



CITY OF MILWAUKIE

AGENDA

March 26, 2019

PLANNING COMMISSION

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

- 1.0 Call to Order - Procedural Matters — 6:30 PM**
- 2.0 Planning Commission Minutes — Motion Needed**
 - 2.1 September 25, 2018
 - 2.2 November 27, 2018
- 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: Appeal of DEV-2019-002
Applicant/Owner: Robert and Carla Pletka
Address: 11380 SE 21st Ave
File: AP-2019-002
Staff: Vera Kolas, Associate Planner
- 6.0 Worksession Items**
 - 6.1 Summary: Comprehensive Plan – Housing Update
Staff: David Levitan, Senior Planner
- 7.0 Planning Department Other Business/Updates**
- 8.0 Planning Commission Committee Updates and Discussion Items —** This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
 - April 9, 2019
 - 1. Public Hearing: WG-2019-001 Riverway Ln Single-Family Residence Replacement
 - 2. Public Hearing: NR-2018-005 Elk Rock Estates *tentative*
 - April 23, 2019
 - 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@milwaukieoregon.gov. Thank you.
2. **PLANNING COMMISSION and CITY COUNCIL MINUTES.** City Council and Planning Commission minutes can be found on the City website at www.milwaukieoregon.gov/meetings.
3. **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.
4. **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:

Kim Travis, Chair
John Henry Burns, Vice Chair
Adam Argo
Joseph Edge
Sherry Grau
Greg Hemer
Robert Massey

Planning Department Staff:

Denny Egner, Planning Director
David Levitan, Senior Planner
Brett Kelter, Associate Planner
Vera Kolas, Associate Planner
Mary Heberling, Assistant Planner
Alicia Martin, Administrative Specialist II
Patty Stewart, Administrative Specialist II



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

September 25, 2018

Present: Kim Travis, Chair
Joseph Edge
Greg Hemer
Adam Argo
Scott Jones

Staff: David Levitan, Senior Planner
Brett Kelter Associate Planner
Justin Gericke, City Attorney

Absent: John Henry Burns, Vice Chair
Sherry Grau

1.0 Call to Order — Procedural Matters*

Chair Travis 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.milwaukieoregon.gov/meetings>.*

2.0 Planning Commission Minutes

2.1 March 13, 2018

Commissioner Hemer moved and Commissioner Edge seconded approval of the March 13, 2018 Planning Commission Minutes as presented. The motion passed unanimously.

2.2 March 27, 2018

Commissioner Hemer moved and Commissioner Jones seconded approval of the March 27, 2018 Planning Commission Minutes as presented. The motion passed unanimously.

2.3 May 22, 2019 (Sent 9/20/19)

Commissioner Hemer moved and Commissioner Argo seconded approval of the May 22, 2018 Planning Commission Minutes as presented. The motion passed unanimously.

3.0 Information Items

David Levitan, Senior Planner, noted the next meeting of the Comprehensive Plan Advisory Committee (CPAC) was scheduled for October 1, and would be preparing for the Town Hall for the Block 2 Goals and Policies scheduled for October 15

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: Harmony Park Apartments
Applicant/Owner: Cascadia Planning + Development Services/HPA 2, LLC
Address: 6115 SE Harmony Rd
File: VR-2018-005, NR-2018-002, DEV-2018-006
Staff: Brett Kelter, Associate Planner

Chair Travis called the hearing to order and read the conduct of quasi-judicial hearing format into the record. She asked if any Commissioner wished to declare any bias, ex parte contact, or conflict of interest.

Commissioner Hemer declared a potential conflict of interest, and stated he knew Mr. Williams and had worked with him on various projects in the past. He also reported ex parte contact at the Linwood NDA, where a brief discussion took place about the proposed project; however, he did not participate in that discussion.

Brett Kelter, Associate Planner, presented the staff report via PowerPoint and reviewed the proposal and the natural resource and variance request applications. Staff recommended approval and reviewed the decision-making options. He answered questions from the Commission as follows:

- Staff was not familiar with the County's requirements for plantings between sidewalk and Harmony Rd but understood street trees were required. However, plantings in the right-of-way were not subject to the on-site landscaping requirements. The required public improvements were tied to the property's frontage on Harmony Rd, even though access would be taken from a shared driveway on the adjacent property to the west. No changes were proposed to the shared driveway entrance.
- Parking lot landscaping provided for stormwater management, shade, aesthetics, reduced heat-island effect, and breaking up the expanse of pavement. Stormwater facilities could count as interior perimeter landscaping.
- Staff recommended a condition of approval to require at least 15 bicycle parking spaces in addition to the proposed interior covered bike parking.
- The applicant proposed that the new building share the existing garbage and recycling facility of the neighboring building, which was not ideal. However, service frequency would increase to accommodate the new building. Staff consulted with the applicant and Waste Management and considered a variety of options to accommodate garbage and recycling service, given the configuration of the parking and structures on the property.
- The proposed parking exceeded the minimum requirement, so parking could be reduced to accommodate stormwater quality basins. However, a water quality facility with an underground detention pipe was recommended and preferred.
- **Mr. Kelter** noted the design standard elements that were not being met but added they were small details.
- Regarding the pedestrian path, staff recommended to eliminate the looped portion of the pedestrian path but noted elements that could meet the common open space requirement. The mitigation area could double as the common open space because there was some limited access on the path and the scenic amenity space would also include benches or picnic tables. Eliminating the loop could enhance the buffer of the vegetated corridor. The City's natural resource consultant had suggested a more accessible interior loop as an alternative to eliminating the proposed loop.
- There was a brief discussion about Habitat Conservation Areas (HCAs) and the process for identifying HCA boundaries. As part of the natural resource analysis of the Comprehensive Plan, any concerns about general HCA boundary inaccuracies throughout the city would need to be addressed at a policy level

Chair Travis called for the applicant's testimony.

Steve Kay, Cascadia Planning and Development Services, representing the applicant, acknowledged the site had many challenges, including environmental constraints, access restrictions, and a limited development area. The applicant concurred with all findings presented by staff and believed the proposed conditions of approval could be accommodated.

Mr. Kay addressed questions from the Commission as follows.

- The applicant agreed the loop was a desirable amenity, but it did not have to be included in the project to move forward.

- Tree protection measures would be put in place with fencing to ensure no damage. Trenching adjacent to the tree would be necessary; however, the root zone continued in other directions where it could be protected
- The bicycle parking standard was a 2 ft by 6 ft, horizontal space. However, the applicant believed the standard and the condition as written could be met as vertical bike storage was an option.
- Orienting the structure along the west property line to further avoid the Water Quality Resource (WQR) area would create conflicts with the access point, access aisle, and parking. The applicant did not see an overall positive benefit with that approach.

Chair Travis called for public testimony regarding the application.

Hans Thygeson, 14020 Johnson Rd, believed this was a good project and it met Milwaukie's need for housing. Any challenges with the site could be met by design so as to be minimal. He supported the project.

Chair Travis closed public testimony.

Planning Commission Deliberation

Commissioner Jones believed the highest and best use for any adjacent development would probably be a similar style and scale of multi-family structures. The impacts of modifying the proposal would have a significant downside and could cause a reduction in either the usable square footage of the units or in the overall number of units, and then would not meet the minimum density. The Commission was not tasked with design review perspective, though the project generally met some of the design guidelines. He did not recommend running the semi-public pervious walkway alongside the building. Overall, he supported the conditions of approval but was undecided on the removal of the loop.

Commissioner Edge noted the developers chose to stay south of the creek, which was important, and although he did not want to see encroachment into the buffers, the applicants were entitled to development. The required mitigation replacement on the south side of the creek was appropriate and sorely needed. With regard to the loop, he preferred seeing that mitigation area clearly preserved and did not want any additional permanent disturbance to the new water quality resource buffer.

- He supported eliminating the loop and adding a condition that any stormwater planter not be placed anywhere outside of the parking lot. He confirmed for Commissioner Hemer that he would not be opposed to a new parking spot to put in a water quality resource at the back end.
- The new condition should be flexible but state that the stormwater feature should not create additional permanent disturbance on the water quality resource buffer. Locating it in a parking space would be fine.

Mr. Roller believed adding such a condition would guide how to prioritize the elements and added that opportunity existed to do below-ground facilities as the applicant proposed.

Commissioner Hemer believed the loop could exist with vegetation on the inside and the benches removed, but the loop could be eliminated.

Commissioner Argo stated that acceptance of the replacement ratio condition was his biggest issue. He agreed with eliminating the loop and adding the flexible condition suggested regarding water quality placement.

Chair Travis expressed concern about the safety of the pedestrian walkway to the garbage and recycling. The turn into the site was sharp and she did not believe having only crosswalk markings would be safe in that location.

Commissioner Argo noted he did not believe the Commission should condition a way for people to get their trash out. At other times, the traffic was not as intense and visibility was reasonable.

Mr. Kelter suggested adding the new condition under Condition 1.B.2 as Condition 1.B.2(d) as these were the findings related to water quality resource disturbance, and read as "With final stormwater calculations, ensure that any new stormwater treatment facility does not result in new permanent water quality resource (WQR) disturbance."

Mr. Kelter clarified that some mitigation would be needed on the north side of the creek to achieve the recommended replacement requirement. Some removal of invasive species would allow for more planting, but the applicant would determine where on the north side.

Commissioner Hemer moved and Commissioner Edge seconded to approve applications VR-2018-005 and adopt the recommended findings and conditions found in Attachments 1 and 2, with the addition of Condition 1.B.2(d) as discussed. The motion passed unanimously.

6.0 Worksession Items
There were none.

7.0 Planning Department Other Business/Updates

Mr. Levitan noted that the Town Hall on the Block 2 of the Comprehensive Plan Update was scheduled for October 15 and hoped the Commissioners could attend. He reviewed the topics in review and the timeline for those policies. A separate subcommittee or an additional CPAC meeting may be dedicated solely to housing as it merited its own discussion. He added that the author of "The Color of Law" would provide a Milwaukie-centric analysis based on his research. The CPAC, Planning Commission, City Council, and the public would be invited but the date had not yet been determined.

8.0 Planning Commission Discussion Items

Commissioner Hemer asked if this policy block would cover the HCA.

Mr. Levitan replied that currently, the City was working on the Willamette Greenway, Natural Hazards, Climate Change and Energy, and Parks and Recreation topics. The next block would include more natural resources. He confirmed the Climate Action Plan (CAP) was scheduled for approval at the next City Council meeting on October 2. The CAP would list action items to implement the City's strategy. Discussion was needed about how the CAP influenced policy development especially related to land use and transportation planning. The CAP included topics beyond the domain of the Comprehensive Plan, which was a different document with a different purpose.

Chair Travis recalled discussion at the first CPAC meeting about how the CAP and Comprehensive Plan were connected. The neighborhood hubs and survey feedback were also discussed, and Chair Travis noted that she had conceptual drawings for anyone who was interested. The need for economic analysis around neighborhood hubs, what the potential was for redevelopment, and what resources the City had to encourage that development was also discussed.

Mr. Levitan noted they were reviewing, refining, and creating a series of typologies which would vary depending on the location and surrounding uses of the hubs, and that these would influence the economic and market analysis. He also noted that the neighborhood hubs discussion would naturally dovetail with the housing discussion, most notably the opportunity for increased housing options in these areas.

Commissioner Argo noted the placemaking aspects of the hubs with connections, access, and improvements, and asked if there would be a prioritization of those associated investments.

Mr. Levitan replied that economic analysis would factor in needed infrastructure improvements, connectivity, and what would be included in the phases of the SAFE Program.

9.0 Forecast for Future Meetings:

- | | |
|------------------|------------------------------------------------------------------|
| October 9, 2018 | 1. Worksession: Comprehensive Plan Update project update |
| October 23, 2018 | 1. Public Hearing: HR-2018-001 City Hall Remodel |
| | 2. Public Hearing: ZA-2018-005 Housekeeping Code Amendments #1.5 |

Chair Travis confirmed the Commission agreed the Comprehensive Plan update could be moved to October 23 after the Town Hall Meeting.

Mr. Kelter added the joint session with City Council would be October 16 for the annual update.

Commissioner Hemer confirmed he would attend the joint session to represent the Planning Commission.

