



# CITY OF MILWAUKIE

## PLANNING COMMISSION MINUTES

City Hall Council Chambers  
10722 SE Main Street  
[www.milwaukieoregon.gov](http://www.milwaukieoregon.gov)

May 8, 2018

**Present:** Kim Travis, Chair  
John Henry Burns, Vice Chair  
Joseph Edge  
Sherry Grau  
Greg Hemer  
Scott Jones

**Staff:** Denny Egner, Planning Director  
Brett Kelter Associate Planner  
Vera Koliias, Associate Planner  
Mary Heberling, Assistant Planner  
Tim Ramis, City Attorney

**Absent:** Adam Argo

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

**Vice Chair Burns** 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

### 3.0 Information Items

**Denny Egner, Planning Director**, reminded the Commissioners of the June 12<sup>th</sup> joint session with City Council, the Comprehensive Plan Advisory Committee, and Design and Landmarks Committee (DLC) for a presentation by Nico Larco, a University of Oregon professor, regarding the types of technological changes that would affect how planning would be done in the future, such as e-commerce, shared economic issues, autonomous vehicles, etc.

**Mr. Egner** noted that Chair Travis and Commissioner Grau were both interested in the planning commissioner position on the Oregon Chapter of the American Planning Association (OAPA) Board of Directors.

**4.0 Audience Participation** –This is an opportunity for the public to comment on any item not on the agenda.

**Gary Klein, 10597 SE Riverway Ln, Milwaukie OR 97222**, questioned if there were code regulations for electronic signs now that there were four signs in Milwaukie.

- **Vera Koliias, Associate Planner**, noted that electronic messaging display signs were allowed although there were regulations regarding size, brightness, etc.
- **Mr. Egner** suggested for Mr. Klein to speak with City Council about prioritization of a code project regarding the issue. It was of interest to the Planning Department but due to staffing constraints, was not a priority at this time. He added that sign issues can be complicated.

### 5.0 Public Hearings

- 5.1 Summary: Housekeeping 2018 Code Amendments Part 1  
Applicant: City of Milwaukie

File: ZA-2018-001  
Staff: Vera Kolas, Associate Planner

**Chair Travis** called the hearing to order and read the conduct of legislative hearing format into the record.

**Mr. Egner** noted that the issue of marijuana odor control would be addressed in the Part 2 code amendments to fix the inconsistency between zoning code and building code requirements.

**Commissioner Hemer** requested that "historic owner" and "heritage tree" be added to the Comprehensive Plan Appendix A that was referenced under Subsection 14.12.010 Exempted Signs.

**Vice Chair Burns** noted that, regarding Subsection 19.402.15, the language should be modified as "professional engineer" was recognized by the State whereas "professional wetland scientist" was more of a nonprofit position, and he suggested that "qualified scientist" or "professional engineer" would be more appropriate.

**Vice Chair Burns** closed the public testimony.

**Commissioner moved Hemer and Commissioner Edge seconded to recommended approval to City Council with the recommended findings and conditions of approval as amended. The motion passed unanimously.**

5.2 Summary: Covell St Vacation Rental  
Applicant/Owner: Casey and Samantha Clark  
Address: 4219 SE Covell St  
File: CU-2018-001  
Staff: Mary Heberling, Assistant Planner

**Vice Chair Burns** called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

**Mary Heberling Assistant Planner**, presented the staff report via PowerPoint. The duplex on the site was a legal nonconforming use for the zoning, with one unit as a fixed-term lease and the other is a furnished monthly rental. The proposal was to convert one unit into a vacation rental which would provide flexibility for the applicant to offset the property costs and a place to stay when in town as the applicant lived out of state. The determination between a short-term rental and a vacation rental was regarding the amount of days the property owner was onsite.

The key issues regarded mitigating any impacts or nuisance issues to the neighborhood. The proposal did not include changes to the building or property, had screening and off-street parking, and the rental would include a "no events and no parties" policy.

**Ms. Heberling** reviewed comments received, staff recommendation for approval, and the decision-making options. She confirmed that approval for vacation rentals was by unit rather than building, therefore a second conditional use approval would be required to use both units of the duplex as vacation rentals. The conditions included notice to the neighborhood district association, properties within 250 ft, and to provide a local contact to neighbors.

