



# CITY OF MILWAUKIE

## AGENDA

September 22, 2020

### PLANNING COMMISSION

[www.milwaukieoregon.gov](http://www.milwaukieoregon.gov)

**Zoom Video Meeting:** due to the governor's "Stay Home, Stay Healthy" order, the Planning Commission will hold this meeting through Zoom video. The public is invited to watch the meeting online through the City of Milwaukie YouTube page ([https://www.youtube.com/channel/UCRFbfqe3OnDWLQKSB\\_m9cAw](https://www.youtube.com/channel/UCRFbfqe3OnDWLQKSB_m9cAw)) or on Comcast Channel 30 within city limits.

If you wish to provide comments, the city encourages written comments via email at [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov). Written comments should be submitted before the Planning Commission meeting begins to ensure that they can be provided to the Planning Commissioners ahead of time.

To speak during the meeting, visit the meeting webpage (<https://www.milwaukieoregon.gov/bc-pc/planning-commission-59>) and follow the Zoom webinar login instructions.

#### 1.0 Call to Order - Procedural Matters — 6:30 PM

#### 2.0 Planning Commission Minutes — Motion Needed

2.1 June 23, 2020

2.2 August 11, 2020

#### 3.0 Information Items

#### 4.0 Audience Participation — This is an opportunity for the public to comment via Zoom or by email on any item not on the agenda

#### 5.0 Worksession Items

5.1 Summary: Planning Commissioners and Staff introductions  
Staff and Chair Robert Massey, Vice Chair Lauren Loosveldt, Commissioner  
Commission: Joseph Edge, Commissioner Greg Hemer, Commissioner Amy Erdt, Commissioner Adam Khosroabadi, Commissioner Jacob Sherman, Community Development Director Leila Aman, Planning Manager Laura Weigel, Senior Planner Vera Kolas, Associate Planner Brett Kelter, Assistant Planner Mary Heberling, Assistant Planner Janine Gates, City Attorney Justin Gericke

#### 6.0 Planning Department Other Business/Updates

#### 7.0 Planning Commission Committee Updates and Discussion Items — This is an opportunity for comment or discussion for items not on the agenda.

#### 8.0 Forecast for Future Meetings

October 13, 2020 Annual PC Bylaws Update; NDA Leadership Meeting (For November 17 Council Meeting)

October 27, 2020 No agenda items are currently scheduled for this meeting.

November 10, 2020 No agenda items are currently scheduled for this meeting.

## 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 register to provide spoken comment at this meeting or for background information on agenda items please send an email to [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov).
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](http://www.milwaukieoregon.gov/meetings).
3. **FORECAST FOR FUTURE MEETINGS.** 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.

### **Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice**

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov) or phone at 503-786-7502. To request Spanish language translation services email [espanol@milwaukieoregon.gov](mailto:espanol@milwaukieoregon.gov) at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the city's YouTube channel and Comcast Channel 30 in city limits.

### **Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)**

La ciudad se compromete a proporcionar igualdad de acceso para reuniones públicas. Para solicitar servicios de asistencia auditiva y de movilidad, favor de comunicarse a la Oficina del Registro de la Ciudad con un mínimo de 48 horas antes de la reunión por correo electrónico a [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov) o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a [espanol@milwaukieoregon.gov](mailto:espanol@milwaukieoregon.gov) al menos 48 horas antes de la reunión. El personal hará todo lo posible para responder de manera oportuna y atender las solicitudes. La mayoría de las reuniones del Consejo de la Ciudad se transmiten en vivo en el canal de YouTube de la ciudad y el Canal 30 de Comcast dentro de los límites de la ciudad.