Meeting adjourned at approximately 8:52 pm.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

Kim Travis, Chair



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

November 27, 2018

Present: Kim Travis, Chair
John Henry Burns, Vice Chair
Adam Argo
Greg Hemer

Staff: Denny Egner, Planning Director
David Levitan, Senior Planner
Peter Pasarelli, Public Works Director
Natalie Rogers, Climate Action and
Sustainability Coordinator

Absent: Sherry Grau
Scott Jones
Joseph Edge

1.0 Call to Order — Procedural Matters*

Chair Travis called the meeting to order at 6:30 p.m. and read the conduct of meeting format into the record.

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2.0 Planning Commission Minutes — None

3.0 Information Items

Mr. Egner announced upcoming dates for the Comprehensive Plan Advisory Committee (CPAC) and Housing Forum meetings. There was a joint session scheduled for December 11, 2018, with the Planning Commission, City Council, CPAC, and the Department of Land Conservation and Development (DLCD), so no regular Planning Commission meeting would be held. He hoped the neighborhood hub concept and Housing Forum would be discussed at the joint meeting.

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 – None

6.0 Worksession Items

- 6.1 Summary: Climate Action Plan update
Staff: Peter Passarelli, Public Works Director

Natalie Rogers, Climate Action and Sustainability Coordinator, presented the Climate Action Plan (CAP) via PowerPoint, described how the CAP would address the effects of climate change on Milwaukie and the Pacific Northwest, and reviewed the next steps for raising awareness, encouraging action, and implementing CAP strategies in the city. She noted more information and resources were available at www.milwaukieclimateaction.com.

Peter Passarelli, Public Works Director, briefly described the formation of the CAP Committee and the process for creating and approving the CAP, which included public outreach and a series of workshops to get input from experts in different fields who also helped develop the CAP's strategies. City Council adopted the Plan in early October.

Discussion about the CAP included the following key comments:

- The climate and energy-use section of the Comprehensive Plan is intended to set the framework for the nimbler CAP.
- The CAP will be reviewed and updated every 5 years. Because of the enabling framework of the CAP, other city documents (i.e. master plans) could be updated according to the desired climate change actions. Aligning the City's policies with the CAP would be advantageous.
- Staff explained the 7% gap in building versus 91% gap in land use and transportation. The building and energy strategies will have a quicker turnaround in terms of reducing greenhouse gas emissions.
- Reductions attributed to land use would only be 9% by 2040, but the aggregate of all the actions would total 73% by 2040.
- Reaching 100% means being carbon neutral.
- Many of the actions of the city-led strategies for building and energy could be controlled through regulation and policy. However, it is more difficult to commit to reductions in land use and transportation due to personal transportation. The goal for the outreach component is to educate businesses and residents about consumer behavior to bridge the gap that could not be accounted for through city-led strategies.
- Outreach and engagement would target all audiences, including youth and high school students, who could be strong advocates for climate change and policy.
- Two big strategies in the CAP focused on advocating and lobbying with PGE and NW Natural. PGE has been working to provide a more renewable resource and has a decarbonization plan on its website. PGE's goal is to be 80% renewal by 2050. NW Natural is looking at different opportunities to provide energy, such as hydrogen.

6.2 Summary: Comprehensive Plan Update Block 2 Policies
Staff: David Levitan, Senior Planner

David Levitan, Senior Planner explained that Block 2 Policies included the Willamette Greenway, Parks and Recreation, Natural Hazards, and Climate Change and Energy. While climate change was not covered within the statewide planning goals, it was a high priority of City Council and the city as a whole. He briefly reviewed the Block 2 goals and policies and highlighted the project timeline and public outreach efforts. The draft policies were included in Attachment 1 and written comments from Commissioner Edge, who was unable to attend the CPAC meeting, were distributed to the Commission as Attachment 2.

Key comments, suggested changes from the Commission, and staff's responses to questions on the Block 2 Policies were as follows:

Natural Hazards Policies

- Liquefaction occurs during earthquakes when solid ground loses strength and became more like a liquid.
- Add "local" to Policy 7.4.3 regarding disaster preparedness efforts to broaden the scope to include any local assistance first.

- Policy 7.4.1 should include both public and private land trusts, as noted in Commissioner Edge's comments (Attachment 2).
- Goal 7.4 seemed redundant given Goals 7.1, 7.2, and 7.3 which also addressed adaptation and mitigation.
- Policy 7.1.2. Hazard maps, especially those with associated rules and restrictions like the landslide hazard areas, should be verified.
 - Most earthquake and slope hazard elements were addressed through the Building Code, which had thresholds for when technical studies were required for buildings; however, current requirements did not apply to single-family and duplex residential structures. Such gaps in Building Code requirements needed to be identified.
 - The Hazard Map would likely be adopted into the Comprehensive Plan as a background map, similar to the Natural Resources Map, and would be updated as needed. The Unstable Slopes Map was intended to function as a regulatory map, but it has never been used in that way.
- The Transfer of Development Rights (TDR) is a complicated approach. Currently, it can be utilized in the Natural Resources areas but only for transferring the density within the property itself. A similar process could be used for hazard areas.
 - Including TDR policy language would provide direction to staff to develop a program to use the planned development process to allow for TDR.
 - TDR should be highlighted again at the CPAC meeting for further discussion.

Climate Change and Energy Policies

- Policy 13.2.2. Following discussion, a glossary will be created for the Comprehensive Plan and could include a definition for "last mile solution".
- Policy 13.1.9. Staff highlighted approval criteria that would incorporate climate change into the land use application and development review process.
- Discussion regarded how the criteria applied to more than just the built environment. Examples included adding a criterion to the residential design standards options or adding incentives in the transportation policies such as providing transit passes for employees if located adjacent to a transportation hub, etc.
- Revise Policy 13.2.4 to state, "Reduce barriers to developing alternative energy projects on **private and** public buildings and properties."
- **Commissioner Hemer** agreed with Commissioner Edge's comments on the following policies. His and the Commission's additional comments were as follows:
 - Policy 13.1.3 – He supported being a model city and exceeding the standards without crippling the city's economy or development.
 - Policy 13.3.1 – Changing "simple" to "most effective" addressed concerns about technological advancements making the City's requirements archaic.
 - Policy 13.3.8 – Using only 'solar' could exclude other energy alternatives.
 - Policy 13.3.10 – There should be mechanisms that trigger revisiting the Code and Comprehensive Plan as certain trends emerge.
 - Policy 13.3.11 – Include language to allow site development techniques for mitigating climate change-induced impacts.

Parks and Recreation Policies

- Goal 4.1 was more of a definition/glossary than a set of policies and set parameters regarding park sizes and locations. It will be

moved to Goal 4.3.6 under Planning and Design, and amended to state, "Utilize **parking park** classifications to guide provision of parks and other public open spaces throughout the City."

- Goal 4.5 describes how the City could move forward to implement other policies and provides a place to discuss establishing a Parks and Recreation Zone, which did not fit well elsewhere.
- No indoor activities were included in the policy but indoor recreation activities were needed for all seasons.
- Comments regarding Commissioner Edge's comments were as follows:
 - Policy 4.2.3 Specific partners should not be identified; more generic terms, like transit providers or public transportation rather than TriMet, should be used.
 - Goal 4.3 When considering green spaces or natural resource areas, the habitat should be recognized as well, not just human recreation. However, habitat linkages were difficult to do in a city.

Willamette Greenway Policies:

- The Greenway Design Plan was never completed. While three park master plans provide guidance for areas within the greenway, that same guidance was not available for private lands. Unless the city is interested in acquiring private lands, the greenway design plan might not be needed.
- Policy 15.1.1 discusses the Greenway Compatibility Review Boundary.
- Elk Rock Island was corrected as being Peter Kerr Park and Spring Creek Natural Area.
- Policy 15.7.2 was added to distinguish that the Oregon Division of State Lands (DSL) had jurisdiction over the property below the high-water line. Staff would confirm the jurisdictional boundaries regarding the low- and high-water lines with the Acting City Engineer.
- No climate change components were needed as the Greenway included a 150-ft buffer from edge of the water and some Greenway areas included the entire floodplain.
- The Commission recommended staff contact Water Environment Services (WES) about the language was recommended since the agency was called out to take action.
 - The Public Facilities section currently prohibited WES from expanding its capacity. Policy 15.8.2 provided flexibility for what WES could do with its facility.

Mr. Levitan noted the upcoming meetings to review and finalize the Block 2 Policies and invited the Commissioners to provide any additional comments to Chair Travis for her to share at the CPAC meeting. Staff expected City Council to review the policies for adoption on January 15, 2019.

7.0 Planning Department Other Business/Updates

7.1 BCC Code of Conduct Form

The BCC Code of Conduct forms were distributed to the Planning Commissioners for signature.

8.0 Planning Commission Discussion Items

Commissioner Hemer noted he would be unable to attend the December 6 Planning Commission and December 11 Housing Forum meetings. He asked that a strong definition of affordable housing be established and that the land values of current residents not be forgotten when working on affordable housing. He announced Christmas at the Museum would be on December 8.

9.0 Forecast for Future Meetings:

December 11, 2018 1. Joint Session with CC, DLC, CPAC: Comprehensive Plan Update Project Discussion.

January 8, 2019 1. Public Hearing: CSU-2018-018 Lake Record Sports Fields Traffic Demand Management Plan *tentative*

Chair Travis requested that the Commission be given brief updates on all the various planning efforts occurring in the city, such as the South Downtown Plan.

Meeting adjourned at approximately 8:34 pm.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

Kim Travis, Chair



CITY OF MILWAUKIE

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Vera Kolas, Associate Planner; Alex Roller, Engineering Tech II

Date: March 18, 2019, for March 26, 2019, Public Hearing

Subject: **File:** AP-2019-002 (an appeal of DEV-2019-002)
Appellant: Robert and Carla Pletka
Owner(s): Robert and Carla Pletka
Subject Property: 11380 SE 21st Ave
Legal Description (Map & Tax Lot): 11E36BC 03700
NDA: Historic Milwaukie

ACTION REQUESTED

Review the Planning Director's approval of the development review for the change in use reviewed in land use file #DEV-2019-002 and uphold, modify, or reverse the decision. The hearing will be conducted in an "unrestricted de novo" manner, which allows for the presentation of new evidence, testimony, and argument by any party. The scope of the hearing is not limited to the issues raised on appeal. The standard of review for the Commission is whether the initial decision has findings and/or conditions that are in error as a matter of fact or law. The recommended Findings and Conditions of Approval are found in Attachments 1 and 2.

BACKGROUND INFORMATION

On February 12, 2019, the Planning Director issued a Notice of Decision to approve land use file #DEV-2019-002, a development review for a change in use of the property at 11380 SE 21st Ave. The proposed use is two businesses: a primarily internet retail business that sells JJ Electronic tubes and NOS tubes – vacuum tubes for amplifiers; the other portion of the building will be used as a tap room with occasional musical entertainment. As a change in use from manufacturing to retail and a tap room, the code requires that the site is brought closer into conformance with Title 12 of the Milwaukie Municipal Code (MMC). The development review required that the easternmost driveway (labeled driveway C) be closed in order to comply with MMC 12.16.040.B. The applicants and property owners, Robert and Carla Pletka, appealed the decision on February 27, 2019, within the allotted 15-day appeal period, based on concerns

about having to close driveway C, stating that it is critical to their use of the property. As per Milwaukie Municipal Code (MMC) Table 19.1001.5, because DEV-2019-002 was processed with Type I review, the Planning Commission is the designated review authority for an appeal.

A. Site and Vicinity

The subject property (11380 SE 21st Ave) is approximately 0.19 acres (8,445 sq ft) in area and is zoned Downtown Mixed Use (DMU). The lot is located at the corner of Main St and 21st Ave and is developed with a 3,400-sq ft commercial building. The property has 3 existing driveways that access abutting streets (see Figures 1-4).

Frontage improvements were completed by Trimet with the construction of the Orange Line. Before the frontage improvements were completed, there were three existing driveways on this site. As the improvements were triggered by the traffic impact of Trimet, and not private development of the subject property, all three driveways were reconstructed. Removal of any of the driveways would have been considered a taking.

When a property develops and triggers frontage improvements, the developer is generally required to bring the site into conformance with current codes. The proposed use of the subject property is increasing the trip generation rate of the site and is therefore required to bring the frontage into conformance.



