

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, NOVEMBER 13, 2012
6:30 PM**

COMMISSIONERS PRESENT

Lisa Batey, Chair
Scott Churchill
Mark Gamba
Shaun Lowcock
Wilda Parks
Chris Wilson

STAFF PRESENT

Stephen C. Butler, Planning Director
Ryan Marquardt, Senior Planner
Brett Kelper, Associate Planner
Peter Cook, City Attorney

COMMISSIONERS ABSENT

Clare Fuchs, Vice Chair

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 July 31, 2012

The July 31, 2012, Planning Commission minutes were carried over to the next meeting, as there was not a quorum of members present who had been at that meeting.

2.2 September 11, 2012

It was moved by Commissioner Parks and seconded by Commissioner Churchill to approve the September 11, 2012, Planning Commission minutes as presented. The motion passed with Commissioner Gamba abstaining.

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: Downtown Code Amendments
Applicant: City of Milwaukie
File: ZA-12-02
Staff: Ryan Marquardt

Chair Batey opened the public hearing for ZA-12-02 and read the conduct of legislative hearing into the meeting record.

Commissioner Churchill stated that he contacted the Oregon Government Ethics Commission and they stated that his acceptance of campaign donations from downtown businesses was not a statutory conflict of interest. He declared, therefore, that he had no conflict of interest.

Commissioner Gamba stated that he had received in-kind donations and declared that he, also, had no conflict of interest.

Ryan Marquardt, Senior Planner, presented the staff report. He explained that the proposed downtown code amendments addressed public area requirements, use restrictions on Main Street, and use restrictions in the Downtown Office Zone. These amendments would not change policies, goals, and long-range visions for downtown; they would only affect ordinance language regarding implementation, development, and day-to-day uses in the downtown zones.

There had been extensive notice and public discussion of these issues over the last two years.

Chair Batey asked which neighborhoods had received notice.

Mr. Marquardt said that he believed Historic Milwaukie Neighborhood District Association (NDA) was notified, but not general NDA leadership.

Mr. Marquardt described the criteria and explained that this was a recommendation hearing.

The Commission raised several questions, with staff responding, on several issues, including:

- Timing and process for the amendments.
- Nonconforming uses.
- Floor size limitations.
- Reimbursement program.
- Office uses on upper floors.
- Visibility requirements.
- Vacancy rates.
- Funding options for pedestrian-oriented improvements.
- Parking limited to surface lots.
- Meaning of "active use."
- Adult entertainment

Ed Parecki, 10600 SE McLoughlin Blvd, Spring Creek Coffeehouse, felt that any further dimensional requirements would stifle development. He said the only code changes should be those that make existing uses legal. He was concerned about fast-tracking the amendments. He was concerned about the public area requirements. He felt there should only be one downtown zone. He felt that reimbursement should go back to 2000.

Dion Shepard, Historic Milwaukie NDA, had questions about residential transition zones and the zoning maps. She felt that public area requirements needed to be addressed. She agreed with Mr. Parecki that reimbursement should be rolled back further. She asked why there were two transit centers, yet they weren't listed as allowed uses.

Chair Batey clarified that those were in the right-of-way, not uses of property parcels.

Ms. Shepard questioned having different development standards for different downtown zones.

Jean Baker, Historic Milwaukie NDA, believed that Historic Milwaukie NDA hadn't received public notice. She said they felt that the amendment process should be slowed down and go through more public review. She said the maps were too involved for a small downtown, and she said the various maps, charts, and density standards were confusing.

Greg/Frank Hemer, 5822 SE Harrison St, manager of Milwaukie Lumber, raised concerns about transit centers and the village and residential transition area concepts. He didn't agree with all the standards. He said mapping the downtown zones was confusing without a scale model. He felt everyone in the same zone should have the same rules. He said the amendment process shouldn't be rushed due to council turnover. He said that the current downtown zoning was a disaster, regardless of retail/ground floor issues. He said that making downtown more special would be a better idea than trying to have things that will never fit there.

Chair Batey said it seemed clear that the Commission shouldn't plan on voting tonight but hoped they could give staff some guidance on refinements to the proposed amendments.

Mr. Marquardt said that staff is aware of several issues with the downtown code, which could be fixed in a future set of code amendments. The focus here is on easy fixes that could alleviate some ongoing problems. Staff would check on the public notice issue.

Steve Butler, Planning Director, asked if there were parts of the proposed amendments that the Commission could support, in order to move forward as directed by Council.

Commissioner Churchill commented that staff had clearly tried to work within the timeline directed by Council but that the Commission feels it needs to be approached with more deliberation.

Chair Batey also commented that the Commission hadn't been discussing this issue during the time that Council was, so the Commission was somewhat in "catch-up" mode now.

Commissioner Gamba asked staff about the time and cost for a major update of the Comprehensive Plan.

Mr. Butler said it would probably take 2 to 2½ years. A very rough cost estimate for that process was \$150,000-\$400,000.

