



AGENDA

MILWAUKIE PLANNING COMMISSION
Thursday November 17, 2011, 6:30 PM

SPECIAL MEETING

MILWAUKIE CITY HALL
10722 SE MAIN STREET

- 1.0 Call to Order - Procedural Matters**
- 2.0 Planning Commission Minutes**
- 3.0 Information Items**
- 4.0 Audience Participation** – This is an opportunity for public comment on any item not on the agenda.
- 5.0 Public Hearings** – Public hearings will follow the procedure listed on reverse
 - 5.1 Summary: Kellogg Bridge for Light Rail (*cont'd from Nov 8, 2011*)
Applicant/Owner: TriMet
File: WG-11-01, DR-11-01, HCA-11-01, WQR-11-03, CSU-11-09
Staff Person: Susan Shanks
- 6.0 Worksession Items**
- 7.0 Planning Department Other Business/Updates**
- 8.0 Planning Commission Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
 - November 22, 2011
 - 1. Public Hearing: MOD-11-01 Trolley Trail for Light Rail *cont'd*
 - 2. Public Hearing: WG-11-01 Kellogg Lake for Light Rail *cont'd tentative*
 - December 13, 2011
 - 1. Public Hearing: CPA-11-02 Water Master Plan
 - 2. Worksession: Residential Development Standards update

Milwaukie Planning Commission Statement

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

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@ci.milwaukie.or.us. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.cityofmilwaukie.org
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.cityofmilwaukie.org
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **TME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

Public Hearing Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.

Milwaukie Planning Commission:

Lisa Batey, Chair
Nick Harris, Vice Chair
Scott Churchill
Chris Wilson
Mark Gamba
Russ Stoll
Clare Fuchs

Planning Department Staff:

Katie Mangle, Planning Director
Susan Shanks, Senior Planner
Brett Kelver, Associate Planner
Ryan Marquardt, Associate Planner
Li Alligood, Assistant Planner
Alicia Martin, Administrative Specialist II
Paula Pinyerd, Hearings Reporter



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Katie Mangle, Planning Director

From: Susan P Shanks, Senior Planner

Date: November 10, 2011 for November 17, 2011 Public Hearing

Subject: Public Comment and Summary of Applicable Approval Criteria

Project: PMLR Kellogg Bridge

File: WG-11-01, DR-11-01, HCA-11-01, WQR-11-03, and CSU-11-09

Applicant: TriMet

ACTION REQUESTED

None. The following information should be considered within the context of the continued public hearing on the Kellogg Bridge.

BACKGROUND INFORMATION

The Planning Commission opened the hearing on the Kellogg Bridge on Nov 8, 2011 and continued it to Nov 17, 2011. The record was left open during this time period, and the City received one additional comment as of the writing of this staff report (Attachment 1). Any additional comments will be brought to the Nov 17 hearing.

The Nov 17 hearing will begin with public testimony. This will be followed by questions from the Commissioners, comments by staff, rebuttal testimony from the applicant, and then deliberations by the Planning Commission. The Commission's final decision on the Kellogg Bridge application must be based on findings related to the applicable approval criteria (see below). The final decision, including any conditions of approval, must also not prevent the implementation of the 2008 Land Use Final Order by Metro that approved the Portland Milwaukie Light Rail alignment by negatively impacting project operations, significantly delaying project completion, or requiring funding beyond the project budget.

APPLICABLE APPROVAL CRITERIA

The following is a summary of applicable land use approval criteria for the Kellogg Bridge. These criteria are discussed at length in the Nov 8, 2011 staff report. They are paraphrased and summarized here for ease of reference during the land use hearing on the Kellogg Bridge.

Willamette Greenway

Within the Willamette Greenway, the following shall be taken into consideration:

1. Commitment to an urban use.
2. Compatible with the character of the river.
3. Protection of views to and from the river.
4. Landscaping between the activity and the river.
5. Public access to and along the river.
6. Emphasis on water-oriented and recreational uses.
7. Protection of views between downtown and the river.
8. Protection of the natural environment.
9. Recommendations of the Design and Landmark Committee.
10. Conformance to applicable Comprehensive Plan policies.
11. Consistent with applicable plans and programs of the Division of State Lands.
12. Vegetation buffer plan.