Figure 1. Vicinity map

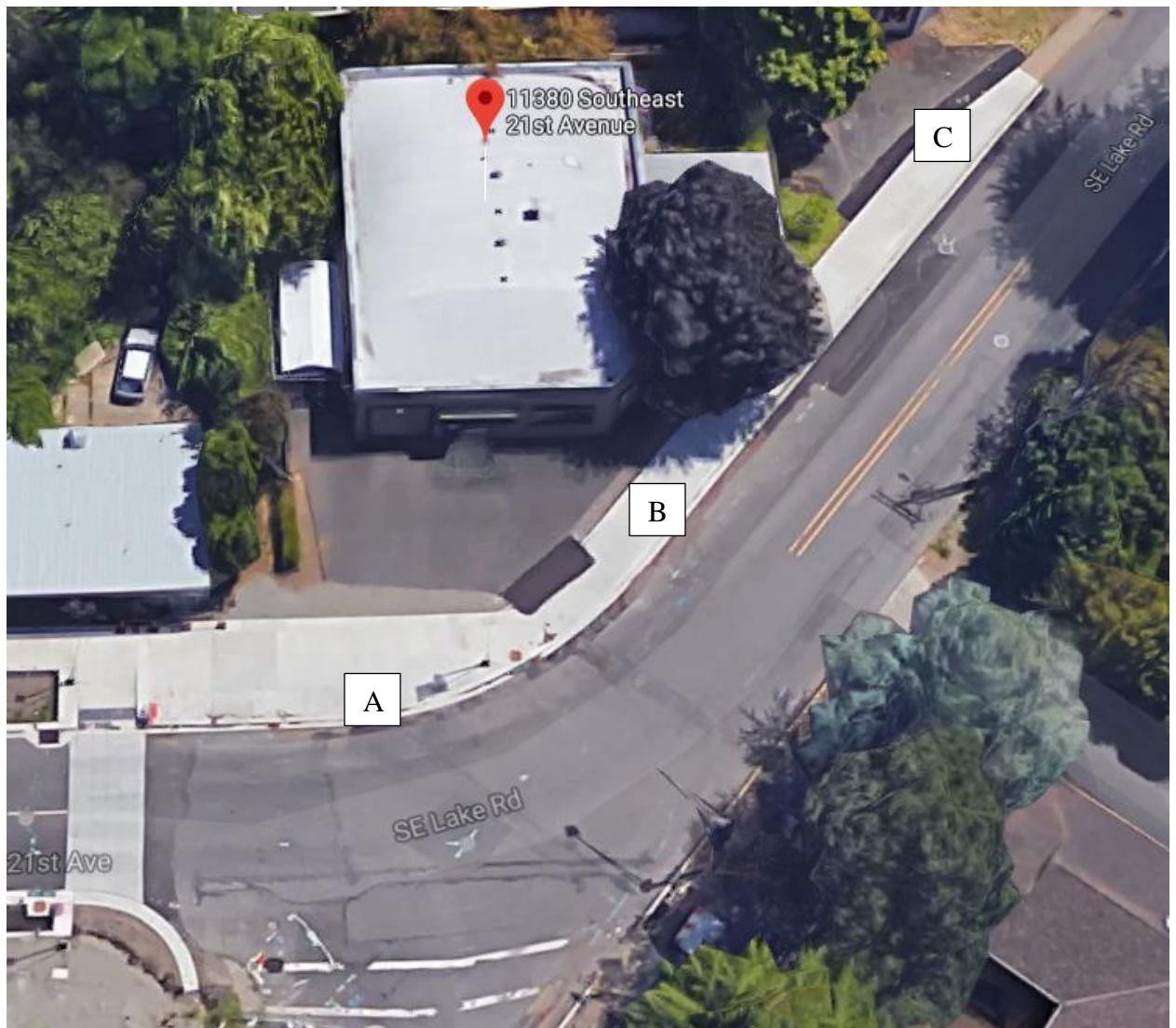


Figure 2. Map identifying the three site driveways



Figure 3. Street view showing Driveways A and B



Figure 4. Street view showing Driveway C

Figure 5. Zoning

Downtown Mixed Use DMU

Town Center (TC)

City records indicate no land use actions for this site prior to the approval of DEV-2019-002.

The development review process resulted in approval of a change in use for the property. Because the change in use from a manufacturing use to a retail and tap room would increase the vehicle trips generated by the site, the approval required that the applicant bring the site into conformance with MMC Title 12.16 – Access Management.

The site is located on Lake Rd and 21st Ave, both of which are classified as arterial streets. Per MMC 12.16.040.B.1, accessways on arterial streets must be located 600 ft from adjacent accessways. However, MMC 12.16.040.A requires that all properties be provided an accessway; the subject property has 121 ft of frontage, so an accessway to the property is in conflict with the spacing requirements of MMC 12.16.040.B.1.

The site cannot comply with driveway spacing requirements, but conditions of approval were included to bring the site closer to conformance to accessway requirements. The conditions of approval related to the driveways are:

- Driveway A functions as a shared driveway for the subject property and for the property to the north. This driveway cannot be removed without cutting off access to the adjoining property.
- Driveway B will be clearly signed as enter only, to provide access for delivery vehicles, and to allow them to maneuver on site in order to allow for all backing movements to occur on site.
- Driveway C, to the east, will be removed, in order to comply with the spacing requirements for accessways on an Arterial classification street.

As required by MMC Subsection 19.1004.3 for Type I review, public notice of the proposed change of use was not required. The Notice of Decision was issued on February 12, 2019. In Type I decisions, the applicant has standing to file an appeal, which was submitted on February 27, 2019.

KEY ISSUES

Summary

As established in MMC Subsection 19.1010.3.A, the standard of review for an unrestricted de novo hearing, which is the type of hearing required for the appeal of a Type I decision, is whether the initial decision has findings and/or conditions that are in error as a matter of fact or law. As of the publication of this report, neither the appellant nor any other party has identified a possible error in the findings or conditions from DEV-2019-002. Someone could do so as late as at the hearing itself, but unless an error is identified as a basis for the appeal, the original decision should remain unchanged.

In the meantime, staff will address the comments raised by the Pletka's in their appeal narrative. The key comment in the narrative is a request to reconsider the removal of driveway C for the following reasons:

1. The location is a small lot with very little area for parking. The space in question is approximately 30% of the total area available and could accommodate 2 cars.
2. Driveway C is existing and the site also contains a gate to access this portion of the building. As far as the applicants are aware, there have been no accidents at this location.
3. Removal of the driveway would cause an extreme hardship on the applicants' use of the site for the businesses, as it would prevent access to the building's storage and kitchen area. The space is needed for deliveries and a spot for a food cart/food truck or employee parking.
4. The applicants state that they are required to provide an ADA parking space at the front of the building, resulting in a maximum of 2 additional parking spaces in this front area.

Response to Appellant Comments

1. The location is a small lot with very little area for parking.

When staff initially met with the applicants, the area accessed by driveway C was described as a potential site for a food cart/food truck that would not move very often. As such, staff determined that the driveway would need to be closed, but having a food cart/food truck parked there would be acceptable. Staff was not aware of the desire to use this driveway as access for deliveries or for parking and this was not included as part of the development review application. Standard parking spaces must be a minimum 9 ft wide and 18 ft long. It is unclear whether parking spaces meeting these requirements could be accommodated in this area and still provide space for maneuvering on the subject property without backing into the right-of-way (see Figure 6).



Figure 6. Driveway C area.

2. Driveway C is existing and the site also contains a gate to access this portion of the building. There have been no accidents at this location. There is a sign posted at this driveway stating “Authorized Vehicles Only”.

There are 3 existing driveways that access the site. These driveways were constructed with Trimet’s required improvements. If this property had developed before Trimet came through, the requirement at that time would have been to close driveway C. Trimet was not required to close it because Trimet was not developing the site. The only time that the City

can bring sites closer into conformance with the Code is when private development is occurring.

The reason for the spacing requirements on arterial streets is that the primary function of arterial streets is to move traffic, and to have minimal driveways and potential conflict points. Also, there are spacing requirements from intersections that may not have a long queueing distance today but are designed to accommodate future traffic levels.

Staff has requested accident statistics from the Milwaukie Police Department and will have the data at the public hearing.

3. Removal of the driveway would cause a hardship for the businesses due to lack of access for deliveries.

Although direct vehicular access for deliveries would not be possible after driveway C is closed, access to the site remains. Vendors could still deliver goods to the rear portion of the site with hand trucks from the front of the building and on the sidewalk to the rear. It is not unique to be without direct vehicular access to the rear of a business. There are alternatives in this case. A semi-permanent food truck/food cart that did not leave the site very often was a possible use for this area.

4. The applicants are required to provide an ADA space, which further hinders the amount of site parking.

Commercial uses in the DMU zone are not required to provide off-street parking. The development review application did not include any information for proposed site parking. The ADA space requirement is only triggered if on-site parking is provided. Staff has not reviewed a parking plan for the site and cannot confirm that parking can be accommodated on the site that meets MMC 19.600 and does not impede the accessways or on-site circulation.

5. The safety in using driveway C is supported by the fact that there will be minimal parking at this site. Only delivery vehicles and the occasional employee vehicle will access it.

The only affect that a proposed use has on a driveway is the allowed width, which is based on the type of use that the driveway serves. Commercial uses and high numbers of dwelling units can have wider driveways. In considering the location of driveways, Milwaukie's code does not distinguish between a light or heavy use driveway.

CONCLUSIONS

MMC Title 12.16 was properly applied to DEV-2019-002 and no error in interpretation of the code was made. Parking details and additional loading requirements were not part of the original land use application.

There is another route for the applicant if driveway C is critical to the use of the property. MMC 12.16.040.B.2 provides for a process to modify the access spacing requirement. The Engineering Director may make this determination with the submission of an access study prepared and certified by a registered professional traffic engineer.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The appeal and the original partition are subject to the following provisions of the Milwaukie Municipal Code (MMC):

- MMC Section 19.1010 Appeals
- MMC Section 19.304 Downtown Zones
- MMC Chapter 19.700 Public Facility Improvements
- MMC Chapter 12.16 Access Management
- MMC Section 19.1004 Type I Review

As per MMC Subsection 19.1001.5, the Planning Commission is the designated appeal authority for a Type I decision. As per MMC Subsections 19.1010.3.A and 19.1010.4, the appeal hearing is an unrestricted de novo hearing, which allows for the presentation of new evidence, testimony, and argument by any party. The Commission will consider all relevant evidence, testimony, and argument provided at the hearing by the appellant. The scope of the hearing is not limited to the issues that were raised on appeal. The standard of review is whether the initial decision has findings and/or conditions that are in error as a matter of fact or law.

The Commission has four (4) decision-making options as follows:

- A. Deny the appeal and uphold the initial decision approving the development review (file #DEV-2019-002). Adopt the Recommended Findings and Conditions, which are based on the original findings and conditions for DEV-2019-002.
- B. Uphold the appeal upon finding that the initial decision was in error as a matter of fact or law, with Findings and Conditions sufficiently worded to approve the development review as originally proposed in DEV-2019-002 but with revisions as needed to address any issues identified by the Commission. Such revisions would need to be read into the record. If revisions trigger the need for a variance(s) from other standards and the applicant wishes to proceed with the partition, the applicant may need to waive the 120-day clock to allow time for review and a decision.

- C. Uphold the appeal upon finding that the initial decision was in error as a matter of fact or law, with Findings sufficiently worded to approve the development review as originally proposed in DEV-2019-002. Such Findings would need to be read into the record.
- D. Continue the hearing. This option may require that the applicant provide a waiver to the 120-day clock. If the applicant is not willing to provide such a waiver, the Planning Commission may need to deny the application. The 120-day limit by which time the City must make a decision is May 25, 2019.

As per MMC Subsection 19.1010.4.D, the Commission's decision on this appeal is the final local decision.

ATTACHMENTS

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

	Early Posting	PC Packet	Public Copies	Packet
1. Recommended Findings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Recommended Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Appeal Application (received February 27, 2019)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Notice of Decision for DEV-2019-002 (issued Feb. 12, 2019)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5. Application Materials from DEV-2019-002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

Early Posting = materials posted online 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.

Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-25>.

