



AGENDA

MILWAUKIE PLANNING COMMISSION
Tuesday, September 27, 2016, 6:30 PM

MILWAUKIE CITY HALL
10722 SE MAIN STREET

- 1.0 Call to Order - Procedural Matters**
- 2.0 Planning Commission Minutes** – No Minutes for review
- 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** – No public hearings scheduled
- 6.0 Worksession Items**
 - 6.1 Summary: Elect New Chair
Staff: Denny Egner
 - 6.2 Summary: Review Work Program and Bylaws
Staff: Denny Egner
- 7.0 Planning Department Other Business/Updates**
- 8.0 Planning Commission Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
 - October 11, 2016 1. Visioning Community Conversation
 - October 25, 2016 1. Housekeeping Amendments

Milwaukie Planning Commission Statement

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

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@ci.milwaukie.or.us. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.cityofmilwaukie.org
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.cityofmilwaukie.org
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **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:

Vacant, Chair
Shaun Lowcock, Vice Chair
Shane Abma
Shannah Anderson
Adam Argo
Scott Barbur
Greg Hemer

Planning Department Staff:

Denny Egner, Planning Director
David Levitan, Senior Planner
Brett Kelver, Associate Planner
Vera Kolas, Associate Planner
Mary Heberling, Assistant Planner
Alicia Martin, Administrative Specialist II
Avery Pickard, Administrative Specialist II



MILWAUKIE

Dogwood City of the West

To: Planning Commission

From: Denny Egner, Planning Director

Date: September 23, 2016, for the September 27, 2016, Worksession

Subject: 2017 Planning Commission Work Program/Goals/Bylaw Review

ACTION REQUESTED

Review and comment on the draft Planning Commission work program and goals for 2017 and the Commission's bylaws. The Commission is scheduled to meet with City Council to discuss its work program and bylaws on October 18, 2016.

BACKGROUND INFORMATION

The City Council and Planning Commission meet annually to discuss the Planning Commission's work program and goals. The last joint meeting to discuss the Planning Commission work program and goals was on December 15, 2015. The Commission's bylaws have not been reviewed or updated since March of 2010.

The Planning Commission serves the City by reviewing and advising on matters of planning and zoning, according to the provisions of the Comprehensive Plan and Zoning, Sign, and Land Division ordinances. It does this by deciding land use and development applications, developing long-range plans, and proposing updates and amendments to the Milwaukie Municipal Code and Comprehensive Plan. Planning staff works closely with the Commission to make progress in all of these areas.

A. Major Accomplishments in 2015/16

The Planning Commission has worked on a number of significant projects since the last discussion of the Commission's work program in December of 2015. Projects included:

Projects

- **Short Term Rentals** – The Commission held two meetings related to short term rentals in February. The Council adopted code amendments in May.
- **Recreational Marijuana Regulations** – The Commission held three meetings addressing regulations for marijuana related businesses. The Council adopted code amendments on September 20, 2016.

- **Comprehensive Plan/Visioning** – From January to September, the Commission held three meetings at which the Comprehensive Plan update and Community Vision process were discussed.
- **Other Projects** – The Commission held one meeting where urban renewal was discussed. Housekeeping ordinance amendments were discussed at a work session on September 13, 2016.
- **Development Review** – Since January, the Commission has reviewed applications related to 10 different current planning projects. These projects included decisions for three minor partitions, four variances, one conditional use, one community service use, one Willamette Greenway review, one non-conforming use review, and one appeal of a director's interpretation.

B. Draft Work Program and Goals for 2017

City Council Goals

City Council goals for 2015/16 include the following:

- ***Focus community resources on all-inclusive bike, pedestrian, and street safety program;***
- ***Library expansion;***
- ***Urban renewal strategy for downtown and north industrial area;***
- ***Proactive economic development strategy;***
- ***Kellogg for Coho; and***
- ***Complete neighborhood parks and develop stronger strategy for maintenance of existing parks.***

The Council Goals require some involvement by the Planning Commission. Each goal is addressed briefly below:

