

**CITY OF MILWAUKIE  
PLANNING COMMISSION  
MINUTES  
Milwaukie City Hall  
10722 SE Main Street  
TUESDAY, May 9, 2017  
6:30 PM**

**COMMISSIONERS PRESENT**

Greg Hemer, Chair  
Adam Argo, Vice Chair  
Sherry Grau  
Scott Jones  
Kim Travis  
Shannah Anderson  
John Burns

**STAFF PRESENT**

David Levitan, Senior Planner  
Vera Kolas, Associate Planner  
Mary Heberling, Assistant Planner  
Tim Ramis, City Attorney

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

**Chair Hemer** 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 Planning Commission Minutes** – There were none

**3.0 Information Items** – There were none.

**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: Harrison St Dance/Theater Studio  
Applicant/Owner: Corinn deWaard/deTorres Holland LLC  
Address: 4107 SE Harrison St  
File: CSU-2017-002  
Staff: Mary Heberling

**Chair Hemer** opened the public hearing and read the conduct of quasi-judicial hearing format into the record.

**Mary Heberling, Assistant Planner**, cited the applicable Code criteria and presented the staff report. She noted the revised findings and conditions and described the key issues regarding the hours of operation and off-street parking. She noted the application was being processed under Milwaukie Municipal Code (MMC) Section 19.904 Community Service Use (CSU) as a private recreation facility because no explicit category for a community theater or art center existed.

- She distributed the additional comments received within the last 48 hours from the owner of the Sweet Pea Preschool. The comments regarded concerns about potential parking conflicts during the daytime hours if the dance/theater studio held daytime activities, and the Preschool wanted to ensure the community theater and art center were a good fit within the

surrounding community.

- Staff recommended approval of the application subject to the recommended findings and conditions of approval.

**Ms. Heberling** addressed clarifying questions from the Commission. Key responses related to the application were as follows:

- The City had a signed copy of the shared parking agreement with the GracePointe Church. It was unknown whether the church leased parking spaces to the community center next to its facility.
- As proposed, the facility would provide different art options, including a theatre, poetry slam nights, and other events to benefit the arts community. The CSU provided an opportunity to provide a venue to offer a variety of art and theater-related events and learning opportunities.

**Chair Hemer** stated the packet was unclear about the applicant's business model. He wanted to be clear about the CSU purpose and that staff had advised the applicant that a CSU was the best option rather than a Use Exception.

**Chair Hemer** called for the applicant's testimony.

**Corinn deWaard and Ilya Torres-Garner, 4314 SE Harrison St, Milwaukie, OR**, addressed the issues raised by the Commission. During their careers as artists, they found that creative space was very difficult to find, and they wanted to provide space to benefit not only Milwaukie residents but also people from the Portland area. The City's draft Vision Statement expressed Milwaukie's interest in providing arts in neighborhoods, developing more businesses, and attracting new people to Milwaukie. They noted that neighbors and the neighborhood district association had all expressed interest in having this type of space available. The applicants added that a for-profit business model that brought in enough money to pay for expenditures was more sustainable than a nonprofit business model, which involved work with boards and volunteers, writing grants, and seeking funding.

- Parking was a big concern and the applicant understood the parking agreement. While most of the dance/theater studio's programming would take place in the evenings, the applicant hoped the hours would not be limited to a 6:00-10:00 pm timeframe. The applicant hoped to have some daytime programming and accommodate rehearsal schedules, but understood the parking lot could not be used on Sunday morning and none of the preschool's parking could be used during the preschool's operating hours.
- The applicant agreed with the need for a sign for the preschool's parking and was willing to share the cost. Calling a tow truck was suggested for violators.

The applicant addressed questions from the Commission with these comments:

- The applicant was open to assessing the community's needs by engaging with the Milwaukie arts community.
- Space would be rented to others to put on shows, hold classes, etc. The applicant's theatre troupe is intending to only put on one show a year.
- The nine onsite parking spaces were part of a shared parking agreement between the preschool and the studio. The issue was one of access during specific business hours.
- As far as whether the facility was a CSU versus a for-profit business, the studio would serve the community by offering a venue for art-related activities where people could participate as a performer, viewer, student, or teacher. Another difference was the broader impact art had

in creating an art community in Milwaukie.

- The applicants noted an extensive remodeling plan that included ADA entrances that would provide access to the main floor and the basement where the restrooms were located. The applicants said they would address any noise issues.

