



## AGENDA

### MILWAUKIE PLANNING COMMISSION Tuesday, May 27, 2014, 6:30 PM

MILWAUKIE CITY HALL  
10722 SE MAIN STREET

- 1.0 **Call to Order - Procedural Matters**
- 2.0 **Planning Commission Minutes** – Motion Needed
  - 2.1 March 25, 2014
- 3.0 **Information Items**
- 4.0 **Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda
- 5.0 **Public Hearings** – Public hearings will follow the procedure listed on reverse
  - 5.1 Summary: Wichita Park  
Applicant/Owner: City of Milwaukie  
Address: 5908 SE Monroe St  
File: CSU-13-12  
Staff: Brett Kelter
- 6.0 **Worksession Items**
  - 6.1 Summary: Moving Forward Milwaukie project update  
Staff: Li Alligood
- 7.0 **Planning Department Other Business/Updates**
  - 7.1 Riverfront Park Update
- 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:**
  - June 10, 2014 1. Public Hearing: P-14-01 Moda Health Parking Modification
  - June 24, 2014 1. TBD

### 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](mailto: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](http://www.cityofmilwaukie.org)
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at [www.cityofmilwaukie.org](http://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. **TIME 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:**

Sine Bone, Chair  
Wilda Parks, Vice Chair  
Shannah Anderson  
Scott Barbur  
Shaun Lowcock  
Gabe Storm

#### **Planning Department Staff:**

Denny Egner, Planning Director  
Li Alligood, Associate Planner  
Brett Kelver, Associate Planner  
Vera Kolas, Associate Planner  
Alicia Martin, Administrative Specialist II

CITY OF MILWAUKIE  
PLANNING COMMISSION  
MINUTES  
Milwaukie City Hall  
10722 SE Main Street  
TUESDAY, March 25, 2014  
6:30 PM

**COMMISSIONERS PRESENT**

Lisa Batey, Chair  
Scott Barbur  
Sine Bone  
Shaun Lowcock  
Wilda Parks  
Gabe Storm

**STAFF PRESENT**

Denny Egner, Planning Director  
Li Alligood, Associate Planner  
Brett Kelper, Associate Planner  
Peter Watts, City Attorney

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

**Chair Batey** 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 February 11, 2014

**It was moved by Commissioner Parks and seconded by Commissioner Strom to approve the February 11, 2014, Planning Commission minutes. The motion passed unanimously.**

**3.0 Information Items**

There were no information items.

**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**

5.1 Summary: Northwest Housing Alternatives Zone Change *continued from 3/11/14*  
Applicant/Owner: Angelo Planning Group/Northwest Housing Alternatives  
Address: 2316 SE Willard St  
File: ZA-13-02  
Staff: Li Alligood

43 **Chair Batey** called the hearing to order and read the conduct of continued quasi-judicial hearing  
44 format into the record. She noted the record was left open to accept additional written testimony  
45 and materials prior to 5 p.m. on March 18, 2014.

46

47 **Li Alligood, Associate Planner**, presented the staff report via PowerPoint. She noted the  
48 background of the application and the additional comments and information from the applicant  
49 received. She reviewed the revisions to the recommended Findings.

50

51 She gave an overview of the responses to community concerns raised at the March 11, 2014,  
52 public hearing:

- 53 • The relationship between the Comprehensive Plan and ancillary documents, specifically the  
54 Town Center Master Plan.
  - 55 ○ She described the implementation process for ancillary documents, noting that adoption  
56 of the ancillary document did not, in itself, implement the ancillary document: there  
57 needed to be additional steps, including amendments to the Comprehensive Plan and  
58 Zoning Ordinance, for the document to implement policy and regulation.
  - 59 ○ Regarding the Town Center Master Plan, she explained the background and the  
60 subareas; the subject area was in Subarea 5. It was a policy document and some  
61 policies were incorporated by reference and some by amendments; however, the  
62 specific policy and recommendation for Subarea 5 were not adopted and were not  
63 applicable to this application.
- 64
- 65 • The apparent conflict of density ranges between the Comprehensive Plan and the Zoning  
66 Ordinance for R-1 and R-1-B zones.
  - 67 ○ The density ranges for both documents were adopted within the same amendment  
68 package and were intended to implement the same policies.
  - 69 ○ She clarified the difference was based on the Comprehensive Plan's "net" density range  
70 versus the Zoning Ordinance's "gross" density range, and explained those implications.  
71 She noted this was detailed in Attachment 3 of the staff report, and in conclusion, there  
72 was no actual conflict found between the density ranges.
- 73
- 74 • The land use designations assumed redevelopment of existing sites:

- 75       ○ She reviewed the policies in place for High Density and Mixed Use areas, and  
76       acknowledged the concern regarding the policy of clearance of existing sites. However,  
77       the only prevention of that in place was for registered historic properties.  
78       ○ Evaluation of these policies should be a part of a bigger Comprehensive Plan update; for  
79       now, these were the policies in place.  
80
- 81       • Compatibility with the surrounding area as a criteria, but what constituted 'surrounding area'  
82       was unclear;
- 83       ○ She gave the examples of possible areas of analysis, but noted that in this case the  
84       different options of areas did not change the outcome; all 'areas' were a mix of density  
85       and uses.  
86
- 87       • The permitted development and uses under the current zone versus the proposed zone:
- 88       ○ The key difference between the R-2 and the R-1-B zones was office use, which was a  
89       conditional use under R-2 and allowed outright under R-1-B. Though density was higher  
90       in the R-1-B zone, allowance of three-story buildings and setbacks were the same.  
91       ○ Although there was concern about the types of office uses that would be allowed, she  
92       clarified that the code distinguished between office uses, assumed to draw little traffic,  
93       and personal/business services which were not allowed under the current or proposed  
94       zones.  
95
- 96       • Increased traffic as a result of increased density.
- 97       ○ She explained that a traffic impact study (TIS) would not be required as the proposed  
98       zone complied with the Comprehensive Plan and Transportation System Plan (TSP).  
99       She referred to the clarification memo included as Attachment 3 to the March 20, 2014,  
100       supplemental packet.
- 101       ○ The zone change itself did not increase traffic; however, a TIS would be triggered at the  
102       time of proposed development.  
103
- 104       • Response to crime rates of the surrounding area provided as evidence with a question of if  
105       crime statistics could be used as an approval criterion.

106       ○ Information provided by the Milwaukie Police Chief and the applicant that was included  
107           as Attachment 4 to the staff report clarified that not all police activity on or around the  
108           site was a result of criminal activity.

109       ○ To make a finding of denial including crime as a criterion would require proof that the  
110           subject area was had a different crime rate than the surrounding areas, which would be  
111           difficult.

112

113       • What controls and regulations were in place to ensure appropriate oversight of the future  
114           development?

115       ○ She noted the multifamily residential development and design standards in place that  
116           would consider livability, compatibility, safety, functionality, and sustainability. These  
117           standards were reviewed at the time of development.

118       ○ She gave examples of some standards that could apply to the applicant's rough site plan  
119           with regard to open space, landscaping, parking, setbacks, etc. There were dozens of  
120           requirements for multifamily residential development.

121

122       **Ms. Alligood** summarized the analysis of the concerns raised that City policies were adopted  
123       through a process. Although there may be disagreement about the policies, staff believed the  
124       application met the approval criteria. Staff recommended approval of the zoning map  
125       amendment and Findings of Approval, and she reviewed the decision options.

126

127       **Commissioner Barbur** asked about the adoption process of policies and ancillary documents  
128       referred to in the presentation.

129

130       **Ms. Alligood** responded that although there was not a formalized process, there was an historic  
131       practice, and she described different possible scenarios for ancillary documents,  
132       Comprehensive Plan and zoning amendments, etc. The adoption of the ancillary documents in  
133       itself did not implement the policies in the document. The Town Center Master Plan was only  
134       recommendations.

135

136       **Dennis Egner, Planning Director**, clarified that the Town Center Master Plan was more  
137       advisory with recommendations ("should") rather than the Comprehensive Plan that was more  
138       guiding ("shall").

139

140 **Peter Watts, City Attorney**, explained that there were certain documents that were required to  
141 be part of a Comprehensive Plan (i.e. TSP), and then there were other documents such as the  
142 TCMP where only certain portions were officially adopted into the Comprehensive Plan. If the  
143 TCMP was adopted wholesale, it would have even greater density implications. Those portions  
144 that were adopted by City Council were adopted specifically.

145

146 **Ms. Alligood** referenced the specific zoning amendment approval criteria that the Commission  
147 should be considering.

148

149 **Chair Batey** called for the applicant's final argument.

150

151 **Jonathan Trutt, Northwest Housing Alternatives (NHA)**, thanked the Commission and Ms.  
152 Alligood. He stated that NHA agreed with staff's analysis and felt that their application met all of  
153 the approval criteria.

154

155 **Martha McLennan, NHA Executive Director**, referred to NHA's history in Milwaukie, the work  
156 they do, and that NHA wanted to continue to be a part of the Milwaukie community. She has  
157 learned through this process how passionate NHA's neighbors were about the community as  
158 well, and was humbled to learn about their frustrations with the programs and operations. She  
159 recognized the need to reopen lines of communication with the surrounding community. She  
160 thanked the Commission.

161

162 **Chair Batey** closed the record.

163

164 The Commission deliberated.

165

166 **Chair Batey** responded to a comment received and assured that the Commission did not  
167 "rubber stamp" applications and felt no pressure to do so.

168

169 **Chair Batey** felt that the application met the criteria. Not only did the applicant demonstrate  
170 their organization's need but also the community's need for affordable housing and the  
171 programs provided by NHA. Compatibility was the most contentious but was within a mixed use  
172 area. However, she was concerned that the development could be all office space and that the  
173 traffic study would be down the road.

174

175 **Commissioner Lowcock** was concerned about precedent for density. However, the application  
176 satisfied the approval criteria.

177

178 **Commissioner Storm** noted that if in the future the property became only office space, it would  
179 change the character of that area. Also, the increased traffic onto SE Willard St was a concern.

180

181 **Commissioner Bone** referred to the Moving Forward Milwaukie project's finding that office  
182 space was the lowest in viability in Milwaukie, and so she felt that from a market perspective it  
183 was unlikely that the property would be built-out into office use only. This development seemed  
184 ideal for that location, and the application met the approval criteria.

185

186 **Commissioner Barbur** was still uneasy about the relationship between the Comprehensive  
187 Plan and the TCMP.

188

189 **Commissioner Parks** read a paragraph from the "Local Planning Context" section on Page ES-  
190 2 of the TCMP that clarified that implementing regulations of the TCMP would be subject to  
191 further review and adoption process. She noted that made the function of the TCMP clear to her  
192 with regard to the Comprehensive Plan.

193

194 **Chair Batey** reiterated that the danger of treating the TCMP as law, not just as  
195 recommendations or guidelines, would be the ripple effects that were unknown. If there was a  
196 reason to deny the application, it would be more appropriate to apply the compatibility criteria.

197

198 **Commissioner Lowcock**, in response to Commissioner Storm's concern about future office  
199 space use, reminded that the Commission's role was not to speculate about the future, it was to  
200 compare the application to the approval criteria.

201

202 **Commissioner Bone** added that the applicant had been at the location for 30 years and that  
203 they had a long-term plan and were a member of the community.

