



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

August 23, 2022

Present: Lauren Loosveldt, Chair
Joseph Edge, Vice Chair
Joshua Freeman
Greg Hemer
Robert Massey
Jacob Sherman

Staff: Justin Gericke, City Attorney
Adam Heroux, Associate Planner
Brett Kelter, Senior Planner
Vera Kolas, Senior Planner
Laura Weigel, Planning Manager

Absent: Amy Erdt

(00:12:29)

1.0 Call to Order — Procedural Matters*

Chair Loosveldt called the meeting to order at 6:30 p.m., read the conduct of meeting format into the record, and Native Lands Acknowledgment.

Note: *The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.milwaukieoregon.gov/meetings>.*

(00:13:34)

2.0 Information Items

Laura Weigel, Planning Manager, shared that agenda item 6.1, a work session item regarding downtown design review, has been pushed to the September 27 Commission meeting and the public hearing on the topic will be pushed to the October 25 meeting.

Weigel introduced Commissioner Joshua Freeman and welcomed him to the Commission.

(00:14:57)

3.0 Audience Participation

No information was presented for this portion of the meeting.

(00:15:19)

4.0 Community Involvement Advisory Committee (CIAC)

Weigel noted that staff will provide an update on the upcoming joint Neighborhood District Association (NDA) and Commission meeting at the next Commission meeting.

Commissioner Hemer noted the need to engage with NDA leaders during the land use application process in all land use cases but especially for Type III applications and applications located downtown. **Weigel** responded that NDA engagement can be discussed further during the work session on September 27.

(00:18:50)

5.0 Hearing Items

(00:18:51)

5.1 VR-2022-005, 2433 SE Dove St

Commissioner Hemer disclosed ex parte communications between him and Kristina Smith, one of the applicants. There was no communication regarding the details of the application package. **Chair Loosveldt** disclosed potential ex parte communication with the applicants as she lives within 300 feet of the subject property. There has been no communication regarding the application package.

Brett Kelter, Senior Planner, shared the staff report. The applicants are seeking a variance from the lot coverage, rear yard setback, and roof slope standards to officialize existing development on the site. The applicants propose to remove 1,376 square feet of existing structures, lowering the lot coverage from 36% to 33%, 3% more than the 30% maximum lot coverage standard. Additionally, the proposed carport roof slopes are consistent with the roof slope of the mid-century-modern-style primary structure. Staff recommended approval of the requested variances, as they are reasonable and appropriate, minimize negative impacts to surrounding properties, and maintain consistency with the primary structure.

Commissioner Sherman asked whether the development tree code would be triggered by this development, had it been permitted at the outset. **Kelter** responded that the development may have required tree plantings if trees were removed for the development. **Kristina and Kevin Smith, the Applicants**, noted that they intend to plant three trees in the side yard near 25th Ave.

Robert Westcott, a Milwaukie resident, noted support for the application.

Vice-Chair Edge noted support for the application.

VR-2022-005, 2433 SE Dove St, was approved by a 6-0 vote with the findings and conditions of approval presented in the staff report.

(00:42:38)

5.2 NR-2022-001, Milwaukie Bay Park, 11211 SE McLoughlin Blvd

Vice-Chair Edge noted service on the Clackamas County Pedestrian and Bikeway Advisory Committee, the applicant presented the proposed

improvements to the committee and Edge offered feedback on the improvements in his capacity as an advisory committee member. **Commissioner Sherman** noted that he has engaged in conversations with community members and elected officials regarding Milwaukie Bay Park.

Vera Kolias, Senior Planner, presented the staff report, the application package is phase 3 of the Milwaukie Bay Park improvements. Some improvements include a nature-themed children's play area, water features, pedestrian and bicycle pathways, public restrooms, public art, new tree plantings, and improved stormwater management facilities. The application packages include Willamette greenway review, conditional use review, natural resource review, downtown design review, and a requested variance to the pervious pavement requirement for internal park pathways. To address the natural resource review approval criteria the applicants provided a natural resource report that addresses the impacts of the proposed development within the mapped natural resource areas. The improvements meet both the community needs and City direction regarding park improvements. The proposed development minimizes negative natural resource impact to the extent practicable and avoids impacts to ecological functions by limiting new development to areas further from the vegetated corridor, above existing pathways. Additionally, the application package is compatible with the river, it enhances and protects views through view corridors. Staff recommended approval of the application package and adoption of the findings, conditions of approval, and other requirements presented in the staff report apart from one subsection in other requirements under section 7, Stormwater Management, which staff has removed.

Commissioner Freeman asked for clarification regarding the subsection that staff has removed. **Kolias** responded that the section removed was a requirement that post development stormwater runoff not exceed predevelopment runoff.

Kolias noted comments were received from ODOT.