#### **Milwaukie Planning Commission:**

Robert Massey, Chair  
Lauren Loosveldt, Vice Chair  
Joseph Edge  
Greg Hemer  
Amy Erdt  
Adam Khosroabadi  
Jacob Sherman

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

Laura Weigel, Planning Manager  
Vera Kolias, Senior Planner  
Brett Kever, Associate Planner  
Mary Heberling, Assistant Planner  
Janine Gates, Assistant Planner  
Tempest Blanchard, Administrative Specialist II  
Alicia Martin, Administrative Specialist II



# CITY OF MILWAUKIE

## PLANNING COMMISSION MINUTES

Hybrid meeting held via Zoom and  
City Hall Council Chambers  
10722 SE Main Street  
[www.milwaukieoregon.gov](http://www.milwaukieoregon.gov)

June 23, 2020

**Present:** Robert Massey, Chair  
Lauren Loosveldt, Vice Chair  
Joseph Edge  
Greg Hemer  
John Henry Burns  
Amy Erdt

**Staff:** Denny Egner, Planning Director  
Vera Kolias, Senior Planner  
Mary Heberling, Associate Planner  
Steve Adams, City Engineer  
Dalton Vodden, Associate Engineer  
Justin Gericke, City Attorney

### **Absent:**

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

**Chair Massey** called the meeting to order at 6:30 pm 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 Information Items**

**Chair Massey** stated that **Commissioner Burns** was leaving the Planning Commission and welcomed **Commissioner Erdt**.

**Denny Egner, Planning Director**, stated that the City Council would deliberate about the Comprehensive Plan at a special session on Tuesday, June 30. He said that the Comprehensive Plan might be ready for adoption in July.

### **3.0 Audience Participation**

No public testimony not related to the night's hearing was submitted.

### **4.0 Public Hearing**

Summary: 32nd Ave Mixed-Use Building  
Applicant: Valerie Hunter  
Address: 9391 SE 32nd Ave  
File: VR-2019-013  
Staff: Senior Planner Vera Kolias

**Chair Massey** opened the hearing and read the conduct of quasi-judicial hearing format into the record. He asked if any commissioner wished to declare any bias, ex parte contact, or conflict of interest. None of the commissioners reported any such conflicts.

**Vera Kalias, Senior Planner, and Dalton Vodden, Associate Engineer,** presented the staff report via PowerPoint including the following main points:

- The site was approximately .25 acres, currently vacant, and located at the corner of 32<sup>nd</sup> Ave and Olsen St. It was zoned Neighborhood Mixed Use (NMU), which permitted mixed use buildings, including commercial use and multifamily development.
- The applicant, Valerie Hunter, proposed a 4-story mixed use building at the site including 3 ground floor commercial spaces facing 32<sup>nd</sup> Ave, 21 dwelling units composed of 20 one-bedroom units, and one five-bedroom unit on the 4<sup>th</sup> floor, as well as 17 covered parking spaces accessed from Olsen St.
- The proposal required a variety of land use approvals including a height variance to allow a 48ft four-story building, an access width variance to allow a 22ft wide driveway, a parking modification to allow 17 off-street parking spaces, and a development review process modification to allow modification to the access spacing standard for the driveway access parking area.
- The approval criteria that the project needed to meet for the Parking Modification and Variance Request included an alternatives analysis that included analysis of the impacts and benefits of the variance proposal demonstrating that the proposed design:
  - Avoided or minimized impacts to surrounding properties
  - Had desirable public benefits
  - Responded to the existing built or natural environment in a creative and sensitive manner,
  - Mitigated impacts from the proposed variance to the extent practicable;
  - Created no adverse effect on existing on-street parking; and
  - Reduction in expected vehicle use due to transit availability
- Key Issues presented:
  - Would approval of variances result in any negative impacts?
    - Have they been mitigated?
  - Is the requested reduction in required off-street parking reasonable?
    - Would it result in significant neighborhood impacts?
  - Does the Transportation Impact Study adequately address potential traffic impacts resulting from the project?
    - Have impacts been mitigated?
- Height Variance –
  - The maximum building height for the NMU zone was 45ft or 3 stories, whichever is less. The variance requested would allow four stories at 48ft as measured in accordance with the Milwaukie Municipal Code (MMC), while the actual building height would be 50ft and 1 inch.
    - The proposed fourth story would include one large dwelling unit. The abutting property to the north was a one-story house while the abutting property to the west was a two-story house.
    - All comments submitted oppose the height variance;

