



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday, February 28, 2017, 6:30 PM

MILWAUKIE CITY HALL
10722 SE MAIN STREET

- 1.0 Call to Order - Procedural Matters**
- 2.0 Planning Commission Minutes – Motion Needed**
 - 2.1 January 10, 2017
- 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: Harmony Rd Mini-storage (*continued from February 14, 2017*)
Applicant/Owner: Hans Thygeson
Address: 5945 & 5965 SE Harmony Rd
File: CU-2016-001, NR-2016-001, TFR-2016-001, VR-2016-003
Staff: Brett Kelter
 - 5.2 Summary: Sign Code Amendments
Applicant: City of Milwaukie
File: ZA-2016-003
Staff: Vera Koliass
- 6.0 Worksession Items**
 - 6.1 Summary: Planning Commission Bylaws
Staff: Denny Egner
- 7.0 Planning Department Other Business/Updates**
 - 7.1 Planning Commission Interim Update Pages
- 8.0 Planning Commission Committee Updates and Discussion Items – This is an opportunity for comment or discussion for items not on the agenda.**
- 9.0 Forecast for Future Meetings:**
 - March 14, 2017 1. Worksession: Variance Training
 - March 28, 2017 1. TBD

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. **TIME 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:

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

Planning Department Staff:

Denny Egner, Planning Director
David Levitan, Senior Planner
Brett Kolver, Associate Planner
Vera Kolas, Associate Planner
Mary Heberling, Assistant Planner
Alicia Martin, Administrative Specialist II
Avery Pickard, Administrative Specialist II

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
FRIDAY, JANUARY 10, 2017
6:30 PM**

COMMISSIONERS PRESENT

Shane Abma, Chair
Scott Barbur, Vice Chair
Shannah Anderson
Greg Hemer
Adam Argo
John Burns
Kim Travis

STAFF PRESENT

Denny Egner, Planning Director
David Levitan, Senior Planner
Vera Kolas, Senior Planner

1.0 Call to Order – Procedural Matters*

Chair Abma 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

- 2.1 February 23, 2016
- 2.2 April 26, 2016
- 2.3 September 13, 2016
- 2.4 September 27, 2016
- 2.5 November 22, 2016

Chair Abma noted Alicia Martin had made the change for the correction he requested regarding the nominations at the September 27, 2016 meeting.

It was moved by Commissioner Hemer and seconded by Vice Chair Barbur to approve the Planning Commission Minutes for February 23, April 26, September 13, September 27, and November 22, 2016 as amended. The motion passed unanimously.

3.0 Information Items

Denny Egner, Planning Director, updated the Planning Commission on upcoming meetings and discussion items. The appeal hearing for the King Road Subdivision would be heard by City Council on January 17, 2017. The January 24 Planning Commission meeting would be canceled so the Commissioners could attend the City's Visioning "Place It!" workshop event.

The Housekeeping Code amendments were scheduled to go to City Council on February 7. As directed by the Commission, the Sign Code portion of the were removed from the amendment

package and would return to the Commission for a worksession on February 14 and public hearing on February 28.

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

This agenda item was taken out of order.

5.2 Summary: Harmony Rd Mini Storage—to be continued again to February 14, 2017

Applicant/Owner: Hans Thygeson

Address: 5945 & 5965 SE Harmony Rd

File: CU-2016-001, NR-2016-001, TFR-2016-001, VR-2016-003

Staff: Brett Kolver

Chair Abma opened the public hearing and called for a motion.

It was moved by Commissioner Anderson and seconded by Commissioner Travis to continue the public hearing for CU-2016-001, NR-2016-001, TFR-2016-001, and VR-2016-003 to a date certain of February 14, 2017. The motion passed unanimously.

5.1 Summary: Island Station Garage
Applicant/Owner: Greg Bambusch & Chelsey Callaghan
Address: 12035 SE 20th Ave
File: WG-2016-002, VR-2016-008
Staff: Vera Kolas

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

Vera Kolas, Associate Planner, cited the applicable Code criteria, presented the staff report via PowerPoint and addressed clarifying questions from the Commission. The Engineering Department required that the existing driveway be replaced at the time of development, so an additional condition of approval was recommended and included in the packet. Additionally, Patricia McGinnis on SE 19th Ave had questions regarding the intent of the second story and Ms. Kolas deferred to the applicant to address Ms. McGinnis' comments. Staff recommended approval of both applications.

Ms. Kolas clarified that the proposed exemptions for the Willamette Greenway Zone Overlay proposed as part of the City's housekeeping code amendments (ZC 2016-002) would not have exempted the proposed project. The review would still be required due to the construction of a larger, new structure on the property.

She added that the driveway needed to be relocated a little to the north to meet the curb cut requirements in the current Code due to its proximity to the property line.

Chair Abma called for the applicant's testimony.

Greg Bambusch, Property Owner, stated the proposed two-story garage would replace the existing, decrepit, single-story garage. He described his plans for future phases that would

enlarge the house and increase the roofline height to around 20-ft high, which would then match the design of the new garage structure.

Chair Abma closed the public testimony portion of the hearing.

Planning Commission Deliberation

Commissioner Hemer believed the two-story structure fit into the character of the neighborhood and that the plan was sensitive to the neighborhood and natural resources. He supported the proposal.

It was moved by Commissioner Hemer and seconded by Commissioner Anderson to approve WG-2016-002 and VR-2016-008 for 12035 SE 20th Ave with the recommended findings and conditions as presented. The motion passed unanimously.

Chair Abma read the rules of appeal into the record.

6.0 Worksession Items

- 6.1 Summary: Visioning Update
 Staff: David Levitan

David Levitan, Senior Planner, updated the Commission on the Visioning process, reviewing the development of the Vision Statement and progress being made by the Vision Advisory Committee (VAC) on the development of the Action Plan. The first Town Hall was well attended and a lot of feedback was received. The second Town Hall was scheduled for February 15 and would focus primarily on getting input on the Action Plan items needed to achieve the Vision.

Key discussion items and responses to Commissioners' questions were as follows:

- The interested persons list for the vision process had approximately 250 names, including the Commission, City Council, and other City staff. The list continued to grow as people attended events and responded to social media and other channels.
- As a next step, the VAC, Commission, and Visioning Steering Committee would take the more general, sample actions provided by the public and develop metrics regarding how to implement and fund those actions and determine the priorities. The metrics would provide an indication about whether the vision had been achieved.
- Because contradictory action items did exist, it was important to develop priority and actions that made sense as a whole. The action plan would be used in a number of City functions and serve an important role in the future.
- The City's visioning process was focused on programs and projects more than Code changes and would identify the types of partnerships required to get some of the action items done.
- Some concern was expressed that the Vision Statement was too long.

Mr. Levitan said the next VAC meeting would focus on refining the Vision Statement and the goal area statements that would frame the Action Plan items.

7.0 Planning Department Other Business/Updates

- 7.1 Summary: Pending Extension for MLP-2015-002
 Staff: Brett Kolver

Mr. Egner reviewed the extension for the subdivision, noting the Commission would receive the related notice. If the extension was not granted, the applicant would have to go through the entire review process again. He was not aware of any specific criteria for granting an extension or of any extension requests being denied; however, there was a limit on how many extensions could be granted.

7.2 Summary: Planning Commission Elections

Commission Hemer was elected as 2017 Planning Commission Chair 6 to 0 to 1 with Commissioner abstaining.

Commissioner Argo was unanimously elected 2017 Planning Commission Vice Chair.

8.0 Planning Commission Discussion Items

9.0 Forecast for Future Meetings:

January 24, 2017 1. Worksession: Place It! Exercise

February 14, 2017 1. Public Hearing: CU-2016-001 et al Harmony Rd mini-storage

Commissioner Hemer invited the Commission to a special opening night of *How It Once Was* on January 27, 2017 from 4-7pm at the Milwaukie Museum.

Commissioner Argo suggested that the Commission be briefed at some point on the joint worksession of the Project Advisory and Technical Advisory Committees on the North Milwaukie Industrial Area Project, which was very interesting.

Meeting adjourned at approximately 7:45 pm.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

Greg Hemer, Chair for
Shane Abma, Chair



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Brett Kolver, Associate Planner

Date: February 21, 2017, for February 28, 2017, Public Hearing

Subject: **Master File:** CU-2016-001 (with NR-2016-001, TFR-2016-001, and VR-2016-003)
Applicant/Owner: Hans Thygeson
Addresses: 5945 & 5965 SE Harmony Rd
Legal Description (Map & Tax Lot): 1S2E31D, tax lots 1800 and 1900
NDA: NA (Milwaukie Business Industrial)

ACTION REQUESTED

Re-open the public hearing on applications CU-2016-001, NR-2016-001, TFR-2016-001, and VR-2016-003. Consider revised conditions as discussed at the February 14 hearing, take public testimony limited to comments on the revised conditions and related evidence, and deliberate on the key issues presented in the February 14 staff report, as well as any of the issues raised at the February 14 hearing. Approve the applications and adopt the Recommended Findings and Conditions of Approval found in Attachments 1 and 2.¹ This action would allow for development of a mini-storage facility at 5945 and 5965 SE Harmony Road.

BACKGROUND INFORMATION

On February 14, the Planning Commission heard presentations from staff and the applicant, took public testimony, and heard rebuttal and follow-up comments from both staff and the applicant's team. Due to time constraints, the Commission agreed to continue the hearing to February 28, with the understanding that staff and the applicant would coordinate to develop revisions to a few specific conditions.

In particular, staff and the applicant focused on revising the condition related to separation of the proposed bridge abutments from the ordinary high water mark adjacent to the stream. In addition, staff has made a few proposed adjustments to the recommended findings and conditions where necessary for clarification or to reflect changes in the applicant's revised materials. Revisions to the findings and conditions are presented in **strikeout/underline** format with yellow highlighting to help readers identify the changes.

¹ To save paper, only the specific pages with proposed revisions to the Recommended Findings are included in Attachment 1. The Recommended Conditions are included in their entirety in Attachment 2.

KEY ISSUES

The following are the key issues identified in the February 14 staff report for the Planning Commission's deliberation:

- A. Are there any practicable alternatives to the proposed disturbance to the WQR and HCA?
- B. If disturbance to the WQR and/or HCA is unavoidable, is the proposed mitigation adequate?

In particular, the Planning Commission should consider the options presented below for a condition related to providing separation between the bridge abutments and the stream edge (a new Condition 1-e(1)), or develop an additional option(s) based on their deliberation.

The new bridge shall be constructed consistent with the bridge embankment detail provided and stamped received on February 10, 2017, except that the bridge shall have a wide enough span to allow the bridge support structures and any associated riprap to be separated from the ordinary high water mark by at least 3 ft on both sides of the creek.

OR

The new bridge shall be constructed consistent with the bridge embankment detail provided and stamped received on February 10, 2017, except that the bridge shall have a wide enough span to allow the bridge support structures and any associated riprap to be separated from the ordinary high water mark by at least 3 ft on one side of the creek and by an average of at least 3 ft but not less than 1 ft on the other side of the creek.

- C. How well will the proposed shared access arrangement perform, given the existing development and uses on the adjacent properties to the west?
- D. Are there negative impacts resulting from a reduction of the width of perimeter landscaping for the southwestern parking area?

See the February 14 staff report for the analysis and discussion provided earlier by staff.

CONCLUSIONS

The staff recommendations and key conditions of approval are unchanged from those presented in the February 14 staff report, which can be referenced for that information.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC Section 19.310 Business Industrial zone (B-I)
- MMC Subsection 19.501.2 Yard Exceptions
- MMC Subsection 19.504.6 Transition Area Measures
- MMC Section 19.402 Natural Resources
- MMC Chapter 19.600 Off-Street Parking and Loading
- MMC Chapter 19.700 Public Facility Improvements
- MMC Section 19.905 Conditional Uses
- MMC Section 19.911 Variances
- MMC Section 19.1006 Type III Review

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Commission has four decision-making options as follows:

- A. Approve the application subject to the recommended Findings and Conditions of Approval.
- B. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- C. Deny the application upon finding that it does not meet approval criteria.
- D. Continue the hearing.

