



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday May 25, 2010, 6:30 PM

MILWAUKIE CITY HALL
10722 SE MAIN STREET

- 1.0 **Call to Order - Procedural Matters**
- 2.0 **Planning Commission Minutes** – Motion Needed
- 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: Riverfront Park *cont'd from 5/11/10*
Applicant/Owner: City of Milwaukie
File: DR-09-01
Staff Person: Ryan Marquardt
- 6.0 **Worksession Items**
 - 6.1 Summary: Review Procedures Code Amendment project briefing
Staff Person: Susan Shanks
- 7.0 **Planning Department Other Business/Updates**
- 8.0 **Planning Commission Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 **Forecast for Future Meetings:**
 - June 8, 2010 1. Joint Session with Advisory Group: Natural Resources Project
 - June 22, 2010 1. Public Hearing: WG-10-01 19th Ave replat & duplex *tentative*

Milwaukie Planning Commission Statement

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

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

Jeff Klein, Chair
Nick Harris, Vice Chair
Lisa Batey
Teresa Bresaw
Scott Churchill
Chris Wilson

Planning Department Staff:

Katie Mangle, Planning Director
Susan Shanks, Senior Planner
Brett Kelter, Associate Planner
Ryan Marquardt, Associate Planner
Li Alligood, Assistant Planner
Alicia Stoutenburg, Administrative Specialist II
Paula Pinyerd, Hearings Reporter



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Katie Mangle, Planning Director *KM*

From: Ryan Marquardt, Associate Planner

Date: May 18, 2010, for May 25, 2010, Public Hearing

Subject: Files: DR-09-01, TPR-09-03, WG-09-01, WQR-09-01, VR-09-03

Applicant: City of Milwaukie, represented by JoAnn Herrigel, Community Services Director

Owner(s): City of Milwaukie; N. Clackamas Parks and Recreation District; Clackamas County Service District #1

Address: Milwaukie Riverfront Park

Legal Description (Map & Taxlot): 1S1E35AA: 02200, 02300, 02400, 02500, 02600, 02700, 02800, 03901, 04400, 04700, 04800, 04900, 04700, 04800, 04900, 05000; 1S1E35AC: 00900, 01000, 01001

NDA: Historic Milwaukie and Island Station

ACTION REQUESTED

Approve application DR-09-01 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2 of the staff report for the May 11, 2010 hearing, with the revisions proposed in this staff report. This action would allow for the redevelopment of Milwaukie Riverfront Park ("park").

BACKGROUND INFORMATION

The Planning Commission held a hearing on May 11, 2010 to consider the land use applications that would allow redevelopment of the Milwaukie Riverfront Park. The Commission continued the hearing to May 25, 2010 to obtain more information from staff and the applicant. The Planning Commission requested the following information:

1. Information from staff about boat and trailer queuing in the proposed left turn pocket for north-bound traffic on McLoughlin Blvd.
2. Information from the applicant regarding non-motorized boat access to the Willamette River. The Commission was concerned about the lack of a dedicated space in the park for launching non-motorized boats. The applicant will provide information to staff on the items in the first bullet point.

1. Boat and Trailer Queuing for the North-bound McLoughlin Left Turn Pocket

The applicant has proposed a new left turn pocket for north bound traffic on McLoughlin Blvd to turn into the proposed new park access point. ODOT's comments on the application affirm that this turn pocket is warranted, and that the pocket needs to be constructed to ODOT standards. The plan for the proposed turn pocket is illustrated on the 8th page of Tab 6 in the application materials binder. The proposed left turn pocket is 11 ft wide with a length of 140 ft. The turn pocket width tapers down from the 11 ft width and merges into the normal north-bound travel lane over a distance of approximately 60 ft.

The northbound left turn pocket would accommodate a queue of 7 standard (20 ft long) vehicles or 3 50-ft vehicles towing a trailer.