- The application materials focused on benefits of the additional story for a single, large apartment,
  - The application materials provided limited analysis of public health benefits
- Accessway Variance
  - MMC section 12.16.040 governed sizes of accessways and for select multifamily dwellings.
    - Off-street car parks with more than 16 spaces required a minimum driveway width of 24ft and max of 30ft.
      - The applicant proposed a slightly-undersized 22ft driveway.
    - The minimum distance allowed from the intersection is 100ft.
      - The applicant proposed placing the driveway 51ft from the intersection.
    - Neither staff nor the city's consultant objected to either request.
- Parking Reduction Modification
  - Per the MMC, 21 parking spaces were the minimum number required for this proposal.
    - The applicant proposed 17 parking spaces with 5 new on-street spaces.
    - Public comments oppose the reduction due to current lack of available on-street parking.
    - The application did not address impacts to existing on-street parking or mitigation efforts such as car or e-bike sharing
- Transportation Impact Study (TIS) findings and recommendations –
  - Engineering staff and traffic consultant DKS Associates reviewed daily traffic trip count estimated from a 2018 study factoring in a 2% annual increase.
    - Current traffic counts were deemed inappropriate for use due to the ongoing pandemic
  - The TIS found that new trips were not likely to result in a greater increase of traffic at adjacent intersections.
    - The applicant had not submitted required information about the number of daily new trips generated by the proposed development.
    - The TIS was found largely acceptable by city Engineering staff and DKS Associates.
- A significant number of comments were received in opposition to the development due to the requested reduction in parking, lack of available parking in the neighborhood, the height of the building, its incompatibility with surrounding development, and increased traffic that might result. Many of the comments expressed support of the site being redeveloped to enhance the neighborhood.
- City staff requested that the Planning Commission provide direction to staff regarding findings and continue the hearing to July 14, 2020 so staff could prepare findings.

**Commissioner Hemer** verified with Ms. Kolas that the Milwaukie Municipal Code (MMC) does not have standards on compact parking. The MMC requires all parking spaces to be non-compact.

**Chair Massey** verified with Ms. Kolas that there is currently no on-street parking on 32<sup>nd</sup> currently in front of property.

**Vice Chair Loosveldt** asked how the Traffic Impact Study (TIS) is deemed complete.

**Mr. Vodden** explained that DKS was hired as a traffic consultant. DKS generated a checklist of required information that the applicant was required to submit in their scope of the TIS. Artificially low vehicle trips were reported due to the current pandemic. Traffic counts were used from 2018 with an added annual increase of 2% which is a standard used among traffic consultants throughout the nation.

**Chair Massey** asked Ms. Kolas to discuss a petition on change.org including 49 citizen signatures submitted to the public record in opposition to the project variances.

**Ms. Kolas** indicated that the comments were posted on the application webpage.

### **Applicant's Testimony**

**Mildred White, BAM Architecture, Applicant's Representative**, shared a presentation of the proposed building development and the existing surrounding area which detailed a view of Olsen St, 32<sup>nd</sup> Ave, the property lines for the project, a residence to the west, an existing commercial building with a market, and a graphic showing the height variance in relation to the 4<sup>th</sup> story deck and setbacks. The following slides presented how the referenced areas could be fully built out to code, a line of sight study from multiple views on the 4<sup>th</sup> floor proposed development, a shadow study from 9am and 3pm, and building construction layout including proposed parking, commercial, 1-bedroom loft, and 5 bedroom unit spaces.

**Valerie Hunter, Applicant**, testified about her involvement in the Milwaukie community and her eagerness to develop in Milwaukie.

**John Raplinger, Clemow and Associates, Applicant's Representative**, testified that through working with City of Milwaukie staff and using 2018 traffic study numbers, crash history analysis, and AM/PM peak hours, he had determined traffic operations were acceptable.

**Commissioner Hemer** and **Vice Chair Loosveldt** clarified roof, height, and parking details with the applicant's representatives.