204

205 **It was moved by Commissioner Parks and seconded by Commissioner Bone to approve**  
206 **the zone change application ZA-13-02 for Northwest Housing Alternatives at 2316 SE**  
207 **Willard St with the recommended findings and conditions of approval as presented. The**



208 **motion passed with 4-2, with Commissioners Barbur and Storm opposing.**

209

210 **Chair Batey** read the process of appeal into the record.

211

212           5.2     Summary: Milwaukie High School Indoor Practice Facility  
213                     Applicant/Owner: HHPR / North Clackamas School District  
214                     Address: SE 28<sup>th</sup> Ave and SE Lake Rd  
215                     File: CSU-13-15, VR-14-01  
216                     Staff: Brett Kelter

217

218 **Chair Batey** called the hearing to order and read the conduct of quasi-judicial hearing format  
219 into the record.

220

221 **Brett Kelter, Associate Planner**, presented the staff report via PowerPoint. He explained the  
222 request to build an indoor batting practice facility for Milwaukie High School, and oriented the  
223 Commission to the property location in relation to the high school and the proposed location of  
224 the facility on the property. The proposal included removal of the existing outdoor batting cage  
225 and adjacent concrete pad and construction of a new, larger building and new walkway.

226

227 **Mr. Kelter** noted key features and how the proposal met the Community Service Use (CSU)  
228 approval criteria. He explained the Variance request for off-street parking, noting that the current  
229 existing parking area was nonconforming, and addressed the approval criteria. He reviewed the  
230 staff recommendations for approval and decision options. Conditions for the CSU modification  
231 involved walkway lighting and hours of use; variance approval involved requiring striping,  
232 landscaping, bike parking, and lighting.

233

234 **Mr. Kelter** answered questions from the Commission regarding the lighting options, ADA  
235 standards, and traffic impacts.

236

237 **Chair Batey** called for the applicant's testimony.

238

239 **Keith Jones, Harper Houf Peterson Righellis (HHPR), applicant's representative**, stated  
240 that Mr. Kelter represented the proposal well and added that the applicant intended to keep the  
241 project fairly simple. He presented renderings depicting the general construction and features.

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**Garry Kryszak, North Clackamas School District, applicant,** noted that the project was primarily a volunteer-driven project and was important as the school district wanted to provide parity between the three area high schools. Volunteer groups had enabled the building of similar facilities at Clackamas and Rex Putnam High Schools and the school district wanted to support the Milwaukie volunteer group in doing the same.

**Mr. Kryszak** addressed the issues of lighting, hours of operation, facility users, and noted there were year-round bathrooms on the east side of the property. He added that landscaping would not be hedgerow-style for safety concerns. Regarding bike parking, he himself was an avid bicyclist but noted that students rarely commuted to school by bike.

**Commissioner Parks** asked about the condition of hours of operation for 7 a.m. to 10 p.m. daily.

**Mr. Kryszak** clarified that those were standard hours of operation but may not be used by groups during all of those hours. The facility itself was for both baseball and softball practice and was intended more as a winter-use facility used by the school district.

**Chair Batey** called for public testimony.

**David Howard, 9705 SE 37<sup>th</sup> Ave,** current board member of Milwaukie Junior Baseball Association, the youth program in Milwaukie, and a parent of a Milwaukie baseball player. He commented that, although the proposed building seemed large, since it was for batting practice the number of practice stations would be low and would accommodate only about 12-15 people. Therefore, it would be far less than the number of people that would attend a game. Also, use of the facility would be more on the off-season.

**Yvonne McVey, 12951 SE Vernie Ave,** treasurer of Milwaukie Junior Baseball Association and the Mustang Baseball Academy, the high school's baseball booster club, and parent of a baseball player. She felt that the facility was not a frivolous desire but a necessity to be competitive in baseball and softball in the area and would improve skills for all ages. If the project was not approved, MHS would be the only high school in the area without an indoor training facility, which would continue the disadvantage and reflect poorly on the city. The

276 community has been raising money for this facility for over 20 years. She encouraged the  
277 Commission to approve the application with the staff recommendations.

278

279 **Tim Salyers, Ardenwald neighborhood**, noted he had a long history of Milwaukie baseball  
280 and was involved in the Junior Baseball Association now. He reiterated that there had been  
281 fundraising for this facility for a long time; he helped to fundraise when he was in school for this  
282 facility. To clarify, the youth programs would be using the facility. He assured that the facility  
283 would not create more noise. The competitiveness and community pride this facility could add  
284 would be great.

285

286 **Jean Baker, 2607 SE Monroe St**, Historic Milwaukie Neighborhood District Association (NDA)  
287 Chair. The NDA was supportive but would like to see the parking lot restriped, minimal lighting,  
288 and walkway lighting. She would like to see permanent and separate bathrooms. The  
289 neighborhood would prefer more screening than was proposed and perhaps a different color for  
290 the building itself. She hoped the applicants could meet with the neighbors to agree upon the  
291 building color and the screening.

292

293 **Chair Batey** clarified that there was privacy fence slatting in the proposal. She also noted she  
294 was concerned about the public comment regarding police activity and the request to close the  
295 existing gate afterhours.

296

297 **Mr. Kelper** responded that the response from the Police Department was that there were few  
298 incidents that occurred on that site.

299

300 **Chair Batey** called for the applicant's rebuttal to public testimony.

301

302 **Mr. Jones** clarified that, regarding the screening, there was a significant distance and grade  
303 difference between the subject property and the adjacent properties. He felt the fence slatting  
304 would be sufficient to provide adequate screening. There were also upgrades to the parking lot,  
305 including restriping and landscaping. The color had not been decided upon, but the intent was to  
306 match the school's color scheme.

307

308 **Mr. Kryszak** noted the proposal was taken to the Lake Road NDA. He added that there was  
309 only one neighbor that would be affected and the area around that property would be improved

310 through this project by removing the temporary structure, etc.

311

312 **Chair Batey** closed the public testimony.

313

314 **It moved by Commissioner Lowcock and seconded by Commissioner Barbur to approve**  
315 **applications CSU-13-15, VR-14-01, for the Milwaukie High School indoor practice facility**  
316 **with the findings and conditions as presented. The motion passed unanimously.**

317

318 **6.0 Worksession Items**

319 6.1 Summary: Officer Elections

320 Staff: Denny Egner

321

322 **Denny Egner, Planning Director**, reminded that due to Chair Batey's term limit and with the  
323 resignation of Vice Chair Fuchs, the Commission needed to elect both a new chair and vice  
324 chair.

325

326 **It was moved by Commissioner Storm and seconded by Commissioner Parks to elect**  
327 **Commissioner Bone as the new Planning Commission Chair. The motion passed**  
328 **unanimously.**

329

330 **It was moved by Commissioner Storm and seconded by Commissioner Lowcock to elect**  
331 **Commissioner Parks as the new Planning Commission Vice Chair. The motion passed**  
332 **unanimously.**

333

334 **7.0 Planning Department Other Business/Updates**

335

336 **8.0 Planning Commission Discussion Items**

337

338 **Chair Batey** referred to an application that was before the Commission years ago for a dock to  
339 be installed on the river on a private property. When the dock was actually constructed, it was  
340 not consistent with what was approved. She had brought it to staff's attention, and asked the  
341 Commission to keep an eye on that.

342

343 She also noted that she had enjoyed her time on the Commission.

344

345 **9.0 Forecast for Future Meetings:**

346 April 8, 2014 1. Public Hearing: ZA-14-01 Mural Code Amendments *continued*  
347 *from 3/11/14*

348 April 22, 2014 1. TBD

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350

351 Meeting adjourned at approximately 10:16 p.m.

352

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354

355 Respectfully submitted,

356

357 Alicia Martin, Administrative Specialist II

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361 \_\_\_\_\_

362 Sine Bone, Chair



# MILWAUKIE

*Dogwood City of the West*

**To:** Planning Commission

**Through:** Dennis Egner, Planning Director

**From:** Brett Kelter, Associate Planner

**Date:** May 20, 2014, for May 27, 2014, Public Hearing

**Subject:** **File:** CSU-13-12  
**Applicant:** Steve Butler, on behalf of City of Milwaukie  
**Owner(s):** City of Milwaukie  
**Address:** 5908 SE Monroe St  
**Legal Description (Map & Taxlot):** 1S2E31AA 08300  
**NDA:** Linwood

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## **ACTION REQUESTED**

Approve application CSU-13-12 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for construction and installation of improvements and amenities at Wichita Park that are consistent with the approved park master plan in the City's Comprehensive Plan.

## **BACKGROUND INFORMATION**

Wichita Park is a neighborhood park in the Linwood neighborhood. A master plan for the park was adopted into the Milwaukie Comprehensive Plan in 1999 (Ord. 1851), and the proposed development will construct and install improvements and amenities that are consistent with that plan. Proposed improvements include a central play area (with swings and play structure), benches and picnic tables, perimeter exercise path, open lawn, disc golf basket, and additional landscaping.

### **A. Site and Vicinity**

The subject property is located at 5908 SE Monroe Street. The site is flat and open and is essentially undeveloped, with only a lawn, a few trees, and no other amenities. As is the case with most other public parks in Milwaukie, Wichita Park is maintained by the North Clackamas Parks and Recreation District.

The surrounding area consists of single-family residential uses (see Figure 1). Wichita Park is classified as a neighborhood park, intended to serve residents within a half-mile of the site who access it primarily on foot or by bike. Monroe St is classified in the Milwaukie Transportation System Plan (TSP) as a collector street and is designated as a neighborhood greenway, which will eventually result in improvements that make it a safer route for bicycles and pedestrians.

## B. Zoning Designation

Residential R-7, with no special overlays (see Figure 2)

## C. Comprehensive Plan Designation

Public (P)

## D. Land Use History

Besides the adoption of the park master plan into the Milwaukie Comprehensive Plan (Ord. 1851, January 19, 1999), City records indicate no previous land use actions for this site.

## E. Proposal

The applicant is seeking land use approval to establish Wichita Park as a community service use.