The applicant has granted an open extension to the 120-day clock. The final decision on this application, which includes any appeals to the City Council, must be made by **September 27, 2017**, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance.

COMMENTS

The only additional comments received since publication of the February 14 staff report are from ESA, the City's on-call consultant for natural resource review (see Attachment 4). ESA responded to staff's request to assess the applicant's revised bridge embankment detail (see Attachment 3-a) regarding ESA's initial comments on the original bridge design. The Recommended Findings and Conditions have been adjusted accordingly.

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	PC Packet (Feb 28)	Public Copies	E- Packet
1. Recommended Findings in Support of Approval <i>(revised pages 2, 24, 25, and 35 only, from February 14 version)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Recommended Conditions of Approval <i>(entire document, revised from February 14 version)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Additional materials received from applicant			
a. Revised Bridge Embankment Detail <i>(received February 10, 2017)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Expanded Bridge Embankment Detail <i>(presented at February 14 hearing)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Ultra Block Retaining Wall Detail <i>(presented at February 14 hearing)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Shared Access Easement figures <i>(presented at February 14 hearing)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Revised comments from Sarah Hartung, ESA <i>(City's on-call consultant for natural resource review—received February 21, 2017)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

PC Packet = paper materials provided to Planning Commission 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-144>.

- MMC Section 19.1006 Type III Review
4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was opened on November 22, 2016, as required by law, and was continued to December 13, 2016, to January 10, 2017, to **February 14, 2017**, and again to February **1428**, 2017.
 5. MMC Section 19.310 Business Industrial zone (B-I)

MMC 19.310 establishes standards for the Business Industrial (B-I) zone, which is intended to provide a mix of clean, employee-intensive industrial and office uses. As established in MMC Subsection 19.310.5.B.2, mini-storage facilities that lease storage space to the general public are allowed in the B-I zone as a conditional use.

a. MMC Subsection 19.310.5 Conditional Uses

MMC Subsection 19.310.5.A allows for the establishment of conditional uses in the B-I zone, subject to the review process outlined in MMC Section 19.905 Conditional Uses. In addition to meeting the approval criteria provided in MMC 19.905, a conditional use in the B-I zone must also demonstrate compliance with the following criteria:

- (1) Will have minimal adverse impact on the appropriate development of uses permitted outright on abutting properties and the surrounding area, considering location, size, design, and operating characteristics of the use.

To the west, the subject property is adjacent to existing development on several lots within the International Way Business Center (B-I zone), a combination of warehousing, light-industrial, and commercial office uses. Adjacent to the east is an existing multifamily residential development in the R-5 zone. To the north is right-of-way for the Union Pacific Railroad, Railroad Avenue, and single-family residential development (primarily zoned R-7) within the Linwood neighborhood. To the south is Harmony Road and an electrical substation, as well as additional warehousing or light-industrial development in unincorporated Clackamas County.

The proposed development consists of two buildings designed for commercial mini-storage use, with associated off-street parking, landscaping, and a bridge over Minthorn Creek to connect the northern and southern halves of the site. As discussed in Finding 6, a condition has been established to require the proposed development to establish and maintain a transition area between it and the residential areas to the north and east as required by MMC Subsection 19.504.6, to mirror the setback requirements of those adjacent areas and provide landscape screening to minimize impacts.

As proposed, the facility will provide 1,005 enclosed mini-storage units that will be accessible to clients 7 days a week between the hours of 6:00 a.m. and 9:00 p.m., with the accompanying sales office typically open Monday through Friday from 9:00 a.m. to 6:00 p.m. Access to the site will be provided through shared driveways on the adjacent properties to the west. According to the International Transportation Engineers (ITE) manual on trip generation, a mini-storage facility the size of the proposed development is estimated to generate approximately 250 total trips per day.

The hours of operation and the average number of daily trips to and from the site are consistent with the existing B-I zone uses on the adjacent properties to

In the current submittal, the applicant included a sight-distance analysis for the access onto Harmony Road, based on a speed study conducted in 2016. The applicant also prepared an analysis of truck-turning movements for the Harmony Road access, to demonstrate that the existing access can be widened to safely allow right-in movements from Harmony Road. After reviewing the updated materials, both the County and DKS have concluded that the proposed modifications to the Harmony Road accessway will function adequately for both right-in and right-out turning movements. The existing divider median in Harmony Road prevents left turns onto or from Harmony Road. Aside from the frontage improvements required by the County (discussed in Finding 9-f), no other traffic-related adjustments are needed.

As proposed, the applicant's TIS is sufficient to meet the requirements of MMC 19.704.

d. MMC Section 19.705 Rough Proportionality

MMC 19.705 requires that transportation impacts of the proposed development be mitigated in proportion to its potential impacts.

The proposed development will generate new trips that will impact the surrounding transportation system. Harmony Road is classified as a major arterial roadway and is under Clackamas County jurisdiction. Along the subject property's frontage, Harmony Road is part of both the County's Essential Pedestrian Network and the Planned Bikeway Network. A project to improve pedestrian and bicycle facilities along this section of Harmony Road is identified in the County's Capital Improvement Plan. The County's review of the proposed development has concluded that the anticipated impacts from the proposed development warrant improvements along the subject property's frontage on Harmony Road sufficient to meet the current County standards. Conditions have been established to ensure that these standards will be met.

As conditioned, the proposed development is consistent with MMC 19.705 and the required improvements are roughly proportional to the proposed development's impacts.

e. MMC Section 19.707 Agency Notification and Coordinated Review

MMC 19.707 establishes provisions for coordinating land use application review with other agencies that may have some interest in a project that is in proximity to facilities they manage.

The application was referred to the Oregon Department of Transportation (ODOT), Clackamas County, and Metro for comment. The section of Harmony Road fronting the subject property is under the jurisdiction of Clackamas County. The County has regulatory authority where transportation impacts and improvement standards are concerned, and the County's Department of Transportation and Development (DTD) provided comments that have been incorporated into these findings and the associated conditions of approval.

f. MMC Section 19.708 Transportation Facility Requirements

MMC 19.708 establishes the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities. However, the subject property's public street frontage is along Harmony Road, which is **currently** under the jurisdiction of Clackamas County. Where the City has more restrictive standards than the County for certain elements, it is the City's practice to defer to the County

standards when the proposed development demonstrates that there is no practicable alternative and that the proposal presents the minimum exception necessary to provide a safe and functional design. Such situations are evaluated at the time of development permit review.

The following findings provided by the County DTD address the County's requirements for such elements as access management, clear vision, street design, and bicycle and pedestrian facilities; and provide the principal basis for related conditions of approval.

Note: If the City annexes the Harmony Road right-of-way along the subject property's frontage and takes jurisdiction of the road for maintenance prior to the proposed development acquiring the necessary development permits, the applicable City standards from MMC Chapter 19.700 (Public Facility Improvements), MMC Title 12 (Streets, Sidewalks, and Public Places), and the City Public Works Standards will take precedence over the following requirements set forth for County road access approval and frontage improvements.

- (1) *The applicant has proposed the construction of a mini-storage business, as a conditional use, in a City of Milwaukie Business Industrial zone. The subject property has frontage on Harmony Road, an urban street under the jurisdiction of Clackamas County. The applicant proposes modification of the existing right-out-only Harmony Road driveway approach so that it will permit both right-in and right-out turning maneuvers.*
- (2) *The subject property is located adjacent to the northerly side of Harmony Road, easterly from International Way. The subject property has been annexed into the City, requiring that the land use review be done through a City land use action. However, Harmony Road is under the jurisdiction of Clackamas County which results in Clackamas County providing requirements for Harmony Road frontage improvements and onsite operations which could impact Harmony Road safety and operations. Clackamas County has adopted roadway standards that pertain to the structural section, construction characteristics, minimum required right-of-way widths, and access standards for major arterial roads. Harmony Road is classified as a major arterial roadway adjacent to the subject property, in the Clackamas County Comprehensive Plan.*
- (3) *The applicant's submittal materials include site plans which were developed for a right-in/right-out shared private road approach intersection with Harmony Road. Subsequent to the receipt of the submitted materials, County Engineering staff was advised that the Harmony Road access would remain as a right-out only. An October 18, 2016, memorandum was provided by the County to City staff evaluating the proposal with retention of the existing right-out only access to Harmony Road.*
- (4) *On or about November 16, 2016, County Engineering staff was advised that there had been a misunderstanding regarding access and the applicant actually wanted to continue to propose a right-in/right-out driveway approach. Since that time, County Engineering staff has been working with City staff, the applicant, and the applicant's engineer to develop acceptable geometry for a right-in/right-out access. Based on the applicant's engineer's submittal dated January 25, 2017, acceptable geometry has been illustrated and essentially only additional details associated with the raised median and striping of Harmony Road remain*

property line are not active-interface portions of the building, and the third is an exterior stairwell that is not part of a main entrance.

The Planning Commission finds that the requested variance will not generate negative impacts that require mitigation. This criterion is met.

The Planning Commission finds that the approval criteria for a Type II variance request, as provided in MMC 19.911.4.A, are met.

The Planning Commission finds that the requested variance is allowable as per the standards of MMC 19.911.

12. The application was referred to the following departments and agencies on October 4, 2016:

- Milwaukie Building Department
- Milwaukie Engineering Department
- Clackamas Fire District #1
- Clackamas County Transportation and Development
- ESA (City's on-call consultant for natural resource review)
- Metro
- Oregon Department of Transportation (ODOT)
- Linwood Neighborhood District Association (NDA) Chairperson and Land Use Committee (LUC)

The comments received are summarized as follows:

- a. **Matt Amos, Fire Inspector, Clackamas Fire District #1:** No additional comments beyond those provided to the applicant through the preapplication conference process.
- b. **Robert Hixson, Civil Engineering Associate, Clackamas County Department of Transportation and Development:** Various comments related to the 2007 and 2016 traffic studies, access, and street improvements.
- c. **Seth Brumley, Planner, ODOT Region 1:** The proposal appears to be consistent with the previously approved zone change. No additional comments.
- d. **Rick Buen, Civil Engineer, Milwaukie Engineering Department:** Confirmation of Clackamas County's authority over public improvements along Harmony Road, with information related to requirements for public facility construction.
- e. **Sarah Hartung, Senior Biologist, ESA:** Peer review of applicant's Natural Resource Report is provided in a memo dated November 8, 2016, **with additional comments received February 21, 2017.**
- f. **Ed Williams, owner of Harmony Park Apartments (5979-5989 SE Harmony Rd):** The proposed development would complement the apartment complex and other surrounding uses. The subject property is underutilized, and the proposed development will be a low-impact use that will provide a much-needed service to the community.
- g. **Joseph Edge, Vice Chair of North Clackamas Urban Watersheds Council:** The proposed development could do more to avoid or minimize impacts to the WQR and HCA. One suggested change would be to limit all development to the south side of Minthorn Creek, with a variance to allow a taller single building in that location and a

Recommended Conditions of Approval
Master File #CU-2016-001
Harmony Road mini-storage facility

Conditions

1. Final plans submitted for building permit review shall be in substantial conformance with plans approved by this action, which are the plans stamped received by the City on September 27, 2016; and modified by the plans related to sight-distance for the Harmony Road access, stamped received on October 7, 2016; the information related to the proposed new modular bridge, stamped received on October 13, 2016; the erosion control plan ~~and bridge embankment detail~~, stamped received on October 20, 2016; the revised Natural Resources report, stamped received on November 10, 2016; the revised plans related to turning movements, stamped received on January 26, 2017; ~~and the Harmony Road median and striping plan, stamped received on January 31, 2017; and the revised bridge embankment detail, stamped received on February 10, 2017;~~ except as otherwise modified by these conditions of approval.

The final plans shall be comprised of a complete set of revised plans. The revised plans shall be consistent with one another, accurate with respect to the proposed development details, drawn to scale, and providing a legend that clearly identifies all detailed features.