### **Public Testimony**

The following Milwaukie residents expressed support for development at the site while opposing this specific proposal: **Matt Rinker, Lisa Rinker, Christina Harris, Josh Troelstrup, Rita Lynn, Jacob Sherman, Peter Foss, Celestina DiMauro, "Anthony" representing Cheryl's Canine Styling, Cheryl Sargent, Robert Schomp, Chris Holle-Bailey, Charlie Olson, Erik Yourshaw, Rene Moog, Erin Jansen, Ronelle Coburn, Roberto Gutierrez, and "MC Johnson" read by Planning Director Denny Egner.**

**Mr. Egner** and **Ms. Kolas** also read correspondence in opposition to this project from "MC Johnson" and Ivan Landau respectively.

### **Planning Commission Deliberation**

**Commissioner Edge** moved to extend the meeting no later than 10:10. Commissioner Loosveldt seconded the motion, and all other commissioners were in favor. Commissioner Edge also clarified with Steve Adams, City Engineer, whether there is an option to exchange or negotiate scenarios with the applicant, and if additional time is necessary for Planning Commission review. Ms Hunter answered and was willing to negotiate scenarios with city staff and the commissioners.

**Chair Massey** moved to approve or disapprove the hearing.

**Commissioner Hemer** suggested that the Ardenwald Neighborhood District Association (NDA) and the applicant meet before the next Planning Commission meeting.

**Commissioner Loosveldt** suggested additional review between the applicant and the community and reconsidering the 4<sup>th</sup> floor in the proposed development.

**Commissioner Burns, Commissioner Erdt, and Chair Massey** agreed with Commissioner Loosveldt, which echoed a recommendation for additional review between the applicant and community.

**Ms. Hunter** agreed to meet with the Ardenwald NDA and expressed her desire to live and develop in Milwaukie.

At 10:15 p.m. no path for approval was agreed upon by the Commissioners and a motion was made to continue the hearing to July 28, 2020 and to keep the public comment opportunity open. All Commissioners were in favor.

**Chair Massey** and **Denny Egner** suggest it would be necessary to have a revised proposal that results from a neighborhood meeting.

**5.0 Planning Department Other Business/Updates**

No other Planning Department business was discussed.

**6.0 Planning Commission Committee Updates and Discussion Items**

No other Planning Commission Committee Update Items were discussed.

**7.0 Forecast for Future Meetings**

July 14, 2020      Hearing Item: VR-2019-013, 32nd Ave Mixed-Use Building  
continued to July 28, 2020.

July 28, 2020      No agenda items are currently scheduled for this meeting.

August 11, 2020      No agenda items are currently scheduled for this meeting.

Meeting adjourned at approximately 10:18 PM

Respectfully submitted,  
Tempest Blanchard  
Administrative Specialist II

---

Robert Massey, Chair





# CITY OF MILWAUKIE

## PLANNING COMMISSION MINUTES

Meeting held online via Zoom  
[www.milwaukieoregon.gov](http://www.milwaukieoregon.gov)

August 11, 2020

**Present:** Robert Massey, Chair  
Greg Hemer  
Joseph Edge  
Amy Erdt  
Adam Khosroabadi  
Jacob Sherman

**Staff:** Denny Egner, Planning Director  
Vera Kolas, Senior Planner  
Justin Gericke, City Attorney

**Absent:** Lauren Loosveldt, Vice Chair

### 1.0 Call to Order – Procedural Matters

**Chair Massey** called the meeting to order at 6:30 pm 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>.

#### **Announcements:**

**Denny Egner, Planning Director retirement:** He discussed his career as a planner and time with the City of Milwaukie.

**New membership:** Chair Massey mentioned Adam Khosroabadi and Jacob Sherman as the newest Commissioners. Below are their introductions:

**Commissioner Khosroabadi** and his wife brought their first home in Milwaukie. He wanted to get more involved in his community and decided to join the Planning Commission. He works at Portland State University as a Football Coach.

**Commissioner Sherman** has lived in Milwaukie for the last two years and really loves the city. He has experience working in government and combating transportation, housing, and environmental issues. He would like to bring his experiences from living and working in Portland to his home and community in Milwaukie.