Recommended Findings
File #AP-2019-002, Appeal of File #DEV-2019-002

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

1. The appellants, Robert and Carla Pletka, are the owners of the property at 11380 SE 21st Ave. The appellants have appealed the decision issued by the City of Milwaukie Planning Director for Land Use File #DEV-2019-002, a Type I development review for change in use at the subject property. The appellants are appealing one of the conditions of approval in the original decision. The land use application file number for the appeal is AP-2019-002.
2. On February 12, 2019, the Planning Director issued a Notice of Decision to approve land use file #DEV-2019-002, a development review for a change in use of the property at 11380 SE 21st Ave. The proposed use is two businesses: a primarily internet retail business that sells JJ Electronic tubes and NOS tubes – vacuum tubes for amplifiers; the other portion of the building will be used as a tap room (drinking establishment) with occasional music entertainment. As a change in use from manufacturing to retail and a drinking establishment, the code requires that the site is brought closer into conformance with Title 12 of the Milwaukie Municipal Code (MMC). The development review required that the easternmost driveway (labeled driveway C) be closed in order to comply with MMC 12.16.040.B.

The applicants and property owners, Robert and Carla Pletka, appealed the decision on February 27, 2019, within the allotted 15-day appeal period, based on concerns about having to close driveway C, as it is critical to their use of the property.

3. The appeal and the original partition are subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.1010 Appeals
 - MMC Section 12.16 Access Management
 - MMC Section 19.304 Downtown Mixed Use Zone
 - MMC Chapter 19.700 Public Facility Improvements
 - MMC Section 19.1004 Type I Review

The application has been processed and public notice provided in accordance with MMC Section 19.1010 Appeals. The original development review was subject to Type I review. As per MMC Subsection 19.1001.5, the Planning Commission is the designated appeal authority for a Type I decision. As per MMC Subsections 19.1010.3.A and 19.1010.4, the appeal hearing for a Type I decision is an unrestricted de novo hearing, which allows for the presentation of new evidence, testimony, and argument by any party. A public hearing was held on March 26, 2019, as required by law.

4. MMC Section 19.1010 Appeals

a. MMC Subsection 19.1010.1 establishes standards for filing an appeal.

- (1) MMC 19.1010.1.A. describes the information required for an appeal, including the date and case file number of the decision being appealed, documentation that the appellant has standing to appeal per MMC Subsection 19.1010.4.A, and a detailed statement describing the basis of the appeal.

The appellant is the property owner and the applicant of the original land use application (DEV-2019-002) and has standing to appeal the Type I approval. The appellant's submittal materials provide the required information, including a statement describing why they oppose the condition of approval and how they believe the site access has been incorrectly evaluated, as the basis of appeal.

- (2) MMC 19.1010.1.B requires payment of an application fee at the time of filing.

The appellant paid the application fee at the time the appeal was filed.

- (3) MMC 19.1010.1.C requires the appeal materials to be filed within the 15-day appeal period for the decision being appealed.

The Notice of Decision for DEV-2019-002 was issued on February 12, 2019, and the appeal period ended at 5:00 p.m. on February 27, 2019. The appellant submitted the information necessary for an appeal on February 27, 2019.

The Planning Commission finds that the appellant has satisfied the standards for filing an appeal of DEV-2019-002.

b. MMC Subsection 19.1010.2 establishes the procedures for an appeal hearing.

As per MMC Table 19.1001.5, the Planning Commission is the appeal authority for DEV-2019-002, which was a Type I decision. On March 26, 2019, the Planning Commission held a hearing per the public hearing procedures provided in MMC Section 19.1009.

The Planning Commission finds that the requirements of this section have been satisfied.

c. MMC Subsection 19.1010.3 establishes the types of hearing for appeals.

As specified in MMC Subsection 19.1010.5.C, the appeal hearing for a Type I decision is an unrestricted de novo hearing. As required by MMC Subsection 19.1010.3.A, an unrestricted de novo hearing allows presentation of new evidence, testimony, and argument by any party.

At the public hearing held on March 26, 2019, the Planning Commission considered all relevant evidence, testimony, and argument that were provided and did not limit the scope of the hearing to the issues that were raised on appeal. The Planning Commission's standard of review is whether the initial decision in DEV-2019-002 has findings and/or conditions that are in error as a matter of fact or law.

The Planning Commission finds that the requirements of this section have been satisfied.

- d. MMC Subsection 19.1010.4 establishes specific provisions for appeal of a Type I decision.

In accordance with the standards established by MMC 19.1010.4, the applicant of the original decision DEV-2019-002 filed the appeal. On March 6, 2019, 20 days prior to the hearing date, the City mailed notice of the appeal hearing to the applicant/appellant. The hearing was conducted as an unrestricted de novo hearing, and the decision of the Planning Commission is the final local decision.

The requirements of this section have been satisfied.

The final decision of the Planning Commission with respect to the appeal is presented in Finding 11.

5. MMC Chapter 12.16 Access Management

MMC 12.16.040 establishes standards for access (driveway) requirements. The proposed change of use meets these criteria as described below.

- a. MMC 12.16.040.A requires that all properties be provided street access with the use of an accessway.

The proposed development has access from the street and is consistent with MMC 12.16.040.A.

As proposed, this criterion is met.

- b. MMC 12.16.040.B.1, requires that accessways on arterial and collector streets must be located 600 ft from adjacent accessways.

The site is located on SE Lake Road and SE 21st Avenue, both of which are classified as arterial streets. MMC 12.16.040.A requires that all properties be provided street access which, in this case, is in conflict with the spacing requirements of MMC 12.16.040.B.1. The development site cannot comply with driveway spacing requirements. Conditions of approval are included to bring the site closer to conformance to accessway requirements. For the following notes, the driveways will be labeled as A, B, and C with A being the westernmost, and C being the easternmost. See image below identifying the three driveways.



Driveway A functions as a shared driveway for the subject property and for the property to the north. This driveway cannot be removed without cutting off access to the adjoining property. As conditioned, Driveway B will be clearly signed as enter only, to provide access for delivery vehicles, and to allow them to maneuver on site to allow for all backing movements to occur on site. Allowing this driveway to remain as entrance only will bring driveway A closer to conformance by preventing backing movements into the street.

As conditioned, Driveway C, to the east, will be removed, to comply with the spacing requirements for accessways on an Arterial classification street.

- c. MMC 12.16.040.C.1 requires that when a lot has frontage on two (2) or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street.

The site is a corner lot, which is considered a double frontage property. The site has frontage on SE Lake Road and SE 21st Avenue, both of which are classified as arterial streets. Access will be taken from both frontages with a condition to sign Driveway B as entry only. By signing Driveway B as enter only, backing movements for the development property will be contained on site.

As conditioned to sign Driveway B and enter only, the proposal complies with MMC 12.16.040.C.1.

- d. MMC 12.16.040.D.1 requires that accessway locations be the minimum necessary to provide access without inhibiting the safe circulation and carrying capacity of the street.

As conditioned, the applicant will be required to sign Driveway B as entrance only to prevent delivery vehicles from backing into the right-of-way, or to back onto the property, both of which will ensure the safe circulation and preservation of the carrying capacity of the street.

The site currently has a shared access with the property to the north; shared access is preferred. This commercial driveway (Driveway A) is located at the intersection and will require a stop sign for clarity to vehicles exiting the site. Driveway A cannot be removed, as 11358 21st would no longer have street access.

As conditioned, this criterion is met.

- e. MMC 12.16.040.D.2 requires that the number of accessways on collector and arterial streets shall be minimized whenever possible through the use of shared accessways and coordinated on-site circulation patterns. Within commercial, industrial, and multifamily areas, shared accessways and internal access between similar uses are required to reduce the number of access points to the higher-classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared accessways or internal access between uses shall be established by means of common access easements.

As conditioned, the applicant will be required to sign Driveway B as entrance only to prevent delivery vehicles from backing into the right-of-way, or to back onto the property, both of which will ensure the safe circulation and preservation of the carrying capacity of the street.

The site currently satisfies code requirements through a shared access with the property to the north. This commercial driveway (Driveway A) is located at the intersection and will require a stop sign for clarity to vehicles exiting the site. Driveway A cannot be removed, as 11358 21st would no longer have street access.

As conditioned, this criterion is met.

- f. MMC 12.16.040.D.4 requires that the number of accessways for uses other than single-family residential is subject to the following provisions:

- a. Access onto arterial and collector streets is subject to the access spacing requirements of Subsection 12.16.040.B;

- b. One accessway is allowed on local streets and neighborhood routes. One additional accessway is allowed per frontage where the driveway approaches, including adjacent property accessways, can be spaced one hundred fifty (150) feet apart. The spacing is measured between the nearest edges of the driveway aprons.

As conditioned, the applicant will be required to sign Driveway B as entrance only to prevent delivery vehicles from backing into the right-of-way, or to back onto the property, both of which will ensure the safe circulation and preservation of the carrying capacity of the street.

The site currently has a shared access with the property to the north. This commercial driveway (Driveway A) is located at the intersection and will require a stop sign for clarity to vehicles exiting the site. Driveway A cannot be removed, as 11358 21st would no longer have street access.

As conditioned, this criterion is met

As conditioned, the Planning Commission finds that the applicable standards of MMC 12.16 are met.

6. MMC 12.24 Clear Vision at Intersections

- a. MMC 12.24.030 establishes the clear vision requirements.

A condition has been established to require that clear vision be maintained at all driveways and accessways.

As conditioned, this standard is met.

As conditioned, the Planning Commission finds that the applicable standards of MMC 12.24 are met.

7. MMC Section 19.304 Downtown Zones (including the DMU)

MMC 19.304 contains standards for Downtown zones, including the DMU zone. The application meets the applicable standards of this section as described below.

- a. MMC Subsection 19.304.2 Allowed Uses

MMC 19.30.2 establishes the uses allowed in the DMU zone, including offices, retail trade, eating and drinking establishments, and a variety of commercial uses as outright permitted uses.

The proposed development will have 2 separate businesses in the existing building: office and storage space for an internet retailer and a tap room. The existing building is 3,400 sq ft. Approximately 1,300 sq ft will be used for the office and retail use; approximately 1,600 sq ft will be used for the tap room. The remaining area will be used for shared restrooms and an office space for the building.

As proposed, this standard is met.

- b. MMC Subsections 19.304.3 and 19.304.4 Development Standards

MMC 19.304.3 and 19.304.4 establish development standards for the DMU zone.

The proposed development will reuse the existing building and only interior modifications will be made.

As proposed, the standards of this subsection are met.

As proposed, the Planning Commission finds that the applicable DMU zone standards of MMC 19.304 are met.

8. MMC Chapter 19.600 Off-Street Parking and Loading

MMC 19.700 establishes standards for off-street parking and loading areas outside the public right-of-way.

- a. MMC Section 19.605 Vehicle Parking Quantity Requirements

MMC 19.605.1 establishes parking ratios for various land uses, including minimum and maximum allowed parking spaces.

Per MMC 19.304.5.G.3, all nonresidential uses are exempt from the off-street parking requirements. If off-street parking is proposed, parking maximums apply. The proposal does not include off-street parking on the site.

This standard is met.

9. 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, and modification or expansion of an existing structure or a change or intensification in use that result in any projected increase in vehicle trips or any increase in gross floor area on the site.

The applicant proposes to change the use of the existing manufacturing building to be a both retail and drinking establishment (tap room) use. The tap room will increase the trips generated by the site. The change of use triggers the requirements of MMC Chapter 19.700. Frontage improvements have already been constructed in front of development property. Applicant will be responsible for bringing site into conformance with Title 12 of the Milwaukie municipal code.

MMC 19.700 applies to the proposed development.

b. MMC Section 19.705 Rough Proportionality

MMC 19.705 requires that transportation impacts of the proposed development be mitigated in proportion to its potential impacts.

The proposed development does not trigger mitigation of impacts beyond the required frontage improvements related to accessways. The impacts are minimal and the surrounding transportation system will continue to operate at the level of service previous to the proposed development.

As conditioned to make frontage improvements related to the accessways, this standard is met.

c. 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. MMC Subsection 19.708.1 points to MMC Chapter 12.16 and establishes general requirements and standards for streets, including access management, clear vision, street design, connectivity, and intersection design and spacing standards.