The modifications required by these conditions of approval include the following revisions to all relevant plan sheets:

- a. As discussed in Finding 9-f, demonstrate that the existing access onto Harmony Road will be widened to allow for right-in and right-out turning movements, as shown on the Sisul Engineering exhibit labeled "EXHIBIT "A" TURNING MOVEMENT" and dated January 25, 2017 (stamped received by the City on January 26, 2017).
- b. As per Finding 6, provide landscape plantings or fencing at least 6 ft in height along the north- and east-side property lines, sufficient to screen the proposed development from adjacent residential uses.
- c. As per Finding 7-d, revise the Construction Management Plan (Preliminary Grading and Erosion Control Plan, Sheet C-4) with the following changes:
 - (1) Integrate the adjusted Erosion Control plan (Sheet B.2, stamped received October 20, 2016) with Sheet C-4 from the initial submittal, to show sediment fencing extending up the slopes on both sides of the creek and along the boundaries of the WQR at the top of the slope on both banks, and to show the limits of grading.
 - (2) Show tree protection measures for existing trees within the WQR and HCA on site, including a root protection zone extending from the trunk of each potentially affected tree to the outer edge of the tree's canopy.
 - (3) Clarify the location of all staging and access areas, and ensure that all temporary disturbance areas have been identified and accounted for in the revised mitigation plan.
- d. As per Finding 7-e, make the following modifications:
 - (1) Revise the preliminary lighting plan to demonstrate that lights are located and/or shielded as necessary to avoid light shining directly into the WQR and HCA.
 - (2) Following final engineering design for the proposed development, revise the mitigation planting plan as needed to reflect the actual amount of permanent and temporary disturbance to the Water Quality Resource (WQR) and Habitat

Conservation Area (HCA) on the site. The applicant shall adjust the number of mitigation plantings accordingly, using the formula of 5 trees and 25 shrubs per 500 sq ft of WQR or HCA disturbance.

- (3) Add Ponderosa pine (or valley pine) and Oregon white oak to the tree species list in the mitigation plant list for greater diversity. Verify that all mitigation plantings are native species as identified on the Milwaukie Native Plants List.
 - (4) Add the following specific measures to the bridge embankment cross section (Sheet B.1, stamped received ~~October 20, 2016~~ February 10, 2017) to reduce the risk of scouring and erosion during large storm events:
 - ~~(a) Provide information sufficient to demonstrate that the proposed gabion cages will not be impacted or undermined by 100-year flood flows.~~
 - ~~(a) Add rip-rap on the bank upstream of both sides of the bridge, using 12- to 18-in diameter rock.~~
 - ~~(b) Install a 2- to 4-ft counter-sink sill along the base of both bridge embankments.~~
 - ~~(c) Install toe protection at the toe of the slope leading down to the creek.~~
- e. As per Finding 7-f, make the following modifications:
- (1) The new bridge shall be constructed consistent with the bridge embankment detail provided and stamped received on February 10, 2017, except that the bridge shall have a wide enough span to allow the bridge support structures and any associated riprap to be separated from the ordinary high water mark by at least 3 ft on both sides of the creek.
- OR**
- (1) The new bridge shall be constructed consistent with the bridge embankment detail provided and stamped received on February 10, 2017, except that the bridge shall have a wide enough span to allow the bridge support structures and any associated riprap to be separated from the ordinary high water mark by at least 3 ft on one side of the creek and by an average of at least 3 ft but not less than 1 ft on the other side of the creek.
- [The Planning Commission should choose one of the above options for Condition 1-e(1), or develop an additional option(s) based on their deliberation.]*
- ~~(42)~~ Reduce or reposition the northern building and/or its associated parking and maneuvering areas to allow adjustments to the location of the northern retaining wall, sufficient to minimize further disturbance (permanent and temporary) of the WQR. Otherwise, demonstrate that there is no practicable way to do so. Any such modifications shall be accounted for in the revised mitigation plan as noted in Condition 1-d(1) and shall not cause the building or parking and maneuvering area to go out of conformance with the other applicable standards of Title 19, as per the findings of this land use decision.
 - ~~(23)~~ Relocate the outfall pipe for the northern stormwater planter, sufficient to preserve the existing deciduous tree marked for removal as shown on Figure 5 of the applicant's revised natural resource report.
- f. As per Finding 8-c(2), make the following revisions:
- (1) Where the perimeter buffer for the northern parking area is adjacent to the residential property to the east, provide a continuous visual screen (using

- fencing or vegetation) that is opaque year-round from 1 to 4 ft above the ground to adequately screen vehicle lights.
- (2) Establish an interior landscaped area in the southern parking area to break up the row of parking spaces adjacent to the southern building. The new landscaped area shall meet the applicable dimensional and planting requirements of MMC Subsection 19.606.2.D.
 - (3) Provide a revised landscaping plan that clearly shows which existing trees will remain and which will be removed, including a rationale for removal of any trees not clearly within the development footprint of such features as the new buildings, roadways, parking and maneuvering areas, retaining walls, etc.
- g. As per Finding 8-c(3), make the following revisions:
- (1) Provide wheel stops in the stalls abutting perimeter landscaping areas and pedestrian walkways adjacent to the southernmost new building.
 - (2) Provide sufficient detail to demonstrate that all on-site walkways are at least 5 ft wide, constructed of hard surface materials that are permeable for stormwater, and meet all other applicable design standards of MMC Subsection 19.504.9.E.
 - (3) Provide pavement marking and signage details for on-site circulation, including for the primary access point from the adjacent properties to the west. The revised plan sheets shall include directional pavement markings and clear signage to distinguish the accessway into the subject property from the shared accessway to Harmony Road.
 - (4) Demonstrate that all on-site walkways and parking spaces are lit to a minimum level of 0.5 footcandles.
- h. As per Finding 8-e, provide sufficient detail to demonstrate that the proposed bicycle parking meets the applicable standards of MMC Section 19.609. For example, the plan should indicate the type of rack to be used, how it will be anchored, and the dimensions of the bicycle parking spaces, in addition to confirming that the location is within 50 ft of a main building entrance.
- i. As per Finding 8-f, provide pavement marking and/or signage details for each of the proposed carpool parking spaces.
2. At the time of submittal of any building permit application for the approved development, provide a narrative describing all actions taken to comply with these conditions of approval. In addition, describe any changes made after the issuance of this land use decision that are not related to these conditions of approval.
 3. As per Finding 9-f, the following items are project requirements from the Development Engineering Division of the Clackamas County Department of Transportation and Development (DTD). These conditions of approval are not intended to include every engineering requirement necessary for the successful completion of this project, but are provided to illustrate to the applicant specific details regarding the required improvements that may prove helpful in determining the cost and scope of the project. These conditions are based upon the requirements detailed in the County's Comprehensive Plan (Comp Plan), the County's Zoning and Development Ordinance (ZDO), and the County's Site Development and Roadway Construction Standards (Roadway Standards). Additional requirements, beyond those stated in the conditions of approval, may be required. The applicant may discuss the requirements of the project with County DTD staff at any time.

The requirements specifically required by the Comp Plan and the ZDO cannot be modified by the Development Engineering Division. However, the requirements detailed in these conditions of approval, derived from the Roadway Standards, are based upon nationally accepted standards and engineering judgment and may be modified pursuant to Section 170 of the Roadway Standards. The applicant is required to provide sufficient justification to staff in the request. County staff shall determine if a modification is warranted.

Note: If the City annexes the Harmony Road right-of-way along the subject property's frontage and takes jurisdiction of the road for maintenance prior to the proposed development acquiring the necessary development permits, the applicable City standards from MMC Chapter 19.700 (Public Facility Improvements), MMC Title 12 (Streets, Sidewalks, and Public Places), and the City Public Works Standards will take precedence over the following requirements set forth for County road access approval and frontage improvements.

- a. All frontage improvements in, or adjacent to Clackamas County right-of-way, shall be in compliance with the Roadway Standards.
- b. The applicant shall obtain a Development Permit from the County DTD prior to the initiation of any construction activities associated with the project.
- c. The applicant shall verify by a professional survey that adequate right-of-way width exists along the entire site frontage, on the northerly side of Harmony Road to permit construction of the required roadway and frontage improvements or shall dedicate additional right-of-way as necessary to provide it. At a minimum, a 40-ft-wide one-half right-of-way width is required on the northerly side of Harmony Road. Contact Deana Mulder for the dedication of right-of-way form and specifics of exhibits to be included with submittals.
- d. The applicant shall grant an 8-ft-wide public easement for signs, slopes, sidewalks and public utilities along the entire Harmony Road site frontage on the northerly side of Harmony Road. Contact Deana Mulder for the grant of easement form and specifics of exhibits to be included with submittals.
- e. The applicant shall grant and record minimum 30-ft-wide reciprocal access easements to the properties to the west where similar easements were granted to the subject property when the development to the west was approved by the City of Milwaukie. In addition, the applicant shall grant an access easement to these same properties to the west for the use of the portion of the widened shared private road approach and driveway which will be located on the subject property. The applicant shall record the easement with Clackamas County and provide a copy of the recorded easement to the City of Milwaukie Planning Department before the County accepts the project and releases the performance surety.
- f. The westerly limits of the existing shared private road approach intersection with Harmony Road shall be retained as constructed. The existing driveway approach shall be widened easterly, providing a maximum throat width of 55 ft at the sidewalk, and in conformance with geometry illustrated on the Sisul Engineering exhibit labeled "EXHIBIT "A" TURNING MOVEMENT" and dated January 25, 2017 (stamped received by the City on January 26, 2017). A minimum 50-ft-long throat, measured from the back of the sidewalk, without intersecting drive aisles within the 50-ft length, per Roadway Standards Subsection 330.1-f, shall be provided and maintained.

Note: The City's standards for a driveway approach into an industrial property allow a maximum width of 45 ft. A wider approach is acceptable if it can be demonstrated that the additional width is the minimum required to allow adequate turning movements for

whatever the County determines the standard design vehicle to be for the Harmony Road accessway.

- g. The applicant shall design and construct improvements along the entire site frontage of Harmony Road. These improvements shall consist of:
- (1) Up to a half-street improvement. Structural section for Harmony Road improvements shall consist of 7.5 in of Level 3 Hot Mix Asphalt Concrete (HMAC), Performance Grade (PG) 70-22, $\frac{3}{4}$ " dense or $\frac{1}{2}$ " dense placed in lifts consisting of 2.5 in per lift, over 4 in of $\frac{3}{4}$ "-0 aggregate leveling course, over 10 in of 1- $\frac{1}{2}$ "-0 aggregate base course, over geotextile fabric.
 - (2) Standard curb, or curb and gutter if curb line slope is less than 1%, and appropriate pavement widening to accommodate the necessary improvements of westbound bike lane (minimum 6 ft wide), westbound travel lane (minimum 12 ft wide), turn lanes, raised median lengths, locations and widths (an extension easterly of the raised median as illustrated on the Sisul Engineering exhibit labeled "EXHIBIT "A" TURNING MOVEMENT" and dated January 25, 2017), and associated shy distances (minimum 2 ft). Lane widths, median lengths, widths and shy distances, and curb offset and curb alignment shall be proposed by the applicant and shall be reviewed and approved by Clackamas County Traffic Engineering staff prior to the issuance of a Development permit. Centerline of the right-of-way shall be established by a registered survey.
 - (3) Drainage facilities in conformance with City of Milwaukie requirements, ZDO Section 1008, and Roadway Standards Chapter 4. Stormwater runoff flowing over the site driveway approach shall not flow onto Harmony Road and shall be intercepted by a slotted drain or an alternate method approved by County Engineering staff.
 - (4) A minimum 7-ft-wide unobstructed sidewalk behind a minimum 5-ft-wide landscape strip with appropriate street trees. The applicant shall relocate mailboxes, fire hydrants, utility poles, etc., when they are located within the limits of the sidewalk. Mailboxes shall be relocated or replaced in accordance with standards established by the local Post Office. Additional easements, as necessary, shall be granted to provide for any sidewalk eyebrows.
 - (5) Appropriate pavement and striping tapers, where required, in accordance with Roadway Standards Section 250.6.4 for transitions.
- h. The applicant shall propose a striping plan for Harmony Road along the subject property frontage and easterly and westerly from the property frontage to allow for appropriate striping and any necessary transitions. The applicant shall also propose, for review and approval by County Development Engineering and Traffic Engineering staff, the use of paint or thermoplastic for striping improvements.
- i. The applicant shall provide a copy of the City of Milwaukie approved drainage study and Engineer's detention calculations to County DTD Engineering, Deana Mulder.
- j. The applicant shall provide adequate intersection sight distances and stopping sight distances (including appropriate adjustments for grades) at the shared private road approach intersection with Harmony Road in accordance with the Roadway Standards and American Association of State Highway and Transportation Officials (AASHTO) requirements for passenger vehicles, single unit trucks, and combination trucks. In addition, no plantings at maturity, retaining walls, embankments, fences, or any other objects shall be allowed to obstruct vehicular sight distances. Minimum intersection sight distances for passenger vehicles, single unit trucks, and

combination trucks, all making right turns, shall be 345 ft, 450 ft, and 560 ft, respectively, at the shared private road approach intersection with Harmony Road. Intersection sight distances shall be measured 14.5 ft back from the edge of the travel lane. In addition, minimum stopping sight distance for westbound vehicles shall be 275 ft.