Attachment 3-d, the revised Concept Plan provided in the Applicant's Materials, provides the general layout and design of the proposed improvements. Key features of the project include the following:

1. Central play area, with swings and play structure
2. Benches and picnic tables around central play area
3. Mulch exercise path along perimeter of park
4. Open lawn area with one disc golf basket
5. New landscaping, including trees and shrubs
6. Bike rack and drinking fountain at central play area
7. ADA-accessibility to central play area and at least one picnic table

The project requires approval of the following application:

1. Community Service Use (CSU-13-12)

Figure 1. Site and vicinity

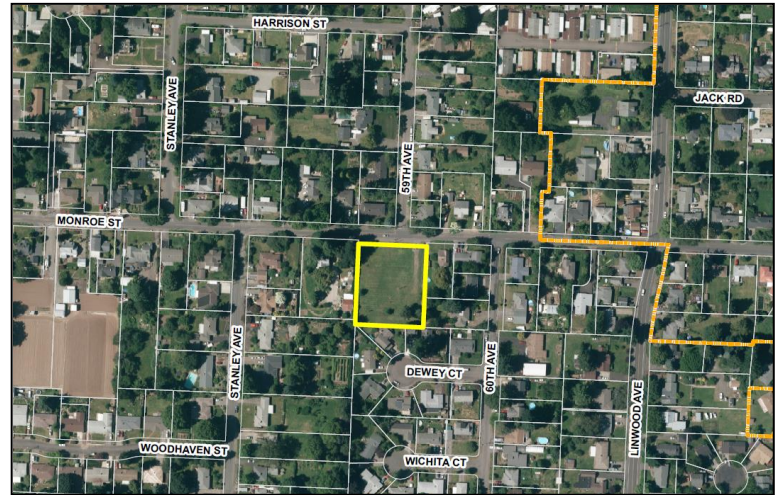
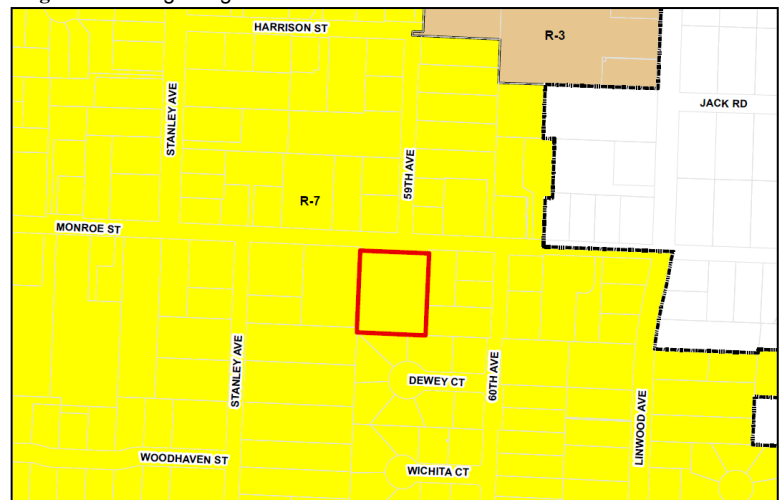


Figure 2. Zoning designation



## KEY ISSUES

### Summary

Staff has identified the following key issues for the Planning Commission's deliberation. Aspects of the proposal not listed below are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion by the Commission.

- A. Is the proposed Concept Plan substantially similar to the concept plan included in the approved Wichita Park master plan within the City's Comprehensive Plan?
- B. Should any portion of the park be required to be lighted?
- C. Is there any reason not to approve the applicant's requests to (1) approve a placeholder for park signage or (2) extend the validity of the new land use approval?

### Analysis

#### A. **Is the proposed Concept Plan substantially similar to the concept plan included in the approved Wichita Park master plan within the City's Comprehensive Plan?**

The concept plan for Wichita Park that was adopted into the Milwaukie Comprehensive Plan in 1999 (as part of the Wichita Park Master Plan) is included in the applicant's submittal materials (see Attachment 3-b). That original concept plan shows a circular central play area on the western side of the site, connected to the public sidewalk along Monroe St by a curving walkway. An open lawn area and single basketball court are shown on the eastern half of the site. Picnic tables are located toward the rear of the site, with a bike rack and drinking fountain on the northern side of the central play area.

Several years after the park master plan was adopted, members of the Linwood NDA revisited the concept plan and made several small revisions, based on current neighborhood desires for amenities, potential impacts to neighboring properties, and concerns for public safety. The most notable changes were to replace the basketball court with a disc golf basket and to pull the picnic tables farther forward on the site. In consultation with staff from the North Clackamas Parks and Recreation District, the on-site walkway was straightened to accommodate the need for occasional access by maintenance vehicles. A separate maintenance driveway has been removed from the plan. Overall, however, the revised concept plan is substantially similar to the one in the adopted master plan.

#### B. **Should any portion of the park be required to be lighted?**

Like most public parks in Milwaukie, Wichita Park is intended to be used only during daytime hours throughout the year. MMC Subsection 9.28.020.F establishes the operating hours of parks as being from 30 minutes before sunrise until 30 minutes after sunset. There is an argument to be made for providing lighting in the park to ensure public safety, and the standards of MMC Subsection 19.504.9 require that the on-site walkway be lighted to a minimum standard of 0.5 footcandles. However, an existing streetlight across Monroe St from the park already provides some minimal lighting of the park entrance, and there is a compelling counter-argument that lighting more of the park may invite unwelcome activity after hours. Of the other nearby neighborhood parks—Stanley Park (11800 SE Stanley Avenue), Homewood Park (on SE Home Avenue near Monroe St), and Ball-Michel Park (9781 SE Stanley Ave)—none have lighting.



The park is not required to be lighted, and the Linwood NDA has stated that they prefer the on-site walkway not be lighted (see Comments, below, and Attachment 4). To address the neighborhood preference without precluding a future decision to light all or a portion of the park, staff has recommended a condition that the park not be lighted at this time and that a future proposal for lighting be handled as a request for a major or minor modification of the community service use, depending on the nature of the proposal.

**C. Is there any reason not to approve the applicant's requests to (1) approve a placeholder for park signage or (2) extend the validity of the new land use approval?**

The applicant is still in the process of developing specific construction drawings for the park, and a specific sign has not yet been designed. Likewise, funding to build the proposed improvements has not yet been secured, and the improvements may have to be constructed in phases. Due to the funding constraints and likely extended timeline associated with this project, the applicant is requesting a time extension to avoid the future need for time-consuming review of items that can be handled administratively in the present.

Staff can easily review a future sign proposal to ensure that it meets the standards provided in MMC Table 14.08.090.C, as long as the Planning Commission agrees that it is acceptable for Wichita Park to have a sign that does not exceed those maximum standards. And it is reasonable to allow an extra year for the City and park supporters to finalize the design, secure permits, and start construction (3 years from the date of approval instead of 2); and to allow 2 extra years to complete the proposed improvements (6 years from the date of approval instead of 4).

If any substantial changes are proposed beyond the improvements approved with this application, the zoning code has established procedures for reviewing such modifications via either MMC Chapter 19.909 Modifications to Existing Approvals or MMC Subsection 19.904.5 Procedures for Reviewing a Community Service Use.

## CONCLUSIONS

**A. Staff recommendation to the Planning Commission is as follows:**

1. Approve the Community Service Use application for Wichita Park. This will result in improvements consistent with the approved park master plan in the City's Comprehensive Plan, including establishment of a central play area, benches and picnic tables, perimeter exercise path, open lawn, disc golf basket, and additional landscaping.
2. Adopt the attached Findings and Conditions of Approval.

**B. Staff recommends the following key conditions of approval (see Attachment 2 for the full list of Conditions of Approval):**

- Require no lighting of the park at this time, with a provision that any future proposal to light some portion of the park be reviewed as a modification to the approved community service use.

Staff recommends approval of the placeholder request for signage for the park without need for further review by the Planning Commission. In addition, staff recommends that the

validity of the land use approval be extended to 3 years for obtaining necessary development permits and starting construction, and to 6 years for final inspection of the completed project. As required by the standards of MMC Subsection 19.504.9, the new on-site walkway shall be permeable for stormwater.

## CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC Section 19.1006 Type III Review
- MMC Section 19.904 Community Service Uses
- MMC Section 19.301 Low Density Residential Zones (R-10, R-7, R-5)
- MMC Section 19.504 Site Design Standards
- MMC Chapter 19.700 Public Facility Improvements
- MMC Section 14.08.090 Conditional and Community Service Use Signs
- MMC Section 19.1001 General Provisions

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Commission has 4 decision-making options as follows:

- A. Approve the application subject to the recommended Findings and Conditions of Approval.
- B. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- C. Deny the application upon finding that it does not meet approval criteria.
- D. Continue the hearing.

As allowed by MMC Subsection 19.1001.7.C, the applicant has waived the standard 120-day time period in which the application must be decided (June 28, 2014). The total of all extensions shall not exceed 245 days from the date the application was deemed complete. Therefore, the final decision on this application, which includes any appeals to the City Council, must be made by February 28, 2015, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance.

## COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Building and Engineering Departments, Clackamas Fire District #1, Linwood Neighborhood District Association (NDA), Clackamas County Engineering Division, and Metro. The following is a summary of the comments received by the City. See Attachment 4 for further details.

- **John Stelzenmueller, Milwaukie Building Department:** Several items will require permits at the time of development, including plumbing (for irrigation system, drinking fountain water supply and backflow, and underground stormwater system) and erosion

control. The pathway from the sidewalk to central play area and accessible picnic table will require a permit and inspection. The playground equipment may require a permit and inspection as well, depending on the specific design.

**Staff Response:** *Building comments pertain to requirements that will be enforced as part of development permit review.*

- **Shawn Olson, Clackamas Fire District:** No comments on this proposal.
- **Zac Perry, Linwood NDA Chair:** Requirements to provide lighting and a pervious walkway will add cost to the project. The park is intended to be used during daylight hours only; lights will encourage unwelcome nighttime use of the park. Most of the park area is pervious landscaping, and the walkway can be designed to shed runoff into the grass; the requirement for a pervious walkway seems unnecessary and unreasonable.

**Staff Response:** *Stormwater from new impervious surface over 500 sq ft in area must be treated on site. It will probably be more cost-effective to use pervious materials for the on-site walkway than constructing a swale or designing some other means of treating stormwater on site.*

*As for lighting, staff is recommending that the Planning Commission allow the site to remain unlighted, since the park is open for daytime use only. However, staff has crafted the associated condition in such a way that does not preclude future discussions about lighting the park site, if safety concerns or neighborhood preferences for lighting should change in the future.*

- **Philip Kolb, Milwaukie Engineering Department:** Various comments related to MMC Chapter 19.700 Public Facility Improvements.

**Staff Response:** *The Engineering comments have been incorporated into these findings.*

- **Miranda Bateschell, Metro:** No comments on this proposal.

## ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	Early PC Mailing	PC Packet	Public Copies	E-Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Recommended Conditions of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Applicant's Narrative and Supporting Documentation dated February 28, 2014.				
a. Narrative	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. 1998 Master Plan (Attachment 1 from Submittal Materials)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Background Documents (Attachments 2-4 and 6-7 from Submittal Materials)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Revised Concept Plan (Attachment 5 from Submittal Materials)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Early PC Mailing	PC Packet	Public Copies	E- Packet
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

#### 4. Comments Received (from Linwood NDA)

Key:

Early PC Mailing = paper materials provided to Planning Commission at the time of public notice 20 days prior to the hearing.

PC Packet = paper materials provided to Planning Commission 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-104>.

**Recommended Findings in Support of Approval  
File #CSU-13-12, Wichita Park**

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, Community Development Director Steve Butler on behalf of the City of Milwaukie, has applied for approval to establish Wichita Park as an official community service use to be developed at 5908 SE Monroe Street. This site is in the Residential R-7 Zone and has no special zoning overlays. The land use application file number is CSU-13-12.
2. The proposed development will construct and install improvements and amenities at Wichita Park that are consistent with the approved park master plan in the City's Comprehensive Plan. Park development includes establishment of a central play area, benches and picnic tables, perimeter exercise path, open lawn, disc golf basket, and additional landscaping.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
  - MMC Section 19.1006 Type III Review
  - MMC Section 19.904 Community Service Uses
  - MMC Section 19.301 Low Density Residential Zones (R-10, R-7, R-5)
  - MMC Section 19.504 Site Design Standards
  - MMC Chapter 19.700 Public Facility Improvements
  - MMC Section 14.08.090 Conditional and Community Service Use Signs
  - MMC Section 19.1001 General Provisions

Note: MMC Chapter 19.600 (Off-Street Parking and Loading) does not apply because of the parking quantity determination provided in land use file #P-13-02, which concluded that, because Wichita Park is a "neighborhood park" (as defined in the Comprehensive Plan) no off-street parking is required.

