

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, JANUARY 13, 2015
6:30 PM**

COMMISSIONERS PRESENT

Sine Bone, Chair
Wilda Park, Vice Chair
Shannah Anderson
Scott Barbur
Greg Hemer
Shaun Lowcock
Gabe Storm

STAFF PRESENT

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

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 September 23, 2014 City Council Join Session

It was moved by Commissioner Hemer and seconded by Vice Chair Parks to approve the September 23, 2014, Planning Commission and City Council Joint Session minutes as presented. The motion passed unanimously.

2.2 October 14, 2014

It was moved by Commissioner Hemer and seconded by Vice Chair Parks to approve the October 14, 2014, Planning Commission minutes as presented. The motion passed unanimously.

3.0 Information Items

Denny Egner, Planning Director, noted that the hearing for the Limited Commercial CL zone amendment (File #ZA-14-03), which the Commission recommended approval of, would be held at the next City Council meeting.

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

Jim Bernard, County Commissioner and Milwaukie property and business owner, noted his longtime and extensive involvement in Milwaukie. As a downtown business owner, he hoped that the proposed amendments of the Moving Forward Milwaukie project would not make standards and guidelines so refined that it would result in limited opportunity for development. Milwaukie was unique and he would like the City to signal to the region that it is open for business.

5.0 Public Hearings

- 5.1 Summary: Downtown Plan and Code Amendments – Land Use Framework Plan and Comprehensive Plan
Applicant: City of Milwaukie
File: CPA-14-02, ZA-14-02
Staff: Li Alligood and Denny Egner

Chair Bone called the hearing to order and read the conduct of legislative hearing format into the record.

Li Alligood, Senior Planner, presented the staff report via PowerPoint. She noted the proposed hearing schedule that would break up the amendments package into four topic-focused hearings: the Comprehensive Plan and Downtown & Riverfront Land Use Framework Plan; Permitted Uses; Development & Design Standards; and Design Standards & Review Procedures. She gave a brief background of the project and its three amendment phases for Downtown Milwaukie, Central Milwaukie, and Neighborhood Main Streets that was the result of a 2010 Metro grant. The goals of the projects were to remove development barriers, create incentives, and to allow and encourage types of development that would implement the community's vision. She reviewed the extensive planning process and public outreach involved to date.

The "downtown plan" was made up of five different documents with the Downtown & Riverfront Land Use Framework Plan (Framework Plan) as the vision document that guided the Comprehensive Plan (Comp Plan) land use policies, which in turn were implemented by the Public Area Requirements (PARs), the Zoning Code MMC 19.304, and the Downtown Design Guidelines. This project's amendments would address the Framework Plan, minimal changes the Comp Plan to reflect the Framework Plan updates, and regulatory changes of the Zoning Code. Although the PARs and Downtown Design Guidelines were not part of the project scope, updates to the PARs may be a separate project in the near future.

The proposed amendments to the Framework Plan involved a refresh of the vision for downtown Milwaukie, to update the text and graphics to reflect current conditions and future vision, and to update the Plan to remove projects, plans, and policies that have been initiated or completed since 2000.

The proposed amendments to Chapter 4 of the Comprehensive Plan were minimal and would reflect the changes to the Framework Plan, the combination of several zones into one, and the more clearly identify commercial areas.

Ms. Alligood noted and discussed three key issues staff was seeking direction from the Commission on:

- A. Were there additional components of the South Downtown Concept Plan that should be included?
 - o Essential elements of the Concept Plan were not reflected in the Framework Plan, including the plaza, light rail station, Adams Street Connector, and natural areas, as well as specific standards for these elements. The proposal was to include the South Downtown Concept Plan graphic and these elements in the Framework Plan.
 - o More detailed schematics and standards would be incorporated into other code and standard documents.
- B. Did the new McLoughlin Blvd Commercial Corridor and 21st Ave Commercial Mixed Use Corridor reflect the community's desires?