- **Bike, Pedestrian, and Street Safety** – The Engineering and Community Development staff have worked with the Public Safety Advisory Committee (PSAC) to address this goal. *Commission involvement in 2017: low.*
- **Library Expansion** – Planning Commissioner Scott Barbur has been involved in the Library Task Force. It is expected that there will be a Community Service Use approval needed for the library expansion that will require Commission review. *Commission involvement in 2017: moderate.*
- **Urban Renewal** – The urban renewal plan was adopted on August 25, 2016. Former Commission Chair Sine Bone was on the Advisory Group for the project. In 2017, staff will be developing an urban renewal work plan. *Commission involvement in 2017: low.*
- **Economic Development** – A consultant has worked with Community Development Director Alma Flores to prepare a draft Economic Opportunities Analysis (EOA) and economic strategy. The strategy will be presented to the City Council in November. The EOA will be reviewed by the Commission as part of the update to the Comprehensive Plan. *Commission involvement in 2017: moderate.*

- **Kellogg for Coho** – The dam removal project is on hold given funding issues related to changes needed to the McLoughlin Blvd bridge over Kellogg Lake. *Commission involvement in 2017: none.*
- **Parks** – The Planning Commission and Council recently adopted master plans for three parks in 2015. The Council and the Parks and Recreation Advisory Board are tasked with considering funding options. *Commission involvement in 2017: none.*

Planning and Community Development Projects

The following projects are those that are currently being addressed by the planning staff. Some of these projects will require involvement by the Planning Commission.

- **Annual Code Maintenance** – The Commission has held one work session on the 2016 housekeeping code amendments. A public hearing has been set for November. It is expected that staff will generate a follow-up list of similar amendments for review and action in the fall of 2017. *Commission involvement in 2017: moderate.*
- **North Milwaukie Industrial Area** – The City has partnered with Clackamas County to develop a plan and implementation strategy for the North Milwaukie Industrial Area (NMIA). Commissioner Argo is on the Advisory Group for this project. The project is expected to generate plan and code amendments that will be reviewed by the Commission. *Commission involvement in 2017: high*
- **Community Visioning/Comprehensive Plan Update** – The City has launched a major effort to prepare a community vision in advance of an update to the Comprehensive Plan. Commissioner Anderson is on the Advisory Committee for the vision. Following adoption of the vision in the spring, work will begin to update the Comprehensive Plan. Two draft background documents – an Economic Opportunities Analysis and a Housing Needs Analysis have been prepared and will be reviewed by the Commission and Council in the coming months. *Commission involvement in 2017: high (A high level of involvement is expected over the next 2 years).*
- **Monroe Street Neighborhood Greenway** – The Council approved the plan for the Monroe Street Neighborhood Greenway in November of 2015. This summer, the City submitted a grant request for funding to prepare engineering plans for construction. If funding is provided and work is initiated there may be a need to revisit certain aspects of the plan to ensure implementation. *Commission involvement in 2017: low.*

C. Planning Commission Bylaws

The City Manager has requested that the City boards, commissions, and committees use their joint meetings with the City Council to review their bylaws and suggest any changes needed. Staff has not identified issues with the bylaws. A copy of the bylaws is attached.

D. Planning Commission Discussion

At the September 27, 2016 Commission meeting, staff seeks the Planning Commission's input regarding the draft 2017 work program and goals prior to the Commission discussion with City Council on October 18, 2016. Staff believes that the Visioning and Comprehensive Plan update project will require a significant amount of attention from the Planning Commission during this work planning period but there will be time for additional projects. The Planning Commission, in consultation with City Council, will need to prioritize

which projects will receive attention. Suggested points for discussion at the September 27 meeting include:

- Are there questions or clarifications needed regarding any of the projects listed above?
- Are there other projects that you would add for consideration in the work program?
- How should projects be prioritized?

ATTACHMENT:

- 1) Milwaukie Planning Commission Bylaws

MILWAUKIE PLANNING COMMISSION BYLAWS

ARTICLE I NAME

The name of this commission is the Planning Commission (Commission).

ARTICLE II PURPOSE, AUTHORITY, AND OBJECTIVE

- A. **Purpose.** The purpose of the Commission is to serve as an advisory body to, and a resource for, the City Council in land use matters.
- B. **Authority.** The Commission is authorized by ORS 227 and Milwaukie Municipal Code (MMC) Chapter 2.16.
- C. **Objective.** The Commission's objectives include articulating the community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan.
- D. **Open Meetings.** All meetings of the Commission are open to the public. The Commission has the authority to conduct an executive session under ORS 192.660.

