

**CITY OF MILWAUKIE  
PLANNING COMMISSION  
MINUTES  
Milwaukie City Hall  
10722 SE Main Street  
TUESDAY, August 26, 2014  
6:30 PM**

**COMMISSIONERS PRESENT**

Sine Bone, Chair  
Wilda Parks, Vice Chair  
Shannah Anderson  
Scott Barbur  
Greg Hemer  
Gabe Storm

**STAFF PRESENT**

Denny Egner, Planning Director  
Li Alligood, Senior Planner  
Peter Watts, City Attorney

**COMMISSIONERS ABSENT**

Shaun Lowcock

**1.0 Call to Order – Procedural Matters\***

**Chair Bone** called the meeting to order at 6:30 p.m. and read the conduct of meeting format into the record.

*Note: The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.ci.milwaukie.or.us/meetings>.*

**2.0 Planning Commission Minutes**

2.1 June 10, 2014

**It was moved by Vice Chair Parks and seconded by Commissioner Hemer to approve the June 10, 2014, Planning Commission minutes as presented. The motion passed unanimously.**

**3.0 Information Items**

**Denny Egner, Planning Director**, gave an update regarding the property on SE 37<sup>th</sup> Ave and SE Harvey St. The applicant applied for another variance for the project but staff determined that the application was incomplete and was waiting for additional information to be filed.

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

**5.0 Public Hearings – None**

**6.0 Worksession Items**

6.1 Summary: Moving Forward Milwaukie Briefing #5  
Staff: Li Alligood

**Li Alligood, Senior Planner**, presented the staff report via PowerPoint. She gave a brief update on the direction staff planned to take for the draft downtown plan and code amendments. There would be on a number of worksessions with the Commission prior to the public hearings, anticipated to begin in October. She reviewed the project goals that were focused on implementing code revisions to facilitate vibrant commercial areas, and noted the project's schedule.

**Ms. Alligood** reviewed and explained the recommended direction and revisions regarding barriers to development and approaches to remove them. She noted that these were draft concepts and there was time for feedback and revisions before the hearings process began.

- Downtown zones should be combined and simplified into one Downtown Mixed Use zone;
- Allow for lower review types per project and exempting design review for small additions;
- Remove restrictions on retail uses in south downtown;
- Allow for open spaces/plazas along Main St;
- Expand allowed uses on Main St and apply pedestrian-friendly standards throughout downtown;
- Reduce required off-street parking;
- Implement key items from the South Downtown Concept Plan (adopted by City Council in 2009) including reducing building heights and minimum lot sizes, activating the South Downtown plaza and Adams Street Connector, and reducing off-street parking minimums.

She noted specifics of the revisions:

- The five downtown zones and two overlays would be combined to one Downtown Mixed Use zone with the renamed Open Space zoned retained for the parks.
- Uses on the ground floor would be expanded; currently the ground floor required retail or eating/drinking establishments. The proposed permitted uses included commercial office, personal/business services, limited office uses, and expanded retail use square footage.
- Although a combined zone would apply to all of downtown, some standards and requirements would still be in place for Main St to ensure a vibrant commercial core. It was expected that layers of code applied to different areas, particularly areas such as Main St.
- Allow retail sales and service up to 10,000 sq ft from 5,000 sq ft; more than 10,000 sq ft could be permitted conditionally.
  - **Commissioner Hemer** asked about the intent of the 10,000 sq ft limit.
  - **Ms. Alligood** noted that it would allow for review by the Commission should a larger retail use move into the downtown.
  - **Mr. Egner** agreed that that trigger would be good to discuss – where would a use like a smaller Trader Joe's fit into the downtown?
- Minimum lot size would be changed from between 750-10,000 sq ft to just 750 sq ft minimum, with no minimum height requirement.
- Off-street parking requirements for non-residential uses would be eliminated throughout downtown. Residential development would still be required to provide off-street parking.
  - **Chair Bone** suggested that perhaps a maximum be considered, rather than a minimum for residential, to allow for market flexing and increased transit ridership.
    - **Ms. Alligood** noted that staff heard from developers that the suburban residential market demanded off-street parking.
    - **Commissioner Hemer** asked again why off-street parking was being eliminated.
    - **Ms. Alligood** responded that when off-street parking was required, it created a barrier and deterrent to development by reducing the surface square footage available for development, and parking garages were expensive. The goal of the project was to reduce or eliminate those barriers and to promote a pedestrian-friendly and vibrant downtown. Requiring off-street parking prohibited development to pencil out. She suggested that perhaps staff could return to the Commission to discuss parking alone.
  - **Chair Bone** asked if there was a recommendation for transportation demand management options as a part of this project or if it could be included.
    - **Ms. Alligood** agreed that that could be a possibility.

