bicycle and pedestrian access.

2. Adopt Comprehensive Plan policies that preserve and enhance the King Road Plaza area as a neighborhood center. These policies will identify future conditions that are needed to trigger consideration of land use and development standards. These conditions may include consideration of market demand, downtown redevelopment, trends in area land use change, and adequacy of public facilities.

Recommended elements of a main street planning policy include the following.

- a. Determination of plan area boundaries.
- b. Specification of timing considerations for land use and other actions.
- c. Land use considerations to be included in the polices.
  1. density
  2. mix of uses
  3. design guidelines
  4. parking
- d. Provisions for protection of surrounding neighborhoods.

**V. Title 6-Roadway Design Standards: Cul-de-sacs, Block Lengths, "Closed End Street Systems"**

***Summary: Title 6 provisions require adoption of new roadway standards that are more restrictive than existing standards. These standards will apply only to new development and can be flexibly implemented to accommodate existing land development and ownership patterns.***

***If the Commission directs staff to proceed on the suggested approach, the proposed code revisions will be forwarded to the City Council at a future work session.***

**Background**

Title 6 specifies maximum street-block and cul-de-sac lengths, which are significantly shorter than now permitted. In addition, it specifies that no more than 25 residential units may be constructed on a "closed end street system". The Planning Commission and City Council reviewed proposed amendments during last year's Functional Plan compliance project, however the City was granted an extension on these provisions and action was not taken.

A description of required changes is shown below.

Standard	Existing	Required
Maximum block length	800 feet	530 feet
Maximum cul-de-sac length	400 feet	200 feet
Maximum number of units on a closed end street system	none	25

The new code revisions for maximum block and cul-de-sac length have been slightly modified from the proposed code that was presented to the Planning Commission and City Council last year. Code revisions for new "maximum number of units on a closed end street system" have not been previously reviewed, but are now available. See proposed code changes attached in *Exhibit 2-Title 6 Code Revisions*.

Issues

1. Adoption of proposed changes may make it more difficult to create cul-de-sacs but may also improve "connectivity" within the roadway network.
  2. Adoption of new standards will not prevent or inhibit development of land when standards cannot be met due to barriers including existing development and environmental constraints.
  3. Since very few large lots in the City are available, the proposed regulations are expected to have a minimal affect on existing city properties.
- When reviewed last year, there was some concern within the City Council, that the proposed wording might be overly restrictive. Revisions that clarify effect of the regulations have been added.

VI. TITLE 3- WATER QUALITY, FLOOD MANAGEMENT, AND FISH AND WILDLIFE CONSERVATION

**Summary:** *The Title 3 Project Management Team is in the process of drafting amendments to the Milwaukie Municipal Code that implement floodplain management and erosion control provisions of Title 3.*

*The proposed revisions to existing erosion control strengthen the City's ability to regulate and manage erosion and sedimentation. The erosion control regulations are consistent with the North Clackamas Surface Water Management Watershed Commission's "baseline regulations".*

*The draft flood management regulations are intended to preserve flood storage within flood plains, but will limit fill activities that are not now directly regulated.*

Background

Last September staff sought Council direction on Title 3 regulations, which includes water quality provisions (required setbacks), floodplain management (balanced cut and fill), and erosion control. The Title 3 Project Management Team, has been working on draft regulations that implement floodplain management and erosion control provisions of Title 3. Work on water quality provisions is getting under way; work session and hearing dates have not yet been scheduled. The team is composed of staff from Engineering, Storm, and Planning Departments and is being assisted by a consultant.

Staff expects to bring the proposed drafts for floodplain management and erosion control to the City Council's June 5, 2000 work session, with a public hearing tentatively scheduled for October. Public outreach plans are now being developed for required notices and neighborhood meetings to be held this summer and early fall.

The draft flood management regulations have the following new features.

- a. Creation of a new "flood management area" that includes all areas already subject to the Cities flood regulations, and adds areas subject to flooding during the flood of February 1996.
- b. Development activities within the flood management area are subject to minimum first floor elevation requirements and balanced cut and fill requirements. The City already regulates first floor elevations in flood hazard areas.
- c. New "balanced cut & fill" provisions require there be no net increase of fill within floodplains for construction or placement of fill over 10 cubic yards. Placement of fill in excess of 10 yards requires the removal of equal amounts to ensure that the storage capacity of the flood plain is not reduced.
- d. The draft includes provisions for meeting balanced cut and fill requirement offsite due to practical difficulties on a site.
- e. The creation of the "flood management area" will affect approximately 5 acres of land that are not now regulated under the City's flood program. Much of this new area is made up of minor increases on many lots that are already within existing flood plains.

How will cut & fill regulations affect Natural Resource Reviews?