Access to the site must comply with access management standards contained in MMC 12.16 and with clear vision requirements contained in MMC 12.24.

As conditioned, to meet these requirements, this standard is met.

10. As described in Finding 4-d, public notice of the appeal was mailed 20 days in advance of the public hearing (on March 6, 2019), as required by the provisions established in MMC 19.1010.4 for appeal of a Type I decision.
11. The Planning Commission finds that there was no error as a matter of fact or law in the findings or conditions of the original decision of DEV-2019-002. The Planning Commission denies the appeal and upholds the original decision made by the Planning Director to approve DEV-2019-002, including the requirement to close Driveway C.

Recommended Conditions
File #AP-2019-002, Appeal of File #DEV-2019-002

Conditions

1. Prior to final inspection for any building on the proposed development, the following shall be resolved:
 - a. Conform to accessway requirements by removing easternmost Driveway C and sign Driveway B as enter only. Applicant will coordinate with City staff prior to installation of the sign.
 - b. Obtain a right-of-way permit for driveway construction modifications improvements listed in these recommended conditions of approval.
 - c. Install a stop sign on the site at Driveway A. Applicant will coordinate with City staff prior to installation of the sign.
2. Clear vision areas shall be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection. All signs, structures, or vegetation in excess of three feet in height located in "vision clearance areas" at intersections of streets, driveways, and alleys fronting the proposed development must be removed. Prior to the removal of any vegetation, applicant shall confirm with the Engineering department the location of clear vision areas and if the vegetation removal is required to comply with clear vision standards.

2-27-19

RECEIVED

FEB 27 2019

To: City of Milwaukie Planning Director**Subject:** Appeal of Decision of Development Review

Standard MMC 12.16 Access Management, Removal of driveway C

Property Address: 11380 SE 21st Ave., Map #11E36BC03700CITY OF MILWAUKIE
PLANNING DEPARTMENT

To the Director,

Upon review of the findings in the Development Review #DEV-2019-002 we see that the Engineering Department has made an exception to remove access to driveway C from our property, see attachment 1.

We are requesting a re-consideration of the removal of driveway C on our newly purchased property for the following reasons:

This location is a very small lot with very little parking space. The space in question is approximately 30% of the total space available and could accommodate 2 cars.

1. This area has an existing gate and driveway that has been in existence for many years. To our knowledge there have been no accidents due to this access driveway. It is not a through way.
2. Removal would cause an extreme hardship for our business as it would remove the main access to our storage and kitchen area. This would force deliveries to be brought through the Tap room/bar patronage area. To further complicate and impact the parking situation we must also accommodate an ADA parking space at the front of the building. We'll be lucky to be able to even park 2 cars in the front parking area facing 21st Ave.
3. We need to keep the space for the flexibility to either place a food cart or an employee parking space and mainly for deliveries.

It is worth noting that the speed limit at the location starts at 28th and is 20 MPH. This is very slow. The 20 mph school speed limit feeds into this intersection with flashing yellow lights on Lake Road

It is also worth noting that our Tap Room/ Bar is approved for 60 people. Not all will be driving, of course, and since there is relatively no place to park it would not create a significant impact. The impact would most certainly be different if there was parking that could hold many cars and create many more trips onto 21st or Lake Rd. throughout the day.

The new apartment complex on Willard St. for the Housing Authority, directly across from the high school, will create much more traffic entering and exiting onto Lake Rd than our establishment will just by the nature of the limited access to parking available.

During previous meetings with the planning department we agreed to make our front parking space an "Enter Only" from Lake Rd. in order to help remedy the situation. This was allowing the driveway in question (C) an accessible space. There is already a sign posted for "Authorized Vehicles Only" next to the gate.

Should the City decide to close off our driveway the decision will render the portion of our property useless.

We would like to suggest that the speed limit be reduced to 15mph starting at 23rd and Lake Rd driving West along with a note underneath that states "congested area" or "multiple street access". This would be regardless of the approval of our appeal.

We would also be willing to post any signage needed to alleviate any concerns.

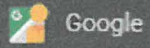
Thank you for your consideration.

We look forward to doing business in and with the City of Milwaukie.

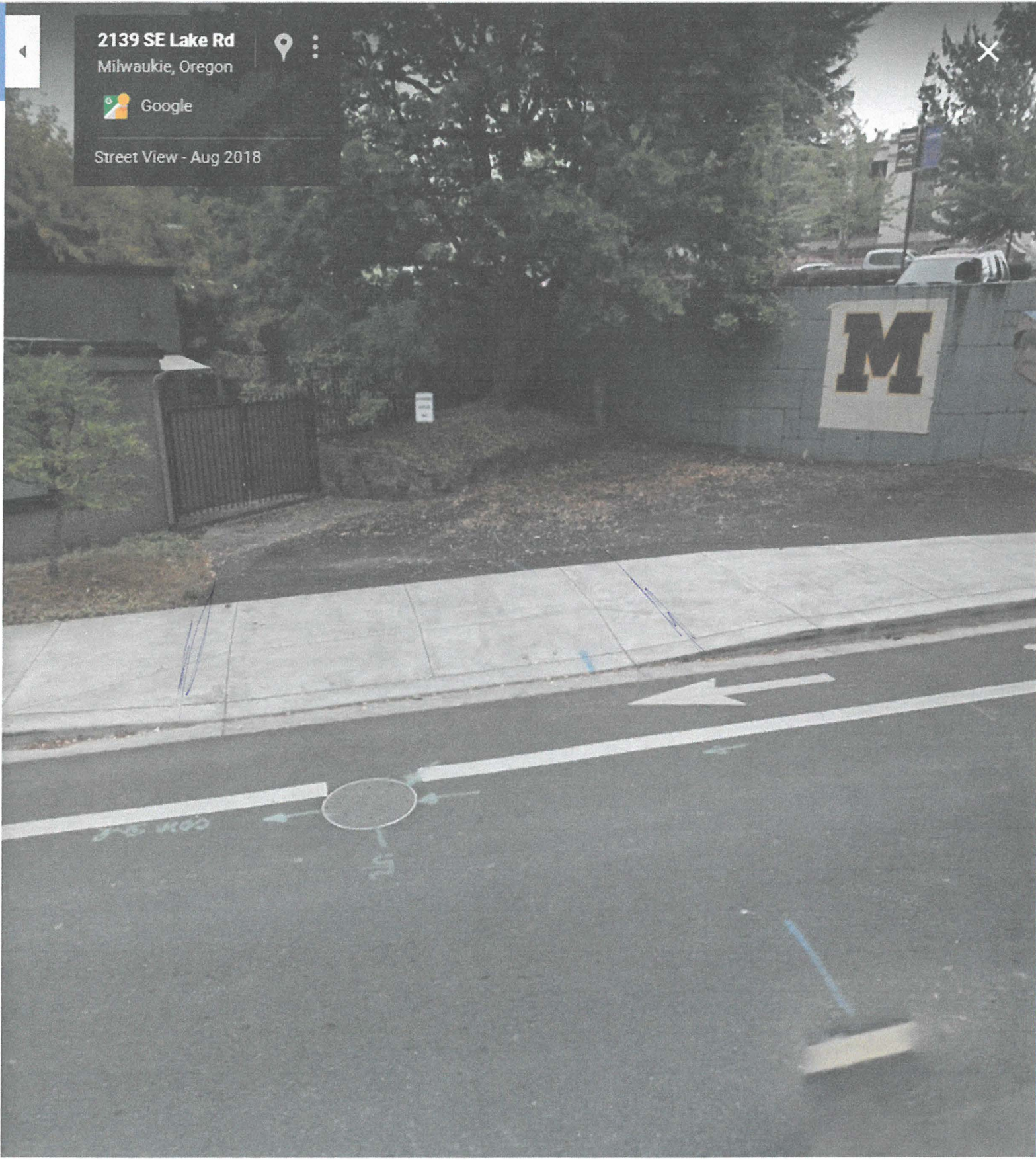
Sincerely,
Robert and Carla Pletka
13545 SE Beech St.
Milwaukie, OR
503-880-1590

Attachment 1

2139 SE Lake Rd
Milwaukie, Oregon



Street View - Aug 2018





CITY OF MILWAUKIE

February 12, 2019

Land Use File(s): DEV-2019-002

Permit(s): 601-19-000061

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Director on February 12, 2019.

Applicant(s): Robert and Carla Pletka
Location(s): 11380 SE 21st Ave
Tax Lot(s): 11E36BC03700
Application Type(s): Development Review: Change in
Decision: Use Approved with Conditions
Review Criteria: Milwaukie Zoning Ordinance:
• MMC 19.906.4

Appeal period closes: 5:00 p.m., February 27, 2019

Conditions of Approval

1. Prior to final inspection for any building on the proposed development, the following shall be resolved:
 - a. Conform to accessway requirements by removing easternmost Driveway C and sign Driveway B as enter only. Applicant will coordinate with City staff prior to installation of the sign.
 - b. Obtain a right-of-way permit for driveway construction modifications improvements listed in these recommended conditions of approval.
 - c. Install a stop sign on the site at Driveway A. Applicant will coordinate with City staff prior to installation of the sign.
 - d. Clear vision areas shall be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection. All signs, structures, or vegetation in excess of three feet in height located in "vision clearance areas" at intersections of streets, driveways, and alleys fronting the proposed development must be removed. Prior to the removal of any vegetation, applicant shall confirm with the Engineering department the location of clear vision areas and if the vegetation removal is required to comply with clear vision standards.

Findings in Support of Approval

The Findings for this application are included as Exhibit 1.

Case File

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1004 Type I Review. The complete case file for this application is available for review between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd. Please contact Vera Kolias, Associate Planner, at 503-786-7653 or koliasv@milwaukieoregon.gov, if you wish to view this case file.

Appeal

This decision may be appealed by 5:00 p.m. on February 27, which is 15 days from the date of this decision.¹ An appeal of this decision would be heard by the Milwaukie Planning Commission following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or planning@milwaukieoregon.gov.

Expiration

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the applicant has: (1) obtained and paid for all necessary development permits and started construction within 2 years of land use approval, and (2) passed final inspection and/or obtained a certificate of occupancy within 4 years of land use approval. Extensions can be granted per MMC Section 19.908.

Director's Declaration of Impartiality

I certify that neither I nor any member of my immediate family has a material, personal, or financial relationship with the applicant. I further certify that no other relationship, bias, or ethical conflict exists which would have prevented me from evaluating the land use application solely on its merits and in accordance with the Milwaukie Municipal Code.

¹ As per MMC Section 19.1010, if the 15th day falls on a weekend or legal holiday, the end of the appeal period shall be extended to the end of the next business day.

Decision

- ☐ Approved
☒ Approved with Conditions
☐ Denied



Dennis Egner, FAICP
Planning Director

Exhibits

1. Findings in Support of Approval

cc: Robert and Carla Pletka, 13545 SE Beech St., Milwaukie, OR 97222
Alma Flores, Community Development Director (via email)
Kelly Brooks, Acting Engineering Director (via email)
Alex Roller, Engineering Technician II (via email)
Samantha Vandagriff, Building Official (via email)
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)
Harmony Drake, Permit Technician (via email)
Land Use File(s): DEV-2019-002

EXHIBIT 1
Findings for Development Review for File #DEV-2019-002
11380 SE 21st Ave

The proposal meets the applicability criteria listed in Milwaukie Municipal Code (MMC) Subsection 19.906.2.A. The application has been processed in accordance with MMC Section 19.1004 Type I Review. This table contains the City's findings on the Development Review criteria in MMC 19.906.4 and the standards associated with each criterion. Standards that are not identified in the table are found to not be applicable to the proposal.