ARTICLE III MEMBERSHIP

- A. **Appointment.** Each Commission member shall be appointed by the Mayor with the consent of Council, consistent with MMC 2.10.030 G. Members shall serve at the pleasure of the Council.
- B. **Term of Office.** Terms are for a period of four years. Commission members may serve no more than two consecutive full terms, unless there is an interval of at least one term prior to reappointment. The Council may waive this limitation if it is in the public interest to do so.
- C. **Membership.** The Commission consists of seven members. No more than two members may be non-residents, and no more than two members shall be engaged in the same kind of occupation, business, trade, or profession. No member may be a City of Milwaukie officer, agent, or employee; and no more than two voting members of the Commission may engage principally in the buying, selling, or developing of real estate for profit as individuals; or members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling, or developing of real estate for profit.
- D. **Vacancies and Removal.** Vacancies are filled in the same manner as the original appointments. A member of the Commission may be removed by the appointing authority, after hearing, for misconduct or nonperformance of duty.
- E. **Attendance.** Upon failure of any member to attend three consecutive meetings, the Commission may recommend termination of that appointment to the Council, and the Council may remove the incumbent from the Commission and declare the position vacant to be filled in the manner of a regular appointment.

- F. **Compensation.** Commission members shall receive no compensation for their service, but shall be fully reimbursed for all duly authorized expenses.

ARTICLE IV OFFICERS AND STAFFING

- A. **Officers.** The officers consist of a Chair and a Vice Chair who shall be selected by the membership and who shall serve at the pleasure of the membership for one year. Nominations and election of new officers shall be taken from the floor at the Commission's first meeting of the calendar year. Officers may be re-elected. In the event that an officer is unable to complete the specified term, a special election shall be held for the completion of the term.
- B. **Chair.** The Chair shall preside at all deliberations and meetings of the Commission and call special meetings in accordance with these Bylaws and review Commission agendas with the staff liaison. The Chair shall sign all documents memorializing Commission actions in a timely manner after action by the Commission.
- C. **Vice Chair.** During the absence, disability, or disqualification of the Chair, the Vice Chair shall exercise or perform all duties and be subject to all the responsibilities of the Chair. In the absence of the Chair and Vice Chair, the remaining members present shall elect an acting Chair.
- D. **Staff.** The City of Milwaukie Planning Department will provide staff support to the Commission for: land use issues, meeting notifications, postponements, final disposition of matters, and other steps taken or acts performed by the Commission, which include administrative housekeeping functions such as word processing, minutes preparation, copying, and information gathering to the extent the budget permits.

ARTICLE V ORGANIZATIONAL PROCEDURES

- A. **Meetings.** The Commission shall hold meetings as necessary at a time and place designated by staff consistent with Oregon Public Meetings Law. Typically, the Commission meets at least once a month on the second and/or fourth Tuesday at 6:30 p.m. at City Hall. Commission meetings shall end no later than 10:00 p.m., unless extended by majority vote of the Commissioners present and participating in the Agenda item that is under consideration at that time. An extension to 10:30 p.m. is allowed by Commission action. If a meeting has not concluded at 10:30 p.m., the Commission may vote on the Agenda item, consider another extension of up to 30 minutes, or vote to continue the item to the next available meeting.
- B. **Quorum.** A quorum is four of the voting membership of the Commission. The concurrence of a majority of the Commission members present shall be required to decide any matter. In the case of a tie vote, the matter is not complete. One new motion may be made. If a majority vote is not obtained on that motion the agenda item fails. If a quorum is not attained fifteen minutes following the scheduled time of call to order, the meeting shall be cancelled. In the event it is known by the Director prior to a meeting that a quorum will not be present at any meeting, the Director shall notify the Commission members. All items scheduled for the meeting shall be automatically continued to a regularly scheduled meeting unless the Director determines that a special meeting is needed. The Director shall post notice of the continuance on the exterior doors of City Hall notifying the public of the continuance and specifying the date and

time when the continued items will be before the Commission. The Notice shall remain through the evening on which the meeting is originally scheduled.

