



PLANNING COMMISSION MINUTES

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

January 8, 2019

Present: Kim Travis, Chair
John Henry Burns, Vice Chair
Adam Argo
Joseph Edge
Greg Hemer

Staff: Denny Egner, Planning Director
Brett Kelper, Associate Planner
Justin Gericke, City Attorney

Absent: Sherry Grau

1.0 Call to Order — Procedural Matters*

Chair Travis 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

2.1 August 28, 2018

Commissioner Hemer moved and Commissioner Burns seconded to approve the August 28, 2018, Planning Commission Minutes as presented. The motion passed unanimously.

3.0 Information Items

There were no information items.

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

Gary Klein, 10795 SE Riverway Ln, Milwaukie, OR, stated his concerns about large electronic billboard signs around the city. He attended a Council meeting last fall regarding the electronic signage issue, but no changes have occurred. His concerns were around safety and believed code should be put into place to address the issue. He submitted correspondence and supporting documentation to the Commission.

Commissioner Edge thanked Mr. Klein and noted both he and Mr. Klein received an email from a member of the DLC where several studies were cited that supported Mr. Klein's position. He encouraged him to continue being engaged in the community.

5.0 Public Hearings

5.1 Summary: Lake Rd Sports Fields Transportation Demand Management Plan Review
Applicant/Owner: 3J Consulting/North Clackamas School District (NCPRD)
Address: 2905 SE Lake Rd
File: CSU-2018-018
Staff: Brett Kelper, Associate Planner

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

Brett Kelter, Associate Planner, presented the staff report via PowerPoint, and reviewed the background of the application. The original proposal was approved by the Planning Commission, appealed to City Council, and remanded back to the Planning Commission with direction from Council to add a Transportation District Management (TDM) plan to the project. The property was adjacent to Milwaukie Elementary School, which was an integral part of the parking proposal. He provided details on Council's direction and the information included in the TDM plan. He also described the negotiations between the applicants and staff on the plan and staff's recommended conditions of approval.

Mr. Kelter addressed questions from the Commission with the following key comments:

- The parking portion of the proposal was intended to decrease improper parking which would reduce complaints. NCPRD (the District) was responsible for taking complaints about problems related to the use of their site and encouraging good neighbor parking behavior.
- Within the context of the TDM plan, the good neighbor meetings were intended to be a place to talk about transportation-related concerns.
- Conceptually, the idea of the parking monitor was to have someone onsite, to direct parking, answer potential concerns from residents, and be a resource for dealing with issues.
- Imposing triggers would indicate when a CSU would be necessary. The intent was to provide a mechanism to revisit the conditions and staff believed the triggers for a CSU provided an appropriate way to balance impacts with benefits.
- The applicant would address the mechanisms for initiating a tow and who could initiate a tow upon violation of the TDM plan.

Staff explained that the Good Neighbor Agreement was not a formal agreement but was intended to provide the District with a forum for encouraging good neighbor behavior by coordinating and empowering residents. The recommended performance measures and annual report would keep the City apprised of the impacts and allow staff to react accordingly.

Chair Travis called for the applicant's testimony.

David Hobbs, Capital Projects Director, North Clackamas School District, 4444 SE Lake Rd, Milwaukie, OR, introduced the project team. The submitted TDM plan was a methodology for success, and the process had been extensive, with input from City staff and the community. Based upon comments from City staff and community members, the applicant would likely need to make adjustments to the plan and the conditions of approval, although it would become an operational cost to the District.

Andrew Tull, 3J Consulting, 5075 SW Griffith Dr, Suite 150, Beaverton OR, noted the TDM plan was to satisfy a condition of approval from the 2018 application for the overall CSU. The TDM plan was to limit parking-related impacts, provide contact information for parking-related issues, evaluate and propose signage for the site and users of the facility, and explore a Good Neighbor Agreement. This plan removed some authority from the District and gave the neighbors access to District supervisors, an onsite monitor to ask questions, lodge comments and complaints, and to take immediate action by arranging for towing of vehicles, if necessary.

Rudy Schuver, BRIC Architecture, 1233 NW Northrup Way, Portland, OR, presented a PowerPoint, reviewing the physical changes made to improve the site in order to mitigate the issues discussed.

Mr. Tull noted the physical improvements, as many were a direct result of conversations with community members, regarding signage types, access points, and 24-hour contact information.