The Planning Commission raised a question regarding how the width of the turn pocket would be accommodated in the cross section for McLoughlin Blvd. The plans indicate that the curb on the west side of McLoughlin Blvd would shift up to 4 ft to the west. The guard rail on the east side of McLoughlin Blvd would remain in its existing location. The widening would accommodate a 6 ft wide bike lane and two 11 ft wide lanes on the northbound and southbound sides of the road and the 11 ft wide northbound left turn pocket.

2. Accommodation of Non-Motorized Boat Launch

In response to the Commission's request, the applicant is reviewing previous iterations of the park redevelopment plans to determine the type and location of non-motorized boat launch that was originally proposed. They are also looking into correspondence between the applicant and other regulatory agencies regarding non-motorized boat launches, specifically regarding any comments that discouraged the inclusion of a non-motorized boat launch. Lastly, the applicant will contact the US Army Corps of Engineers to discuss the inclusion of a non-motorized boat launch and what impacts the inclusion of such a boat launch would have on the application and the review process.

This information will be forwarded to the Planning Commissioners on May 21, 2010 in a supplemental packet.

Proposed Modification to Findings

During deliberation at the May 11, 2010 hearing, the Planning Commission discussed the approvability of the land use applications for the park if a launch area for non-motorized boats were not included in the plans. The Commission also discussed adding conditions of approval to address the issue.

Staff's recommendation is to modify the findings and conditions of approval to address access for non-motorized boats. Staff proposes that Finding 7.C.ii be amended to:

"MMC 19.320.6.B requires consideration of the compatibility with the scenic, natural, historic, economic, and recreational character of the river. The proposed project would improve the site's compatibility with each of these elements than the existing conditions. The project would increase the number of vantage points to the river, restore much of the riverbank, reference Milwaukie's historical connection to the Willamette River, spur activity and tourism near the river, and increase access for recreational users. The Planning Commission finds that the project should give greater access for recreation by non-motorized water craft to meet this criterion. As conditioned, the project complies with this criterion."

Staff proposes that Finding 7.C.vi be amended to:

“MMC 19.320.6.F requires consideration of emphasis on water-oriented and recreation uses. The proposed transient dock and boat launch are significant pieces of the project that facilitate water-oriented uses. The Planning Commission finds that the project should give greater access for recreation by non-motorized water craft to meet this criterion. The park paths, festival lawn, amphitheater, and plaza are designed to accommodate multiple forms of active and passive recreation. As conditioned, the project complies with this criterion.”

Staff proposes that the following condition of approval be added:

“3. The plans for development of the project shall include the following information and show the following modifications: ...

L. The plans shall include a dedicated non-motorized boat launch area. If other agencies reviewing the project plans will not permit a dedicated non-motorized boat launch, the applicant shall submit a narrative with the development plans explaining what actions were taken to incorporate a non-motorized boat launch into the project.”

The Planning Commission has identified a legitimate recreational need to be accommodated in the park project. The Willamette Greenway criteria speak to accommodating the needs of various types of users, and are appropriate criteria on which to base the findings and conditions related to non-motorized boat access.

However, staff also recognizes that the City does not have sole authority over the areas of the park in and along the waterline. The final decision on what can be permitted along the river belongs with the agencies reviewing the US Army Corps of Engineer’s Joint Permit Application for the park. The condition of approval contains flexibility because staff does not believe it would be prudent to unconditionally require features along the waterline that may not be approvable by other permitting agencies.



To: Planning Commission

From: Katie Mangle, Planning Director *KM*
Susan P. Shanks, Senior Planner

Date: May 18, 2010 for May 25, 2010 Worksession

Subject: Review Procedures Code Amendment Project – Briefing #1

ACTION REQUESTED

None. This is a briefing for informational purposes only.

BACKGROUND INFORMATION

The Planning Commission and City Council have directed staff to engage in a multi-year effort to significantly modernize and improve the effectiveness of Milwaukie's development review regulations and procedures (see Attachment 1 for an overview of this effort). The next phase of this effort is a new grant-funded code amendment project that will tackle the City's fundamental rules regarding development review procedures. The same grant will also fund an overhaul of the City's residential standards, which will be discussed in a separate work session later this year.