**Chair Hemer** called for public testimony.

**Elizabeth Weston, 4005 SE Harrison St**, spoke in favor of the application. She recently moved to Milwaukie near the subject. She was delighted when she heard about the community theater and art center and believed it would help neighbors get to know each other.

**Mark Dane, 12725 SW Glenhaven St, Portland, OR**, spoke in favor of the application. He said the intent was clearly for public good.

**Chair Hemer** closed the public hearing and called for deliberation.

After discussion, the Commission agreed the hours of operation and use of shared parking should be worked out between GracePointe Church, the dance/theater studio, and Sweet Pea Preschool instead of being prescribed by the conditions of approval. However, the shared parking agreement with the church should show the availability of a minimum 25 parking spaces for the hours of operation desired by the applicant. Signage should be installed to identify the preschool's parking spaces and direct the studio's patrons to the off-street parking spaces. The Commission affirmed the proposed facility fell under a CSU because it was similar to a public/private recreation facility and a venue that provided benefits to the community by supporting art and cultural opportunities in the city, which was congruent with the City's draft Vision Statement.

- A new condition was added stating that hours of operation for the facility shall be limited to the hours for which the property owner will have access to a minimum of 25 parking spaces.

**It was moved by Vice Chair Argo seconded by Commissioner Grau to approve land use application CSU-2017-002 for 4107 SE Harrison St with the recommended findings and conditions as amended. The motion passed unanimously.**

5.2 Summary: WG-2017-001 Riverway Ln Addition  
Applicant: Carter Case  
Address: 10663 SE Riverway Ln  
File: WG-2017-001  
Staff: Vera Koliass

**Chair Hemer** opened the public hearing and read the conduct of quasi-judicial hearing format into the record.

**Vera Koliass, Associate Planner**, cited the applicable Code criteria and presented the staff report, noting key issues for consideration regarding the expansion of a single-family home within the Willamette Greenway Overlay. No comments had been received regarding the application and staff recommended approval subject to the recommended findings and conditions of approval. She addressed clarifying questions from the Commission and confirmed the property to the south was owned by the same owner as well, but on a separate tax lot.

**Chair Hemer** called for the applicant's testimony.

**Carter Case, 232 SE Oak St., Portland, OR**, stated he agreed with the staff report and would be able to meet all the conditions of approval. He said he was the designer of the addition, which was for personal use by the owners.

**Chair Hemer** called for public testimony.

**Gary Klein, 107 SE Riverway Ln, Milwaukie, OR**, spoke in support of the application. He stated he lived just to the east of the subject property. He confirmed that the building additions would not be visible from the river, so the Willamette Greenway was a nonissue. He noted the family was the third generation to live in the house.

**Tony Forni, 1577 SE Riverway Ln, Milwaukie, OR**, spoke in support of the application. He stated he lived two houses away and that the application was regarding his father's house. He explained he had spent a lot of time on the river and noted there was a 30-35 ft cliff that dropped down to the river, so from the river the house was not visible.

**Chair Hemer** closed the public hearing and called for deliberation.

The Commission agreed the application met all the criteria.

**It was moved by Vice Chair Argo and seconded by Commissioner Grau to approve land use application WG-2017-001 for 10663 SE Riverway Ln with the recommended findings and conditions as presented. The motion passed unanimously.**

- 5.3 Summary: Railroad Ave Demolition  
Applicant/Owner: Simon Lofts/Mark Dane  
Address: 4217 SE Railroad Ave  
File: HR-2017-001  
Staff: Vera Koliass

**Chair Hemer** recused himself from the public hearing.

**Vice Chair Argo** opened the public hearing and read the conduct of quasi-judicial hearing format into the record.

**Vera Koliass, Associate Planner**, cited the applicable Code criteria and presented the staff report. The application to demolish the historic structure known as the Keil-Hoesly Farm House was the first part of a larger application for a 19-lot subdivision that would be presented to the Planning Commission on June 13, 2017.

- The Design and Landmarks Committee (DLC) recommended approval of the demolition and added an additional condition of approval for the Commission's consideration that was included in the supplemental staff report. The applicant had agreed to the condition, which required that a marker or identifier be placed to identify the site as the former site of the Keil-Hoesly Farm House. Staff believed the loss of the historic resource had been adequately mitigated through the conditions of approval.
- Ms. Koliass distributed a letter from the State Historical Preservation Office (SHPO) which asked to be notified if archeological artifacts, such as human remains or other cultural resources, were discovered during excavation or construction and that the project be stopped immediately to allow SHPO to perform an archeological survey as required by State

law.