- **Mr. Egner** clarified that transportation demand management would encourage businesses to provide options and alternatives with regarding to parking and public transit for their employees to lessen the demand for parking.
- Allowed uses on ground floor would include commercial and limited office, personal/business services, housing north of Harrison St, and expanded allowed square footage for retail.
- There was some discussion regarding changes to ground floor windows, doors, height and depth minimum percentages. but no proposals have been decided upon.
- Changes to development standards:
  - For buildings facing Main St – Build-to lines expanded but built-in flexibility would allow setbacks to provide public plazas or open space; reduce minimum height requirement; increase percentage of ground floor windows and doors; and require the primary entrance to face abutting street.
  - For other streets – Establish build-to lines to key streets; reduce maximum setbacks to 10 ft; establish minimum window and door percentages; and retain 3-story height limit with 1-story height bonus and extend that regulation south of Washington.
- Changes to design standards –
  - No changes were proposed for the design standards for residential features, walls, windows, or roofs. However, it was suggested that the prohibited materials for walls and roofs be revisited.
  - A new design standards chapter was being proposed for downtown that would add standards for rooftop equipment, mixed use and residential buildings, corners, weather protection, and open spaces/plazas.
- Type II Downtown Design Review would be added for projects that meet clear and objective standards or for building additions less than 250 sq ft. She explained the difference between Type II and Type III reviews.

**Chair Sine** asked about using Harrison St as the dividing line between north downtown and the main downtown area and why it wasn't Scott St, for example.

- **Ms. Alligood** agreed that the north side of the North Main development at Scott St was a better dividing line. However, Harrison St was not decided upon.

**Ms. Alligood** reminded that the Commission could send along their questions and concerns to staff, and staff would be returning to the Commission for more worksessions.

**Commissioner Hemer** asked for examples of successful models of development review processes.

**Peter Watts, City Attorney**, noted that from a developer's perspective, Hillsboro would be an example of a successful model. What developers look for was certainty, where the standards were clear and easily met. If the review process involved multiple committee reviews with uncertainty of approval, developers see that as a community that was riskier to build in.

**Commissioner Hemer** clarified that his question was about what was more important to the citizens of Milwaukie: creative and unique development or cookie-cutter development?

**Chair Bone** noted that clear and objective review did not imply cookie-cutter; there was not just one way to meet the standards.

**Ms. Alligood** agreed and added that the standards were based on what the community wanted.

**Ms. Alligood** introduced the Central Milwaukie concepts and said the concepts were preliminary at this point. She noted the areas of Milwaukie that were considered Central Milwaukie, and added that major barriers were the Hwy 224 expressway and the railroad. She summarized the feedback received from the project advisory committee – that central Milwaukie was convenient and provided easy vehicle access for daily needs and was used by many neighborhoods to the east, but there was little identity to the area and bike and pedestrian access was difficult due to safety and connectivity obstacles.

Draft concepts included improved safety and connectivity with downtown through greenways and enhanced crossings at key intersections, improved internal connections for bikes and pedestrians, growing the community by expanding the range of housing choices and protecting the character of existing neighborhoods, and enhancing the Oak St “Main Street.”

**Mr. Egner** noted that staff and the consultants walked the area that day, and in light of that, the draft concept map would need to be changed.

**Ms. Alligood** asked the Commission key questions of what they felt the identity of the area should or might be.

**Chair Bone** explained that her group discussion at the last Project Advisory Committee (PAC) meeting was that this area was the meeting point of four different neighborhoods and was really a center point of the community; the “Milwaukie Junction.” Although it doesn’t currently have much of an identity, the shopping centers were frequently used and were important. She felt there was great opportunity for the area.

**The Commission** discussed the walkability and auto-centric nature of the area.

**Ms. Alligood** noted that staff would be taking these draft concepts to the PAC at the end of the month for more feedback. The Commissioners were encouraged to forward their feedback through Chair Bone to take to the PAC. She reviewed next steps including PAC meetings, City Council and Planning Commission worksessions, and the first public hearing tentatively scheduled for October 28, 2014.

**Steve Butler, Community Development Director**, added that staff was considering a joint session between the Planning Commission, City Council, and the PAC.

**Chair Bone** encouraged the Commissioners to participate and attend the open houses and PAC meetings in order to hear the feedback from the community on these amendments.

**Chair Bone** called for public comment.

**David Aschenbrenner** introduced himself. He said he represented the South Downtown Steering Committee on the PAC, and also was the Chair of the Hector Campbell Neighborhood District Association. He reiterated that the PAC would like to have a joint discussion with the Commission and Council. He noted that what hadn’t been discussed that evening was 4<sup>th</sup> and 5<sup>th</sup> story building setbacks as an option. He felt that those options should be included in the discussion as they provided both a smaller scale feeling as well as added incentive for development to better pencil out. He was concerned about build-to property lines in south downtown as that standard was not necessarily in line with the concept plan for the south downtown, with potential for dining establishments and the like to want outdoor seating, etc. He also reminded the Commission of the medial office identity of the central Milwaukie area as

there were numerous medical offices and facilities in that area, which allowed for office development.