4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held on May 27, 2014, as required by law.
5. MMC Section 19.904 Community Service Uses

MMC 19.904 provides standards and procedures for review of applications for community service uses. These are uses that are not specifically allowed outright in most zoning districts but that address a public necessity or otherwise provide some public benefit. Community service uses may include schools, government buildings, hospitals, religious institutions, utilities, parks, or communication facilities.

- a. MMC Subsection 19.904.2 Applicability

MMC 19.904.2 establishes applicability of the Community Service Use (CSU) regulations.

The proposed development is a package of improvements at Wichita Park, an existing but undeveloped City park in the Linwood neighborhood. Public parks are identified as a community service use in MMC 19.904.2.C. The Planning Commission finds that the standards of MMC 19.904 are applicable to the proposed development.

## b. MMC Subsection 19.904.3 Review Process

MMC 19.904.3 establishes the review process for community service uses. Except for wireless communication facilities and minor modifications to existing community service uses, applications for community service uses are subject to Type III review (MMC 19.1006).

The proposed development is neither a wireless communication facility nor a minor modification to an existing community service use. As a new community service use, the proposed development is subject to the procedures for Type III review outlined in MMC 19.1006.

## c. MMC Subsection 19.904.4 Approval Criteria

MMC 19.904.4 establishes the following approval criteria for community service uses:

- (1) *The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed in the CSU, the standards of the underlying zone are met.*

The subject property is zoned Residential R-7. Development standards for the R-7 zone are provided in MMC Table 19.301.4. The standards applicable to the proposed development are addressed in the following table:

Residential Zone R-7 Development Standards				
Standard	Requirement	Existing (undeveloped)	Proposed	Staff Comment
Minimum Setbacks	20 ft (front, rear) 5 ft / 10 ft (side)	n/a	75 ft (front) 50 ft (rear) 25 ft (west side) 70 ft (east side)	<i>Complies with standard</i>
Front Yard Minimum Vegetation	40% minimum	100%	>95%	<i>Complies with standard</i>
Height Restriction	2½ stories or 35 ft	n/a	<20 ft tall (play structure)	<i>Complies with standard</i>
Lot Coverage	30% maximum	0% coverage	<2% coverage (play structure)	<i>Complies with standard</i>
Minimum Vegetation	35% minimum	99% vegetation	>65% vegetation	<i>Complies with standard</i>
Off-Street Parking and Loading	None	0	0	<i>No spaces required for neighborhood park (see parking determination file P-13-02)</i>

Based on the foregoing analysis, the Planning Commission finds that the proposed development meets the applicable development standards of the underlying R-7 zone.

(2) *Specific standards for the proposed uses as found in MMC 19.904.7-11 are met.*

As a public park, the proposed development is subject to the relevant standards for facilities not covered by other subsections of the community service use regulations, provided in MMC 19.904.9. The standards of MMC 19.904.9 applicable to the proposed development are addressed as follows:

- (a) *MMC 19.904.9.A requires that utilities, streets, or other improvements necessary for the public facility shall be provided by the agency constructing the use.*

As discussed in Finding 7 and as conditioned, all necessary utilities and street improvements warranted by the proposed development will be provided by the applicant. As conditioned, this standard will be met.

- (b) *MMC 19.904.9.B encourages access to be provided on a collector street if practicable.*

Access to the subject property is provided from Monroe St, which is classified as a collector street in the City's Transportation System Plan. This standard is met.

- (c) *MMC 19.904.9.C requires community service uses in residential zones to provide setbacks equal to two-thirds the height of the principal structure.*

As noted in Finding 5-c-(1), the tallest point of the play structure will be less than 20 ft tall and will provide front, side, and rear setbacks of well over 15 ft. This standard is met.

- (d) *MMC 19.904.9.E requires noise-generating equipment to be sound-buffered when adjacent to residential areas.*

The proposal does not include any noise-generating equipment. This standard is met.

- (e) *MMC 19.904.9.F requires lighting to be designed to avoid glare on adjacent residential uses and public streets.*

As proposed, the project does not include any lighting. As discussed in Findings 5-d-(2) and 6, no lighting will be required and a condition has been established to require further discussion prior to any future decision to install lighting in the park, which will ensure that any future lighting is designed to avoid glare on adjacent residential uses and public streets. As conditioned, this standard will be met.

- (f) *MMC 19.904.9.G encourages hours and levels of operation to be adjusted to be compatible with adjacent uses where possible.*

The surrounding area is primarily developed with single-family residential uses. As per MMC Subsection 9.28.020.F, parks open 30 minutes before sunrise and close 30 minutes after sunset. Wichita Park employs these same hours, so it is essentially a facility for daytime-use only. As a neighborhood park, Wichita Park is intended to be used by residents within an approximately half-mile radius.

The Planning Commission finds that the proposed development is compatible with adjacent uses and that no adjustment of hours or levels of operation is necessary. This standard is met.

As conditioned, the Planning Commission finds that the applicable standards of MMC 19.904.9 will be met.

- (3) *The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses.*

As discussed in Finding 5-c-(2)-(f), the Planning Commission finds that the hours and levels of operation of the proposed development are reasonably compatible with surrounding uses. This standard is met.

- (4) *The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood.*

Wichita Park is classified in the Milwaukie Comprehensive Plan as a “neighborhood park,” which means it is intended to serve residents within approximately a half-mile of the site. The nature and scale of amenities that will be provided (including play structure, swings, benches, picnic tables, mulch exercise path, open lawn, and single disc golf basket) are not intended to attract users from farther parts of the city or the larger parks district. The park will serve as a recreational amenity for the adjacent neighborhood.

The park will be officially open only during daylight hours throughout the year. No off-street parking will be provided at the park, as most users will access the site from the adjacent neighborhood area by bicycle or on foot. Impacts from increased vehicle traffic will be minimal. The proposed improvements do not include athletic fields for organized sporting events, so noise impacts will be minimal.

The Planning Commission finds that the public benefits of the proposed development are greater than any negative impacts. This standard is met.

- (5) *The location is appropriate for the type of use proposed.*

The subject property has a “Public” land use designation in the Milwaukie Comprehensive Plan. Wichita Park is classified as a “neighborhood park” that is intended to serve the surrounding neighborhood. The property is located on SE Monroe Street, a collector street in a single-family residential area. Although there are no pedestrian facilities in the surrounding area and bicycle facilities are substandard, Monroe St is identified in the Milwaukie Transportation System Plan as a “neighborhood greenway” and is the focus of a planning effort to develop concepts for future pedestrian and bicycle improvements, which will make the park more safely accessible for neighbors in the future.

The Planning Commission finds that the proposed development is appropriate for the type of use proposed. This standard is met.

As conditioned, the Planning Commission finds that the approval criteria of MMC 19.904.4 will be met.

- d. MMC Subsection 19.904.5 Procedures for Reviewing a Community Service Use  
MMC 19.904.5 establishes the procedures for reviewing community service uses.

- (1) *MMC 19.904.5.A requires the Planning Commission to hold a public hearing to consider the establishment of a new community service use or major modification of an existing community service use. The Commission shall determine whether the proposed use meets the approval criteria of MMC 19.904.4.*



The proposed development represents the establishment of a new community service use. The Planning Commission held a public hearing on May 27, 2014, to evaluate the proposed community service use in the context of the approval criteria of MMC 19.904.4. This standard is met.

- (2) *MMC 19.904.5.B establishes the types of conditions that the Planning Commission may impose on community service uses to ensure compatibility with other uses in the vicinity. Conditions may involve such aspects as hours or intensities of operation, measures to limit noise or glare, special yard setbacks, design of vehicle access points, and size or location of a building.*

The Planning Commission has evaluated the proposed park development and finds that it is generally compatible with the residential character of the surrounding area. As discussed in Finding 5-c, the park is designed to be an amenity for the neighborhood. Operational hours will be consistent with those allowed by City code (essentially sunrise to sunset) and similar to those of other parks in Milwaukie.

No lighting is proposed for any portion of the park, including the walkway between the public sidewalk and the central play area. This is consistent with the operation of other neighborhood parks in Milwaukie. To reduce the potential for the park to attract undesired after-hours activity, and to ensure that the park's daytime-focused operational level remains compatible with the surrounding neighborhood, a condition has been established to require that no lighting be provided at the park as part of this approval. As conditioned, a future proposal for lighting in the park shall be handled as a modification to the approved community service use, in accordance with the applicable standards provided in MMC Subsection 19.904.5.

As conditioned, this standard will be met.

- (3) *MMC 19.904.5.C authorizes the Planning Director to approve minor modifications to an approved community service use through the Type I review process, subject to compliance with specific criteria.*

The proposed development represents the establishment of a new community service use.

The Planning Commission finds that MMC 19.904.5.C does not apply to this application.

The Planning Commission finds that the applicable standards of MMC 19.904.5 are met.

e. MMC Subsection 19.904.6 Application Requirements

MMC 19.904.6 establishes the application requirements for community service uses, including a narrative describing the proposed use, maps showing the vicinity and existing uses, and detailed plans for the project.

The applicant's submittal materials include a narrative description of the proposed development, address of the applicable standards of the municipal code, site and vicinity maps, and a concept plan showing proposed improvements.

The Planning Commission finds that this standard is met.

As conditioned, the Planning Commission finds that the proposed development will meet all applicable standards of MMC 19.904 and is approvable as a community service use.

## 6. MMC Section 19.504 Site Design Standards

MMC Section 19.504 establishes a variety of site design standards. In particular, MMC Subsection 19.504.9 establishes standards for on-site walkways and circulation, to encourage safe and convenient pedestrian movement within and through the site. The design standards provided in MMC 19.504.9.E require that walkways be constructed with a hard surface material, permeable for stormwater, at least 5 ft in width, and lighted to an average 0.5-footcandle level. As per MMC 19.504.9.A, redevelopment projects that involve remodeling or changes in use shall be brought closer into conformance with this requirement to the greatest extent practicable.

MMC 19.504.9.A requires walkways between parts of a site where the public is invited to walk. As proposed, the park improvements include an 8-ft-wide concrete walkway leading to and around a portion of the central play area, as well as a mulch exercise path around the perimeter of the park. The mulch path is a recreational facility within the park and is not subject to the standards of MMC 19.504.9. Likewise, walkways are not required across the open lawn portions of the park site.

As proposed, the new on-site walkway would not be permeable. However, a condition has been established to ensure that the portion of the walkway between the public sidewalk along Monroe St and the central play area new walkway will be constructed of pervious material.

As proposed, the new walkway will not be lighted. The park will be open only during daylight hours and, as discussed in Finding 5-d-(2), no other portions of the site will be illuminated.

As conditioned, the Planning Commission finds that the applicable standards of MMC 19.504.9 will be met.

## 7. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 establishes provisions to ensure that development provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts.

### a. MMC Section 19.702 Applicability

MMC 19.702 establishes the applicability of the provisions of MMC 19.700, including land divisions, new construction, expansions of existing structures, and changes or intensifications in use.

The proposed development consists of construction of a new neighborhood park that increases the vehicle trip generation to and from the site.

The Planning Commission finds that the proposed development is subject to the standards and requirements of MMC 19.700.

### b. MMC Section 19.703 Review Process

MMC 19.703 establishes the review procedures for development that is subject to MMC 19.700.