- k. The applicant shall comply with the Roadway Standards clear zone requirements in accordance with Roadway Standards Section 245 along the entire Harmony Road site frontage.
- l. The applicant shall provide an Engineer's cost estimate to County Engineering, to be reviewed and approved, for the asphalt concrete, aggregates, curbs, sidewalks, striping improvements, and any other required public improvement associated with Harmony Road.
- m. The applicant shall provide Clackamas County a performance surety in an amount equal to 125% of the Clackamas County approved cost estimate for the Harmony Road improvements.
- n. The applicant shall install and maintain additional traffic control features at the shared private road approach intersection with Harmony Road and on the shared driveway approach. These features shall include a stop bar behind the sidewalk and a double yellow line, separating ingress and egress maneuvers, a minimum of 50 ft in length.
- o. All traffic control devices on private property, located where private driveways intersect County facilities, shall be installed and maintained by the applicant and shall meet standards set forth in the Manual on Uniform Traffic Control Devices and relevant Oregon supplements.
- p. Prior to the issuance of a building permit, the applicant shall submit to the Clackamas County Engineering Office:
 - (1) Written approval from the local Fire District for the planned access, circulation, and fire lanes. The approval shall be in the form of site and utility plans stamped and signed by the Fire Marshal.
 - (2) Written approval from City of Milwaukie for surface water detention facilities and erosion control measures.
 - (3) A set of site and street frontage improvement construction plans, including a signing and striping plan, for review, in conformance with Roadway Standards Section 140, to Deana Mulder in Clackamas County's Engineering Office and obtain written approval, in the form of a Development Permit. The permit will be for driveway approach, driveway, road, curb, sidewalk, striping, and drainage improvements. The permit fee will be calculated in accordance with the current fee structure and will be based on the approved cost estimate for the Harmony Road driveway approach and driveway improvements within the Harmony Road right-of-way.

The submitted plans shall provide plan and profile data and sight lines, based on survey data, illustrating adequate intersection sight distances for passenger vehicles, single unit trucks, and combination trucks exiting the Harmony Road shared private road approach. In addition, the submitted plans shall provide plan and profile data and sight lines illustrating adequate stopping sight distance for passenger vehicles on Harmony Road approaching the Harmony Road shared private road from the east. The submitted plans shall also include a detailed striping plan and a legend for various line work. The applicant shall have an

Engineer, registered in the state of Oregon, design and stamp the construction plans for all required improvements.

- (4) A Fire Access and water supply plan for commercial buildings over 1000 sq ft in size or when required by Clackamas Fire District #1. The plan shall show fire apparatus access, fire lanes, fire hydrants, fire lines, available fire flow, fire department connection (FDC) location if applicable, building square footage and type of construction. The applicant shall provide fire flow tests per NFPA 291 and shall be no older than 12 months. Work to be completed by experienced and responsible persons and coordinated with the local water authority. (Applicable for developments with potable water supply provided by a water authority.)
 - q. Following completion of site construction activities of buildings over 1000 sq ft or when required by Clackamas Fire District #1, the applicant shall provide as-built Fire Access and Water Supply PDF plans to the local Fire District and the City. The PDF plans shall show fire apparatus access, fire lanes, fire hydrants, fire lines, available fire flow, FDC location if applicable, building square footage and type of construction. The plans shall include any supporting details of the access, circulation, water vaults, fire lines, valves, FDC, backflow devices, etc. For this proposal, the PDF as-built plan sheets shall be transmitted to mike.boumann@clackamasfire.com (Deputy Fire Marshal Mike Boumann) and appropriate City staff as determined by the City of Milwaukie.
 - r. Before the County issues a Development Permit, the applicant shall submit a construction vehicle management and staging plan for review and approval by the County DTD, Construction and Development Section. The plan shall show that construction vehicles and materials will not be staged or queued-up on public streets and shoulders without specific authority from DTD for that purpose.
4. Prior to final inspection of any building permit, the following shall be resolved:
- a. Provide a narrative describing all actions taken to comply with these conditions of approval. In addition, describe any changes made after the issuance of this land use decision that are not related to these conditions of approval.
 - b. Submit a letter from the project landscape designer attesting that all required site plantings have been completed in conformance with the approved site plans and with City standards, including all mitigation plantings. This includes removal of all invasive or nuisance species vegetation (as identified on the Milwaukie Native Plant List), noxious materials, and man-made debris such as concrete rubble from within the entire WQR and HCA on the site, on the north and south sides of the creek, as per Finding 7-e.
 - c. Construct and receive County Engineering inspection for all required public improvements, as established in Finding 9-f.
 - d. Construct a private stormwater management system on the proposed development property for runoff created by the property. The private stormwater management system shall be constructed to the requirements of the approved stormwater management plan.
 - e. Remove all signs, structures, or vegetation in excess of 3 ft in height located in "clear vision areas" at intersections of streets, driveways, and alleys fronting the proposed development.

Additional Requirements

The following items are not conditions of approval necessary to meet applicable land use review criteria. They relate to other development standards and permitting requirements contained in the Milwaukie Municipal Code (MMC) and Public Works Standards that are required at various points in the development and permitting process.

1. Prior to commencement of any earth-disturbing activities, the applicant shall obtain an erosion control permit.
5. Limitations on Development Activity
Development activity on the site shall be limited to 7:00 a.m. to 10:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday and Sunday, as per MMC Subsection 8.08.070(l).
6. Conditional Use Permit
As per MMC Subsection 19.905.6, the City will issue a conditional use permit upon approval of a new conditional use. The applicant must record the conditional use permit with the Clackamas County Recorder's Office and provide a copy to the City prior to commencing operations allowed by the conditional use permit.
7. The level of use approved by this action shall be permitted only after issuance of a certificate of occupancy. The site may be used in a manner substantially similar to what has been proposed and approved through this land use action, including the hours and levels of proposed activities and services.
8. Landscaping Maintenance
As per MMC Subsection 19.606.2.E.3, required parking area landscaping shall be maintained in good and healthy condition. As per MMC Subsection 19.402.11.B.9, a minimum of 80% of all required mitigation plantings for WQR or HCA disturbance shall remain alive on the second anniversary of the date the planting is completed.
9. Requirements from Clackamas Fire District #1 (CFD#1)
The following requirements are based on review of the applicant's original plan submittal and may not be all inclusive. Review of a full set of scaled revised plans will be required.
 - a. Fire Departments Apparatus Access
 - (1) Provide address numbering that is clearly visible from the street.
 - (2) No part of a building may be more than 150 ft from an approved fire department access road.
 - (3) Provide an approved turnaround for dead-end access roads exceeding 150 ft in length.
 - (4) When building height exceeds 30 ft from lowest level of fire department access then aerial provisions will apply.
 - (5) Fire Lane signage or curb striping per CFD#1. Parking restrictions for access roads less than 32 ft in width. Minimum 20-ft clear width for access roads and 26 ft adjacent to fire hydrants. Vertical height requirement is 13 ft 6 in.
 - (6) Traffic bridge shall meet minimum apparatus access requirements.
 - b. Water Supply
 - (1) Fire Hydrants, Commercial Buildings: Where a portion of the building is more than 400 ft from a hydrant on a fire apparatus access road, as measured in an

approved route around the exterior of the building, on-site fire hydrants and mains shall be provided.

Note: This distance may be increased to 600 ft for buildings equipped throughout with an approved automatic sprinkler system.

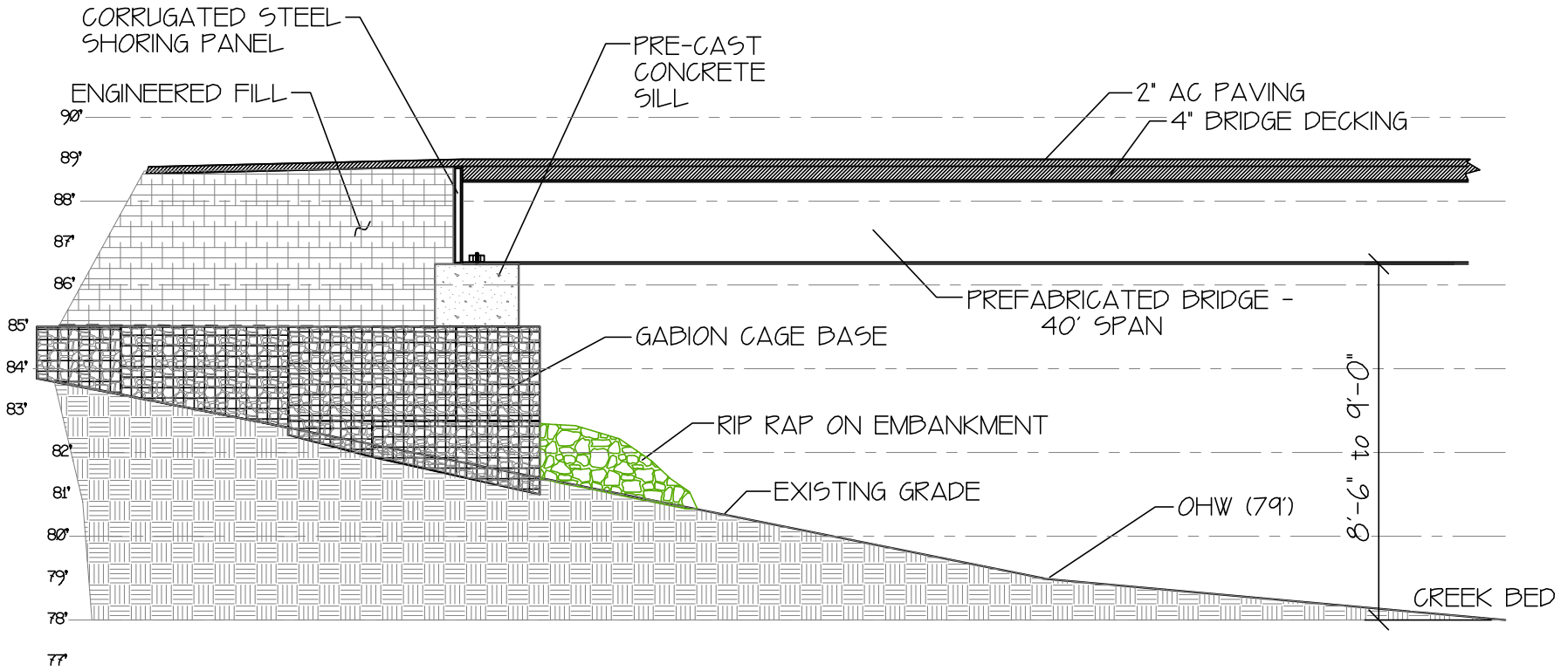
- (2) All new buildings shall have a firefighting water supply that meets the fire flow requirements of Appendix B of the Oregon Fire Code.
- (3) Fire Department Connection (FDC) shall be within 100 ft of a public fire hydrant.
- (4) Fire hydrant locations shall meet the requirements of Appendix C of the Oregon Fire Code.