- C. Order of Business.** The Chair shall have the authority to arrange the order of business as is deemed necessary to achieve an orderly and efficient meeting. In general, the order of business will be as follows:
1. Call to order – Procedural Matters
 2. Minutes
 3. Information Items
 4. Audience Participation
 5. Public Hearings
 6. Worksession Items
 7. Planning Department Other Business/Updates
 8. Planning Commission Discussion Items
 9. Forecast for Future Meetings.
- D. Voting.** All members who are present at a Commission Meeting, including the Chair and Vice Chair, are allotted one vote each on all motions. A motion may be made by any Commissioner with the exception of the presiding officer. All Commissioners, when a vote is taken, shall vote unless he or she abstains from voting and cites the reason for the record. Staff shall call the roll, altering the order of members called. The Chair shall vote last.
- E. Reconsideration of Actions Taken.** A member who voted with the majority may move for a reconsideration of an action at the same meeting only. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Commission.
- F. Minutes.** A staff representative or designee shall be present at each meeting and shall provide for a sound, video, or digital recording, or written minutes of each meeting. The record of the meeting, whether preserved in written minutes or sound, video, or digital recording, shall include at least the following information:
- Names of the Commission members present;
 - All motions and proposals, and their disposition;
 - The results of all votes and the vote of each Commission member by name;
 - The substance of any discussion on any matters; and,
 - A reference to any document discussed at the meeting;
- Written minutes need not be a verbatim transcript, but give a true reflection of the matters discussed at the meeting and the views of the participants.
- Written minutes of a meeting will be made available to the public within a reasonable time after the meeting.
- Minutes shall be reviewed and voted upon by the Commission at a regular meeting.
- G. Repeal or Amendments.** The Commission may review these bylaws periodically and forward suggested revisions to the Council for approval. These bylaws may be repealed

or amended, or new bylaws may be adopted by a majority vote of the Council on its own initiative, or upon a recommendation from the Commission.

- H. **Meeting Conduct.** The meeting conduct for this Commission is these bylaws except where superseded by or local, state, or federal law.
- I. **Statement of Economic Interest.** Commissioners are required to file annual statements of economic interest as required by ORS 244.050 with the Oregon Government Standards and Practices Commission.

ARTICLE VI DUTIES OF OFFICERS

- A. **Duties of the Chair.** The Chair or Vice Chair, in addition to the duties in Article IV, shall preserve the order and decorum of the meeting.
 - 1. The Chair may assess the audience at the beginning of the meeting, and, with the consent of the Commission, announce reasonable time limits.
 - 2. The Chair will direct the planning staff to summarize the issues to be addressed and the criteria to be applied by the Commission during its deliberations, following the conclusion of public hearing testimony.
 - 3. The Chair will summarize the hearing results and state the appeal process at the conclusion of the public hearing.
- B. **Requesting Response and Opinion.** The Chair will ask for response and opinion from the members of the Commission.
- C. **Appointments to Specific Projects on Committees.** The Chair may appoint Commissioners to specific projects or committees, and may select a Commissioner to be spokesperson for the Commission when the Chair or Vice Chair is unavailable.
- D. **Confer with Director.** The Chair or Vice Chair shall confer with the Planning Director (Director) on a regular basis outside scheduled meetings concerning the direction each expects of the Commission.
- E. **Orientation of New Members.** The Chair, in conjunction with the Director, shall orient new members.

ARTICLE VII DUTIES OF THE COMMISSION

- A. **Duty of Commissioner.** Commissioners shall address all those who come before the Commission in a formal and courteous manner.
- B. **Absence From a Meeting.** If a Commissioner is unable to attend a meeting, it is that Commissioner's responsibility to inform the Community Development staff and/or the Commission Chair of that fact prior to the meeting to be missed.
- C. **Site Visits.** Prior to Commission meetings, Commissioners are encouraged to visit sites that are subjects for land use actions. If a Commissioner visits a site, he or she shall

report on the record any information gained from the site visit that is not consistent with the information included in the application or staff report.

D. Method of Handling Conflicts by Members. In accordance with ORS 244.135: (1) A member of the Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest:

1. The Commission or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the Commissioner;
2. Any business in which the Commissioner is then serving or has served within the previous two years; or
3. Any business with which the Commissioner is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
4. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken.

E. Meeting Preparation. Commissioners shall prepare for participation at a meeting by fully reviewing the staff report and materials provided by the Director. If a Commissioner is unable to attend a hearing on a quasi-judicial application that is continued to another hearing, the Commissioner shall not take part in the continuance hearing unless the Commissioner:

1. Reviews the staff report and materials provided by the Director as well as:
 - a. all materials submitted at the hearing, and
 - b. any additional materials prepared by the planning staff applicable to the application, and
 - c. either the audio recording of the hearing or the draft minutes of the hearing.
2. Declares that they are prepared to participate.

F. Duties Assigned by Council. The Commission shall carry out the duties assigned to it by Council relating to development, updating, and general maintenance of the Milwaukie Zoning Ordinance and the Milwaukie Comprehensive Plan.

ARTICLE VIII GOALS AND OBJECTIVES

A. Annual Goal Review. The Commission shall review the Council goals annually for establishment of Commission goals which enhance and augment those of the Council.

B. Establishment of Commission Goals. The Commission shall establish goals, at a minimum, annually.