- The current Framework Plan focused on Main St with few expectations for McLoughlin Blvd or 21st Ave.
 - Through the 2012 Fresh Look Milwaukie project, roles of these areas were addressed and 21st Ave was identified as a key pedestrian connection between the light rail station and library, City Hall, and the Jackson Street bus area, and McLoughlin Blvd was a key gateway to downtown and connection between the Riverfront Park and downtown. Therefore, there should be higher design expectations for these streets.
 - The proposal described the desired character of those corridors.
- C. Should the McLoughlin Bridge be retained in the downtown vision?
- Both the Framework Plan and South Downtown Concept Plan included a bridge over McLoughlin Blvd to connect to the Riverfront Park at Washington St. However, this concept was expensive and was unlikely to be built, regardless of new funding sources.

Ms. Alligood noted the comments received to date. She reviewed the staff recommendation for the Commission to reach a consensus on the draft amendments to the Framework and Comp Plan. She added that for each hearing, the Commission could informally vote (straw poll) for that section of the amendment package with the formal vote for the entire amendments package at the final hearing.

Mr. Egner added that if the Commission had issues with pieces of the amendments, they could be tabled to address collectively at a later date. That would allow for the agreed upon amendments to move forward and for staff to return with more information or revised amendments for those tabled issues.

The Commission agreed with this approach.

Staff answered questions of the Commission:

Commissioner Anderson asked if there was a cost estimate for the McLoughlin Blvd pedestrian bridge.

- **Ms. Alligood** wasn't sure of specifics but it would be in the millions of dollars and would be primarily public funds.

Commissioner Hemer asked if the McLoughlin Blvd bridge should be included in the public amenities and open spaces plans.

- **Ms. Alligood** responded that would be determined by the decision of the Commission if it should be included at all in the South Downtown Concept Plan, or removed.

Chair Bone called for public testimony.

David Aschenbrenner, 11505 SE Home Ave, noted he was a member of the Moving Forward Milwaukie project advisory committee (PAC) and had been on the South Downtown Concept Plan Steering Committee. He addressed the key issues and felt that the entire South Downtown Concept Plan should be included in Framework Plan. In addition, he thought that adding historic elements and markers should be considered. He asked what the restrictions would be for live/work mixed use types of development being considered for the 21st Ave Commercial Mixed Use Corridor. He thought the McLoughlin Blvd Bridge should remain in the Framework Plan. He explained that the Concept Plan's intent was for the bridge to partner with a parking garage built on what was known as the Cash Spot site, noting that the Concept Plan's plaza would lead to a

sidewalk along the parking structure and would lead to the bridge to the park, all to be on the same elevation. Much of the funding would be partnered through the development of the parking structure building.

- **Chair Bone** clarified Mr. Aschenbrenner felt reference to the South Downtown Concept Plan was not sufficient.
- **Mr. Aschenbrenner** concurred and noted that the plaza and Adams St were important pieces of the downtown puzzle.
- **Ms. Alligood** clarified that including the entire document within the vision document (Framework Plan) seemed inappropriate. However, some infrastructure components were incorporated into the Framework Plan, including the plaza and Adams Street Connector. More specifics and regulations of the South Downtown Concept Plan would be more appropriately incorporated into the Zoning Ordinance.

Russ Stoll, 8710 SE 42nd Ave, thanked those that have participated in the project's process. He agreed that the city needed what the proposed amendments involved with regard to simplified zoning and uses, and procedures for development. With regard to building height, he liked the proposed 3 stories with a potential for 4 with residential. He thought there were many amenities coming to Milwaukie and he would like to see building heights at 3+ east of McLoughlin Blvd, 4+ on west side of Main St and 5+ on the east side of Main St to result in a tiered downtown oriented toward the Riverfront Park. The potential additional stories could be setback to avoid a canyon effect and to allow for higher property values and a better tax base. He also felt that there should be room in the code for even taller buildings as long as they are coupled with providing public amenities.

Chair Bone called for rebuttal to the testimony.