10. Expiration of Approval

As per MMC 19.1001.7.E.1.a, proposals requiring any kind of development permit must complete both of the following steps:

- a. Obtain and pay for all necessary development permits and start construction within ~~two (2)~~ **five (5)** years of land use approval.
- b. Pass final inspection and/or obtain a certificate of occupancy within ~~four (4)~~ **seven (7)** years of land use approval.

ATTACHMENT 3



BRIDGE EMBANKMENT DETAIL

1/4" = 1'-0"

REVISIONS	DATE

Creations Northwest, LLC
 2500 Wilamette Falls Drive
 West Linn, Oregon
 Office: 503-998-0553

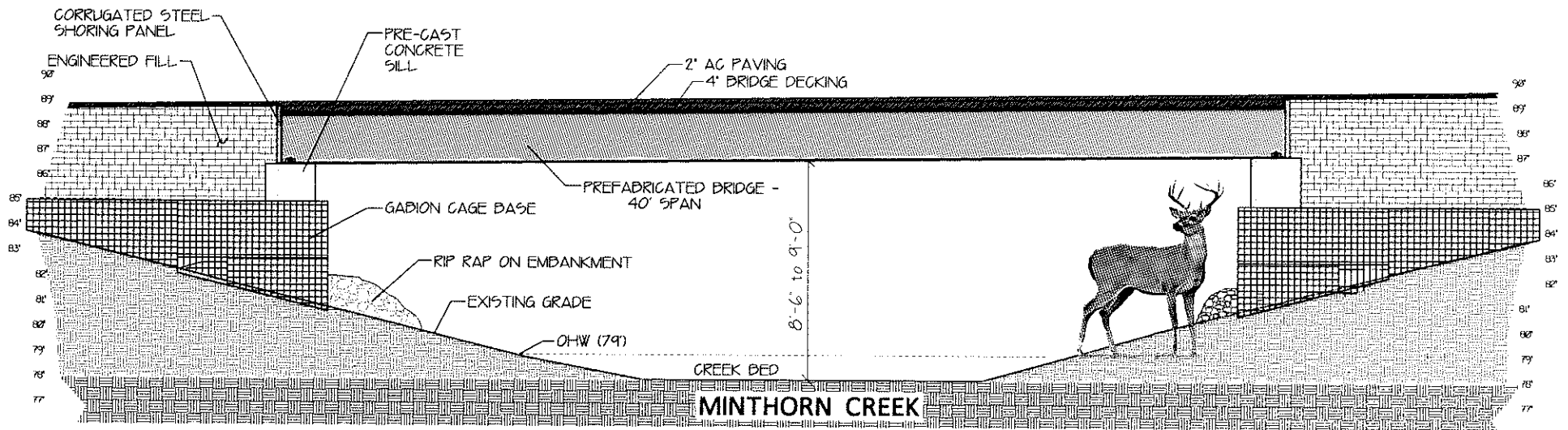
**HARMONY ROAD
 SELF STORAGE**
 5965 SE Harmony Rd
 Milwaukie, Oregon

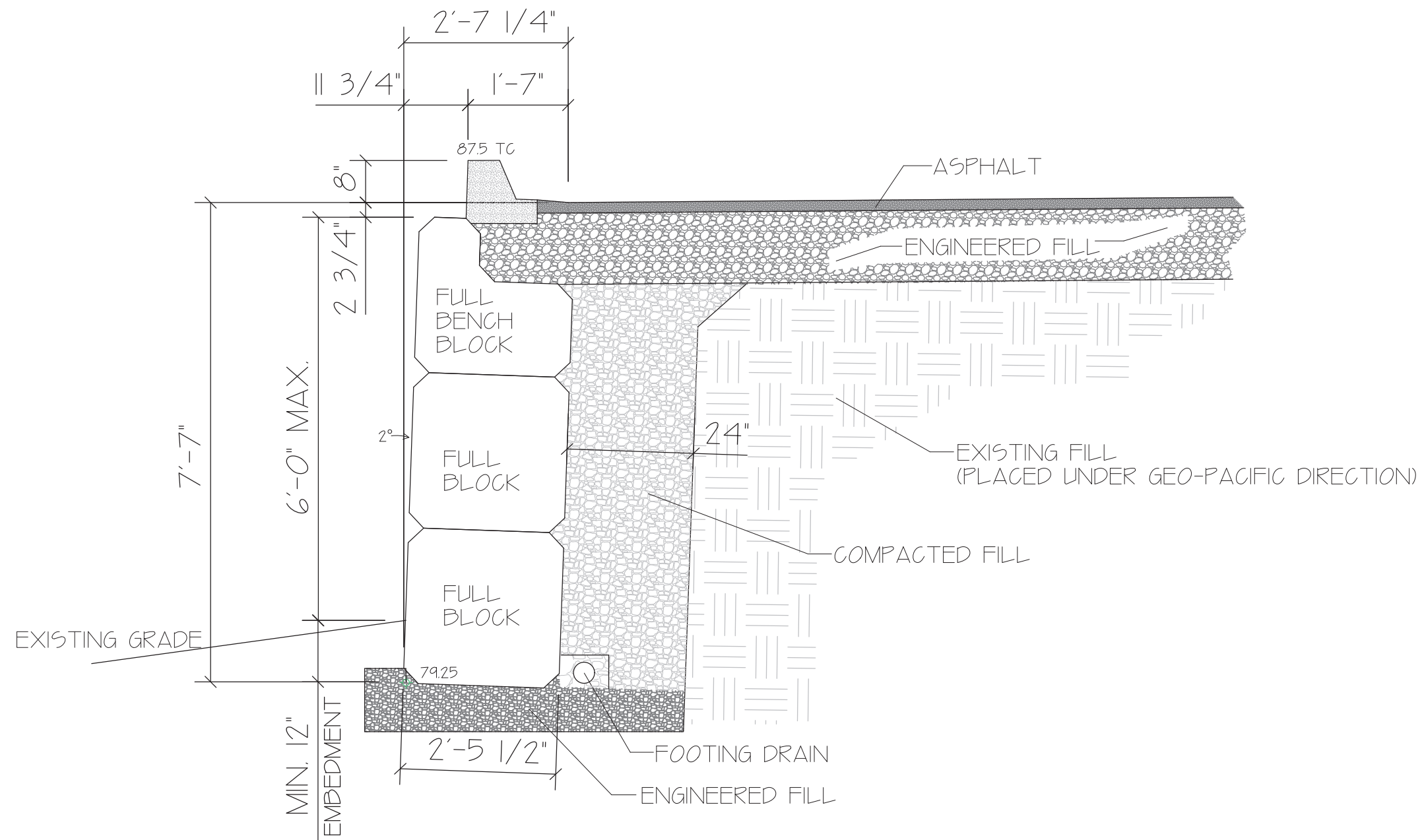
COMMERCIAL STORAGE BUILDINGS
**ON SITE BRIDGE
 EMBANKMENT
 DETAIL**

CADD NAME: HARMONY BE
 DATE: 10-20-16
 SCALE: AS SHOWN
 DRAWN BY: R L H
 PROJECT #: HARMONY

SHEET No.
B.1
 of

PROPOSED BRIDGE





ULTRA BLOCK RETAINING WALL

N.T.S.



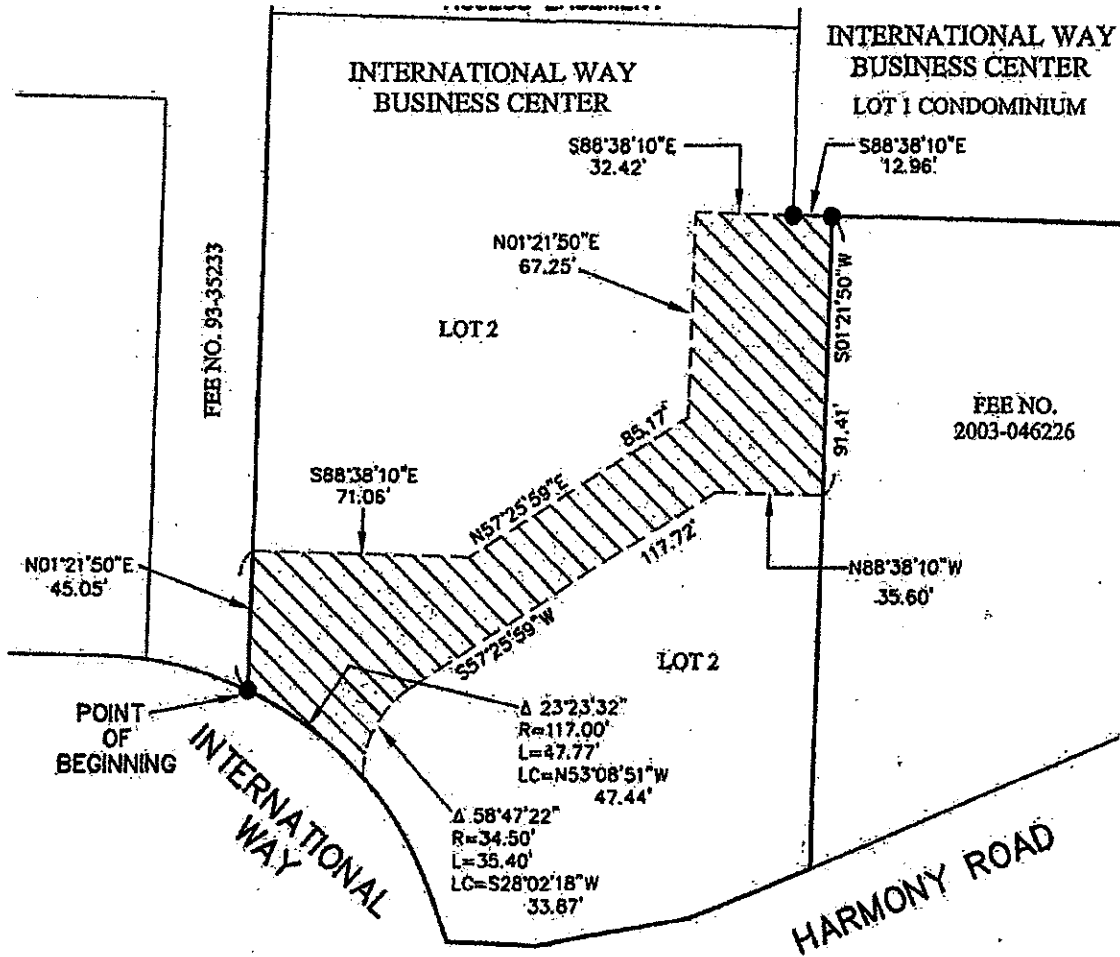
Creations Northwest, LLC

CCB#181981

2500 Willamette Falls Drive
West Linn, Oregon Office: 503-908-0563

EXHIBIT "E-1"

DEPICTION OF EASEMENT AREA



REGISTERED
PROFESSIONAL
LAND SURVEYOR

John T. Campbell

OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60070 LS
EXP. 12-31-11



● - DENOTES 5/8" IRON ROD WITH AN ORANGE PLASTIC CAP INSCRIBED "HHPR, INC."

HHPR Harper Houf Peterson Righellis Inc.