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

**Samantha Pearson-Clark, 7001 Seaview Ave NW 160-812 Seattle WA 98117**, co-applicant with Casey Clark, stated that the intent of the proposal was to allow her family to visit family in town more frequently and to provide better maintenance of the property. Regarding the days onsite requirement, she had found vacation rentals where the property owner resided in a separate unit that what was being rented. She asked staff and the Commission for better clarification of the requirements. She confirmed that she and her husband would prefer neighbors contact them directly should any issues arise.

**Vice Chair Burns** closed public testimony.

### **Planning Commission Deliberation**

**Commissioner Hemer** suggested the condition be amended to provide "vacation rental" operator information to surrounding properties rather than "property manager."

**Commissioner Hemer moved and Commissioner Grau seconded to approval land use application CU-2018-001 for 4219 SE Covell St with the recommended findings and conditions of approval as amended. The motion passed unanimously.**

5.3 Summary: Milwaukie High School Lake Rd Sports Complex (continued from 4/24/18)

Applicant/Owner: 3J Consulting/North Clackamas School District  
Address: 2905 SE Lake Rd & 11250 SE 27<sup>th</sup> Ave  
File(s): CSU-2018-001, VR-2018-003, P-2018-001  
Staff: Brett Kelper, Associate Planner

**Chair Travis** called the hearing to order and read the conduct of quasi-judicial hearing format into the record. The public testimony portion of the hearing remained open from the continued hearing of April 24, 2018.

**Denny Egner, Planning Director**, reviewed the key approval criteria that the Commission needed to address this evening as follows:

- To verify that the proposed hours and levels of operation were compatible with the surrounding areas.
- The public benefits were greater than the negative impacts on the neighborhood.
- Under the parking determination, was the proposal reasonable, based on existing demand for similar uses.
- Did the lighting pole height proposal meet the approval criteria for the requested variance.

**Mr. Egner** also reviewed the questions from the Commission raised and more information requested at the previous hearing regarding parking lot lighting, netting and backstop details, overall public access and emergency access, lighting and announcement systems, parking demand, artificial turf, and use for community athletics as a priority. The applicant provided a narrative and exhibits to address these issues and additional testimony and photographs had been received from the public.

**Mr. Egner** reviewed the potential conditions to address the issues as follows:

- Parking impacts: Transportation management options such as offsite parking for players,

parking attendants, signage, limits on games scheduled, etc. The options suggested were in response to testimony and photographic evidence which showed that management of activities and related traffic by the district was not adequate. It was the Commission's responsibility to ensure the district improved the management of the facility.

- Hours of operation: Identify daily hours of use and hours scheduled for the lighting and announcement systems.
- Public access: Clarification was needed around where and when access would be available to the public.
- Neighbor impacts: More adequate fencing, maintenance, and landscape screening could be conditioned for the parking lot edge along the adjacent properties.

**Mr. Egner** had visited the site twice during the day and witnessed the full use of the parking lot and neighboring streets with only regular games scheduled. He believed if the players were encouraged to park at the elementary school or offsite, that alone would be an improvement.

**Commissioner Hemer** asked how the city could ensure the conditions were implemented and adhered to in the future.

**Mr. Egner** noted that generally the city functioned and relied on a complaint-driven process for code enforcement. The risk to the district was if it was found to be in violation of the conditions and the issue was not resolved, the use of the facility could be revoked.

He added that if a decision was not made at this hearing, an extension request from the district would be needed to extend the land use approval clock.

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

**Andrew Tull, 3J Consulting, 5075 SE Griffith Dr, Beaverton OR 97005, and Aaron Moreno, 4165 SW Riverview Dr West Linn, OR 97068,** presented responses for the applicant.

**Mr. Tull** stated that the district appreciated the community's concern and comments regarding the project and the applicant provided detailed responses.

**Mr. Moreno** was the athletic director at Milwaukie High School and looked forward to the proposed improvements to the facilities and believed it was a pivotal time for the community. He noted several organizations the district wanted to work with that provided pathways to higher education through athletics as well as worked to enrich the community. His vision for the facility was as follows:

- Some organizations had been prohibited from using the facilities due to not adhering to the guidelines of use.
- He and the district would utilize the community partners that had the same respect and responsibility of stewarding the facility.
- His goal was to schedule games to be completed by 9 or 9:30 p.m. with lights off shortly after.
- The practice of communication with visiting teams regarding site policies and practices, including where to park, etc., would need to be put into place for the Lake Rd facility. Players were not to drive to or park at the fields but that rule was not enforced.
- The announcement system would only be used by Milwaukie High School authorized users.