The 100 year floodplain is a natural resource boundary by definition within the Natural Resource Overlay regulations. Development activity within natural resource boundaries is discouraged by development standards. Natural resource reviews may become somewhat more complicated for certain types of development including commercial development, where the need to excavate within the floodplain (to balance placement of fill) conflicts with resource protection requirements. Staff is investigating this issue.

Review Process for Title 3 Amendments

Flood plain and erosion control provisions of Title 3 will be implemented by revising flood plain and erosion control regulations already found in the Municipal Code. Accordingly, there will be no public hearings before the Planning Commission on these amendments.

### **Exhibit 1- Main Street Alternative Analysis, Methodology**

The method used to evaluate main street alternatives involves assigning values from 1 to 5 for each of eleven criteria based on staff's assessment of how well the alternative is expected to meet the criteria. The value "1" indicates there is a very poor match while "5" indicates a strong match. In addition values were assigned to each criteria to allow varying their relative value in the over all analysis. This way, issues that are expected to be more important than others including, minimizing neighborhood impacts, would have more influence on the final rating than say, availability existing transit service. The alternative with the highest score represents the preferred option. The method relies heavily on assumptions and judgments, that if varied affects how the alternatives rate against each other. Staff has made a "best guess" in specifying the criteria and assumptions used in the process. They are included in this memo to facilitate examination and discussion of the alternative analysis.

<b>criteria</b>	<b>explanation and assumptions</b>
1. Minimize land use changes that are needed to implement main street Plan	Change has practical and policy implications; public acceptance of significant change is generally resisted.
2. Pattern of lot configuration and development support main street design form.	Land division, zoning history, and development patterns significantly affect the ability to re-develop land in a manner which supports the main street physical form.
3. Transit, transportation, and accessibility support main street design.	main street development relies on access to proximate demand. Proximate demand is influenced by location of supportive residential density.
4. Minimize economic impacts on future downtown development.	The first priority of land use redevelopment policies is downtown and riverfront redevelopment. Competition between downtown and other redevelopment areas within the City should be minimized.
5. The main street location should serve multiple neighborhoods.	Because main street planning may be intrusive within neighborhoods, any planning should maximize benefits to multiple neighborhoods, so as to result in greater potential benefit than impact.
6. Minimize potential adverse impacts on abutting neighborhood	main street development may result in adverse impacts to surrounding areas. These impacts must be minimized in order to promote residential development, protect existing owners, and ensure economic stability around main street centers.
7. The main street planning project will have neighborhood support.	A critical element of effective land use policy is neighborhood acceptance.
8. Existing transportation facilities are adequate to serve transition to future main street design.	main street development requires adequate multi-modal transportation facilities. The opportunities for constructing major transportation improvements as needed to support or encourage main street development are highly constrained due to lack of funding. New main streets must be located in areas that will support transportation needs over time as land use changes to higher density uses.

**Main Street Alternative Analysis, continued**

<b>criteria</b>	<b>explanation and assumptions</b>
9. Existing transit service supports transition to main street design	Transit service plays a key role in the evolution of land use. Existing transit service is a pre-condition to future development opportunities that may lead to realization of the main street model.
10. Existing public investments are consistent with and facilitate transition to main street development.	Where possible, redevelopment should build upon existing development patterns to maximize the use of existing facilities and reduce the need for public spending, thereby resulting in a quicker realization of the plan's goals.
11. Existing private investments in land development are consistent with and facilitate transition to future main street development.	Where possible, redevelopment should build upon existing land uses. Redevelopment goals will be more quickly achieved by reducing the gap between the value of existing development and cost of land use conversion.

*See next page for the alternative analysis.*

<b>Main Street Alternative Analysis, Criteria</b>	<b>Relative Value of Criteria</b>	<b>32nd Ave Raw Score</b>	<b>King Rd Raw Score</b>	<b>King Plaza Raw Score</b>	<b>32nd Ave weighted score</b>	<b>King Rd weighted Score</b>	<b>King Plaza weighted Score</b>
1. Minimize land use changes that are needed to implement main street Plan	1.2	1	1	4	1.2	1.2	4.8
2. Pattern of lot configuration and development support main street design form.	0.8	3	3	5	2.4	2.4	4
3. Transit, transportation, and accessibility support main street design.	1	4	4	5	4	4	5
4. Minimize economic impacts on future downtown development	0.8	4	2	3	3.2	1.6	2.4
5. Location serves multiple neighborhoods	1	3	4	5	3	4	5
6. Minimize potential adverse impacts on abutting neighborhoods	1.2	1	2	4	1.2	2.4	4.8
7. Project will have neighborhood support	1.2	2	3	3	2.4	3.6	3.6
8. Existing transportation facilities are adequate to serve transition to main street	0.8	4	5	5	3.2	4	4
9. Existing transit service supports transition to main street design	0.6	5	4	5	3	2.4	3
10. Existing public investments are consistent with main street planning	0.6	3	3	4	1.8	1.8	2.4
11. Existing private investments in land development are consistent with main street plan	1.2	1	2	5	1.2	2.4	6
				<b>scores</b>	<b>26.6</b>	<b>29.8</b>	<b>45</b>