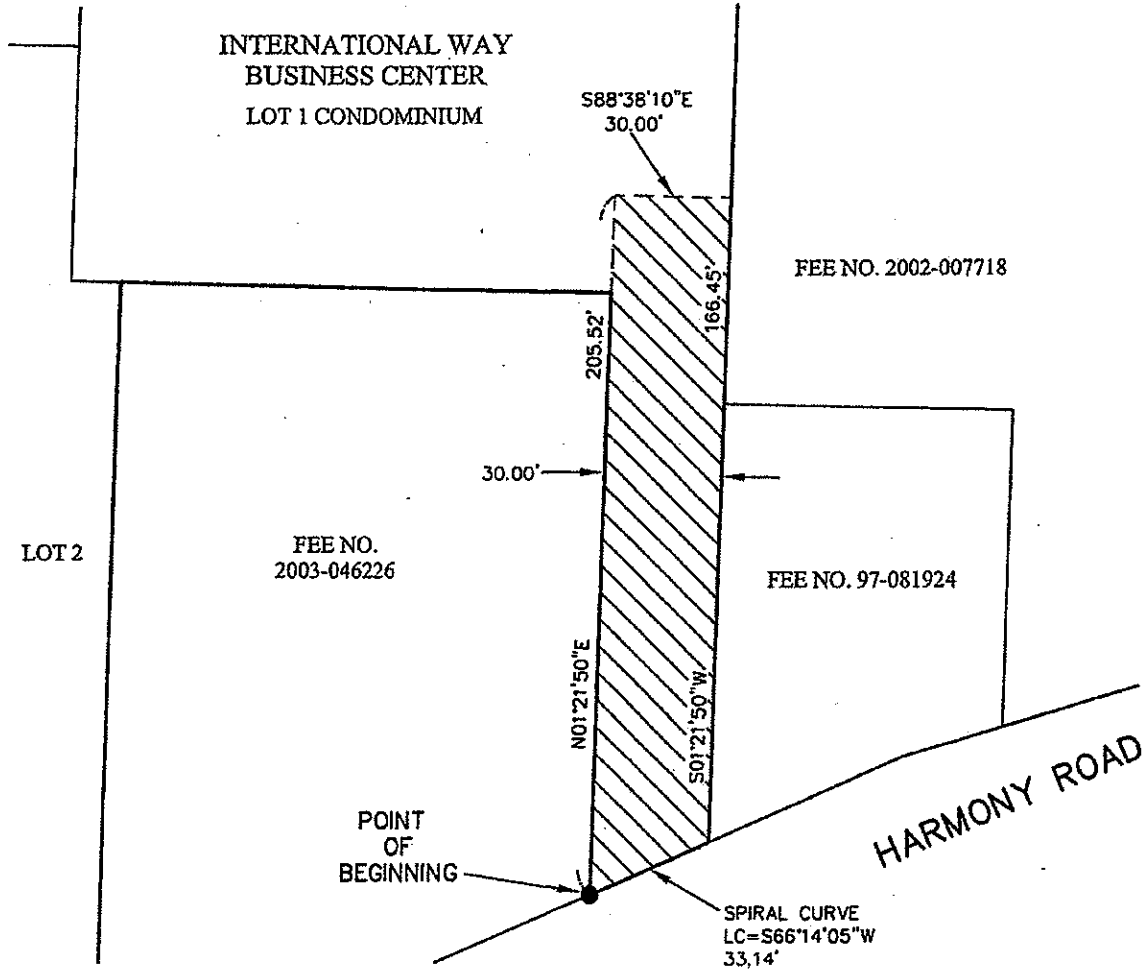
ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS

205 SE SPOKANE STREET, SUITE 200, PORTLAND, OR 97202
TEL 503.221.1131 www.hhpr.com FAX 503.221.1171

 PRIVATE ACCESS EASEMENT 1" = 50'
± 9,948 SQUARE FEET

EXHIBIT "I-1"

DEPICTION OF LOT 1 EASEMENT AREA



REGISTERED
PROFESSIONAL
LAND SURVEYOR

John T. Campbell

OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60070 LS
EXP. 12-31-09



● - DENOTES 1" BRASS PLUG INSCRIBED "HHPR, INC."



PRIVATE ACCESS EASEMENT
± 5,205 SQUARE FEET

1" = 40'

Harper
HHPR Houf Peterson
Righellis Inc.

ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS

205 SE SPOKANE STREET, SUITE 200, PORTLAND, OR 97202
TEL 503.221.1131 www.hhpr.com FAX 503.221.1171

Kelver, Brett

From: Sarah Hartung <SHartung@esassoc.com>
Sent: Tuesday, February 21, 2017 2:59 PM
To: Kelter, Brett
Subject: SE. Harmony Rd. wildlife passage questions

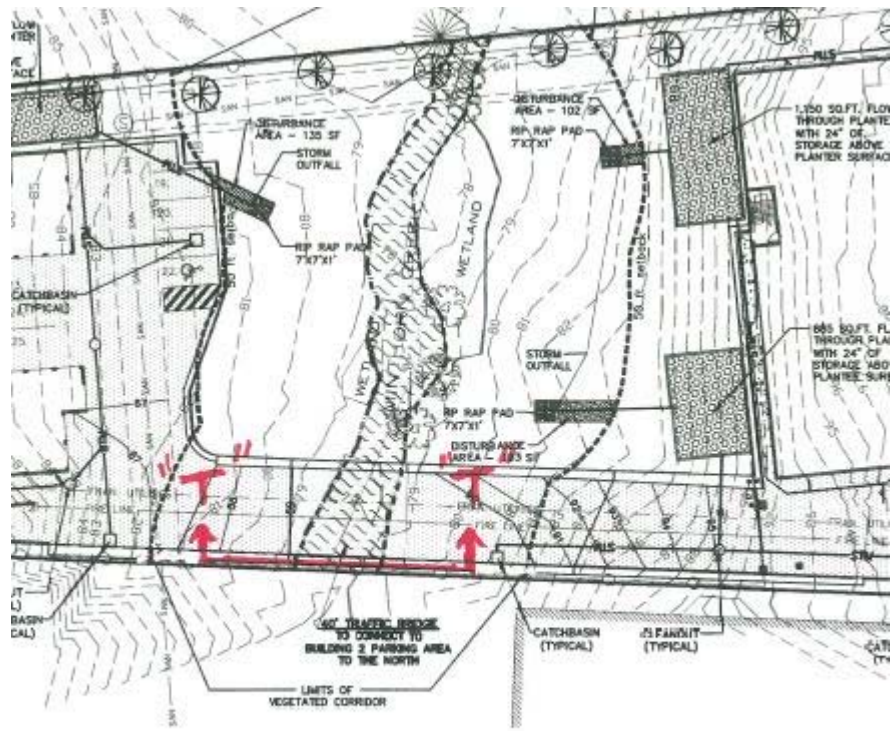
Hello Brett: See our responses in blue below and let me know if you have any questions. I should be here until 5:30 PM.

1. It appears there may be some inconsistencies between the 79-ft-elevation Ordinary High Water (OHW) mark on the bridge embankment detail and the location of the stream as shown on the civil sheets and NR report figures (labeled as waters of the state on the NR report figures) with respect to the 79-ft elevation. Can you confirm whether 79 ft appears to be a reasonable figure for the actual OHW mark for the stream as well as whether the stream location appears to be accurately shown with respect to the topographic lines on the civil sheets?

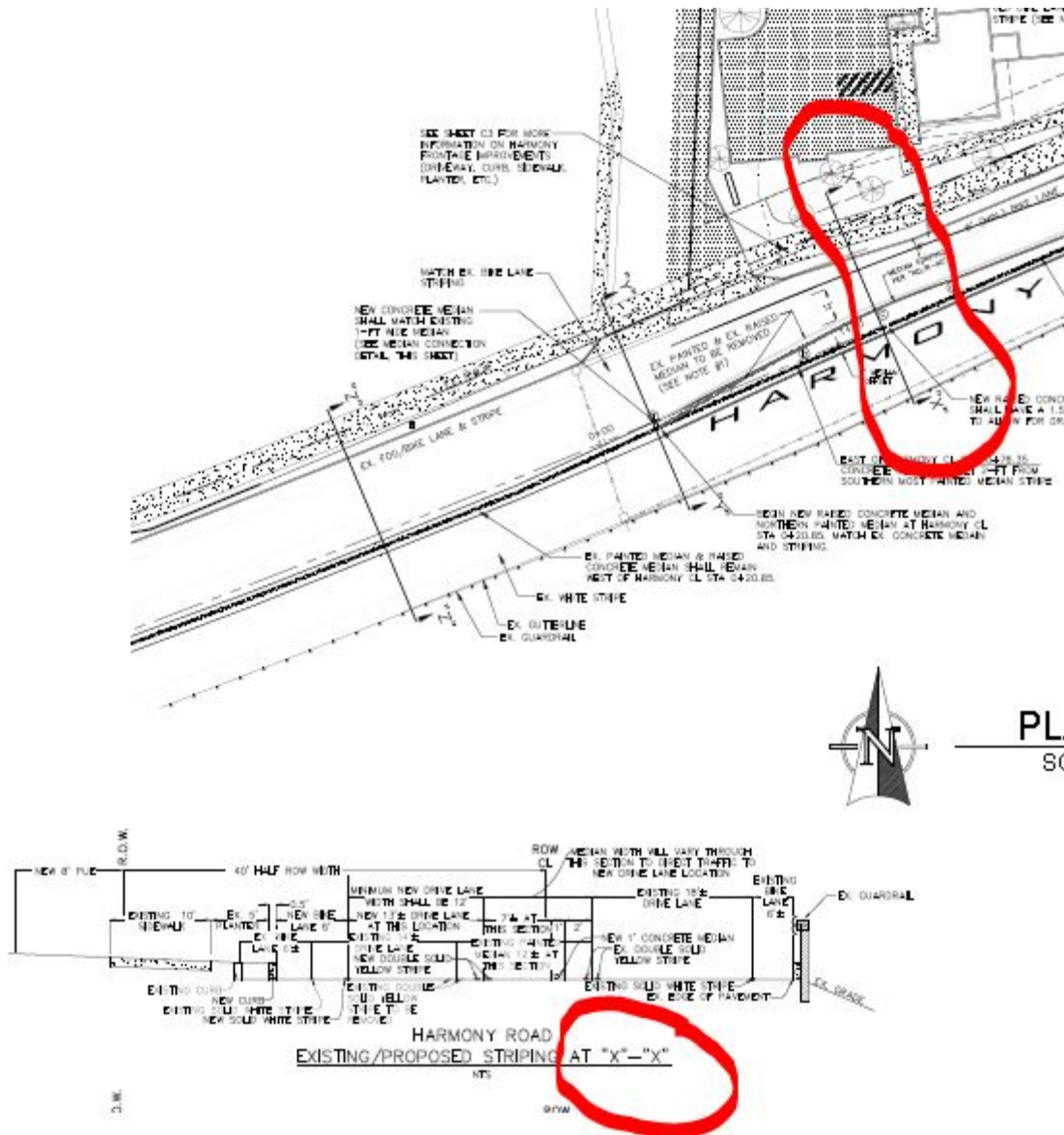
Knowing the location of the embankment detail would help evaluate the two sets of information (plan view and cross section), see the response below. But you're right in that looks like there are inconsistencies between the plan view drawing and the embankment detail.

If more specific or detailed information would be needed from the applicant to make these determinations, please let me know what I would need to ask the applicant for.

To better assess where the OHW is mapped in relation to proposed bridge footings, it would be helpful to see the location of a complete cross-section (i.e. both sides of the stream) shown on plan view. See the suggested location of cross section "T" to "T" and the example below of how the applicant is showing cross-sections of the roadway on Sheet C6 - this is what's missing for the embankment detail/plan view of the bridge. This information would allow us to fully assess the extent of potential constriction present during high-water events.