#### (1) MMC Subsection 19.703.1 Preapplication Conference

MMC 19.703.1 requires a preapplication conference for all proposed development that is subject to MMC 19.700.

The applicant requested and attended a preapplication conference on February 21, 2013, to discuss with City staff proposed improvements to the site.

The proposed development complies with MMC 19.703.1.

(2) MMC Subsection 19.703.2 Application Submittal

MMC 19.703.2 establishes the requirements for submittal of either a development permit application or Transportation Facilities Review (TFR) application to demonstrate compliance with MMC 19.700. As per MMC Subsection 19.703.2.B, if a proposed development does not require a Transportation Impact Study (TIS) but does require another type of land use application(s), then a TFR application is not required and compliance with MMC 19.700 will be evaluated during the review of the other land use application(s).

The Engineering Director has determined that a TIS is not required as part of the proposed development, in accordance with MMC Section 19.704. The proposed development does require submission of other land use applications, so a TFR land use application is not required. Compliance with MMC 19.700 is being reviewed as part of this application for the community service use.

The proposed development complies with MMC 19.703.2.

(3) MMC Subsection 19.703.3 Approval Criteria

MMC 19.703.3 establishes the approval criteria for all proposed development subject to MMC 19.700.

Any required public facility improvements shall comply with the standards and requirements of MMC 19.700 and the Public Works Standards. The proposed development shall provide transportation improvements and mitigation at the time of development in rough proportion to the potential impacts of the development.

The proposed development currently meets the safety and functionality standards of MMC Subsection 19.703.3.C.

The Planning Commission finds that the proposed development complies with the applicable standards of MMC 19.703.

c. MMC Section 19.704 Transportation Impact Evaluation

MMC 19.704 establishes the procedures for determining whether a proposed development requires a formal Transportation Impact Study (TIS). If required, a TIS evaluates the adequacy of the transportation system to serve the proposed development and determines the proportionate mitigation of impacts.

The Engineering Director has determined that the projected impacts to the transportation system, specifically the projected increase in trip generation, are not significant enough to require a TIS.

The Planning Commission finds that the proposed development complies with MMC 19.704.

d. MMC Section 19.705 Rough Proportionality

MMC 19.705 establishes standards to ensure that required transportation facility improvements are roughly proportional to the potential impacts of the proposed development.

The Engineering Director has determined that the proposed development will increase trip generation to and from the site. As a result, the proposed development

will be required to provide transportation facility improvements in proportion to this impact. Transportation facility requirements of MMC Section 19.708 do apply to the proposed development.

The proposed development complies with MMC 19.705.

e. MMC Section 19.706 Fee In Lieu of Construction

MMC 19.706 establishes provisions to allow payment of a fee in lieu of constructing required transportation facility improvements.

The applicant has not requested to pay a fee in lieu of construction of required street improvements at this time.

The Planning Commission finds that the requirements of MMC 19.706 do not apply to the proposed development.

f. MMC Section 19.707 Agency Notification and Coordinated Review

MMC 19.707 outlines the procedures for providing notice of a proposed development to other agencies when MMC 19.700 is applicable.

The proposed development is within 200 ft of Monroe St, a designated collector and transit route. Notice of the land use application has been provided to Metro, Clackamas County, and TriMet for their review and comment.

The proposed development complies with MMC 19.707.

g. MMC Section 19.708 Transportation Facility Requirements

MMC 19.708 establishes the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities.

(1) MMC Subsection 19.708.1 General Street Requirements and Standards

MMC 19.708.1 establishes requirements for access management, clear vision, development in downtown and non-downtown zones, street layout and connectivity, and intersection design and spacing.

The applicant shall remove all signs, structures, or vegetation in excess of 3 ft in height from "vision clearance areas" at intersections of streets, driveways, and alleys. A condition has been established to ensure that this standard will be met.

As conditioned, the proposed development is consistent with MMC 19.708.1.

(2) MMC Subsection 19.708.2 Street Design Standards

MMC Section 19.708.2 establishes standards for street design and improvement.

The Milwaukie Transportation System Plan and Transportation Design Manual classify the fronting portions of Monroe St a collector street. A collector street is the minimum street standard and is designed to safely and adequately handle traffic such as that generated by this development.

The existing right-of-way width of Monroe St fronting the proposed development is currently 50 ft. According to MMC Table 19.708.2 Street Design Standards, the required right-of-way width for a collector street is 60 ft. The property owner dedicated the necessary right-of-way in May 2012 on the southern side of Monroe St along the length of the property's frontage. Any future dedication will take place on the north side of Monroe St to achieve the required full right-of-

way width. The applicant will not be responsible for any additional right-of-way dedication.

The applicant is responsible for construction of a half street improvement on the south side of Monroe St along the site's frontage to improve access to the property. The street improvement includes construction of a 17-ft-wide paved half street, standard curb and gutter, 6-ft-wide planter strip, and a minimum 6-ft-wide setback sidewalk; or whatever improvements are otherwise identified in the Monroe Street Neighborhood Greenway Concept Plan. A condition has been established to ensure that this standard will be met.

As conditioned, the proposed development is consistent with MMC 19.708.2.

(3) MMC Subsection 19.708.3 Sidewalk Requirements and Standards

MMC 19.708.3 establishes that sidewalks shall be provided on the public street frontage of all development.

The construction of sidewalk along the proposed development property abutting Monroe St is included in the street frontage requirements. The sidewalk is necessary to provide for safe and adequate pedestrian travel from the site. As noted in Finding 7-g-(2), a condition has been established to ensure that this standard will be met.

As conditioned, the proposed development is consistent with MMC 19.708.3.

(4) MMC Subsection 19.708.4 Bicycle Facility Requirements and Standards

MMC 19.708.4 establishes standards for bicycle facilities.

The portion of Monroe St fronting the proposed development is classified as a bike route in the Milwaukie Transportation System Plan. As a result, bicycle facility improvements consisting of a standard shared bike lane within the 17-ft travel lane will be required for the proposed development. As noted in Finding 7-g-(2), a condition has been established to ensure that this standard will be met.

As conditioned, the proposed development complies with MMC 19.708.4.

(5) MMC Subsection 19.708.5 Pedestrian/Bicycle Path Requirements and Standards

MMC 19.708.5 establishes standards for on-site pedestrian and bicycle paths that connect new development to adjacent residential areas, transit stops, and neighborhood activity centers.

The proposed development property is surrounded by single-family residences. The proposed development does not present an opportunity to provide a pedestrian or bicycle path; therefore, the neighborhood park is not required to provide one.

The proposed development complies with MMC 19.708.5.

(6) MMC Subsection 19.708.6 Transit Requirements and Standards

MMC 19.708.6 establishes standards for transit facilities.

The portion of Monroe St fronting the proposed development is not classified as a transit route in the Milwaukie Transportation System Plan. As a result, no additional transit facility improvements are needed.

The proposed development complies with MMC 19.708.6

As conditioned, the Planning Commission finds that the proposed development will comply with MMC 19.708.

h. MMC Section 19.709 Public Utility Requirements

MMC 19.709 establishes standards to determine whether existing public utilities are adequate to serve a proposed development, as well as to determine whether new or expanded public utilities are warranted to ensure compliance with the City's public utility requirements and standards.

The Engineering Director has determined that the existing public utilities are adequate to serve the proposed development.

The Planning Commission finds that the proposed development complies with MMC 19.709.

As conditioned, the Planning Commission finds that the proposed development will comply with all applicable standards of MMC 19.700.

8. MMC Section 14.08.090 Conditional and Community Service Use Signs

MMC 14.08.090 establishes standards for community service use (CSU) signs. In general, CSU signs are limited to the sign allowances of the underlying zone. MMC 14.08.090.C provides an allowance for increased CSU signage with Type III review, with standards for different types of signs in MMC Table 14.08.090.C. Such review includes consideration of proximity of the sign to residences, the functional classification of adjacent streets, and the scale of surrounding development.

The applicant has requested Type III review for approval of a monument or freestanding sign for the park. Although the applicant has not presented a specific design, the proposed sign will meet the relevant standards of MMC Table 14.08.090.C for monument or freestanding signs: it will be no more than 30 sq ft in area per display surface, no more than 6 ft tall, and non-illuminated. As shown on the applicant's revised Concept Plan, the new sign will be located on the park property near where the new on-site walkway meets the public sidewalk but not in the public right-of-way. The new sign will not be near any residences and will be comparable to and consistent with similar signage in other parks in Milwaukie.

The Planning Commission finds that the proposed sign is approvable as part of the Type III review for this application. A condition has been established to clarify this approval and require that the proposed sign be reviewed through the standard sign permit process at the time of development.

9. MMC Section 19.1001 General Provisions

MMC 19.1001 establishes general provisions for the review and processing of land use applications. In particular, MMC Subsection 19.1001.7.E establishes standards for the expiration of land use decisions.

- a. As per MMC 19.1001.7.E.1, proposals requiring any kind of development permit must complete both of the following steps:
  - (1) Obtain and pay for all necessary development permits and start construction within 2 years of land use approval.
  - (2) Pass final inspection and/or obtain a certificate of occupancy within 4 years of land use approval.

- b. As per MMC 19.1001.7.E.2.b, land use approvals shall expire unless both steps noted above have been completed or unless the review authority specifies a different expiration date in the land use decision to accommodate large, complex, or phased development projects.

The applicant has requested an extension to the validity of this land use approval, due to funding constraints for the project and the likelihood that the development will be conducted in phases. The applicant has requested up to 3 years to obtain and pay for all necessary development permits and start construction and up to 6 years to pass final inspection. The Planning Commission finds that the funding constraints and likely phased nature of the project are sufficient grounds to extend the validity of this approval as requested. A condition has been established to clearly identify the expiration dates for this land use application.

10. The application was referred to the following departments and agencies on April 16, 2014:
- Milwaukie Building Department
  - Milwaukie Engineering Department
  - Clackamas Fire District #1
  - Linwood Neighborhood District Association Chairperson and Land Use Committee
  - Clackamas County Engineering Division
  - Metro

The comments received are summarized as follows:

- a. **John Stelzenmueller, Milwaukie Building Department:** Several items will require permits at the time of development, including plumbing (for irrigation system, drinking fountain water supply and backflow, and underground stormwater system) and erosion control. The pathway from the sidewalk to central play area and accessible picnic table will require a permit and inspection. The playground equipment may require a permit and inspection as well, depending on the specific design.
- b. **Shawn Olson, Clackamas Fire District:** No comments on this proposal.
- c. **Zac Perry, Linwood NDA Chair:** Requirements to provide lighting and a pervious walkway will add cost to the project. The park is intended to be used during daylight hours only; lights will encourage unwelcome nighttime use of the park. Most of the park area is pervious landscaping, and the walkway can be designed to shed runoff into the grass; the requirement for a pervious walkway seems unnecessary and unreasonable.
- d. **Philip Kolb, Milwaukie Engineering Department:** Various comments related to MMC Chapter 19.700 Public Facility Improvements, which have been incorporated into these findings.
- e. **Miranda Bateschell, Metro:** No comments on this proposal.