**Mr. Tull** continued and addressed the questions and concerns noted.

- Although there could be some new organizations interested in using the facilities, the increased use focused on the improved facilities themselves and the ability to schedule more activities.
- Additional information and comments from users of the site had been received that indicated the current poor condition of the fields and support of the proposed improvements, including the preference for artificial turf.
- Regarding access, the district proposed to lock the improved artificial turf fields themselves and the remainder of the property would be accessible to the public. The elementary school property would be locked during school hours only; public access would be available outside of those hours.
- The district strived to be a good neighbor and damage caused as a result from activity on the site would be resolved by the district. The district was agreeable to a condition regarding district contact information signage on the site.
- It had been observed recently that the elementary school parking lot was underutilized, which was available for off-street parking for the site. In addition, there would be additional parking at the high school after reconstruction.
- The district was supportive of better communication regarding practices and policies for the site. He believed once the improvements and better communication were in place, the current parking issues may not be an issue.
- Improved parking lot lighting would be installed and located farther away from the adjacent neighbors. The lighting would be adequate for the parking and pathways on the site.

**Mr. Tull** stated that the district's request to remove Condition 1.c.3 regarding a pedestrian sidewalk along 28<sup>th</sup> Ave would be withdrawn. Options had been explored and there was potential to provide an out-of-parking lot pathway for most of the length but would not be ADA compliant due to grade. The request to remove Condition 1.c.4 regarding connections at 30<sup>th</sup> Ave and 31<sup>st</sup> Ave remained. The district agreed with the remaining conditions of approval.

The applicant answered questions from the Commission as follows:

- **David Hobbs, NCSD, 4444 SE Lake Rd, Milwaukie**, emphasized that the district's intention was to maintain the property to the best of their abilities and resources available. The district wanted to be contacted to address any issues.
- If issues were not adequately addressed, there was a code enforcement pathway available.
- ADA access would be available along the eastern side of the property where the grade permitted. The grade on 28<sup>th</sup> Ave would not comply.
- The district would work with partners, staff, and users to ensure the district was not in violation of approved use of the site.
- Signage would be installed that gave the district authority for enforcement including towing, and would include contact information for the district in order to resolve issues in a timely manner.

**Chair Travis** called for public testimony.

In Support

**Charles Dean, 11222 SE Wood Ave**, president of Milwaukie Junior Baseball and Milwaukie Junior Basketball board member, stated he believed that his kids deserved what other kids with better facilities had. He felt that Milwaukie was not keeping up with regard to sports facilities in

comparison to other schools and districts. He strongly supported the proposed improvements.

**Pete Cooper, 14102 SE Cedar Ave Milwaukie OR 97267**, board member at large for Milwaukie Junior Baseball, Junior Basketball, and Junior Football. He acknowledged the parking issues at a recent tournament and that in the future, games would be split between Lake Rd and Rowe Middle School. He had coached teams at the site for years and strongly supported the improvements. He noted that Milwaukie lost players to other schools and districts due to better schools and facilities. The issues and complaints were often the same at other facilities of noise, lighting, and parking. The benefit for many outweighed the impact to a few.

**MJ Tate, 7583 SE Mapleleaf St Portland OR 97223**, was the general manager and director of coaching for Global Premier Soccer (GPS). The key for projects like this was collaboration between all the stakeholders and finding common ground. GPS was in support of the project and added that improvements like this provided socio-economic benefits to the community and most importantly to youth. He volunteered GPS to assist the district on the project based on their experience with similar projects.

**Lucas Spooner, 6210 SE Hazel Ave, Portland OR 97206**, president of Milwaukie Youth Football, noted that the most important issue was the consideration of the kids. He believed sports activities were declining in participation, especially in Milwaukie. He was unaware the elementary school was available for use, even after years of using the site, and supported better signage. He suggested contact information signage should also include program contacts. The lighting was mandatory for use of the site, particularly in the fall. He added that those who lived next to a school and school sports site chose to live there and the site's obligation was to provide services to the community's youth.

**Jeremie Meade, 3745 SE Drake St**, noted the community feel of Milwaukie had been in decline recently. He supported the proposed improvements to provide better and safer facilities. He felt the surrounding neighbors should focus on the youth rather than being concerned about lighting and parking, and thought a debate about if an improved baseball field should be provided to the city was silly.