A. History of Prior Actions and Discussions

- **March 2010:** Staff provided the Commission with a copy of the intergovernmental agreement between the City and the State of Oregon that commits the City to prepare draft code amendments based on priorities that were identified in the 2009 Smart Growth Code Assessment Final Report.
- **October 2009:** Staff presented the 2009 Smart Growth Code Assessment Final Report to Council. Council concurred with the code amendment priorities identified in the report and requested that staff move forward with the next phase of the project.
- **September 2009:** Design and Landmarks Committee held a worksession to discuss the residential design standards element of the code assessment project.
- **August 2009:** Planning Commission reviewed and provided concurrence on the Action Plan presented in the 2009 Smart Growth Code Assessment Final Report.

- **August 2009:** Planning Commission held a worksession to discuss the consultant's code assessment findings prepared during Phase I of the Smart Growth Code Assistance project.
- **July 2009:** Planning Commission held a worksession to discuss the consultant's code assessment findings prepared during Phase I of the Smart Growth Code Assistance project.

B. Review Procedures

Updating the City's review procedures is expected to result in three primary outcomes:

- A modern zoning code that is consistent with Oregon state law. See Attachment 1 for some interesting background reading on what makes for a good zoning code.
- A code that is easier to use. This may include the addition of a new Development Review chapter to improve organization, fill procedural gaps, and consolidate regulations into one place for ease of use.
- Reasonable and clear approval criteria, appropriate level of review, and a more flexible approach to variances and nonconforming situations. The goal would be to create efficient review procedures that reduce unnecessary process and expense (for both City staff and applicants), and that results in desired development that is consistent with the Comprehensive Plan.

Review procedures provide the basic framework for how the City conducts development permit and land use review. They determine what kinds of projects trigger land use review, who receives notices about hearings and decisions, when the City has to make a land use decision, and who makes the final decision (e.g. Planning Director, Design and Landmarks Committee, Planning Commission, or City Council).

The City currently has five types of land use review levels, namely: Type I, Type II, Minor Quasi-judicial, Major Quasi-judicial, and Legislative. A Type I level of review, for example, is supposed to be based on objective standards, requires no public notice, and is decided by the Planning Director. Minor quasi-judicial review, on the other hand, involves discretionary standards, requires public notice, a public hearing, and a decision by the Planning Commission.

The bulk of the City's review procedures are contained in Chapter 19.1000 of Title 19, but several other sections of code contain review procedures. One of the goals of this project is to consolidate the City's procedures into one place. Another goal is to evaluate and possibly change the level of review associated with specific land use applications. Questions that staff will be pondering and on which we may solicit your input, are as follows:

- Are we working with the right list of land use applications?
- What is the right level of review for each type of land use application?
- Can we reduce the level of review for some applications if we develop more objective or different approval criteria?
- What kinds of land use actions legally require land use review? How much flexibility is there to include or exclude certain kinds of land use actions from the formal land use review process?

Before embarking on any code amendment project, Planning staff researches past code audits and policy decisions to understand how the code has evolved over time and what kinds of

alternatives were considered in the past. See Attachment 3 for staff's research on the history of code sections relevant to this project.

C. Next Steps

Staff has tentatively scheduled a briefing to discuss the first draft of the new procedures chapter on July 13, 2010.

ATTACHMENTS

Attachments are provided only to the Planning Commission unless noted as being attached. All material is available for viewing upon request.

1. May 2010 Code Summary and Assessment Table
2. Chapter 4 from *A Better Way to Zone* by Donald L. Elliott. (Staff recommends this book as a great overview of what zoning is, how it originally evolved as a way to solve problems, and how it can change to address the needs of 21st century cities.)
3. April 2010 Review Procedures Code History Memo