**Chair Bone** asked about standards for open spaces applying to south downtown with regard to Mr. Aschenbrenner's concern.

**Ms. Alligood** replied that since there was a plaza as part of the south downtown concept plan, it was assumed that businesses abutting the plaza would have use of it, helping to make it a vibrant area.

6.2 Summary: Medical Marijuana  
Staff: Denny Egner

**Mr. Egner** reminded the Commission that staff was working to craft code language in response to a change in State law that allowed local governments to create reasonable regulations for medical marijuana dispensaries. He reviewed the staff report and the Commission's direction to staff from the July worksession regarding adding buffers around two former school sites and not including buffers around parks. He noted that the request to buffer youth and daycare facilities may be complicated for future locations of such facilities and could create nonconforming uses.

**Mr. Watts** clarified the State's description of 'career school primarily attended by minors' and added that some jurisdictions have interpreted that broadly, such as a ballet school or a music store that provided lessons. Interpretation was up to the jurisdiction.

**The Commission** discussed the implications of the 'career school' definition.

**Mr. Watts** further explained the intention of the state's bottom-line rules. If the ballot for recreational legalization in November passed, the sale of recreational marijuana would be regulated by the OLCC rather than the Oregon Health Authority. Getting local rules in place would take time.

**Commissioner Hemer** asked if, in looking at the map of allowed areas, the City could write regulation where facilities could not be located in any Commercial zone that was within 1000 ft of a school. He felt that it was unusual to allow, per the map, a part of a commercial property or zone, to have a dispensary located in it, but the other part not allow for it based on the range of the 1000 ft buffer.

**Mr. Egner** responded that the City could write the regulations how it saw fit, as long as they were reasonable and they met minimum State requirements.

**Commissioner Anderson** reminded that at the last worksession on this topic, the Commission seemed to agree to not be much more prescriptive than the State regulations, and that these were medical facilities.

**Mr. Watts** noted that one of the benefits of sticking with the State regulations was that it decreased the possibility of litigation over what was reasonable or not.

**Mr. Egner** said he had spoken with the Police Chief Bartol. Chief Bartol was not a fan of medical marijuana or dispensaries but acknowledged that there was demand for them in Milwaukie. He was concerned about proximity to light rail stations and felt that buffers around parks would help eliminate more areas. Regarding collocated businesses, Chief Bartol felt that created more possibility for illegal sales due to extra foot traffic other than medical marijuana

recipients. A single use would be easier to regulate. Hours of operation played a role in increased possibility of intoxication and other issues.

**Mr. Watts** noted that other jurisdictions have requested certain regulations with regard to police location and availability, should there be issues. Also, possible challenges were around the fact that patients patronizing these facilities had to carry cash and so were at higher risk of robbery.

**The Commission** discussed the possibility of colocation and agreed that it should not be allowed.

**The Commission** agreed that hours should be 7:00 a.m. to 9:00 p.m.

**Mr. Egner** said that allowing dispensaries in retail areas and reserving industrial areas for more employment was reasonable; however, industrial areas were generally outside of residential areas. He noted that with regard to buffering around daycare facilities, those facilities were only permitted in certain areas but the two types of facilities may not overlap and so buffering may not be necessary.

**The Commission** agreed that sales should be allowed in industrial areas and that no special buffers around daycare facilities should be proposed.

## **7.0 Planning Department Other Business/Updates**

### 7.1 Planning Commission Notebook Update Pages

## **8.0 Planning Commission Discussion Items**

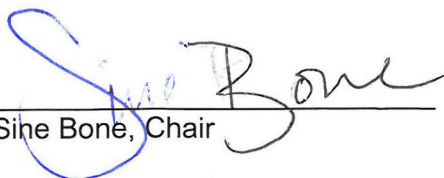
**Commissioner Hemer** noted that some exhibits at the Milwaukie Historic Museum were opening on September 27<sup>th</sup>.

## **9.0 Forecast for Future Meetings:**

- September 9, 2014 1. Worksession: Moving Forward Milwaukie Downtown Plan and Code Amendments drafts overview
- September 23, 2014 1. Worksession: Moving Forward Milwaukie Downtown Plan and Code Amendments drafts overview *continued tentative*

Meeting adjourned at approximately 9:33 p.m.

Respectfully submitted,  
Alicia Martin, Administrative Specialist II

  
Sihe Bone, Chair