**Recommended Conditions of Approval  
File #CSU-13-12, Wichita Park**

**Conditions**

1. At the time of submission of any development permit application, the following shall be resolved:
  - a. Final plans submitted for building permit review shall be in substantial conformance with the Concept Plan approved by this action, labeled as Attachment 5 in the applicant's submittal materials and stamped received by the City on February 28, 2014, except as otherwise modified by these conditions. Required changes are as follows:
    - (1) The on-site walkway leading from the public sidewalk to the central play area shall be permeable for stormwater, as discussed in Finding 6 and required in MMC Subsection 19.504.9.C.
  - b. Provide a narrative describing all actions taken to comply with these conditions of approval.
  - c. Provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.
2. Prior to approval of any development permit, the following shall be resolved:
  - a. Submit a stormwater management plan prepared by a qualified professional engineer with required development/building permits as part of the proposed development. The plan shall conform to Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards.
    - (1) The stormwater management plan shall demonstrate that the post-development runoff does not exceed the pre-development, including any existing stormwater management facilities serving the development site.
    - (2) The stormwater management plan shall demonstrate compliance with water quality standards in accordance with the City of Portland Stormwater Management Manual.
    - (3) Development/building permits will not be issued for construction until the storm water management plan has been approved by the City of Milwaukie.
  - b. Construct a half-street improvement on the south side of Monroe St along the proposed development property. The half-street improvement shall consist of, beginning at the center of the public right-of-way, a 17-ft wide paved half street with shared bike lane, standard curb and gutter, 6-ft planter strip, and 6-ft setback sidewalk; or whatever improvements are otherwise identified in the Monroe Street Neighborhood Greenway Concept Plan. The half-street improvements shall include all necessary stormwater system improvements necessary to accommodate the street improvements.
3. As discussed in Finding 5-d-(2), no lighting shall be provided in the park as part of this approval. A future proposal for lighting in the park shall be handled as a modification to the approved community service use, in accordance with the applicable standards provided in MMC Subsection 19.904.5.



4. Prior to installation of the signage approved with this application and discussed in Finding 8, the applicant shall obtain a sign permit. The accompanying site plan shall demonstrate that the sign location is substantially consistent with that shown on the approved Concept Plan (i.e., on the park property near where the new on-site walkway meets the public sidewalk but not in the public right-of-way, on one side or the other of the on-site walkway) and that the sign meets the relevant standards for monument or freestanding signs established in MMC Table 14.08.090.C, including but not limited to:
  - a. Maximum area of 30 sq ft per display surface, with a maximum length of 10 ft
  - b. Maximum height of 6 ft above ground
  - c. No illumination
5. The effective date of this approval shall be consistent with the standards established in MMC Subsection 19.1001.7.E and incorporating the adjustments discussed in Finding 9. The development must complete both of the following steps:
  - a. Obtain and pay for all necessary development permits and start construction within 3 years of land use approval.
  - b. Pass final inspection and/or obtain a certificate of occupancy within 6 years of land use approval.

#### **Additional Requirements**

1. Prior to approval of any development permit, the following shall be resolved:
  - a. Submit full-engineered plans for construction of all required public improvements, reviewed and approved by the City of Milwaukie Engineering Department.
  - b. Obtain a right-of-way permit for construction of all required public improvements listed in these recommended conditions of approval.
  - c. Pay an inspection fee equal to 5.5% of the cost of the public improvements.
  - d. Provide a payment and performance bond for 100% of the cost of the required public improvements.
  - e. Provide an erosion control plan and obtain an erosion control permit.
  - f. Provide a final approved set of Mylar “As Constructed” drawings to the City of Milwaukie prior to final inspection of the required public improvements.
  - g. Remove all signs, structures, or vegetation in excess of 3 ft in height located in “vision clearance areas” at intersections of streets, driveways, and alleys fronting the proposed development.
2. Prior to final inspection of any development permit, the following shall be resolved:
  - a. Construct a private storm management system (e.g., drywell) on the proposed development property for runoff created by the proposed development. Connect all rain drains to the private storm management system.
3. Development activity on the site shall be limited to 7 a.m. to 10 p.m. Monday through Friday and 8 a.m. to 5 p.m. Saturday and Sunday, as per MMC Subsection 8.08.070(I).

# Community Service Use Application

## Wichita Park

5908 SE Monroe St, Milwaukie, OR

### Proposal

Establish Wichita Park as an official community service use (CSU) with an approved master plan showing proposed improvements and amenities.

### Application Requirements for CSUs (MMC Subsection 19.904.6)

An application for approval of a community service use shall include the following:

#### A. Name, address and telephone number of applicant and/or property owner

Steve Butler, Community Development Director  
City of Milwaukie  
6101 SE Johnson Creek Blvd, Milwaukie OR 97206  
Tel. (503) 786-7652, E-mail [butlers@milwaukieoregon.gov](mailto:butlers@milwaukieoregon.gov)

#### B. Map number and/or subdivision block and lot

Tax Lot ID 1S2E31AA08300

#### C. Narrative concerning the proposed request

Wichita Park is located at 5908 SE Monroe Street in Milwaukie. The site is approximately 40,000 sq ft in area (0.95 acres); it has approximately 189 ft of frontage on Monroe St and is approximately 218 ft deep, measured along the north-south axis from the Monroe St right-of-way. The deed to the site was transferred (via quitclaim deed) to the City of Milwaukie in 1987 by the Wichita Water District. The site previously held the Water District Administration Office and a water storage facility. The site is now vacant and is used informally as a dog park.

The Wichita Park Master Plan was adopted into the Milwaukie Comprehensive Plan by City Council in January 1999 via Ordinance 1851. At that same time, the park site's land use designation in the Comprehensive Plan was changed from Medium Density to Public. The master plan was originally developed in 1997 and 1998 with citizen input, gathered at two public meetings, and in conjunction with the Linwood Neighborhood District Association (NDA). The resulting park master plan included the following elements (see Attachment 1):

- Construction of a sidewalk on Monroe St
- Concrete walkway within the park
- Play structure that incorporates a tot lot and area for elementary school age children
- Half-court basketball court
- Drinking fountain
- Automatic irrigation system
- Bike racks
- Picnic tables and benches
- Soft surface path around perimeter of park
- New trees
- Planting of vegetation on eastern end of park

- Open turf area in northern portion of site
- Parking spaces were not to be provided as this was proposed to be a “neighborhood park” within walking distance of neighbors within quarter- to half-mile radius

Between 1998 and 2011, no action was taken to complete a final design for the park or move it toward construction. In 2011, members of the Linwood NDA decided to take action toward park completion. Assisted by professional staff from Cardno WRG (working pro bono), the NDA reviewed the original master plan and held two public meetings (in June 2011 and February 2012) at which plan revisions or updates were solicited from neighbors of the park and the general association membership. The proposed changes that resulted from these public meetings were:

- Replacement of the half-court basketball court with disc golf equipment
- Relocation of the internal path away from the boundary of the site
- Specific landscape recommendations

**D. Copy of deed, or other document showing ownership or interest in property. If applicant is not the owner, the written authorization from the owner for the application shall be submitted**

A copy of a quitclaim deed transferring the property from Wichita Water District to the City of Milwaukie in 1987 is attached (see Attachment 2).

**E. Vicinity map**

See Attachment 3.

**F. Comprehensive Plan and zoning designations**

Comprehensive Plan designation = Public

Zoning designation = Residential R-7

**G. A map showing existing uses, structures, easements, and public utilities and showing proposed development, placement of lot lines, etc.**

Site map showing existing conditions is attached (see Attachment 4).

**H. Detailed plans for the specific project**

A revised master plan drawing developed by Cardno WRG with public input is attached (see Attachment 5). The drawing is not to scale but shows the concept design for the park. More specific details for several features—for example, particular planting species, scoring patterns on walkways, fencing along the park frontage, picnic table materials, and playground equipment specifications—will be finalized with the preparation of construction drawings.

The final construction plans for the park will be substantially similar to the revised master plan drawing, but they will likely not be exactly the same. The applicant respectfully requests that the Planning Commission structure its decision in such a way that would avoid the need to return to the Commission for further review unless the construction drawings present significant changes to the final approved master plan.

**I. Any information required by other applicable provisions of local, state or federal law**

No state or federal agency provisions apply to this park site. The site does not contain any wetlands or other water bodies and does not contain any historic structures or artifacts.

**J. Proof of payment of the applicable fees**

The land use fees for this project are waived because the applicant is a City Department funded by the General Fund. In addition, the City Fee Schedule waives application fees for parks projects sponsored by recognized City NDAs. The Linwood NDA is a project co-sponsor.

**K. Additional drawings, surveys or other material necessary to understand the proposed use may be required**

No additional drawings or materials are provided.

**Approval Criteria for Community Service Uses (MMC Subsection 19.904.4)**

An application for a community service use may be allowed if the following criteria are met:

**A. The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed in the CSU, the standards of the underlying zone are met.**

**Base Zone Standards (MMC 19.301)**

The underlying zone for this site is Residential R-7 (low density residential). Community service uses are allowed in R-7 zones according to MMC Table 19.301.2.

The only structures proposed for Wichita Park are a play structure, swing sets, and picnic tables; no buildings are included in the development. Approximately 75 ft of open lawn is proposed between the back of a new sidewalk that will be constructed along Monroe St and the edge of the circular fall zone that will surround the play structure and central play area. The fall zone edge is approximately 25 ft from the western property line, 70 ft from the eastern property line, and 50 ft from the southern property line. Picnic table locations are proposed toward the street side of the park to ensure visibility from the street. Specific locations have not yet been finalized; however, currently the table closest to a lot line is shown approximately 30 ft from the western property boundary.

Table 1 shows how the proposed park development meets the various applicable standards of the R-7 zone.

**Table 1. R-7 Development Standards**

	<b>R-7 Standard</b>	<b>Proposed Site</b>
<b>Lot depth</b>	80 ft	218 ft
<b>Lot width</b>	60 ft	189 ft
<b>Lot size</b>	7,000 sq ft	39,850 sq ft
<b>Front yard</b>	20 ft	75 ft

<b>Side yard</b>	5 ft and 10 ft	25 – west side 70 – east side
<b>Street side yard</b>	20 ft	n/a
<b>Rear yard</b>	20 ft	50 ft
<b>Max Lot Coverage</b>	30%	Less than 2% (play structure)
<b>Minimum vegetation</b>	30%	75-80%
<b>Max building height</b>	35 ft	Play structure will be less than 20 ft tall

**Site Design Standards (MMC 19.504)**

MMC Subsection 19.509.4 requires most new development to provide a system of walkways to encourage safe and convenient pedestrian movement within and through the site. As proposed, an 8-ft-wide concrete walkway will make a direct connection between the new sidewalk along Monroe St and the central play area. The walkway will extend partway around the central play area, encompassing the proposed bike parking area and at least one ADA-accessible picnic table. The park is intended for daytime use only, so no lighting is proposed for the walkway or any other portion of the park. There is a streetlight across Monroe St from the park at SE 59<sup>th</sup> Ave that will provide some illumination of that part of the proposed walkway nearest the street.

A mulch-surface walking trail will extend around most of the perimeter of the park, connecting to the central play area on the south and west and to the public sidewalk on the north. The mulch trail is a recreational facility within the park and is not subject to the walkway requirements of MMC 19.504.

**Off-Street Parking Standards (MMC 19.600)**

No off-street parking will be provided with this project. The park is classified as a “neighborhood park” and is designed to serve residents within a radius of approximately 0.5 miles, with the assumption that most park users will walk to the park. Because park uses are not listed in MMC Table 19.605.1, which provides parking requirements (minimum and maximum numbers of parking spaces), a Parking Determination application was submitted to the Planning Department on July 31, 2013 (Land Use File #P-13-02). The Notice of Decision issued on October 28, 2013, concluded that no off-street parking spaces were required for Wichita Park.