The Applicant Team represented by Jonathan Beaver and Heather Koch shared the applicant presentation which included images of various iterations of park designs and of proposed park features. The park improvements were initially designed in the 2010 North Clackamas Parks and Recreation (NCPRD) parks master plan, since the initial plan NCPRD has changed the design to better respond to the river and existing natural resources, provide increased accessibility, and update the water feature to be interactive. The changes were informed by three public meetings from August 2018 to April 2019 and construction is planned to begin in spring of 2023. **Commissioner Massey** asked if the survivability of the park elements were considered, noting the 1996 flood that filled most of the park. **Beaver** answered that the applicant team did consider the site's vulnerability to flooding and balanced distance to the river with the distance to McLoughlin Blvd to determine the location of park features.

Commissioner Sherman asked where within the site the proposed 200 cubic yard cut was being taken from and whether the cut will provide increased flood protection. **Beaver** responded that the cut is happening along the river evenly

throughout the site but with slightly more cut on the southern portion of the site.

Commissioner Sherman asked how stakeholders such as the Conderated Tribes of the Grand Ronde were involved in the public engagement. **Koch** responded that NCPRD met with bicycle and pedestrian advocates, disability advocates, Confederated Tribes of the Grand Ronde cultural resources staff, and other marginalized groups for input to inform the design.

Commissioner Hemer asked what measures will be taken to protect natural resources from hazards caused by utilities on the site during flood events. **Beaver** responded that all electric ports are higher than the high-wake area and all electrical service sources will be located above the 100-year floodplain.

Commissioner Hemer asked why the amphitheater was relocated closer to the river. **Koch** responded that the current configuration was a result of prioritizing keeping infrastructure heavy features out of the floodplain and a preferred location identified in the public engagement process.

Gary Klein, a Milwaukie resident, shared past and current experiences serving on boards and committees aimed at improving the Milwaukie riverfront and parks and noted support for the application.

Vice Chair Edge noted support for the application package.

Commissioner Sherman noted the lengthy process of improving Milwaukie Bay Park and support for the application package.

NR-2022-001, Milwaukie Bay Park at 11211 SE McLoughlin Blvd, was approved by a 6-0 vote.

(01:43:22)

6.0 Work Session Items

(01:43:23)

6.1 Code Amendments: Downtown Design Review

No information was presented for this portion of the meeting.

(01:43:32)

6.2 Code Amendments: High Density Zones

Vera Kalias, Senior Planner and Adam Heroux, Associate Planner, presented the staff report, since the August 9 work session staff has changed the proposed replacement definition of boarding house from micro-unit development to single room occupancy (SRO). Micro-unit development was removed because it is easily confused with other small units that are different than the intended use.

Commissioner Hemer and Chair Loosveldt noted support for the updated term

and definition.

Kolias noted that the micro-unit development Vice-Chair Edge mentioned at the August 9 meeting would be considered a multi-family development under our code.

Kolias added that staff proposes removing some language from the definition of temporary or transitional facilities to clarify that the housing type is intended to be temporary and provide supportive services such as counseling and rehabilitation. **Commissioner Hemer** noted that the supportive services should be optional and open ended in the definition.

Kolias continued, currently the code has three different definitions and types of offices, staff proposes consolidating them into two types. The consolidation would combine professional and administrative offices with traditional offices under the professional and administrative term. Staff is proposing the consolidation to apply to all zones. **Commissioner Hemer** asked whether the amount of expected customer interaction could be used in the definition to distinguish the office types. **Kolias** responded that the proposed definition does include customer interaction as a criterion. **Commissioner Sherman** noted support for the consolidation. **Vice Chair Edge** asked how the proposed consolidation will affect the R1B zone. **Kolias** responded that both of the proposed types of offices will be permitted in the R1B zone.

Kolias added staff proposes to consolidate the high density residential zones from five zones to three with R2.5 being absorbed by R3 and R1 absorbed by R2. **Kolias** added, staff proposed personal and business services to be permitted within the existing R1B zone and allowed through a conditional use process in both the R3 and R2 zones. **Commissioner Hemer** noted support for permitting personal and business services outright in all high density residential zones. **Vice Chair Edge** noted support for permitting personal and business services in the R3 zone but stressed the importance of maintaining residential character. **Edge** asked whether the high density zones are intended to be multi-unit residential areas. **Kolias** responded yes, multi-unit developments are permitted currently in the R2 and R1B zones and staff proposes permitting them in the R3 zone where they currently require a conditional use review. Additionally, staff proposes permitting residential care facilities outright in the R3 zone as well. **Commissioner Massey** asked why personal and business services were not originally permitted in the high density residential zones. **Kolias** responded that the high density zones are intended to provide a buffer from the larger development in the downtown zone and as such they allow limited commercial use. The extent of commercial use allowed in each high density zone is dictated by proximity to downtown and moderate density residential zones. **Commissioner Sherman** expressed concern for unintentionally limiting development in the neighborhood mixed use (NMU) zone if commercial uses are limited in surrounding high density zones. **Commissioner Hemer** noted the development standards in the high density zones will limit the scale of any new commercial development. **Hemer** noted