PLAN VIEW
SCALE: 1"=30'



2. Considering the revised bridge embankment detail, is there an ecological benefit (such as for promoting wildlife passage under the bridge) to requiring the bridge abutments to be located some distance from the OHW mark? There is a large body of research that shows amphibians, reptiles, mammals, and birds (in addition to fish) use stream corridors to move among habitat patches. Although site-specific data is lacking, we would assume that Minthorn Creek supports wildlife populations common in urban/suburban areas including raccoon, possum, rough-skinned newts (amphibians), Pacific chorus-frogs, American beaver, great blue heron, coyote and possibly deer. We anticipate there would be a benefit to providing wildlife passage under the proposed bridge, given the proximity to the Three Creeks Natural Area located south of Lake Road as well as the proximity to the Kellogg Creek corridor. However, without knowing how the embankment detail matches up with the plan view, it's difficult to say if the revised bridge plan would negatively affect wildlife passage. When we investigated the site in October 2016, specifically the footprint of the proposed bridge, stream levels were low and the width was much less than the 26 feet shown on the plan view, indicating that the bridge would not impede wildlife passage during lower flows.

If so, is there a recommended minimum distance between abutments and OHW mark (3 ft? 5 ft? Another number?)?

We understand you are pressed for time, but to make the best recommendations for the site, it would be beneficial to check out a couple specific local resources, including ODFW/ODOT biologists. Do we know where the North Clackamas Watershed Council got their recommendation for a minimum 3 foot distance? To provide

larger context for the issue, ODFW/ODOT track wildlife passage needs for the whole state based on animal/vehicle collision data. The nearest location identified by ODFW as requiring wildlife passage is on Highway 212 near Damascus.

We have seen a variety of examples of wildlife passage solutions where roads cross streams, and each are tailored to the specific wildlife passage issue as well as the type of crossing proposed. Bridges are preferable to culverts, and the longer the span the better. In one example that we helped permit, the City of Portland replaced a 4-foot corrugated metal pipe (CMP) with a 12-foot box culvert (a bridge was too expensive) on the NE. 33rd Dr. crossing of the Columbia Slough, and added an 18-inch "terrestrial passage" shelf above OHW through one side of the box culvert for small to medium-sized animals. The main purpose was to improve water quality in the slough, but they had the opportunity to address wildlife/vehicle collisions on North E. 33rd Dr. which conveys a significant amount of truck traffic.

And is it recommended to have such separation on both sides of the creek in order to have ecological benefit, or is one side of the creek sufficient?

In general, one side of the creek should be sufficient, especially for a small stream.

Related to your previous question about whether our 3 comments on the original bridge design still apply:

The recommendations provided on the original bridge plan no longer apply to the revised bridge plan which relies on a new design – gabion cages just above OHWL. Gabion cages would be acceptable as long as the applicant can demonstrate that they will not be impacted or undermined by 100-year flood flows.

The concern being water flowing through the gabion cages and potentially undermining the engineered fill above it and also causing rusting of the cage material. But this is all still under the caveat that we don't know where flood elevation is in relation to the gabion cages.



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Vera Koliass, Associate Planner

Date: February 21, 2017, for February 28, 2017 Public Hearing

Subject: **File:** ZA-2016-003
Sign Code Amendments
File Type: Municipal Code Text Amendment
Applicant: Dennis Egner, Planning Director

ACTION REQUESTED

Open the public hearing for application ZA-2016-003. Discuss the proposed amendments, take public testimony, and provide direction to staff regarding desired revisions to the proposed amendments. Recommend City Council approval of application ZA-2016-003 and adoption of the recommended Findings of Approval found in Attachment 2. This action would allow for the adoption of amendments to the Milwaukie Municipal Code – Title 14.

BACKGROUND INFORMATION

Summary of proposed changes (see Attachment 1 for the draft code amendment language):

Proposed Municipal Code Text Amendments

- MMC 14.16 – Signs – add the M-TSA Zone to the list of manufacturing-type zones for sign purposes; clarify roof signs and multiple frontages in manufacturing zones; include size limitation for roof signs

Based on the discussion at the December 13, 2016 Planning Commission public hearing for the proposed housekeeping code amendments, the proposed amendments affecting Title 14 – Signs were removed from the housekeeping code amendment package. This was done in order to provide the opportunity for more significant amendments and the required Measure 56 notice to affected properties. The proposed sign code amendments are limited to MMC 14.16.050 Manufacturing Zone.

The amendments also propose to clarify the decision from land use file #CI-2015-002 and the subsequent appeal (land use file #AP-2016-001) regarding roof signs.

The interpretation rendered in file #CI-2015-002 was that the area of roof signs for properties in Manufacturing and Business Industrial zones should be calculated in relation to the length of a

single street frontage. For multiple-frontage properties, this interpretation limited the maximum size of roof signs, since area would be based on the length of only one frontage. The interpretation was subsequently appealed to the Planning Commission in file #AP-2016-001. The Planning Commission approved the appellant's appeal and reversed the interpretation established in file #CI-2015-002, establishing the following interpretation instead:

- Where a subject property in any of the City's manufacturing zones has multiple frontages, the allowed area of a single proposed roof sign may be based on the combined length of multiple frontages.
- The Planning Commission adopted no interpretation regarding the determination of the number of signs.

The current sign code does not have a maximum size for a roof sign; the size is determined based on the amount of frontage of the subject property. Further, the current sign code does not specify a limit on the number of roof signs. In the past, multiple roof signs have been permitted.

Staff has proposed two options for the sign code amendments as follows:

- **OPTION 1 SUMMARY**
 - 1 freestanding sign per frontage
 - 1 roof sign in place of 1 freestanding sign
 - Size of roof sign determined by 1 frontage only
 - Maximum size of roof sign is 250 sq ft, which is the maximum size of a freestanding sign
- **OPTION 2 SUMMARY**
 - 1 freestanding sign per frontage; if more than 300 ft, then 1 additional freestanding sign on that frontage.
 - 1 roof sign in place of 1 freestanding sign
 - Size of roof sign determined by 1 frontage only
 - Maximum size of roof sign is 250 sq ft, which is the maximum size of a freestanding sign

KEY QUESTIONS

1. Do the proposed amendments satisfy the goal of clarifying the method of calculating the size and number of permitted roof and freestanding signs?
2. Do the proposed amendments address the city's concern about the maximum size of roof signs?

To assist in the Commission's analysis, the following are standard sizes of billboards (or bulletins) used in the outdoor advertising market. According to the Outdoor Advertising Association of America (OAAA), the most common copy area sizes are:

1. 14' H x 48' W = 672 sq ft
2. 10' H x 40' W = 400 sq ft
3. 10'6" H x 36' W = 378 sq ft

Staff spoke with Kerry Yoakum, VP for Government Affairs at OAAA about standard sizes. Mr. Yoakum explained that frames for billboards or roof signs can be manufactured to any size, including digital signs, but the sizes listed above and in the tables below are the most typical.

Table 1. Standard sizes of billboards (Out of Home Advertising – OOH). Source: Outdoor Advertising Association of America, 2015; www.oaaa.org. Digital signs can be fabricated in all of these sizes.

Standard Printed OOH Formats	
<i>Roadside Vehicular</i>	
20'h X 60'w = 1200 sq ft	Large Bulletin
14'h X 48'w = 672 sq ft	Standard Bulletin
10'6" h X 36'w = 378 sq ft	Junior Bulletin
10'5" h X 22'8" w = 238 sq ft	Mobile Billboard Poster
5'h X 11'w = 55 sq ft	Standard Poster
	Junior Poster
	Rail Junior Poster

Table 2. Standard sizes of billboards. Source: www.spaceoutdooradvertising.co.uk

Size	Width (ft)	Height (ft)	Area (sq ft)
4 Sheet	3	5	17
6 Sheet	4	6	23
12 Sheet	10	5	50
16 Sheet	7	10	67
32 Sheet	13	10	133
48 Sheet	20	10	200
64 Sheet	27	10	267
96 Sheet	40	10	400

Based on the above information, it would appear that standard billboard sizes vary and that there is flexibility in construction. Therefore, a maximum roof sign size of 250 sq ft that is consistent with the maximum size of a freestanding sign is not unreasonable and can be fabricated by the sign manufacturers. This size limit will accommodate a 238 sq ft standard sized poster.



Figure 1. 9304 SE Main St. Area of roof sign is 672 sq ft. Source: Google Earth

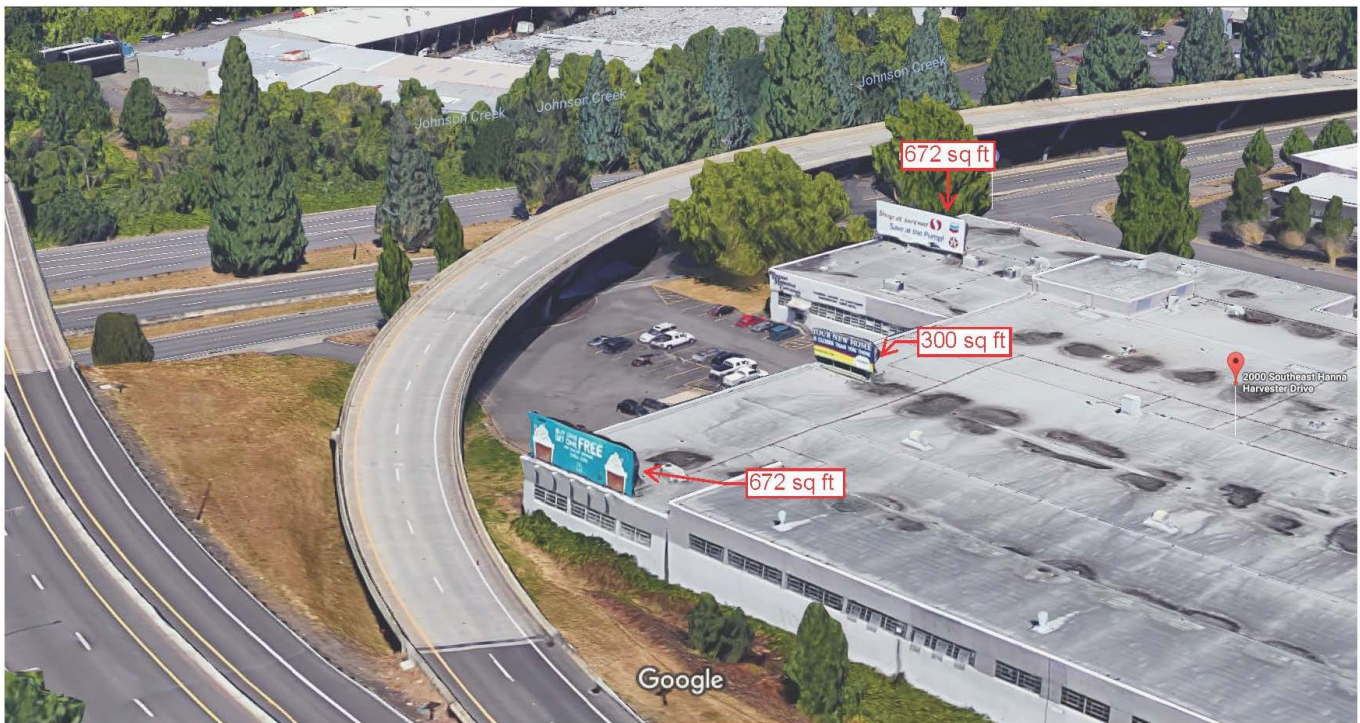


Figure 2. 2000 Hanna Harvester Dr. Source: Google Earth



Figure 3. 2000 Hanna Harvester viewed from 224 ramp. Source: Google Earth



Figure 4. 2000 Hanna Harvester Dr viewed from 224 ramp. Source: Google Earth

CONCLUSIONS

A. Staff recommendation to the Planning Commission is as follows:

Reach consensus on the recommended draft amendments and agreement on recommended actions. Recommend City Council approval of application ZA-2016-003 and adoption of the recommended Findings of Approval found in Attachment 2.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Building, Engineering, and Community Development Departments; all seven Neighborhood District Associations (NDAs); Oregon Department of Land Conservation and Development (DLCDD), and Metro via email. Notice to individual property owners and individual properties in the Manufacturing, Business Industrial and the Tacoma Station Area Manufacturing zones was provided. A public hearing notice was posted at City Hall, Ledding Library, the Public Safety Building, and the Johnson Creek Facility, and was posted on the City's Planning Department web site home page.