Parking will be available in the public right-of-way along the Monroe St frontage. This frontage area is approximately 189 ft in length, with adequate width to separate parked cars from the travel lane. Applying the parking space dimensions specified in MMC Subsection 19.607.1 of 9-ft width and 18-ft depth, the existing frontage along Monroe Street could accommodate 9 to 10 vehicles. The on-street parking area will allow room for a crew from the North Clackamas Parks & Recreation District (NCPRD) to park their truck and equipment trailer for park maintenance. NCPRD crews will access the paved walkway with their equipment (mowers and an occasional dump truck load of mulching or other materials) by way of a small curb cut where the on-site walkway and public sidewalk meet. A bollard will prevent unauthorized vehicles from using this access.

Even though no off-street automobile parking is required, MMC Subsection 19.609.2 does require a minimum of two bicycle parking spaces. A number of bike racks are proposed near the central play area. The racks will be positioned in order to ensure that at least two bike parking spaces meet the minimum dimensional requirements (2 ft by 6 ft, with a 5-ft access aisle). The racks will be securely anchored to the concrete walkway and designed to allow the bicycle frame and one wheel to be locked to the rack using a standard U-shaped lock.

### **Public Facility Improvements (MMC 19.700)**

According to the notes from the preapplication conference for this project (conducted on February 21, 2013—see Attachment 6), the proposed development will not require a separate Transportation Facilities Review (TFR) application. However, improvements on Monroe St that are completed as part of the development will be held to the standards of MMC Chapter 19.700 and MMC Table 19.708.2.

The existing right-of-way width of Monroe St fronting the proposed development is 50 ft. According to MMC Table 19.708.2, the right-of-way width for a collector street is 60 ft. In May 2012, the property owner dedicated the necessary right-of-way on the south side of Monroe St along the length of the property's frontage (see Attachment 7). Any future dedication will take place on the north side of Monroe St to achieve the required full right-of-way width. The applicant will not be responsible for any additional right-of-way dedication.

According to MMC Table 19.708.2 and the City's Transportation Design Manual, the collector cross-section includes the following:

- 14-ft travel lanes with shared bike lane
- Curb and gutter
- 6-ft landscape strips
- 6-ft setback sidewalk
- 8-ft curb tight sidewalk (required if landscape strip is eliminated)

As per the current standards, the required improvements on Monroe St (beginning from the front property line) will include a 6-ft setback sidewalk, 6-ft landscape strip, curb and gutter, and 17-ft wide paved half-street. However, the applicant is aware that the City is beginning a project to develop conceptual plans for Monroe St as a neighborhood greenway. Final construction plans for the park will be modified to incorporate the resulting greenway design recommended for improvements along the park's frontage on Monroe St.

### **B. Specific standards for the proposed uses as found in Subsections 19.904.7-11 are met**

MMC Subsections 19.904.7-11 do not include any specific standards that apply to parks.

### **C. The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses**

MMC Chapter 9.28 establishes operating rules for the City's parks. MMC Section 9.28.020 states: "Parks are open half an hour before sunrise and close half an hour after sunset unless otherwise established by the Director and indicated on park signs." Wichita Park would operate within the City code guidelines. No special operating hours would be designated by the Park Director or by sign at this site.

**D. The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood**

The City and the NDA believe that the public benefits of the proposed park amenities at Wichita Park are greater than the negative impacts on the neighborhood. Currently the site is undeveloped and used informally as a dog-run area. Other than some lawn maintenance and the provision of a dog-waste dispenser and garbage can, little maintenance or site improvement has been undertaken on the site. In its current undeveloped condition, the site is not welcoming to the public for more than walking dogs. Increased use of this site for specified and intended uses will increase the safety and attractiveness of the site for the general public.

The proposed improvements would enhance the visual and physical features of the park. The addition of the play structure and picnic tables will be attractive to residents of all ages including families with young children. The proposed disc golf equipment will invite outdoor recreationists and the internal pathway will invite walkers of all ages.

Table 2 presents a simple evaluation of public benefits and negative impacts, for the park in its current state compared to the park with the proposed improvements.

**Table 2.** Public Benefits and Negative Impacts for Wichita Park

	<b>Existing Conditions</b>	<b>With Proposed Development</b>
<b>Noise</b>	Low	Medium – during daylight hours
<b>Maintenance</b>	Low	Medium to high
<b>Aesthetics</b>	Low	High
<b>Public Attraction</b>	Dog walkers only	Picnickers, parents with small children, disc golf enthusiasts, walkers, local residents and neighbors
<b>Variety of Uses</b>	No existing amenities	Picnicking, play structure use, disc golf, walking, public performances and gatherings

**E. The location is appropriate for the type of use proposed**

The surrounding neighborhood is made up of single family homes and is zoned R-7 for low-density residential development. The park site meets the purpose of this zone, which is to “create, maintain, and promote neighborhoods with larger lot sizes where the land use is primarily single-family dwellings. They allow for some non-household living uses but maintain the overall character of a single-family neighborhood.” Park areas such as Wichita Park maintain the overall character of a single-family neighborhood and provide open space in which residents can recreate.

The closest neighborhood parks are Stanley Park (on Stanley Ave near Kent St) and Homewood Park (on Home Ave south of Monroe St), both located at least 0.5 miles away. The proposed amenities in Wichita Park will provide a walk-to park for residents within a quarter- to half-mile distance, as well as for Clackamas County residents to the east.

### **Signage (MMC 14.08.090)**

The revised master plan includes a freestanding sign that will be located at the park entrance, where the on-site walkway and public sidewalk meet. To date, the exact dimensions of the proposed sign have not been finalized, but since the City's sign code requires Type III review for freestanding CSU signs that are larger than 16 sq ft in area, the applicant respectfully requests that the Planning Commission approve a "placeholder" for a future sign, to avoid the need to return to the Commission for a future hearing on the issue.

The new sign would be freestanding, no more than 40 sq ft in area per display surface, no more than 12 ft above the ground, non-illuminated, and located on the park site (not in the public right-of-way). The general location of the new sign would be as shown on the conceptual plan. The applicant respectfully requests that the Commission establish any specific conditions on the new sign that it finds warranted.

### **Extensions to Expiring Approvals (MMC 19.908)**

MMC Subsection 19.1001.7.E.1 specifies that Type III land use approvals expire unless development permits are acquired and construction starts within 2 years and unless a final inspection is passed within 4 years. Due to funding constraints for this project, the completion of final design plans, permitting, and construction of the proposed park amenities may be completed in phases over a multiple year period. The City will work with the Linwood NDA and NCPRD to move the project forward as funding is available. For this reason, the applicant respectfully requests that the land use decision for this project include an extension of the land use approval expiration dates to 3 years for obtaining development permits and starting construction and to 6 years for final inspection and approval of use.

### **Stormwater Management Plan**

A storm water management plan for the project will be completed and submitted by a qualified professional engineer before development of the site proceeds. The plan will conform to Section 2 (Stormwater Design Standards) of the City of Milwaukie Pubic Works Standards and will demonstrate that the post-development runoff does not exceed the pre-development runoff, including any existing stormwater management facilities serving the development property. Also, the plan will demonstrate compliance with water quality standards as described in the City of Portland 2008 Stormwater Management Manual for design of water quality facilities.

### **Attachments**

1. 1998 Master Plan
2. Quitclaim deed
3. Vicinity map
4. Site map
5. Revised Master Plan (2014)
6. Preapplication conference notes
7. Description of Monroe St right-of-way dedication



MONROE

ATTACHMENT 3b

MH RIM 198.81  
INVERT 188.0

(S89°24'00"E 182.95')



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TL 8705

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TL 8704

#5967  
TL 8700

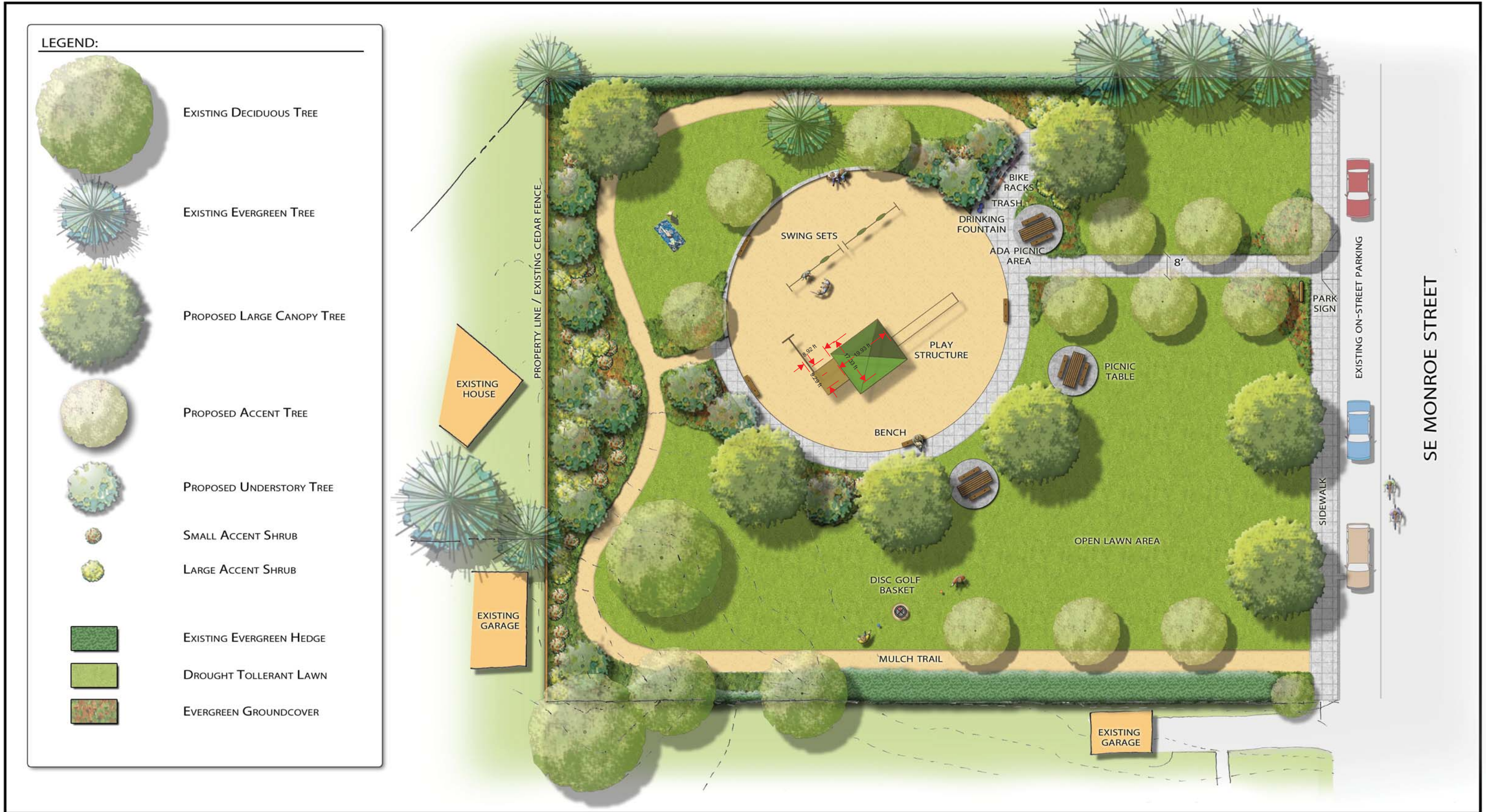
RECEIVED  
OCT 25 2013  
CITY OF MILWAUKEE  
PLANNING DEPARTMENT

1998 plan

# CONCEPTUAL MASTER PLAN

4/24/98





# Wichita Park

## Concept Plan



**Kelver, Brett**

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**From:** Zac Perry <linwoodzp@gmail.com>  
**Sent:** Friday, May 02, 2014 10:39 AM  
**To:** Kelver, Brett  
**Cc:** dollym-h@hotmail.com; wdrendel1@aol.com  
**Subject:** Re: comments on Wichita Park application? (CSU-13-12)

Brett,

The only comments I have are related to the requirements we discussed for lighting and pervious sidewalks. Both of these requirements will add cost to the project, a project that is already in jeopardy of not being funded. The requirement for lights will encourage the use of the park after dusk, which is inconsistent with the intent of the park, as it is intended to be used during daylight hours. Use of the park afterhours may also have negative impacts on adjacent neighbors. The requirement for pervious asphalt/pavers/concrete will add cost to the project as well and I am not quite sure what the benefit would be, the vast majority of the site is and will remain pervious, it makes sense to me that the sidewalk can be designed to shed to the grass area where the water will then infiltrate. I understand in an urban setting where 60-80% of the site is impervious why this would make sense, but it seems out of place on this project and unreasonable.