Mr. Hobbs emphasized the importance of communication with neighbors, visiting sports teams, and coaches and parents. The applicant had prepared an interactive smart flyer to depict available parking for the site. The applicant asked for approval of the TDM plan. Since the outdoor sports season was approaching, they requested working towards a certificate of occupancy so that the fields could be used and the TDM plan put to the test.

Mr. Hobbs addressed questions the Commission had previously asked as follows:

- The District had the power to initiate towing on its property, but not on public streets. Parking on public streets and public right-of-way was meant to be protected by the police.
- The applicant was not ready to define the role of a parking monitor, other than it would be someone onsite to address parking issues and direct to other lots if necessary.

Mr. Tull clarified District operational staff would be handling and coordinating response to complaints via a central monitoring service. Operational staff would also attend good neighbor meetings.

Mr. Tull addressed the language staff presented regarding the proposed alternates as follows:

- The District accepted the revised Conditions 1, 2, and 3 of Alternate 2 in the proposed plan. The District was willing to bear the additional cost, as they understood the importance of the onsite parking monitor for events.
- The applicant was not comfortable with the original numbers proposed in Condition 4, or with metrics which were somewhat undefined.
 - Alternate 2 stated 10 parking-related complaints lodged at the District would trigger a Type III Review. However, determining the origin and resolution of a parking complaint or violation could be challenging.
 - The revision to Condition 4 contained a proposal for counting actual tows as the metric to count against the District in order to demonstrate a problem. Otherwise, a complaint could be resolved before a District employee had an opportunity to act.
 - The applicant respectfully requested the Commission utilize the language in Alternate 1, Item 4 as the recommended and acceptable condition of approval. It called for 15 different occasions where the complaints resulted in an actual tow, as that was easily recordable and defensible from the applicant's perspective.

Mr. Tull and the applicant's team responded to questions from the Commission as follows:

- The District was willing to accept Condition 3, requiring that a monitor be present under certain circumstances, such as when four teams or more were scheduled at a time.
- The requirements for sending the annual report were addressed in Condition 2, which stated the report would sunset after three years of successful TDM plan operation.
- Communication would continue after the sunset; however, it would be a challenge to continue annual reporting mechanisms to the City for an indeterminate time.
- The District could add processes to develop reports and reporting mechanisms to the City; however, the goal was to create a communication pattern with the neighbors.
- No signage was proposed for the Milwaukie Elementary parking lot because it did not share a driveway with residential neighbors. The majority of issues heard had been from those who live on or adjacent to SE 28th Ave which was a shared access easement.

- Informational materials about the community use and rules would be distributed to all Milwaukie High School students, their families, the players, and the general community.
- With the district-wide improvements underway as part of the school bond, the goal was shared facilities across the District.

Chair Travis called for public testimony.

Yvonne McVay, 12951 SE Vernie Ave, Milwaukie, encouraged the Commission to approve the TDM plan. She was frustrated that improvements had been challenged by neighbors or city government. Athletes and families had moved out of the city because of inequitable athletic facilities and programs. Improvements like the Lake Rd complex could help influence positive opinions about the school and city. She agreed there were problems for neighbors, but the plan was a vast improvement to previous concerns. She did not support further requirements or requiring an onsite parking monitor. It was important the plan be approved now as programs were already underway and the teams did not have access to the training facility or equipment.

Bradley Mcvay, 12951 SE Vernie Ave, Milwaukie said he was from Milwaukie and concurred that friends and athletes had left Milwaukie because of the poor facilities and overall culture and noted comments and complaints from other schools about Milwaukie's facilities. He felt this project would also be beneficial for Milwaukie. He asked the Commission to approve the TDM plan. While community members further delay the project, other schools were improving their facilities, so it was important this transportation plan be passed now.

Patty Lange, 11877 SE 32nd Ave, Milwaukie, felt good about the collaboration that had occurred with the Good Neighbor meetings. She would be participating in those meetings and hoped to work together with the District to identify and address issues. She thought a monitor would be helpful when two simultaneous events occurred rather than four. She believed towing was a safety issue with regard to blocked access for emergency vehicles, etc. She noted the frustrations she had with communication with the District.

Bill Kabeiseman, Attorney, Bateman Seidel, 888 Fifth Avenue, Suite 1250, Portland, 97204 said he represented Michael Martin and Ben Brody, who filed the appeal that resulted in tonight's hearing. He noted his clients were in favor of the project, but the facility would be significantly different as far as the lighting and the intensity. He referenced a photo showing only one game being played and 71 parked vehicles.