Ms. Alligood responded to Mr. Aschenbrenner's question regarding live/work uses that any use that was allowed on the ground floor would be allowed in a live/work unit.

Mr. Egner noted that the suggestion for historical markers was a good idea but could be a standalone project rather than a part of a vision document.

- **Commissioner Storm** thought it could be referenced in the document as an important element.

Chair Bone closed the public testimony.

The Commission deliberated.

McLoughlin Blvd Bridge:

- **Vice Chair Parks** stated that she saw no reason that it not be included in the Framework Plan. She realized it was expensive but it would solve many issues with connectivity with the Riverfront Park; there was more benefit to leave the aspiration in the Plan than to remove it and let it be forgotten.
- **Chair Bone** agreed and thought other tools for improving crossings on McLoughlin Blvd should be included.
- **Commissioner Storm** suggested that a section of possible crossing solutions be noted in the Framework Plan, including the bridge as an option.
- **Commissioner Barbur** agreed with including a number of options rather than just the bridge option.
- **Commissioner Anderson** thought removing the bridge would have more implications than leaving it in the Plan.

- **Mr. Watts** noted that McLoughlin Blvd was also Hwy 99E and was Oregon Department of Transportation's (ODOT) jurisdiction. Any crossings would require coordination with that agency and may require more regulations, etc.
- **Vice Chair Parks** understood but felt that improving accessibility at that end of Milwaukie was an important goal to keep.
- **Mr. Egner** asked how specific the Commission would want to be in terms of the structure of the Plan, i.e. "Pedestrian improvements such as enhanced crossings, a bridge, etc..."
- **The Commission** agreed with that approach but wanted to be specific about crossings on McLoughlin Blvd.
- **Mr. Egner** noted the graphics that indicated the importance of those connections and added that such elements would be addressed through the proposed code amendments in terms of building orientation and other regulatory elements that would enhance the connections to the Riverfront and McLoughlin Blvd.

Mr. Egner suggested that, in response to the public testimony, a project with regard to historic markers, wayfinding elements, etc., could be added to address that type of idea.

McLoughlin Blvd Commercial Corridor and 21st Ave Mixed Use Corridor:

- **The Commission** agreed that these elements accurately reflected the community's desire and vision for these areas.

Additional Elements of the South Downtown Concept Plan:

- **Chair Bone** noted that the Commission recognized there was reference to the Concept Plan in the Framework Plan and the vision of that area was clear. The specific elements of the Concept Plan would be executed through the code.
- **Commissioner Hemer** asked if the Triangle Site area marked as Light Rail Station should be changed to a private development site.

Mr. Watts clarified that the group would generally agree on the direction to staff for these components and then the entire package would be voted upon in the final hearing.

Mr. Egner reviewed the direction from the Commission:

- Additional language regarding the McLoughlin Blvd Bridge and connectivity options along that corridor with the riverfront.
- Include a project regarding historic markers or wayfinding signage.
- Update the station site in the South Downtown Concept Plan as identified as a private development site.

Chair Bone called for a straw poll for setting the proposed Framework Plan including the above revisions as the benchmark. The vote in favor was unanimous.

Chair Bone continued the public hearing for CPA-14-02 and ZA-14-02 for the Downtown Plan and Code Amendments to a date certain of January 27, 2015.

6.0 Worksession Items

- 6.1 Summary: Medical Marijuana
Staff: Denny Egner

Mr. Egner presented the staff report and noted that the public hearing for these code amendments would be the next scheduled meeting. He reviewed some updates to what the Commission had discussed previously.