Zac Perry  
Linwood Chair

On Thu, May 1, 2014 at 11:23 AM, Kelver, Brett <[KelverB@milwaukieoregon.gov](mailto:KelverB@milwaukieoregon.gov)> wrote:

Hello Linwood NDA folks,

I know this particular application is a bit of a special one, as it is a project within your NDA boundary for improvements to a park in your NDA and is one that you have been actively working on. But you still have the opportunity to submit any comments you feel are warranted in advance of the Planning Commission hearing. I referred the materials out on April 16 and am looking to get comments back by the end of this week if possible. Let me know when you get a chance if I should be keeping my eye out for anything from the NDA. Thanks!

Brett Kelver, AICP  
Associate Planner

City of Milwaukie  
6101 SE Johnson Creek Blvd | Milwaukie, OR 97206  
T [503.786.7657](tel:503.786.7657) | F [503.774.8236](tel:503.774.8236)  
Community Development [503.786.7600](tel:503.786.7600)



**To:** Planning Commission

**Through:** Dennis Egner, Planning Director

**From:** Li Alligood, Associate Planner  
Vera Kolas, Associate Planner

**Date:** May 20, 2014, for May 27, 2014, Worksession

**Subject:** Moving Forward Milwaukie Briefing #3

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### **ACTION REQUESTED**

None. This is a briefing for discussion only. This is the third in a series of project briefings to the Planning Commission.

### **BACKGROUND INFORMATION**

The *Moving Forward Milwaukie: Enhancing our Commercial Districts* (MFM) project began in July 2013 and will continue into early 2015. The project was preceded by the *Fresh Look Milwaukie: Downtown Road Map* project (January – June 2013).

The MFM project is focused on bringing new activity to Milwaukie's commercial districts: downtown, central Milwaukie, and the neighborhood main streets of 32nd & 42nd Avenues. The major phases of the project are:

- Market Study (completed December 2013);
- Opportunity Site Development Concepts (completed March 2014);
- Downtown and Central Milwaukie Action & Implementation Plan (*in progress*);
- Downtown Plan and Code Amendments (anticipated fall 2014);
- Central Milwaukie Land Use & Transportation Plan (anticipated fall 2014); and,
- Central Milwaukie and Neighborhood Main Streets Plan and Code Amendments (anticipated spring 2015)

**A. History of Prior Actions and Discussions**

- **February 11, 2014:** The Commission was briefed on the opportunity site development concepts, including building form and financial feasibility, and provided input into the final versions.
- **November 12, 2013:** The Commission was briefed on the results of the market study and provided input into its findings.
- **August 5, 2013:** The Committee was briefed on the project overview and schedule.
- **May 28, 2013:** The Planning Commission and Design and Landmarks Committees were briefed on the final recommendations of the *Fresh Look Milwaukie: Downtown Road Map* project.

**B. Downtown and Central Milwaukie Action and Implementation Plan**

The Downtown and Central Milwaukie Action & Implementation Plan will provide a "road map" for the next phase of the project, which includes draft amendments to the downtown plan and code. It will also provide direction for economic development activities and capital projects that have been identified to encourage new businesses and development in downtown and central Milwaukie.

See Attachment 1 for a draft Action and Implementation matrix, which provides a brief overview of proposed strategies and actions in downtown and central Milwaukie.

**C. Next Steps**

The project team will discuss the implementation strategies of the draft Action and Implementation Plan to the Planning Commission in June, and will discuss the policy and financial strategies at joint meetings of the City Council and Planning Commission on July 1 and July 15.

**ATTACHMENTS**

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	PC Packet	Public Copies	E- Packet
1. Draft Action & Implementation Matrix, dated May 9, 2014	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

PC Packet = paper materials provided to Planning Commission 7 days prior to the meeting.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-104>.

## Action & Implementation Plan for Downtown and Central Milwaukie Summary Matrix

Discussion Draft - 5/9/14

Many of the short-term projects identified below could be addressed through the Moving Forward Milwaukie project. Others are not part of the project scope and would require additional action by the City.

Strategies	Actions	Project Type	Timeline
<b>CITYWIDE</b>			
<b>Policy - Comprehensive Plan</b>			
1. Clarify vision and update Comprehensive Plan	1A. Update Transportation System Plan, if necessary	MFM	0-2 years
	1B. As necessary, update Chapters 4 and 5 of Comprehensive Plan.	MFM	0-2 years
<b>Regulations - Code</b>			
2. Create a culture of helpfulness	2.A. Streamline City permitting and review process, where possible	MFM	0-2 years
<b>Financial</b>			
3. Use Public-Private Partnership (PPP) tools to invest in catalyst projects	3A. Use non-City funding sources for development.	Community Development	0-2 Years
	3B. Establish a strategy for when to use various PPP tools	Community Development	0-2 Years
	3C. Use site-specific TIF zones for appropriate projects	Urban Renewal Plan	2-4 Years
	3D. Use property tax abatement programs for appropriate projects	Community Development	2-4 Years
	3E. Implement Strategy #8: Lower the cost of development for catalyst projects (see below)	Economic Development	0-2 Years
<b>Other Implementation</b>			
2. Create a culture of helpfulness	2B. Enhance the City's strong and proactive customer service approach	Economic Development	0-2 Years
4. Proactively encourage development	4A. Cultivate relationships with developers, brokers, and property owners	Economic Development	0-2 Years
	4B. Fund Economic Development program to recruit new businesses	Economic Development	0-2 Years
	4C. Explore partnership opportunities with major City employers (like Dark Horse)	Economic Development	0-2 Years
	4D. Communicate positive changes to the development community	Economic Development	2-4 Years

Strategies	Actions	Project Type	Timeline
5. Support existing businesses	5A. Establish a storefront improvement program fund	Economic Development	0-2 Years
	5B. Establish a small business development fund	Economic Development	0-2 Years
	5.C. Create a program to encourage adaptive reuse of existing buildings	Economic Development	0-2 years

Strategies	Actions	Project Type	Timeline
<b>DOWNTOWN</b>			
<b>Policy - Comprehensive Plan</b>			
1. Confirm vision and update Comprehensive Plan	1C. "Refresh" Downtown and Riverfront Land Use Framework Plan	MFM	0-2 Years
	1D. Revise as necessary and adopt South Downtown Concept Plan	MFM	0-2 Years
<b>Regulations - Code</b>			
6. Provide more clarity and flexibility on allowed development	6A. Reduce the number of downtown zones	MFM	0-2 Years
	6B. Establish a "two-track" process for new development downtown	MFM	0-2 Years
	6C. Reduce on-site parking requirements to allow for creative site design	MFM	0-2 Years
	6D. Update building height requirements & restrictions	MFM	0-2 Years
	6E. Update allowed uses, including ground-floor uses	MFM	0-2 Years
	6F. Update minimum setback requirements	MFM	0-2 Years
7. Establish consistent design expectations	7A. Expand pedestrian-oriented standards for 21st Ave and urban design standards for McLoughlin Blvd	MFM	0-2 Years
<b>Financial</b>			
8. Lower the cost of development for catalyst projects	8A. Waive PARs for qualifying projects	Capital	0-2 Years
	8B. Establish alternative funding strategy for PARs	Capital	0-2 years
	8C. Waive or finance SDCs for qualifying projects	Community Development	0-2 years
	8D. Make City-owned sites available to developers at favorable terms for qualifying projects	Economic Development	0-2 Years



Strategies	Actions	Project Type	Timeline
<b>Other Implementation</b>			
4. Proactively encourage development	4F. Encourage final development of the "Triangle" site (such as issuing an RFQ) with consideration of appropriate interim uses.	MFM	0-2 years
	4E. Issue RFQs for development on Texaco and Cash Spot sites	MFM	2-4 Years
9. Encourage adaptive reuse	9A. Identify potential sites for adaptive reuse	Community Development	0-2 Years
	9B. Engage property owners about adaptive reuse potential	Community Development	0-4 years
10. Provide adequate infrastructure to support new development	10A. Explore Multimodal Mixed-Use Area (MMA) designation	MFM	0-2 Years
	10B. Address downtown pedestrian and transportation infrastructure deficiencies	Capital	2-4 Years
11. Improve downtown amenities	11A. Enhance existing downtown Parks (Dogwood and Scott)	Capital	0-4 years
	11B. Provide "gateway" improvements along McLoughlin Blvd at key roads/intersections	Capital	2-4 years
	11C. Seek funds for final design and construction of the Main St/Adams St public plaza	Capital	2-4years

Strategies	Actions	Project Type	Timeline
<b>CENTRAL MILWAUKIE</b>			
<b>Policy - Comprehensive Plan</b>			
1. Clarify vision and update planning documents	1E. Refine Town Center Master Plan by adopting Central Milwaukie Land Use & Transportation Plan	MFM	0-2 Years
<b>Regulations - Code</b>			
8. Provide clarity on allowed development	12A. Adopt a "Central Milwaukie Commercial" zone, excluding Milwaukie Market Place	MFM	0-2 Years
	12B. Allow by-right development on the Murphy and McFarland sites	MFM	0-2 years
	12C. Update allowed uses, including provisions for flex space on the McFarland site	MFM	0-2 Years
9. Ensure development is attractive and pedestrian friendly	13A. Adopt design standards for commercial development	MFM	0-2 Years
	13B. Revise development standards for commercial development	MFM	0-2 Years
<b>Financial</b>			
9. Support employment	14A. Evaluate the use of Industrial Development Bonds for flex space on the Murphy Site.	Economic Development	0-2 Years
<b>Other Implementation</b>			
10. Provide adequate infrastructure to support new development	10C. Explore Multimodal Mixed-Use Area (MMA) designation	MFM	0-2 Years
	10D. Address transportation infrastructure deficiencies for Central Milwaukie	Capital	0-2 Years