- Regarding Condition 4, certain complaints should count regardless of if towing resulted. Issues often are a result of game transitions, with vehicle parking and congestion.
- He believed the continuing report made sense.
- He suggested the same complaints and tows trigger consequences for two years. After the first year, the metrics could be reevaluated.

Michael Martin, 2725 SE Lake Rd, said as parents, the communication with the District was excellent. However, he believed there was a disconnect between the District and neighboring residents. He believed mitigation and better communication could improve the situation, rather than focusing on complaint numbers, etc. He was pleased with the new sidewalk along 28th Ave.

Commissioner Edge said he was seeking ideas about quantifying measurable events to represent a trigger for revisiting the CSU. He clarified he supported the project following through the upcoming year, measuring the triggers, and then potentially triggering a review.

Hal Wasick, 3122 SE Lake Rd, stated he agreed with some of the comments already made. Code Subsection 19.605.2.C.1 regarded what was reasonable parking. He noted that, although modifications were allowed and reasonable, the parking in the current plan was lower than what the code required. The District was planning to increase the intensity of the use of the fields, so additional parking or measures should be considered, such as shuttle buses.

Vince Alvarez, Lake Rd NDA Chair, 12671 SE Where Else Ln, thought the plan was good and supported staff's recommendation for triggering the review process. He suggested asking for a police presence to get their perspective, and to have six good neighbor meetings over the year with notification to the entire neighborhood. He offered the Lake Road NDA meetings as a resource for the good neighbor meetings.

Chair Travis called for the applicant's rebuttal.

Mr. Hobbs responded as follows:

- He was aware of the communication error with the neighborhood meeting, which was addressed and fixed.
- The budgets for bussing were different between the middle school and sports programs.
- The shuttle buses and the parking monitor were not in the proposed TDM plan but were discussed at the community meeting as potential options.
- The District believed the plan, as written, would be successful.
- Condition 4 allowing the first year to be a trial basis and collecting metrics the second year was critical. Although issues would arise with the new process, the District hoped to work with community members to resolve them. The District wanted to address problems and collect metrics to get a more accurate representation of how the fields and parking were operating. Having a specific tangible quantifiable metric was critical and the District believed actual tows should be the metric the District was gauged on.

Commissioner Hemer asked for a better definition of what an unresolved issue might be, noting a tow might not work for other unresolved issues.

Mr. Hobbs replied that problems could be resolved without towing, but a tow would provide a firm metric with a definite outcome. A number of issues could arise that could be resolved without tangible outcomes for which the District had a process to resolve.

Chair Travis closed the public hearing.

Planning Commission Deliberation

Commissioner Hemer said he preferred staff's Alternative 2 and wanted to include the Lake Rd and Historic Milwaukie NDAs in Condition 1. He thought there would be zero incidences with a monitor informing people where they could or could not park

Commissioner Argo understood it to be a circulation problem, which would be expected because it was an event venue. The proposal was TDM targeted parking in order to help the situation of access, but it could not solve circulation issues.

Commissioner Edge concurred. If parking was limited on the site to only legal parking spaces and usage exceeded that, then they would go somewhere. As part of the CSU, it was fair to consider that impact on the neighborhood. The question would be, what was the parking utilization rate on the legal streets around the facility during events when the facility

was over-parked. He suggested an alternative could be a mandatory review after two years if there was no metric they were comfortable with to trigger it. After two years, the District would have a better idea of the data and ideally a course correction midway through if needed.

Commissioner Burns noted the applicant wanted a firm criterion for the CSU review with a high threshold and the public testimony wanted a firm trigger with a low threshold. Both sides seemed to want a firm threshold and something quantitative. The incentive should protect the good neighbor relationships, and towing was a way to protect that relationship.

Commissioner Hemer responded that he preferred unresolved issues as the metric but then they would have to define "unresolved," which was challenging. Tows seemed like a really bad incentive.

Commissioner Burns said the District was obligated to let the neighbors use their driveways and not be blocked, but it was a civil matter. He was empathetic to the situation, but a metric number seemed arbitrary and hard to measure, and it set up perverse incentives on both sides to either under or over report. He was struggling to see a way they could do it that was truly objective.

Commissioner Edge said there were no examples of other jurisdictions implementing a similar condition with quantities and definitions. and he was uncomfortable setting a precedent in that manner. This particular CSU approval related to the TDM plan and suggested adding an expiration date to the TDM plan approval. At that point, there would be experience with the TDM in place and the Commission would see any course corrections that occurred along the way.

Commissioner Hemer asked what the resolved solution would be as no parking could be added.