**Gabe Storm, 4969 SE Arden St**, said this project was an opportunity to provide the community's youth with something great and with the same quality facility as other schools and programs. He agreed that the parking situation needed to be improved, and added he was also unaware of the available parking at the elementary school. For the great good for the community, the project would be worth it. Street parking could be impactful but he was supportive of people in the community coming together to make a better community.

**Chair Travis** appreciated the coaches for their time and work in the community.

In Opposition:

**Matt Menely 2816 SE Lake Rd**, asked Mr. Egner how conditions on approvals were ensured to be implemented after a project was completed.

- **Mr. Egner** responded that after construction, a project would be inspected to verify that the conditions were satisfied but there were not annual checks on approvals.
- **Mr. Menely** responded that the conditions for the 2014 approval regarding striping and signage along 28<sup>th</sup> Ave driveway were never completed. The district had not followed through on maintenance over the years. Parking was an issue for many years and police

enforcement along 28<sup>th</sup> Ave was not possible as it was a private accessway, and the district did not enforce it. He wanted the conditions of previous approvals and current issues to be addressed prior to this application being approved. He supported sports programs but felt this site was unique and was not appropriate for the desired use.

**Michael Martin, 2725 SE Lake Rd**, believed the materials provided by the applicant were not accurate or factual. He claimed that the facilities were rented by private organizations for greater than 50% of the time which would make it an outdoor commercial recreation use and therefore called for different parking requirements. He added that construction of the proposed conditioned sidewalk would be a trespass on the existing private easement.

**Patty Lang, 11877 SE 32<sup>nd</sup> Ave**, stated that she was neutral on improving the site; however, she wanted to ensure it was done the right way. She reminded the Commission that the site was in a residential neighborhood and felt it was different than a regular school sports site. She reiterated her concern was the insufficient parking at the site and also wanted to ensure that garbage maintenance was addressed and included in the proposal.

**Sarah Roller, 11610 SE 27<sup>th</sup> Ave**, noted that landscape screening as conditioned along the parking lot had failed before and not replaced, and she was concerned it would occur again with this approval. Her request was for a taller fence along that edge due to the grade difference. She added that, as a former Milwaukie student and athlete, it was damaging to be an athlete with subpar uniforms and facilities. Improvements like this project were important for the community. She was overall in support but would like the fence issue addressed.

**Glenn Van Bergen, 11610 SE 30<sup>th</sup> Ave**, was opposed to new pedestrian connections at the end of 30<sup>th</sup> Ave and 31<sup>st</sup> Ave. The grade would not allow for ADA and would cause maintenance and parking issues in the neighborhood. He requested a cooling station be considered in the improvements. He was in support of the project but wanted to ensure the facilities were safe and accessible.

**Kelly Sullivan, 11470 SE 30<sup>th</sup> Ave**, stated she had a son at the elementary school and in youth baseball, and walked her dog at the site daily. She hoped the aspects of the proposal were not seen as in contrast but rather that the project's good could also be the neighbors' good. She hoped that the district could work to better mitigate and resolve issues. She encouraged a passive system regarding the pathway and playground security with signage for hours rather than a locked system as often those areas remained locked.

**Chair Travis** questioned the commercial outdoor recreation issue.

- **Mr. Egner** responded that the code example given in testimony did not apply to the site as it was a school-related site.
- Staff based their recommendation on what the applicant submitted for the parking determination. There was no parking requirement for the current use but noted the applicant could address the issue during rebuttal.

**Mr. Egner** distributed copies of adjustments to the proposed conditions regarding the Commission's options for more parking lot lighting and that the transportation management plan include ongoing traffic management.

**Chair Travis** invited testimony regarding the amended conditions.

**Mr. Martin** thought the proposed transportation demand management (TDM) plan was insufficient. He felt the district had not been a good neighbor by lack of communication as well as lack of adequate property maintenance. He believed the issues could be resolved if there was a good neighbor agreement between the district and the neighbors.

**Mr. Egner** and **Mr. Ramis** clarified that, since continuing the hearing would require an extension from the applicant, the Commission could approve the applications with a condition that would require the applicant to return to the Commission for review of a transportation demand management plan.

**Chair Travis** called for rebuttal from the applicant.

**Mr. Tull** responded to testimony as follows:

- The site was an urban site and the proposed parking management would improve parking greatly.
- He assured that most of activities at the site were school-related. Regardless, private organization use of the site would not qualify the site as a commercial outdoor recreation facility.
- There would be trash receptacles onsite and keeping the site in good condition was in the best interest of the district.
- The district would prefer to use higher landscape screening for the fence height issue.