Conditional use approval criteria:

1. Site characteristics suitable for the proposed use.
2. Proposed use reasonably compatible with nearby uses.
3. Impacts mitigated to the extent practicable.
4. No unmitigated nuisance impacts greater than usually generated by outright allowed uses.
5. Compliance with all applicable development standards and requirements.
6. Consistent with applicable Comprehensive Plan policies.
7. Adequate public transportation facilities and public utilities.

Design Review

1. Compliance with Title 19.
2. Substantial consistency with Downtown Design Guidelines.
3. Application and fee submittal.

Habitat Conservation Area

1. Avoid.
2. Minimize.
3. Mitigate.

Water Quality Resource

1. Avoidance not practicable.

2. Disturbance limited.
3. Area restored to an equal or better condition.
4. Rationale for choosing the alternative selected.

Community Service Use

1. Applicable base zone standards met.
2. Specific CSU standards met.
3. Hours and levels of operation reasonably compatible with surrounding uses.
4. Public benefits greater than negative impacts.
5. Location appropriate for the proposed use.

ATTACHMENTS

Attachments are provided only to the Planning Commission unless noted as being attached. All material is available for viewing upon request.

1. Comments from Matt Menely dated Nov 9, 2011 (attached)

From: Matt at Mountain Soles <mtnsoles@hotmail.com>
To: Mangle, Katie
Sent: Wed Nov 09 23:59:40 2011
Subject: Comments for Planning Commission- Kellogg Bridge

Dear Planning Commission,

Unfortunately I was not able to attend Tuesday night's Planning Commission meeting discussing the Kellogg Bridge structure. I will also not be able to attend the Nov 17th due to a prior engagement. My comments for your consideration are as follows.

1. Temporary Bridge Structure: I would like to ask the Planning Commission to make a condition that the applicant secures the necessary permits to turn the temporary bridge (used during the construction process) into a Bike/Ped bridge once the construction is completed. The cost associated with using the Temp Bridge are likely far less than the estimated cost to build the proposed Bike/Ped bridge. I understand that it would likely require more permitting, but that alone should not stop the Temp Bridge from being turned into a permanent bridge. Converting the temporary construction bridge into a permanent Bike/Ped bridge would likely create a cost savings (compared to the proposed bike/ped bridge) and be more sustainable (promoting re-use and less disruption of the lake bed because the pilings would be left in place) over the project life cycle. Where we stand economically in this county and with this project, we might be better off being frugal, thinking outside of the box, and using what we have available to us (the temporary bridge) in order to accomplish a widely held goal of the project and our community (having a bike/ped at the end of this process).

I also understand that there might be an argument by project planners against leaving this structure in place because it shades the river habitat. My response to that is: Why are habitat biologists around the US saying that migrating fish need shade along waterways to help keep the water cooler for fish? Wouldn't a bridge provide shade in the same way that a tree canopy does?

2. Funding the "proposed" Ped/ Bike Bridge should be part of the project to meet the requirements of the project which mandate easy access for pedestrians and cyclists to the station area from the surrounding community. If Tri-Met is unwilling to find the money need to build a Ped/Bike Bridge, then they should be required to use any savings made on other parts of the Light Rail project (like if/when they come in under budget) to be dedicated toward building the Kellogg Bike/Ped Bridge (while the temp. bridge is still in place).

3. Mitigation Plantings: The planting diagram shows shrubs and trees being planted along the south side of Kellogg Lake. I am wondering will the plantings be appropriate for that location once the Lake is drained?

Thank you for your time and consideration. I appreciate all the work that you are doing for the Residents of Milwaukie.

Matt Menely (Milwaukie Resident)
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Outdoor Footwear & Fabric Repair
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