Commissioner Argo said the District would have to look to other options, such as a shuttle bus. He suggested metrics such as capacity and number of reports about being over capacity.

Chair Travis said there would be some call volume and some data about the types of calls, when the calls came in, such as during a tournament, all of which would be data the Commission would be able to review.

Commissioner Hemer understood the District was saying it wanted a metric for logging calls and wanted to count tows.

Commissioner Burns said the time-based expiration to the CSU seemed philosophically and practically better. He agreed with empowering the NDA to trigger a new review in two years. While that gave a lot of discretion to the NDA, at least it would not be automatic.

Mr. Kelder said the question was whether a land use decision could empower an NDA to decide whether it was working or not, which seemed to be misplacing the discretion a bit.

Commissioner Edge asked about the next follow up review being a planning director review and if that would be legally viable.

Mr. Egner said the director would not be able to add or change conditions.

Commissioner Burns suggested a condition where the planning director in two years would review that the Good Neighbor meetings had happened according to the schedule and there was general conformance of the TDM plan as far as meeting the objectives. If not, a new CSU would be required.

The Commission and staff discussed how a Type II review process would allow for a less expensive review, public notice and comment, and if the review found that the TDM plan was not being met or if the approval decision was appealed, a Type III review to the Planning Commission would result.

Commissioner Hemer said the Commission resolved that either the bimonthly or annual meeting's location should be chosen by the District, but either the Lake Road or Historic Milwaukie NDA could offer their meeting time and location to hold the meeting, which would minimize costs for the District. As an encouragement, it did not need to be a condition.

Chair Travis understood the Commission had agreed to add notifying the NDAs of the meetings to Condition 1. The District could utilize the NDA as discussed.

Commissioner Edge confirmed that Conditions 2 and 3 would remain as drafted. Two simultaneous events would involve four teams, which was a typical use that should be supported by the available parking. The monitor would be required when another event with two teams was scheduled without an hour in between events to allow people to clear out while other people arrive. He also noted Condition 4 would be replaced.

Mr. Kelper stated he needed direction on language about signage.

The Commission recommended a sign stating "Parking for Lake Road Complex" at the Milwaukie Elementary driveway as well as a wayfinding sign to the fields at the entrance of the pedestrian pathway.

Mr. Egner noted after reviewing the suggested changes with staff and the applicant's attorneys, all agreed the proposed language might work conceptually. The plan would allow the CSU to be reopened instead of requiring a new CSU. He read the language that would replace Condition 4 into the record.

Commissioner Edge recommended using two years from the issuance of the certificate of occupancy, final inspection, or whatever allowed the District to start using the complex.

Following a brief discussion, **Mr. Kelper** confirmed changing the proposed language for the new Condition 4 to read, "~~In January of 2021~~ **Two years after a certificate of occupancy or final inspection of the facility**, the Planning Director shall evaluate the effectiveness of the TDMP..."

The Commission agreed with renumbering the conditions.

Commissioner Hemer moved and Commissioner Edge seconded to approve CSU-2018-018, with the changes and additions in the document labeled Alternative Staff Report 2 as discussed. The motion passed unanimously.

Chair Travis read the rules of appeal into the record.

6.0 Worksession Items

There were none

7.0 Planning Department Other Business/Updates

Chair Travis noted the officer elections had been delayed and notebook supplemental pages had been given to Commissioners.

Commissioner Hemer encouraged the Commissioners to use the electronic copy of the notebook.

8.0 Planning Commission Discussion Items

Mr. Egner noted staff had been working hard on the Comprehensive Plan and a number of other items.

Chair Travis added that Comprehensive Plan Advisory Committee held a meeting last night, where the Block 2 language was pinned down. The policies would go to City Council on January 15, 2019. The committee also started discussing the next block of items on housing. The next meeting would be on the first Monday in February 2019.

9.0 Forecast for Future Meetings:

January 22, 2019 1. Public Hearing: TBD

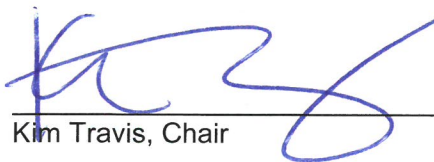
February 12, 2019 1. Public Hearing: CU-2018-004 Washington St. Vacation Rental

Chair Travis confirmed that at the January 22 meeting, officer elections and a zone change hearing for a potential subdivision off Railroad Ave would be held, and a Comprehensive Plan update would be given.

Meeting adjourned at approximately 10:17 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II



Kim Travis, Chair