Regarding the amended conditions, **Mr. Tull** stated the code did not require the entire parking lot to be lit and the applicant wanted to be sensitive in terms of the additional proposed lighting at the site. He requested that amended condition be removed.

**Mr. Tull** acknowledged that it was clear that parking at the elementary school was underutilized and was not known as a parking option. He agreed to return to the Commission with a TDM but asked the Commission to not continue the hearing as the parts of the project were in motion.

**Mr. Hobbs** discussed options for transportation management and facility maintenance. He verified that only the playing fields would be artificial turf.

**Chair Travis** closed public testimony.

### **Planning Commission Deliberation.**

**Commissioner Hemer** was concerned about the district's past practices and the implications for future management of issues for the neighbors, primarily around parking. He encouraged neighbors to call code enforcement should there be issues in the future. He was concerned about the environmental impacts of the turf, particularly after it was replaced and discarded. However, the proposal met the approval criteria.

**Commissioner Edge** noted with a community service use, there needed to be a balance between the benefits and impacts. The benefits of this site and proposal outweighed the impacts. Ultimately the proposal was great for the community but the mitigation and conditions needed to be adhered to by the district and if they were not, then revocation of approval could occur.

**Commissioner Jones** supported the proposal and said the improvements would be a great



asset to the community. He acknowledged the distrust of the district by the neighbors. However, with the improvements should come increased community observation that may abate the community's concerns. He encouraged the applicant to be more proactive in addressing issues to rebuild the relationship with the neighbors.

**Commissioner Burns** stated that in his experience, the gates to the properties were often locked when they should be open. He was opposed to the gates and suggested signage regarding no access during school hours. If the elementary school parking was included in the parking count for the site, there should not be a locked gate between the parking and the facilities intended for use. He proposed no gate between the junior varsity field and Lake Rd field and no gates to the perimeter of the property.

**Commissioner Grau** strongly encouraged the applicant to provide signage for afterhours issues and for those issues to be addressed in a timely manner rather than the next business day, for example.

**Mr. Egner** clarified that the easement issue noted in testimony was a private property issue between property owners.

The Commission discussed and agreed to amend the conditions as follows:

- Remove proposed condition for additional access at 30<sup>th</sup> Ave and 31<sup>st</sup> Ave.
- Proposed hours to be for the lighting and announcement system not be used past 9:00 p.m. and the pathway lighting not be used past 9:30 p.m.
- Add signage for emergency and afterhours contact information.
- A transportation demand management plan would return to the Commission for review and approval prior to issuance of certificate of occupancy. The TDM would address parking signage and a good neighbor agreement.
- Leave the original parking lot lighting plan and condition in place.
- Additional landscape screening up to 8 ft for the western edge of the parking lot.
- Allow for public access to the perimeter and ungated access between the junior varsity field and the Lake Rd fields, and to provide appropriate signage.
- Contact information signage provided at access points to the site.

**Vice Chair Burns moved and Commissioner Grau seconded to approve land use applications CSU-2018-001, VR-2018-003, and P-2018-001 for 2905 SE Lake Rd & 11250 SE 27<sup>th</sup> Ave with the recommended findings and conditions as amended. The motion passed 5-1 with Commissioner Hemer abstaining.**

## **6.0 Worksession Items**

## **7.0 Planning Department Other Business/Updates — None**

## **8.0 Planning Commission Discussion Items**

**Commissioner Edge** attended the Design and Landmarks Committee meeting regarding the Downtown Design Guidelines update project and noted that there may be process revisions as a result of the project.

**Mr. Egner** noted that possible code revisions would be brought to the Commissioner later in the

year.

**Commissioner Grau** confirmed she would volunteer for the OAPA Planning Commissioner Board position.

**9.0 Forecast for Future Meetings:**

- |               |   |
|---------------|---|
| May 22, 2018  | 1. Public Hearing: VR-2018-002, ADU-2018-001 23 <sup>rd</sup> Ave ADU<br>2. Worksession: Comprehensive Plan Update discussion |
| June 12, 2018 | 1. Joint Session with City Council: "Impacts of Emerging Technologies on Cities" Presentation by Nico Larco                   |
| June 26, 2018 | 1. Worksession: Comprehensive Plan Update Block 1 Policy Review   |

Meeting adjourned at approximately 10:43 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II



Kim Travis, Chair

Greg Heuser Pro-Temp Chair