Chair Batey closed the public testimony portion of the hearing and opened Commission deliberation.

The Commission discussed the possibilities and timing of addressing these easy fixes in the short-term, doing a more in-depth review of the downtown zones within the next year, and doing a complete Comprehensive Plan review which would address these issues at a policy level. The Commission didn't want to only "apply a band-aid" now and see other important downtown issues delayed until the Comp. Plan review process, especially because of concerns about the possible delay of that process due to budgetary constraints, about getting downtown issues resolved before light rail arrives in three years, and about coordination with the South Downtown planning effort. They felt it was important to give the citizens, businesses, and NDAs more time for input.

Mr. Butler said there was a strong desire by the City Council to do something. Staff's hope was that the Commission and Council could take care of some of the "low-hanging fruit" now and

later do a phase 2 look at downtown and south downtown and how they would work together, to bridge the gap before doing the entire Comprehensive Plan review.

Commissioner Gamba asked if there was a way to start the Comprehensive Plan review sooner than later by phasing it over more years, with an earlier focus on the downtown aspects.

Mr. Butler said that, in his experience, what works best for a Comprehensive Plan review process is to look at it all at the same time, to be able to balance decisions that have to be made. He said that often the process will start with the visioning process and extensive public input. He said it might be more cost-effective to do a downtown-focused plan first, while gearing up for rest of the Comprehensive Plan review. In the end, he stated, it was important to be sure the entire Comprehensive Plan review had been conducted in a "comprehensive" manner, that all topics got their due consideration.

Commissioner Batey suggested that the Commission attend the November 20 Council worksession next week and have a conversation with them about their concerns. Other commissioners agreed.

Mr. Butler said he would check on that possibility and get back to the Chair as soon as possible. He felt there should be a recommendation to Council coming from the next Commission meeting on November 27, even if the recommendation was simply to take more time reviewing these amendments.

It was moved by Commissioner Churchill and seconded by Commissioner Wilson to continue the public hearing of ZA-12-02, Downtown Code Amendments, to a date certain of November 27, 2012. The motion passed unanimously.

6.0 Worksession Items

6.1 Summary: Transportation System Plan (TSP) Update Staff: Brett Kolver

Brett Kolver, Associate Planner, presented the staff report. He mentioned that the TSP is an ancillary document to the Comprehensive Plan. Each of the key chapters addressed different modes of transportation and included maps and improvement project lists. The City's first TSP was adopted in 1997, and then there was a major rewrite of the TSP in 2007. The TSP was still a very good document, but the State's Transportation Planning Rule (TPR) requires that cities' TSPs complied with Metro's Regional Transportation Plan (RTP). The City was being asked to look at the latest Metro RTP and make sure our TSP remained compliant with that.

- This project was proposed to make some small adjustments to make sure our TSP remained compliant with Metro's RTP or to clarify how the existing plan already met it. Staff was not proposing any big policy changes, but taking a light touch. Because Metro's forecasting horizon changed from the year 2030 to 2035, we would need to have a traffic consultant rerun some of the forecasting models and update them for 2035. DKS Consultants would be doing that work.
- This would also be an opportunity to update the TSP for any of the projects that had since been done and update our maps to keep it current. It would also be a chance to show the final light rail alignments on a couple of the maps.

- Metro had set performance targets, so we would need to address how we would track how we're doing with our goals; e.g., reducing the number of single-occupancy vehicles.

Commissioners Parks and Batey asked how certain counts are done.

Mr. Kelver said he would find out about that for a future meeting.

Commissioner Gamba said he would be curious to know from Metro whether there would be any incentives from them to make it possible for the City to prioritize some of these projects.

Mr. Kelver stated that this project wouldn't get into reordering project priorities—that would take a much more extensive public input process. He explained that the proposed timeline was to have a couple more worksessions with the Commission starting early next year, then a Commission hearing in May and Council hearing by the end of June. They were thinking of having a public open house in the spring.

7.0 Planning Department Other Business/Updates

7.1 Residential Development Standards Implementation

Mr. Butler reported that staff is working on getting our handouts updated.

7.2 Assisted Annexation Program

Mr. Butler reported that 18-19 people have come in so far for the last batch of assisted annexations, deadline November 30.

7.3 Density and Historic Resources

Mr. Butler reported that he made a presentation to Council at the end of October.

7.4 Metro Info

Mr. Butler reported that new information had come out from Metro about development capacity numbers. He hoped to share that information with the Commission in the future.

8.0 Planning Commission Discussion Items

Chair Batey mentioned that if Sine Adams is appointed to the Planning Commission, there would be four women on the Planning Commission.

9.0 Forecast for Future Meetings:

- November 27, 2012 1. Public Hearing: ZA-12-02 Downtown Code Amendments
December 11, 2012 2. Worksession: Tacoma Station Area Plan

The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Marcia Hamley, Administrative Specialist II



Lisa Batey, Chair