support for consolidating all high density zones into one zone and expanding it along both King Rd and 32nd Ave. **Commissioner Sherman** questioned whether single unit developments should be permitted outright in high density zones. **Weigel** responded that that question will be further examined throughout the housing capacity analysis/housing production strategy (HCA/HPS). **Vice Chair Edge** noted support for permitting personal and business services outright with limitations in development standards to ensure appropriate scale of development. **Commissioner Hemer** noted the benefits of allowing increased commercial activity in the high density zones which include increased walkability, livability, and sustainability. **Commissioners Hemer, Loosveldt, Edge, Sherman, and Freeman** noted their support for permitting multi-unit and residential care facilities in the R3 zone.

Vice Chair Edge and Chair Loosveldt noted support for permitting all proposed commercial uses in all high density zones outright. **Commissioner Hemer** noted support for permitting hotels and motels outright while bed and breakfasts and vacation rentals permitted through the conditional use process in all high density zones. **Chair Loosveldt** expressed concern requiring a conditional use for bed and breakfasts and vacation rentals. **Kolias** noted that staff has received negative comments related to vacation rentals in residential zones. **Commissioner Sherman** noted support for allowing hotels and motels through a conditional use process and concern permitting vacation rentals and bed and breakfasts outright. **Commissioner Massey** noted the different nature of vacation rentals and bed and breakfasts and expressed concern grouping the two uses together. **Vice Chair Edge** reiterated that the proposed changes apply only to high density residential zones and asked staff how many single unit properties exist in these zones. **Kolias** responded that staff can provide single unit numbers at the following meeting.

Vice Chair Edge noted support for consolidating all high density zones into one zone. **Weigel** noted that staff has been working to update the neighborhood hubs plan to bring commercial development to other areas of the City, this will provide the Commission another opportunity to look at the high density zones throughout the City.

Commissioner Hemer asked whether a conditional use process requires public notice. **Kolias** responded yes, the conditional use process requires a Type III quasi-judicial hearing decided by the Planning Commission and notification is sent to properties within 300 feet of the subject property.

Kolias continued, the proposed zone consolidation will increase the maximum allowed density in both the R3 and R2 zones increasing the R3 zone maximum to 17.4 units/acre and 32 units/acre in the R2 zone. Additionally, staff proposes to eliminate the minimum site size requirements. **Commissioner Freeman** noted support for increased density in the high density zones. **Vice Chair Edge and Chair Loosveldt** noted support for a higher maximum density than the staff proposal. **Kolias** noted the upcoming HCA/HPS and staff preference to receive

the results from those projects to better inform a significant increase in maximum density. **Commissioner Massey** asked for clarification on the timeline of the HCA/HPS projects. **Weigel** responded that the HCA will be completed in November 2022 and the HPS in January 2023. **Commissioner Hemer** asked how the density requirements are applied. **Kolias** responded that the density requirements are applied on a per site basis.

Commissioner Sherman asked whether public notice is necessary for these updates to the high density zones. **Kolias** responded that no public notice mailing is necessary for these updates. **Chair Loosveldt** asked what noticing is happening for the application. **Kolias** responded that physical public notices are posted at all city buildings and NDAs are being notified via email. **Commissioner Massey** noted that he could mention the application to the NDAs through his role in the CIAC. **Chair Loosveldt** agreed but noted the meeting with the NDAs will happen after the application hearing.

(03:10:15)

7.0 Planning Department/Planning Commission Other Business/Updates

Weigel suggested that the October 11, 2022 meeting with the NDAs also include time on the agenda for the annual meeting as the CIAC. Jon Hennington, Equity Program Manager for the City, can discuss the City's equity work during the CIAC portion of the meeting. **Commissioner Massey and Chair Loosveldt** noted support for meeting as the CIAC during the October 11 meeting.

Commissioner Sherman requested that staff notify the Confederated Tribes of the Grand Ronde during noticing periods for significant applications.

Commissioner Hemer noted the upcoming NDA picnics and encouraged Commissioners to attend their NDA picnics.

(03:13:03)

10.0 Forecast for Future Meetings:

September 13, 2022	Hearing Item(s):	1. VR-2022-007, 9696 SE Omark Dr. 2. VR-2022-008, 11925 SE 70th
	Work Session Item(s):	1. Code Amendments: Climate Friendly Equitable Communities
September 27, 2022	Hearing Item(s):	1. Code Amendments: High Density zones
	Work Session Item(s):	1. Code Amendments: HB 2180 EV Charging Code 2. Downtown Design Review

Meeting adjourned at approximately 9:40 p.m.

Respectfully submitted,

Will First, Administrative Specialist II