MMC SUBSECTION 19.906.4.A <i>The proposal complies with all applicable base zone standards in Chapter 19.300.</i>	
Applicable Standards	Findings
<p>11380 SE 21st Ave ("site") is located in the Downtown Mixed Use (DMU) Zone, and the following standards of MMC Section 19.304 are applicable.</p> <p>MMC Subsection 19.304.2 Allowed Uses</p> <p>Offices, retail trade, eating and drinking establishments, and a variety of commercial uses are permitted outright in DMU zone as listed in MMC 19.304.1.</p>	<p>The proposed development will have 2 separate businesses in the existing building: office and storage space for an internet retailer and a tap room. The existing building is 3,400 sq ft. Approximately 1,300 sq ft will be used for the office and retail use; approximately 1,600 sq ft will be used for the tap room. The remaining area will be used for shared restrooms and an office space for the building.</p> <p><i>This standard is met.</i></p>
<p>MMC Subsection 19.306.3 Development Standards</p> <p>The 0.19-acre property is developed with a 3,400-sq ft building and adjacent paved areas.</p>	<p>The proposed development will reuse the existing building and only interior modifications will be made.</p> <p><i>This standard is met.</i></p>

MMC SUBSECTION 19.906.4.B

The proposal complies with all applicable overlay zone and special area standards in Chapter 19.400.

Applicable Standards	Findings
The site does not have any applicable overlay zones.	The standard of MMC 19.906.4.B is not applicable.

MMC SUBSECTION 19.906.4.C

The proposal complies with all applicable supplementary development regulations in Chapter 19.500.

Applicable Standards	Findings
City staff has not identified any provisions in Chapter 19.500 that are applicable to the proposal.	No façade or site improvements are proposed.

MMC SUBSECTION 19.906.4.D

The proposal complies with all applicable off-street parking and loading standards and requirements in Chapter 19.600.

Applicable Standards	Findings
MMC 19.605.1 Off-street Parking Requirements Per MMC 19.304.5.G.3, all nonresidential uses are exempt from the off-street parking requirements. If off-street parking is proposed, parking maximums apply.	The proposal does not include additional off-street parking. <i>This standard is met.</i>

MMC SUBSECTION 19.906.4.E

The proposal complies with all applicable public facility standards and requirements, including any required street improvements, in Chapter 19.700.

Applicable Standards	Findings
<p>MMC 19.700 Public Facility Improvements</p> <p>MMC 19.700 applies to partitions, subdivisions, new construction, and modification or expansion of an existing structure or a change or intensification in use that result in any projected increase in vehicle trips or any increase in gross floor area on the site.</p>	<p>The applicant proposes to change the use of the existing manufacturing building to be partially manufacturing and partially tap room. The tap room will increase the trips generated by the site. The change of use triggers the requirements of MMC Chapter 19.700</p> <p>MMC 19.700 applies to the proposed development.</p> <p>Frontage improvements have already been constructed in front of development property. Applicant will be responsible for bringing site into conformance with Title 12 of the Milwaukie municipal code.</p> <p><i>This standard is met.</i></p>
<p>MMC 19.705 Rough Proportionality</p> <p>MMC 19.705 requires that transportation impacts of the proposed development be mitigated.</p>	<p>The proposed development does not trigger mitigation of impacts beyond the required frontage improvements related to accessways. The impacts are minimal and the surrounding transportation system will continue to operate at the level of service previous to the proposed development.</p> <p><i>As conditioned to make frontage improvements related to the accessways, this standard is met.</i></p>
<p>MMC 19.708 Transportation Facility Requirements</p>	<p>Access to the site must comply with access management standards contained in MMC 12.16</p>

MMC SUBSECTION 19.906.4.E

The proposal complies with all applicable public facility standards and requirements, including any required street improvements, in Chapter 19.700.

Applicable Standards	Findings
<p>MMC 19.708.1 requires all development shall comply with access management, clear vision, street design, connectivity, and intersection design and spacing standards.</p> <p>19.708.1.A – Access Management</p> <p>19.708.1.B – Clear Vision</p>	<p>and with clear vision requirements contained in MMC 12.24.</p> <p><i>As conditioned, to meet these requirements, this standard is met.</i></p>
<p>MMC 12.08 Street and Sidewalk Excavations, Construction, and Repair</p> <p>MMC 12.08.020 establishes the process for all construction that is completed in the right-of-way that is eventually dedicated to the City.</p>	<p><i>As conditioned, to obtain a right-of-way permit for the modifications to the accessways, this standard is met.</i></p>
<p>MMC 12.16 Access Management</p> <p>MMC 12.16.040 establishes standards for access (driveway) requirements.</p> <p>MMC 12.16.040.A requires that all properties be provided street access with the use of an accessway.</p> <p>MMC 12.16.040.B establishes standards for access spacing onto arterial and collector streets.</p> <ul style="list-style-type: none"> Per MMC 12.16.040.B.1, accessways must be located 600 ft from adjacent accessways. <p>MMC 12.16.040.C establishes standards for accessway location.</p> <ul style="list-style-type: none"> Per MMC 12.16.040.C.1, when a lot has frontage on two (2) or more streets, access shall be provided first from the street with the lowest 	<p>For the purposes of these findings the existing site driveways will be identified as A, B, and C with A being the westernmost, located at the intersection with Lake Rd, and C being the easternmost.</p> <p>MMC 12.16.040.A</p> <ul style="list-style-type: none"> The proposed development has access from the street and is consistent with MMC 12.16.040.A. <p>MMC 12.16.040.B</p> <ul style="list-style-type: none"> The site is located on SE Lake Road and SE 21st Avenue, both of which are classified as arterial streets. MMC 12.16.040.A requires that

MMC SUBSECTION 19.906.4.E

The proposal complies with all applicable public facility standards and requirements, including any required street improvements, in Chapter 19.700.

Applicable Standards	Findings
<p>classification. For example, access shall be provided from a local street before a collector or arterial street.</p> <ul style="list-style-type: none"> Per MMC 12.16.040.C.2, individual access to single-family residential lots from arterial and collector streets is prohibited. An individual accessway may be approved by the Engineering Director only if there is no practicable alternative to access the site, shared access is provided by easement with adjacent properties, and the accessway is designed to contain all vehicle backing movements on the site and provide shared access with adjacent properties. <p>MMC 12.16.040.D establishes standards for the number of accessway locations.</p> <ul style="list-style-type: none"> Per MMC 12.16.040.D.1, accessway locations shall be the minimum necessary to provide access without inhibiting the safe circulation and carrying capacity of the street. Per MMC 12.16.040.D.2, the number of accessways on collector and arterial streets shall be minimized whenever possible through the use of shared accessways and coordinated on-site circulation patterns. Within commercial, industrial, and multifamily areas, shared accessways and internal access between similar uses are required to reduce the number of access points to the higher-classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared accessways or internal access between uses shall be established by means of common access easements. Per MMC 12.16.040.D.4, The number of accessways for uses other than single-family residential is subject to the following provisions: 	<p>all properties be provided an accessway, which is in conflict with the spacing requirements of MMC 12.16.040.B.1. The development site cannot comply with driveway spacing requirements. Conditions of approval are included to bring the site closer to conformance to accessway requirements. For the following notes, the driveways will be labeled as A, B, and C with A being the westernmost, and C being the easternmost.</p> <ul style="list-style-type: none"> Driveway A functions as a shared driveway for the subject property and for the property to the north. This driveway cannot be removed without cutting off access to the adjoining property. As conditioned, Driveway B will be clearly signed as enter only, to provide access for delivery vehicles, and to allow them to maneuver on site in order to allow for all backing movements to occur on site. As conditioned, Driveway C, to the east, will be removed, in order to comply with the spacing requirements for accessways on an Arterial classification street. <p>MMC 12.16.040.C</p> <ul style="list-style-type: none"> The site is a corner lot, which is considered a double frontage property. The site has

MMC SUBSECTION 19.906.4.E

The proposal complies with all applicable public facility standards and requirements, including any required street improvements, in Chapter 19.700.

Applicable Standards	Findings
<p>a. Access onto arterial and collector streets is subject to the access spacing requirements of Subsection 12.16.040.B;</p> <p>b. One accessway is allowed on local streets and neighborhood routes. One additional accessway is allowed per frontage where the driveway approaches, including adjacent property accessways, can be spaced one hundred fifty (150) feet apart. The spacing is measured between the nearest edges of the driveway aprons.</p>	<p>frontage on SE Lake Road and SE 21st Avenue, both of which are classified as arterial streets. Access will be taken from both frontages with a condition to sign Driveway B as entry only.</p> <ul style="list-style-type: none"> By signing Driveway B as enter only, backing movements for the development property will be contained on site. As conditioned, the proposal complies with MMC 12.16.040.C.2. <p>MMC 12.16.040.D</p> <ul style="list-style-type: none"> As conditioned, the applicant will be required to sign Driveway B as entrance only to prevent delivery vehicles from backing into the right-of-way, or to back onto the property, both of which will ensure the safe circulation and preservation of the carrying capacity of the street. The site currently has a shared access with the property to the north, which is preferred. This commercial driveway (Driveway A) is located at the intersection and will require a stop sign for clarity to vehicles exiting the site. Driveway A cannot be removed, as 11358 21st would no longer have street access. <p><i>As conditioned, this standard is met.</i></p>

MMC SUBSECTION 19.906.4.E

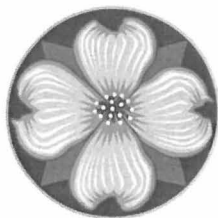
The proposal complies with all applicable public facility standards and requirements, including any required street improvements, in Chapter 19.700.

Applicable Standards	Findings
MMC 12.24 Clear Vision at Intersections MMC 12.24.030 establishes the clear vision requirements.	A condition has been established to require that clear vision be maintained at all driveways and accessways. <i>As conditioned, this standard is met.</i>

MMC SUBSECTION 19.906.4.F

The proposal complies with all applicable conditions of any land use approvals for the proposal issued prior to or concurrent with the development review application.

Applicable Standards	Findings
There are no prior or concurrent approvals.	<i>This standard is met.</i>



PLANNING DEPARTMENT

6101 SE Johnson Creek Blvd

Milwaukie OR 97206

503-786-7630

planning@milwaukieoregon.gov

Application for Land Use Action

Master File #: DEV-2019-002Review type*: ☒ I ☐ II ☐ III ☐ IV ☐ V**CHECK ALL APPLICATION TYPES****THAT APPLY:**☐ Amendment to Maps and/or Ordinances:☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☐ Zoning Text Amendment☐ Zoning Map Amendment☐ Code Interpretation☐ Community Service Use☐ Conditional Use☒ Development Review☐ Director Determination☐ Downtown Design Review☐ Extension to Expiring Approval☐ Historic Resource:☐ Alteration☐ Demolition☐ Status Designation☐ Status Deletion☐ Land Division:☐ Final Plat☐ Lot Consolidation☐ Partition☐ Property Line Adjustment☐ Replat☐ Subdivision☐ Miscellaneous:☐ Barbed Wire Fencing☐ Bee Colony☐ Mixed Use Overlay Review☐ Modification to Existing Approval☐ Natural Resource Review☐ Nonconforming Use Alteration☐ Parking:☐ Quantity Determination☐ Quantity Modification☐ Shared Parking☐ Structured Parking☐ Planned Development☐ Residential Dwelling:☐ Accessory Dwelling Unit☐ Duplex☐ Manufactured Dwelling Park☐ Temporary Dwelling Unit☐ Sign Review☐ Transportation Facilities Review☐ Variance:☐ Use Exception☐ Variance☐ Willamette Greenway Review☐ Other: _____**Use separate application forms for:**

- Annexation and/or Boundary Change
- Compensation for Reduction in Property Value (Measure 37)
- Daily Display Sign
- Appeal

RESPONSIBLE PARTIES:**APPLICANT** (owner or other eligible applicant—see reverse): Robert S. + Carla J. PletkaMailing address: 13545 SE Beech St, Milw Zip: 97222Phone(s): 503-654-0327 Email: _____**APPLICANT'S REPRESENTATIVE** (if different than above):

Mailing address: _____ Zip: _____

Phone(s): _____ Email: _____

SITE INFORMATION:Address: 11380 SE 21st Ave Map & Tax Lot(s): 11E30BC 11E30BC03700Comprehensive Plan Designation: DMU mixed use Zoning: use Size of property: 0.19 AC**PROPOSAL (describe briefly):**For Development Review Application requirement.Building layout + use. CHANGE IN USE.**SIGNATURE:**

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: Carla PletkaDate: 1-25-19**IMPORTANT INFORMATION ON REVERSE SIDE**

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff. *was held already*

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file	PEV. 2019-002	\$ 200-			\$	RECEIVED JAN 25 2019 CITY OF MILWAUKIE PLANNING DEPARTMENT
Concurrent application files		\$			\$	
		\$			\$	
		\$			\$	
		\$			\$	
SUBTOTALS		\$			\$	
TOTAL AMOUNT RECEIVED: \$			RECEIPT #:			RCD BY:
Associated application file #s (appeals, modifications, previous approvals, etc.):						
Neighborhood District Association(s):						
Notes:						

*After discount (if any)



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

Development Review Application Worksheet

This worksheet is intended to assist you in determining if a development review application is needed. If a Type I development review is required, this form can be used to complete the application. Not all information requested on this form may be needed for your project. Please discuss your project with Planning Department staff prior to completing this form.