<b>Value of Criteria Weights</b>	<b>score</b>
very important	1.2
moderately important	1
somewhat important	0.8
slightly important	0.6

<b>Degree of match or consistency</b>	<b>Score</b>
very close match	5
moderate match	4
somewhat matches	3
slight match	2
no match at all	1

## SUBDIVISION & ZONING ORDINANCE AMENDMENTS

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### ***SUBDIVISION ORDINANCE AMENDMENTS***

#### **Subdivision Ordinance 17.28.030 Blocks**

17.28.030.b. Size. No block may be more than ~~eight hundred feet~~ 530 feet in length between intersecting street lines unless it is adjacent to an arterial street, ~~or unless the topography or the location of adjoining streets justifies an exception~~ except where topography, barriers including railroads, freeways, or existing development, or environmental constraints including but not limited to wetlands or water features warrant exception. The average perimeter of blocks formed by streets shall not exceed 1,600 feet. For the purpose of this restriction, "existing development" means built improvements including streets, associated utilities, and permanent residential, commercial, or institutional structures.

Modification of these standards shall only be permitted under variance provisions of Zoning Ordinance Section 700.

#### **Amend 17.28.020 I. Cul-de-sacs**

17.28.020.I. Cul-de-sacs. Cul-de-sacs shall only be provided when no opportunity exists for creating a through street connection. The lack of present ownership or control over property abutting property to be subdivided shall not be grounds for construction of a cul-de-sac. A street ending in a cul-de-sac shall have a maximum length of ~~400~~ 200 feet, measured from the cross street right-of-way to the furthest point of right-of-way containing ~~the end of the cul-de-sac~~ except where topography, barriers including railroads, freeways, or existing development or environmental constraints such as but not limited to wetlands or water features, prohibit through street extension. Modification of this standard shall only be permitted under the variance provisions of Zoning Ordinance Section 700. For the purpose of this restriction, "existing development" shall mean built improvements including streets, associated utilities, and permanent residential, commercial, or institutional structures.

A street terminus other than a cul-de-sac is permitted subject to provision of right-of-way dedication or other reservation for future street extension, and further subject to construction of a vehicle turn-round designed to City standards at the time of road construction.

#### **Amend 17.32.040 Flag Lots**

##### New subsection to 17.32.040.A Future Development

Cul-de-sacs. Cul-de-sacs shall only be provided when no opportunity exists for creating a through street connection. The lack of present ownership or control over property abutting property to be subdivided shall not be grounds for construction of a cul-de-sac. A street ending in a cul-de-sac shall have a maximum length of ~~400~~ 200 feet, measured from the cross street right-of-way to the furthest point of right-of-way containing ~~the end of the cul-de-sac~~ except where topography, barriers including railroads, freeways, or existing development or

environmental constraints such as but not limited to wetlands or water features, prohibit through street extension. Modification of this standard shall only be permitted under the variance provisions of Zoning Ordinance Section 700. For the purpose of this restriction, "existing development" shall mean built improvements including streets, associated utilities, and permanent residential, commercial, or institutional structures.

A street terminus other than a cul-de-sac is permitted subject to provision of right-of-way dedication or other reservation for future street extension, and further subject to construction of a vehicle turn-round designed to City standards at the time of road construction.

**New Definition: 17.08.065**

**Closed end street system:** Shall mean any configuration of streets, including cul-de-sacs, connected to a single point of access on the roadway network. "Closed end street system" shall not include street systems, where more than one street connection to the roadway network is made by roadway construction, or is planned by dedication of right-of-way, or where other permanent reservations are made for future street extension to the roadway network.

**New Section 17.28.035, Closed End Street Systems Prohibited**

Effective (effective date of regs), new subdivision located on a closed end street system, shall not result in more than 25 single-family lots, or the resulting number of lots upon which 25 dwelling units may be developed under the regulations of the zoning district in which the subdivision is located. This provision shall not apply in cases where topography, barriers including railroads, freeways or existing development, or environmental constraints including but not limited to wetlands or water features, prevent extension of a through street. For the purpose of this restriction, "existing development" shall mean built improvements including streets, associated utilities, and permanent residential, commercial, or institutional structures.

***ZONING ORDINANCE AMENDMENTS***

**Amend Section 400 Supplementary Regulations**

**New Section 423-Closed End Street Systems Prohibited**

Effective (effective date of regs), no more than 25 dwelling units may be developed on a closed end street system except where topography, barriers such as railroads, freeways, or existing development, or environmental constraints such as but not limited to wetlands or water features, prevent through street extension. For the purpose of this restriction, "existing development" shall mean built improvements including streets, associated utilities, and permanent residential, commercial, or institutional structures.