### 2.0 Planning Commission Minutes – Motion Needed

**2.1** April 28, 2020

**2.2** May 12, 2020

**2.3** May 26, 2020

**Commissioner Hemer approved the minutes and Commissioner Edge second the motion.**

### 3.0 Information Items

**Mr. Egner** shared Council will most likely adopt the Comprehensive Plan next Tuesday. He also talked about the application process for hiring a new Planning Manager and the Oregon Chapter of the American Planning Association conference. If members are interested, they should contact Mr. Egner.

#### **4.0 Audience Participation**

#### **5.0 Public Hearings**

- 5.1** Summary: Milwaukie/ El Puente Elementary Parking  
Applicant: Leif Palmer, North Clackamas School District  
Address: 11250 SE 27<sup>th</sup> Ave  
File: CSU-2020-005  
Staff: Vera Kolias, Senior Planner

**Chair Massey opened the hearing and read the conduct of quasi-judicial hearing format into the record. He asked if any commissioner wished to declare any bias, ex parte contact, or conflict of interest. None of the commissioners reported any such conflicts.**

**Vera Kolias, Senior Planner**, presented the staff report via PowerPoint. She noted the following main points:

- The applicant would like to expand the parking lot by adding 18 stalls for a total of 59 parking spaces, relocate the trash to a more convenient place for pick up, and build a new futsal court.
- Two key issues were identified by staff: the maximum parking is 50 and they are seeking 9 more parking spots. 1) Does the exceeding maximum off-street parking meet the approval criteria and 2) How are the impacts of the proposal being mitigated?
- It is important to note that there is not another option regarding on-street parking due to no parking and/or loading signs on the street.
- The futsal court is supported by the community and they have raised money for it. The expansion of the court is to provide more play area for the students, which staff wondered about.
- Staff recommended the Planning Commission approve the application as proposed and gave other decision-making options.

#### **Applicant's Testimony**

- **Sina Meier, Project Architect** is with Opsis Architecture. Also, on the line was their civil engineer and community members who belonged to the parent teacher organization of the school.
- The project will provide new basketball hoops under a covered area. Also, the futsal court is planned for an area currently filled with bark dust and metal, which has been deemed unsafe.

#### **Attendees' Testimony**

- **Ben Johnson** lives in the back of the school and agrees that the lack of parking is an issue. He shared, teachers and others were parking on the streets, which was a problem for people who lived in the neighborhood. The neighborhood lacked open space and the planned new field is a great community resource.
- **Kelly Sullivan** lives a few blocks behind the school. She submitted a letter in support of the futsal court and assisted with fund raising.

### **Planning Commission Deliberation**

The Commission agreed with the statements heard above. After voting, the Commissioners discussed the importance of offering electrical charging stations.

**Commissioner Sherman** mentioned that the applicant could have had a greater public benefit by offering an electrical vehicle charging station.

**Mr. Egner** believed staff could bring this up and prepare applications to provide a better range of benefits. This could be discussed during pre-app appointments.

**Commissioner Hemer** agreed with Mr. Egner and recommended that Planning staff look through the climate action plan and ensure we are accomplishing our goals.

**Commissioner Edge** shared that the City recently adopted new policies (the Comprehensive Plan) and it will be implemented soon. Once, that happens, they will review applications based on the new criteria.

**Commissioner Hemer moved to approve the application with the conditions listed in the staff report. Commissioner Edge seconded the motion. The Planning Commission voted 6-0 in favor of the motion.**

### **6.0 Planning Department Other Business/Updates**

There were no updates.

### **7.0 Planning Commission Committee Updates and Discussion**

**Mr. Egner** shared information about the City Hall Blue Ribbon Committee team meeting. Scott Stauffer, City Recorder has planned a nice program and he looks forward to attending.

### **8.0 Forecast for Future Meetings**

Aug 25, 2020	No agenda items are currently scheduled for this meeting
Sept 8, 2020	No agenda items are currently scheduled for this meeting.
Sept 22, 2020	Work Session Item: Bylaws Update; NDA Leaders Meeting

Meeting adjourned at approximately 7:43 PM

Respectfully submitted,  
Janine Gates  
Assistant Planner

---

Robert Massey, Chair