Step 1: Review Type

Exempt from Development Review	Type I Development Review Excludes single-family structures/ accessory structures	Type II Development Review
<input type="checkbox"/> Single-family detached or attached structures (new or addition). <input type="checkbox"/> Single-family residential accessory structures. <input type="checkbox"/> Modifications to interior of existing buildings with no change of use.	<input type="checkbox"/> New development. <input checked="" type="checkbox"/> Expansions or modifications to structures. <input checked="" type="checkbox"/> Change in primary use (with or without development or expansion). <input type="checkbox"/> Parking area expansion/modification of 5 or more spaces.	<input type="checkbox"/> New construction in BI Zone >1,000 sq ft. <input type="checkbox"/> New construction in M Zone >1,000 sq ft AND within 120 ft of residential zone. <input type="checkbox"/> New development reviewed against discretionary criteria/standards. <input type="checkbox"/> Large-scale projects/approval criteria not appropriate for Type I review.
<i>Development review not required. Project can proceed to obtaining building permit.</i>	<i>Development review application required. Application can be made by completing a land use application form, along with this form, and submitting development permits for review.</i>	<i>Preapplication conference is required prior to submitting a development review permit. Please discuss the preapplication conference with Planning Department staff.</i>

Step 2: Information for Type I Development Review Application

If your project has already received land use approval, please indicate the file number: _____

Description of overall project

Site Address: 11380 SE 21st Ave

DIVIDE BUILDING INTO 2 SEPARATE USES/ BUSINESSES: INTERNET
SALES & WAREHOUSING OF PRODUCT AND TAP ROOM.

Description of use(s): List characteristics of uses that are or will be present on-site. Relevant information will vary depending on zoning. Commonly required information includes good/services provided, items manufactured or stored, and number of employees. *M Zone uses: refer to Milwaukie Municipal Code (MMC). 19.309.1. BI Zone uses: refer to MMC 19.310.2-4.*

PORTION = EURO TUBES: retail & internet sales, storage of merchandise.
= TAP ROOM.

Floor areas: Floor areas are needed for evaluating parking ratios and the M Zone use standards in MMC 19.309.1.

Use	Existing Sq Ft	Proposed Sq Ft	Total Sq Ft
PIANO REPAIR/PARTS	3400	—	3400
SALES & WAREHOUSE	—	1,292	1,292
TAP ROOM	—	1,591	1,591
BLDG RESTROOMS, office	—	517	517

Other information: Use this space to provide other information that Planning Staff needs for review of the project. Examples: uses that base parking on something other than sq ft, zoning overlays, other existing uses on multitenant sites.

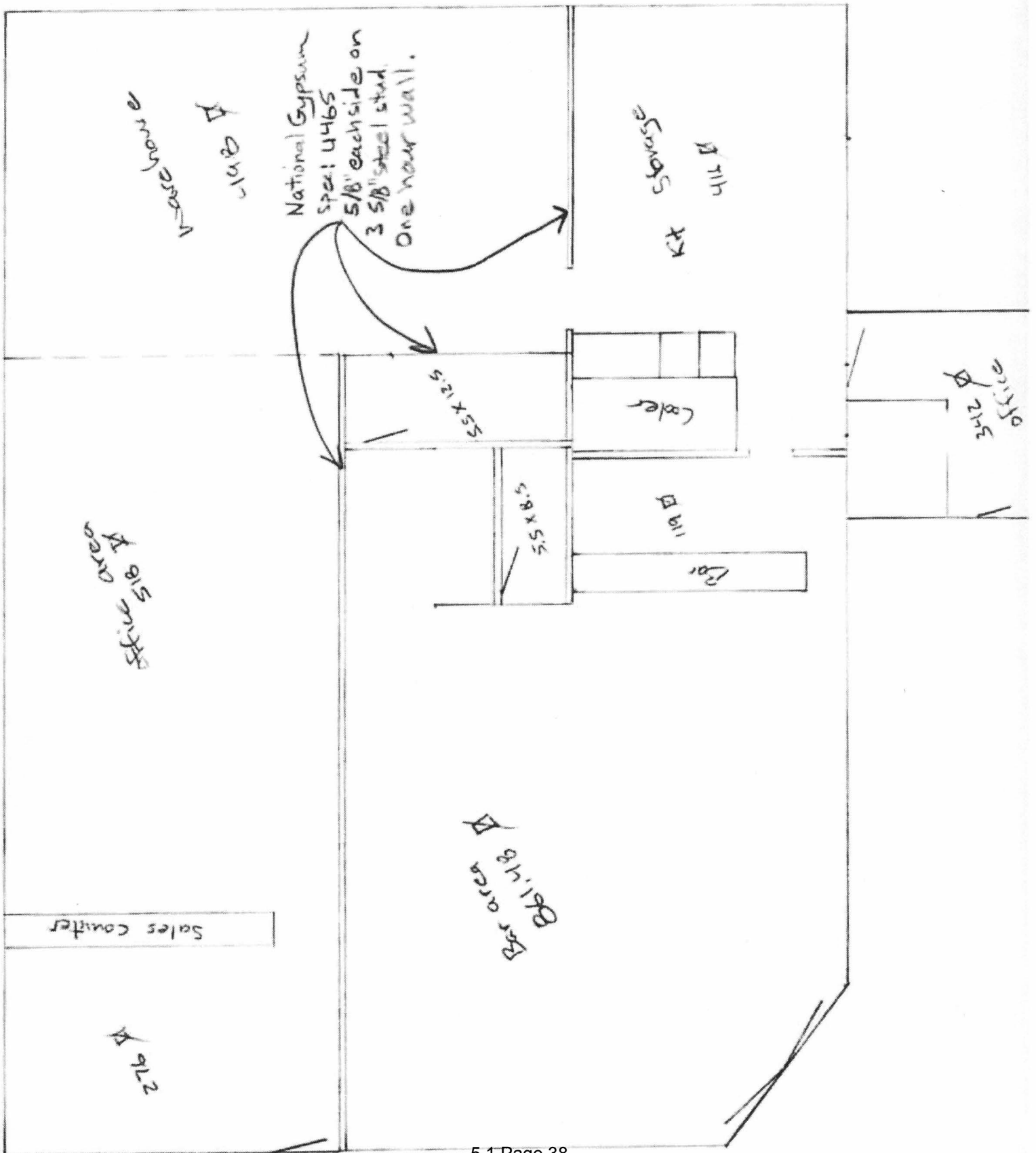
As the authorized applicant I, CARLA J. Pletka (print name), attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

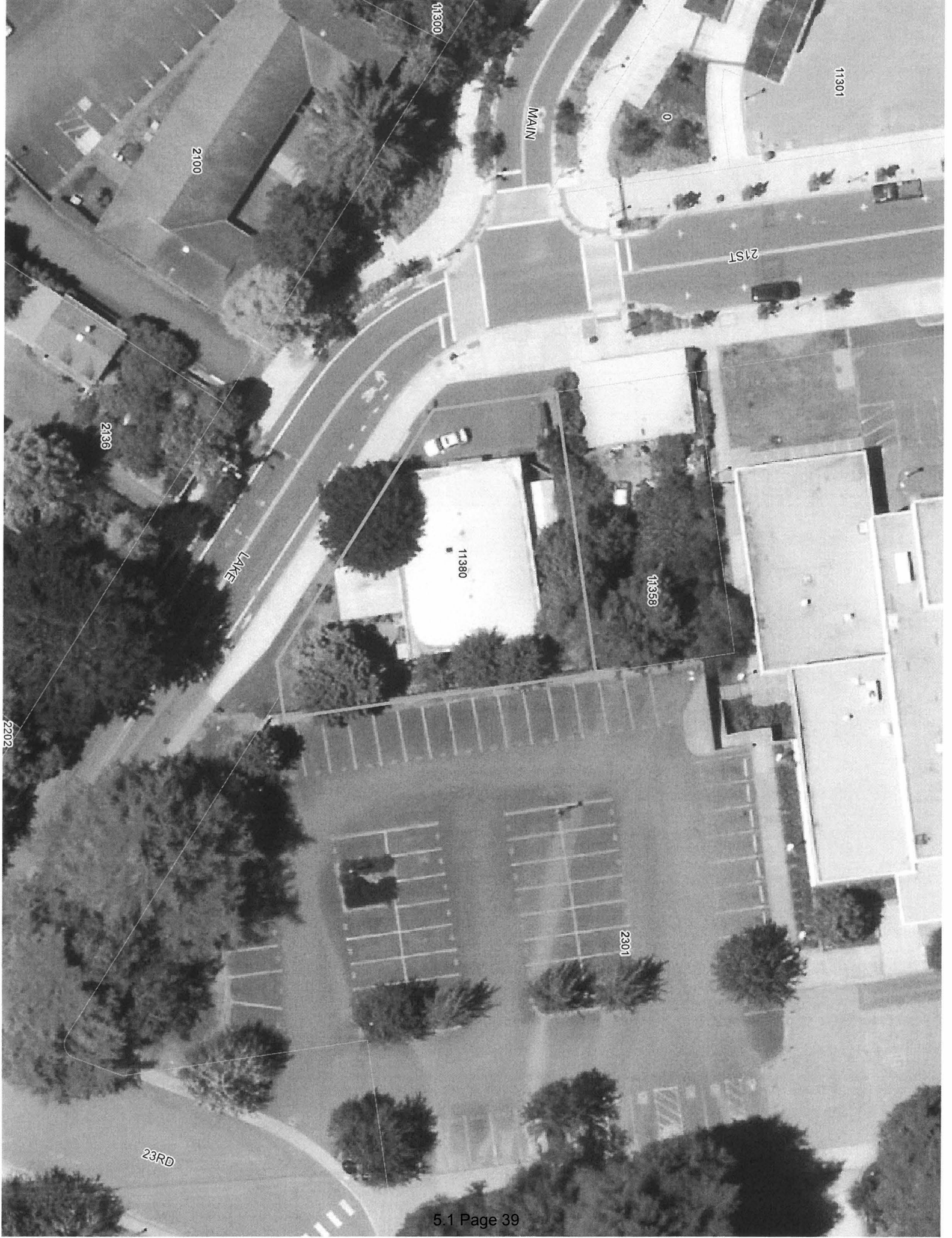
Applicant Signature: Carla Pletka

Date: 1-25-19

Official Use Only Date Received (date stamp below): Received by: _____

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CITY OF MILWAUKIE

To: Planning Commission

Through: Dennis Egner, Planning Director

From: David Levitan, Senior Planner

Date: March 19, 2019, for March 26, 2019 Worksession

Subject: Check-in on Comprehensive Plan Housing Work and Preparation for April 18 Town Hall

ACTION REQUESTED

No formal action is required. Staff will provide a status report on the Comprehensive Plan Update's housing work, including the first two meetings of the Comprehensive Plan Housing Advisory Committee (HAC) and information about several upcoming housing-related events. City staff is looking for Commission input on the potential topics/structure for the April 18 Housing Town Hall.

BACKGROUND INFORMATION

History of Prior Actions and Discussions

- [August 14, 2018](#): Staff solicited Commission feedback on the proposed scope of the Comprehensive Plan's housing policy work, The City Council subsequently decided to separate the housing discussion into its own block of work.
- [December 18, 2018](#): The Commission held a joint meeting with the City Council and Design and Landmarks Committee (DLC) to debrief on the December 6 [Housing Forum](#).

BACKGROUND

The City of Milwaukie is currently undertaking the first major update to its Comprehensive Plan since 1989. The project work plan originally included three six-month blocks of work, each of which would address four or five topic areas and result in updated Comprehensive Plan goals and policies. However, given the City's current focus on housing affordability, in August 2018 the City Council directed staff to break off the housing discussion into its own block of work, which would run concurrent to Block 3. At the end of each block, the City Council is scheduled to adopt a resolution "pinning down" the list of goals and policies for each topic area. The goals and policies for Block 1 were pinned down by resolution on [August 21, 2018](#), while those for Block 2 were pinned down on [January 15, 2019](#).