- The proposed hours of operation would be 9 a.m. to 9 p.m. (this item was discussed later)
 - **Mr. Watts** reminded that staff had asked the Police Chief what the department's preference was with regard to staffing or increased response time.
 - **The Commission** discussed and agreed that the hours of operation would be 8 a.m. to 10 p.m.
- Colocation of dispensaries with other businesses had been discussed and the initial Commission response had been to prohibit it.
 - **Mr. Egner** noted that after a City Council worksession, a concept for allowing colocation within an alternative medicine facility had been suggested. He said that the current draft included language that would permit this type of colocation. He asked the Commission for direction regarding this proposal.
 - **Commissioner Barbur** noted that colocation needed to be defined as to whether it meant locating within another business or use of a common entrance, i.e. building suites.
 - **The Commission** rejected the draft language but agreed that colocation within a building and not within another business should be allowed.
- **Mr. Egner** noted the following commercial zones would allow medical marijuana facilities: the Community Shopping Center area (CCS) around the Milwaukie Marketplace, the General Commercial (CG), and the Limited Commercial (CL) zones. He said they would not be allowed in the Neighborhood Commercial (CN) zones around the city. **The Commission** discussed the concept of allowing facilities in industrial zones.
 - .
 - **Commissioner Hemer** felt that, in order to be consistent, if there were areas outside of the buffer zones that allowed retail sales, these facilities should be allowed.
 - **Vice Chair Parks** thought it would be reasonable to not allow this use in the M, BI, or Tacoma Station Area Overlay (MTSA) zones.
 - **Mr. Egner** addressed the MTSA and noted that the overlay allowed retail sales under "Limited Uses" that allowed retail and commercial uses. He added that the County designated the MTSA as an economic development interest area.
 - **Mr. Egner** restated that the direction from the Commission was to add Downtown zones, and to leave the MTSA but take out BI and M in the proposed code.

7.0 Planning Department Other Business/Updates

7.1 Hector Campbell Commercial Kitchen discussion

Mr. Egner stated that there had been some questions from citizens regarding the activity at the Hector Campbell School. What staff found was that North Clackamas School District was renting out the kitchen for a commercial kitchen. He noted that the Hector Campbell School was an elementary school that was no longer in use and located in a residential area. However, it was currently being used as a recreational facility for sports and community meetings, etc., although it had not received a Community Service Use approval for those uses.

Mr. Egner noted that a business owner had submitted an application for a business license for the commercial kitchen and staff had to deny it under the current code, although the use made sense. He referred to the CSU section of the zoning ordinance, noting the allowed uses included "other similar uses as determined by the Planning Commission." He reviewed the criteria for approval for 'other similar uses', noting item D-Public Benefit: "the public benefits are greater than the negative impacts, if any, on the neighborhood." He asked the Commission to consider if a commercial catering kitchen would be considered an accessory use to a community meeting use. Also, he asked what should be the limit to changes in use and what should be the process.

Vice Chair Parks thought it would be beneficial to find out from the School District what their intentions were with that building for the long-term.

Mr. Watts noted that there were a few potential community service options to consider, such as funds received through leasing to help maintain buildings which would create a community benefit, basketball leagues renting to keep space active, etc. The property was being used for its intended purposes but not for school district activity.

Mr. Egnor said that whatever the school district would want to do with the property, they needed to come back for a modification to the CSU approval.

Chair Bone and **Vice Chair Parks** felt that the catering kitchen and activity center uses were appropriate and provided benefits.

8.0 Planning Commission Discussion Items

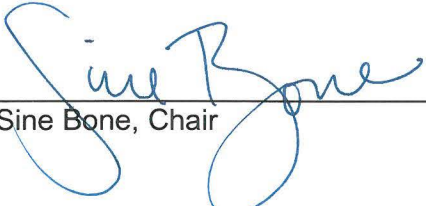
9.0 Forecast for Future Meetings:

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| January 27, 2014 | 1. Public Hearing: CPA-14-02 Downtown Plan and Code Amendments #2 (Use Standards) |
| | 2. Public Hearing: ZA-14-04 Medical Marijuana |
| February 10, 2014 | 1. Public Hearing: CPA-14-02 Downtown Plan and Code Amendments #3 (Development & Design Standards) |
| | 2. Public Hearing: VR-14-03 10545 SE Riverway Ln |

Meeting adjourned at approximately 9:06 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II



Sine Bone, Chair