- Staff recommended approval of the application subject to the findings and conditions of approval submitted.
- Ms. Koliass addressed clarifying questions from the Commission about her discussions and correspondence with SHPO. No prior archeological survey or assessment of the site had been performed, so it was unknown whether the property was considered an archeological site; however, there was nothing of record.

**Vice Chair Argo** called for the applicant's testimony.

**Mark Dane, Sustainable Infill Development, LLC, 12725 SW Glenhaven Ave, Portland, OR, 97225**, stated he received a similar letter from SHPO for a project in Tigard, and believed this was SHPO's standard practice for structures 50 years of age or older. He highlighted the house's condition and acknowledged the emotion involved with the proposal. He noted the extended family agreed that the demolition needed to happen, as did the neighborhood district association (NDA), Milwaukie Historical Society, and the DLC. Efforts were made to have the structure moved, but no viable options had been presented yet.

- The applicant intended to construct the historical marker using materials from the house and install it near the 12-ft walking and bicycle trail that would be constructed along Railroad Ave as part of the subdivision.
- He wanted to ensure the family members got whatever they wanted, and they had been contacted about saving and removing items from the property. The applicant was willing to accommodate the historical society's request for artifacts. The structure would not be removed within the next 30 days.

**Vice Chair Argo** called for public testimony.

**Dave Aschenbrenner, Chairman, Hector Campbell NDA and President, Milwaukie Historical Society, 11505 SE Home Ave**, spoke in support of the application. The NDA recognized the need for the demolition and deferred to the Historical Society regarding any preservation matters. One goal of the Historical Society was to preserve Milwaukie's history for the future and with permission of the family, respectfully asked to have something from the house to be able to display in the Milwaukie Museum's exhibitions pertaining to historic houses, historic properties, and their locations within the city. The Historical Society was comfortable with the direction of the application.

**Greg Hemer, Vice Chair, Milwaukie Historical Society, 3737 SE Adam St**, read a statement from the Historical Society supporting the application and further defining the request to enter the house and remove artifacts for preservation. He commended Mr. Dane's due diligence, his respectful demeanor with regard to the family and the history of the house, and his willingness to incorporate materials from the house as well as the family names in the future development. He confirmed this was the first time in recent history that the Historical Society had been able to acquire artifacts from a historic home and described items they might consider, such furniture made by the Hoesly family furniture business and other small items.

**Vice Chair Argo** called for the applicant's rebuttal.

**Mr. Dane** clarified the pronunciation of the Keil family name, and noted he and the family would be working together on further details moving forward.

**Vice Chair Argo** closed the public hearing and called for deliberation.

**The Commission** appreciated the respect being shown to the family and property and the sensitivity to the matter.

**Mr. Dane** described the deconstruction process as requested by Commissioner and noted issues that might occur.

**It was moved by Commissioner Grau seconded by Commissioner Travis to approve land use application HR-2017-001 for 4217 SE Railroad Ave with the recommended findings and conditions as amended. The motion passed unanimously.**

**Chair Hemer** returned to the dais.

**6.0 Worksession Items** – There were none.

**7.0 Planning Department Other Business/Updates** – There were none.

**8.0 Planning Commission Discussion Items**

**Mr. Argo** invited the Commissioners to attend the North Milwaukie Industrial Area presentation that was rescheduled for May 25, 2017.

**Chair Hemer** noted the May 16, 2017 special election and announced the plant sale events being held by the Friends of the Library, Annie Ross House, and Milwaukie Garden Club on May 13<sup>th</sup>.

**9.0 Forecast for Future Meetings:**

- |               |   |
|---------------|---|
| May 23, 2017  | 1. Public Hearing: PD-2017-001 13333 SE Rusk Rd                     |
| May 25, 2017  | 1. Worksession: NMIA Framework Plan and Implementation Strategy     |
| June 13, 2017 | 1. Public Hearing: PD-2017-002 13333 SE Rusk Rd continued tentative |
|               | 2. Public Hearing: DEV-2017-006/VR-2017-002 29th Ave Triplex        |
|               | 3. Public Hearing: S-2017-002 4217 SE Railroad Ave tentative        |
|               | 4. Worksession: Visioning/Comp Plan Update                          |

**Commissioner Burns** announced he would not be available to stay if the May 23rd meeting was extended passed 10 pm.

Meeting adjourned at approximately 9:02 pm.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

  
Greg Hemer, Chair