The City launched the housing discussion for the Comprehensive Plan by hosting a [Housing Forum](#) on December 6, 2018 at Clackamas Community College's Harmony Campus. The event featured a keynote presentation from Richard Rothstein, the author of [The Color of Law](#), as well as a panel discussion and question and answer session with three local experts on housing. That event was followed by a [December 18 joint meeting](#) of the Planning Commission, City Council, and Design and Landmarks Committee to debrief on Housing Forum and discuss topics to address in the Comprehensive Plan Update.

Comprehensive Plan Housing Advisory Committee (HAC)

The HAC was formed as a subcommittee of the Comprehensive Plan Advisory Committee (CPAC) when the decision was made to separate housing into its own block of work. The HAC meets monthly, and has met twice so far ([February 4](#) and [March 18](#)). The first meeting was focused on introducing the local, regional, and statewide regulatory framework for planning for housing in Milwaukie, while the second meeting focused on discussing the structure and potential questions for the April 18 Housing Town Hall. The CPAC has also helped review the first of two reports that are being prepared for the City's DLCD-funded study of equitably housing programs and policies, which will be incorporated into the updated Comprehensive Plan housing policies.

Commissioner Edge attended the first meeting in place of Chair Travis, and the majority of CPAC members have attended the first two meetings. Staff plans to invite subject matter experts on various housing topics to future meetings. Staff will be spending part of the April 1 CPAC meeting on further preparations for the Housing Town Hall, and plans to shift the April HAC meeting from April 15 to April 29, so that it can serve as a debrief from the Town Hall.

Upcoming Housing Events and Meetings in April

April 2019 will kick off the "Future of Housing in Milwaukie" Series, which will see a number of community events related to housing. Staff has outlined these events (as well as related meetings) below, all of which involve a Planning Commission role.

April 3 Middle Housing Options Event (Cottage Cluster and Accessory Dwelling Units)

On April 3, the City is hosting a ["Middle Housing Options" Open House](#) that will present design concepts for cottage cluster development, accessory dwelling units (ADUs), and other types of "middle housing" that fall between traditional detached single family residences and multifamily residential development.

In June 2018, the City began work on a [Cottage Cluster Feasibility Study](#) that is being funded by a Metro Equitable Housing grant. The City's consultant is completing a financial feasibility analysis and site design for four potential sites in Milwaukie that could feature a cottage cluster development, as well as proposing potential development code amendments. The goal of the study is for at least one of the sites to be development with a cottage cluster project. The City has also tasked the consultant to analyze its ADU development standards and explore ways to increase the production of ADUs in Milwaukie, which have been limited to date due to, among other factors, financial costs and improvement requirements.

April 16 Joint Planning Commission/City Council Meeting on Middle Housing

Following up on the April 3 Open House, the Planning Commission and City Council will be holding a joint meeting on during the Council's [April 16 Regular Session](#) to reflect on community feedback and discuss potential strategies to increase the supply of middle housing in Milwaukie.

April 18 Comprehensive Plan Town Hall on Housing

On April 18, the City will be hosting a [Housing Town Hall](#) at the Portland Waldorf School to gather input from the community on their thoughts and priorities related to housing. This feedback will be recorded and reviewed by City staff and the HAC, and help the HAC as it develops new housing goals and policies for the Comprehensive Plan. As was done for Blocks 1 and 2, the Planning Commission will have opportunities to provide feedback on the draft goals and policies before they are considered by the City Council.

Staff is currently developing the structure, questions, and materials for the event, but intends to align it closely with the housing-related items detailed in the [Milwaukie Community Vision](#). It will also be using four lenses - equity, affordability, sustainability, and livability – to help frame the question and evaluate potential policy language.

At the March 18 HAC meeting, City discussed presented a list of questions (Attachment 1) to consider when developing the program for the April 18 Town Hall. These questions are fairly detailed in nature, and were intended to consider the four aforementioned lenses when developing Comp Plan policies that help the City in achieving the Community Vision's housing-related items. City staff is looking to gather Commission feedback on the potential questions and structure for the April 18 Town Hall.

Questions for Commission related to April 18 Housing Town Hall

1. Are commissioners available to attend the meeting?
2. What types of questions we should be asking the community related to housing?
3. Given the limited amount of time (2 hours) for the event, do you have suggestions on the amount of background information that we should be presenting, as well as how we should structure the discussions?

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. Matrix of Community Vision Housing Items and Identified Filters	<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 <https://www.milwaukieoregon.gov/bc-pc/planning-commission-25>.

Questions to Consider through our Identified Filters/Lenses

Housing-Related Goals and Actions from Community Vision

	Equity <ul style="list-style-type: none">Who is impacted?Is it fair?Does it help those most in need?	Affordability <ul style="list-style-type: none">Who and how (many) does it help?What is the cost (savings)?Does it reflect City priorities?	Sustainability <ul style="list-style-type: none">Are environmental impacts reduced?Will climate resiliency be improved?What are the trade-offs?	Livability <ul style="list-style-type: none">Will people want to live there?How will new housing fit in?Does it reflect City priorities?
<u>Place Goal Statement 2</u> : Milwaukie invests in housing options that provide affordability, high quality development and good design, promoting quality living environments. It maintains the small neighborhood feel through creative use of space with housing options that embrace community inclusion and promote stability.	<ul style="list-style-type: none">How do we incentivize quality development and good design for low income housing?Who defines what “good design” means? How can we ensure that it is inclusive to all members of the community?	<ul style="list-style-type: none">How do we balance the need for quality infrastructure and design while maintaining affordability?	<ul style="list-style-type: none">Will new housing opportunities take advantage of active/public transportation or require car ownership?	<ul style="list-style-type: none">Are these new housing options close to services and amenities (parks, schools, restaurants, groceries)?
<i>Place 2.1</i> : Aim to provide improved housing affordability and stability for all City residents, with a variety of housing types, price ranges, and subsidized units available in all neighborhoods	<ul style="list-style-type: none">Is it equitable to allow for middle housing types in all residential areas if they don’t have good access to transit, etc. or account for the costs of necessities like food, healthcare, and childcare?	<ul style="list-style-type: none">Beyond allowing for lower cost housing forms, how can the City address or promote housing affordable to people in all income ranges in every neighborhood?	<ul style="list-style-type: none">How do we improve transit, pedestrian, and bicycle connections that reduce the need for automobiles?	<ul style="list-style-type: none">How do we make sure that we have enough open space in residential areas?How much variety is needed and what are the implications for our zoning?
<i>Place 2.2</i> : Streamline permitting and examine ways to adjust SDC’s to encourage creative uses of space such as ADUs, Tiny Homes, and Cottage Clusters.	<ul style="list-style-type: none">Does this disproportionately benefit existing homeowners and developers?How do we help low income home owners that don’t have capital?	<ul style="list-style-type: none">How do we ensure that we are increasing affordability to renters and homeowners, and not just increasing profits?Should SDC’s be waived for ADU’s that provide affordable housing?	<ul style="list-style-type: none">How can we incentivize the provision of sustainable features (solar panels, electric vehicle charging, etc) in housing?	<ul style="list-style-type: none">Is there a point where a neighborhood has “too many” detached ADU’s or middle housing types? Can form and design adequately mitigate this?
<i>Place 2.3</i> : Create city programs that encourage more affordable housing and continuously evaluate their impacts on housing costs.	<ul style="list-style-type: none">Should the City be subsidizing housing development for its lowest income residents?	<ul style="list-style-type: none">What affordability threshold should City resources be focused on? Very low? Moderate?	<ul style="list-style-type: none">Are there potential conflicts between sustainability and affordability goals?	<ul style="list-style-type: none">Does increased affordability have to mean increased density?
<i>Place 2.5</i> : Create neighborhood plans that define neighborhood character, identify community needs and priorities, and develop strategies for better integrating infill housing into neighborhoods.	<ul style="list-style-type: none">How do we decide what constitutes “neighborhood character”, and ensure that multiple stakeholders are involved in defining it?What “neighborhood patterns” are actually inclusive for people with disabilities?	<ul style="list-style-type: none">How can we support the creation of housing that helps build wealth for low-income residents?	<ul style="list-style-type: none">Is sustainability one lens we can use in promoting certain types of neighborhood character?	<ul style="list-style-type: none">How can we ensure that we improve or retain physical, financial, and culturally appropriate access to community necessities and amenities?
<i>Place 2.6</i> : Ensure quality housing design standards that include energy efficiency, shared greenspace and community garden development.	<ul style="list-style-type: none">How do we achieve increased efficiency and improved design while considering the impacts of cost?	<ul style="list-style-type: none">Emerging technologies such as solar are decreasing in cost but can still be expensive. How can this policy be aligned with people’s ability to pay?	<ul style="list-style-type: none">How can we design housing in a way that adapts to and mitigates for a changing climate?	<ul style="list-style-type: none">Should we be requiring minimal amounts of private open space, or using in-lieu of fees to fund more public open space?
<i>Place 2.7</i> : Update the Development Code to allow more “missing middle” housing types (duplexes, triplexes, cottage clusters, tiny houses) in established neighborhoods, and permit mixed-use buildings in neighborhood hubs.	<ul style="list-style-type: none">Is it truly equitable to allow for middle housing types in all residential areas if they don’t have good access to transit, etc.?	<ul style="list-style-type: none">Will these middle housing types actually be affordable everywhere in the city?	<ul style="list-style-type: none">Should these housing types be focused in areas with close proximity to transit?How do we maintain our tree canopy with increased density?	<ul style="list-style-type: none">Should we also be permitting mixed-use buildings along all transit corridors and arterials, not just in the hubs?

Place 2.9: Support the development of more senior, veterans and special needs housing, including Aging in Place Villages and transitional and safe-house communities.	<ul style="list-style-type: none"> Should these groups receive preference for City funding, such as from our Construction Excise Tax? 	<ul style="list-style-type: none"> Are these a good opportunity to partner with agencies/developers on mixed-income communities? 	<ul style="list-style-type: none"> Are these communities a good opportunity for City-funded pilot projects and community solar? 	<ul style="list-style-type: none"> Are there unique recreational and commercial needs for these communities?
	Equity <ul style="list-style-type: none"> Who is impacted? Is it fair? Does it help those most in need? 	Affordability <ul style="list-style-type: none"> Who and how (many) does it help? What is the cost (savings)? Does it reflect City priorities? 	Sustainability <ul style="list-style-type: none"> Are environmental impacts reduced? Will climate resiliency be improved? What are the trade-offs? 	Livability <ul style="list-style-type: none"> Will people want to live there? How will new housing fit in? Does it reflect City priorities?
Planet 1.1: Implement city programs, incentives, and development code amendments that promote sustainable development and help to better integrate the built environment and natural environment.	<ul style="list-style-type: none"> What are the benefits and burdens that communities may experience from sustainable development regulations? 	<ul style="list-style-type: none"> How do we make sure that sustainability does not conflict with affordability? 	<ul style="list-style-type: none"> How strict should we be in limiting development in high hazard areas? How can we improve the success of programs within an infill development environment? 	<ul style="list-style-type: none"> How can sustainable development accommodate increased open space and recreational opportunities?
Prosperity Goal Statement 2: Milwaukie neighborhoods are the center of daily life, with amenities and community-minded local businesses that meet the daily needs of residents. They form a network of unique, interconnected local hubs that together make Milwaukie the livable, equitable, and sustainable community that it is.	<ul style="list-style-type: none"> Should this strategy be targeted to areas with higher concentrations of people of color? Are there other ways to address equity with this strategy? 	<ul style="list-style-type: none"> Will increased development and property values result in displacement or gentrification? If so, how do we combat it? 	<ul style="list-style-type: none"> How do we improve active transportation connections between hubs? Should we tie allowed levels of development to sustainability measures such as alternative energy and tree canopy preservation? 	<ul style="list-style-type: none"> Should there be additional density in areas round neighborhood hubs? Should public amenities be required in neighborhood hubs? If so, will they be subsidized?
What’s Missing from the Vision?				