To date, staff has received 1 phone call related to clarifying how the proposed amendments would impact wall signs in the M-TSA zone. Staff will continue to collect comments; those received prior to 3pm on the day of the hearing will be provided to the Commission before the hearing.

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	PC Packet	Public Copies	E-Packet
1. Draft Ordinance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Exhibit A. Recommended Findings in Support of Approval	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Exhibit B. Proposed Zoning Code Amendments – Underline/Strikeout Version	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Exhibit C. Proposed Zoning Code Amendments – Clean Version	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

PC Packet = paper materials provided to Planning Commission 7 days prior to the meeting.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-144> .



CITY OF MILWAUKIE
"Dogwood City of the West"

Ordinance No.

An ordinance of the City Council of the City of Milwaukie, Oregon, amending Title 14 Signs to make changes to language regulating freestanding and roof signs in manufacturing zones for the purpose of clarification, aesthetic enhancement, and improved effectiveness (File #ZA-2016-003).

WHEREAS, the proposed amendments to Title 14 make changes and clarifications that will more effectively communicate and implement existing policy; and

WHEREAS, legal and public notices have been provided as required by law; and

WHEREAS, on February 28, 2017, the Milwaukie Planning Commission conducted a public hearing, as required by MMC 19.1008.5 and adopted a motion in support of the amendment; and

WHEREAS, the Milwaukie City Council finds that the proposed amendments are in the public interest of the City of Milwaukie.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. Findings. Findings of fact in support of the amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The Milwaukie Municipal Code is amended as described in Exhibit B (Title 14 Signs underline/strikeout version), and Exhibit C (Title 14 Signs clean version).

Section 3. Effective Date. The amendments shall become effective 30 days from the date of adoption.

Read the first time on _____, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Scott Stauffer, City Recorder

City Attorney

**Recommended Findings in Support of Approval
File #ZA-2016-003, Sign Code Amendments**

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, the City of Milwaukie, proposes to amend regulations that are contained in Title 14 Sign Ordinance of the Milwaukie Municipal Code (MMC). The land use application file number is ZA-2016-003.
2. The purpose of the proposed code amendments is to clarify language regulating the permitted number of freestanding and roof signs and to regulate the maximum size of a roof sign in the manufacturing sign district.
3. Add the M-TSA Zone to the list of manufacturing-type zones in MMC 14.16 – Signs.
4. The proposal is subject to the following provisions of the Milwaukie Municipal Code:
 - MMC Section 19.902 Amendments to Maps and Ordinances
 - MMC Chapter 19.1000 Review Procedures
5. Sections of the MMC or Milwaukie Comprehensive Plan (MCP) not addressed in these findings are found to be not applicable to the decision on this land use application.
6. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. A public hearing was held on February 28, 2017 and _____, 2017 as required by law.
7. MMC Chapter 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.
 - a. MMC Subsection 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Director, or any individual.
The amendments were initiated by the Planning Director on December 14, 2016.
 - b. MMC Section 19.1008 establishes requirements for Type V review. The procedures for Type V Review have been met as follows:
 - (1) Subsection 19.1008.3.A.1 requires opportunity for public comment.
Opportunity for public comment and review has been provided. The Planning Commission had 1 worksession about the proposed amendments on February 14, 2017. The City Council had 1 study session about the proposed amendments on February 23, 2017. The current version of the draft amendments has been posted on the City's web site since January 27, 2017. On January 27, 2017 staff e-mailed NDA leaders with information about the hearing and a link to the draft proposed amendments.
 - (2) Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing.
A notice of the Planning Commission's February 28, 2017, hearing was posted as required on January 27, 2017.
 - (3) Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.

Notice to individual property owners and individual properties in the Manufacturing, Business Industrial and the Tacoma Station Area Manufacturing zones was provided.

- (4) Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to DLCD on January 23, 2017.

- (5) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 45 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to Metro on January 13, 2017.

- (6) Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners.

The proposed amendments further restrict the use of property in the manufacturing sign district. Notice to individual property owners and individual properties in the Manufacturing, Business Industrial and the Tacoma Station Area Manufacturing zones was provided.

- (7) Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application.

The Planning Commission held a duly advertised public hearing on February 28, 2017, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on _____, 2017, and approved the amendments.

8. MMC 19.902 Amendments to Maps and Ordinances

- a. MMC 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows.

- (1) MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the Milwaukie Municipal Code shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held a duly advertised public hearing on February 28, 2017. A public hearing before City Council is tentatively scheduled for April 4, 2017. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- (2) MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.

- (a) MMC Subsection 19.905.B.1 requires that the proposed amendment be consistent with other provisions of the Milwaukie Municipal Code.

The proposed amendments have been coordinated with and are consistent with other provisions of the Milwaukie Municipal Code.

- (b) MMC Subsection 19.902.5.B.2 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan.

Only the goals, objectives, and policies of Comprehensive Plan that are listed below are found to be relevant to the proposed text amendment.

The Goal statement of the Economic Base and Industrial/Commercial Land Use Element reads as follows:

To continue to support and encourage the development of a broad industrial base in the City, and to encourage the expansion of service facilities in the community.

Objective #11 – Commercial Land Use: Highway Oriented Center

To recognize commercial areas dependent upon street traffic for business and to provide locational standards for these centers.

Policy #3 states that development and signage orientation, design, and lighting shall not produce adverse impacts upon adjacent residential areas.

This objective only applies to certain areas within the manufacturing sign district. However, by clarifying the regulations regarding the calculation of maximum sign size, and limiting the size of roof signs, the proposed amendments better address the relationship between signage and adjacent residential neighborhoods and reduce the impacts.

Objective #13 – McLoughlin Boulevard

To provide for limited highway service uses along McLoughlin Boulevard while improving the visual and pedestrian-oriented linkages between downtown and the Willamette River, and making McLoughlin Blvd more attractive.

By limiting the size and number of roof signs, the proposed amendments will have the effect of improving the aesthetics of the corridor through the reduction of visual clutter.

- (c) MMC Subsection 19.902.5.B.3 requires that the proposed amendment be consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies.

- (d) MMC Subsection 19.902.5.B.4 requires that the proposed amendment be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed amendments were sent to the Department of Land Conservation and Development (DLCD) for comment. DLCD did not identify any inconsistencies with relevant State statutes or administrative rules.

The proposed amendments are found to be consistent with the Transportation Planning Rule for the following reason. The proposed text

amendment does not impact the transportation system given that the amendments revise sign regulations in the manufacturing sign district only and do not create the opportunity for any more vehicle trips than are currently allowed by other similar uses in each respective zone.

- (e) MMC Subsection 19.902.5.B.5 requires that the proposed amendment be consistent with relevant federal regulations.

Relevant federal regulations are those that address land use, the environment, or development in the context of local government planning. Typically, regulations such as those set forth under the following acts may be relevant to a local government land use process: the Americans with Disabilities Act, the Clean Air Act, the Clean Water Act, the Endangered Species Act, the Fair Housing Act, the National Environmental Policy Act, the Religious Land Use and Institutionalized Persons Act, and the Resource Conservation and Recovery Act. None of these acts include regulations that impact the subject proposal or that cannot be met through normal permitting procedures. Therefore, the proposal is found to be consistent with federal regulations that are relevant to local government planning.

Underline/Strikeout Amendments

Title 14 Signs

CHAPTER 14.16 SIGN DISTRICTS

14.16.050 MANUFACTURING ZONE

No sign shall be installed or maintained in an ~~M₁-or BI Zone~~, or M-TSA Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.050.

Amendment Option 1

Table 14.16.050 Standards for Signs in Manufacturing Zones M₁-or BI , <u>or M-TSA</u>					
Sign Type	Area	Height	Location	Number	Illumination ¹
Freestanding signs	1.5 sq ft ^{SF} per lineal ft. of street frontage and 1 additional sq ft ^{SF} for each lineal ft. of frontage over 100 ft. ²	Max. 25 ft from ground level; min. clearance below lowest portion of a sign is 14 ft in any driveway or parking area.	Not permitted on any portion of a street, sidewalk, or public right-of-way.	1 multifaced sign permitted <u>per street frontage</u> . ³	Permitted
Roof signs	1 sq ft ^{SF} per lineal ft. of street frontage. ⁵	Max. 8 ft. above highest point of building. ⁶	Pending approval by fire marshal ^{6Z} may not project over parapet wall.	<u>1 multifaced sign per property</u> permitted instead of in place of , not in addition to, <u>1 projecting or freestanding signs</u> . ³	Permitted
Awning signs	Max. display surface is 25% of awning surface. ⁷	No higher than the point where the roofline intersects the exterior wall. ⁸	NA.	1 per frontage per occupancy.	Permitted
Daily display signs	Max. 12 sq ft ^{SF} per display surface and 24 sq ft ^{SF} overall.	Max. 6 ft. above ground level.	Not permitted within required landscaped areas or public right-of-way. ⁹	1 per occupancy.	Permitted

² Not to exceed 250 ~~square feet~~ of sign area per display surface for each sign, or a total of 1,000 ~~square feet~~ for all display surfaces.

³ ~~For properties with multiple frontages, one (1) freestanding sign is permitted per frontage. Where a frontage exceeds 300 feet in length, one additional freestanding sign is permitted for such frontage. No freestanding sign shall be permitted on the same premises where there is a roof sign. One (1) roof sign shall be permitted on the same premises, in place of one (1) of the allowable freestanding signs.~~

Proposed Code Amendment

- ⁴ Includes signs painted directly on the building surface. In addition to the sign size limitations of this chapter, if an original art mural permitted under Title 20 occupies a wall where a wall sign has been proposed, the size of the wall sign shall be limited such that the total area of the original art mural plus the area of the wall sign does not exceed the maximum allowed.
- ⁵ For properties with multiple frontages, the total length of the longest frontage shall be used to calculate the maximum total allowed area for a roof sign. Roof signs shall not exceed 250 sq ft of sign area per display surface.
- ^{6.6} All roof signs shall be installed in such a manner that there shall be no visible angle iron or similar sign support structure.
- ^{6.7} Only approved by the fire marshal after a finding that the site, type, and location of the sign will not substantially interfere with firefighting.
- ^{7.8} Measured in vertical distance times length.
- ^{8.9} Regardless of the existence of a parapet wall
- ^{9.10} A daily display sign may be allowed within the public right-of-way subject to the standards of Section 14.20.040.

Amendment Option 2

Table 14.16.050 Standards for Signs in Manufacturing Zones M ₁ , M ₂ , or M-TSA					
Sign Type	Area	Height	Location	Number	Illumination ¹
Freestanding signs	1.5 sq ft SF per lineal ft. of street frontage and 1 additional sq ft SF for each lineal ft. of frontage over 100 ft. ²	Max. 25 ft from ground level; min. clearance below lowest portion of a sign is 14 ft in any driveway or parking area.	Not permitted on any portion of a street, sidewalk, or public right-of-way.	1 multifaced sign permitted per street frontage. ³	Permitted
Roof signs	1 sq ft SF per lineal ft. of street frontage. ⁵	Max. 8 ft. above highest point of building. ^{6.6}	Pending approval by fire marshal ^{6.7} may not project over parapet wall.	<u>1 multifaced sign per property</u> Permitted instead of in place of, not in addition to, <u>1 projecting or freestanding signs.</u> ³	Permitted
Awning signs	Max. display surface is 25% of awning surface. ^{7.8}	No higher than the point where the roofline intersects the exterior wall. ^{8.9}	NA.	1 per frontage per occupancy.	Permitted
Daily display signs	Max. 12 sq ft SF per display surface and 24 sq ft SF overall.	Max. 6 ft. above ground level.	Not permitted within required landscaped areas or public right-of-way. ^{9.10}	1 per occupancy.	Permitted

² Not to exceed 250 square feet of sign area per display surface for each sign, or a total of 1,000 square feet for all display surfaces.

³ For properties with multiple frontages, one (1) freestanding sign is permitted per frontage. In addition, where a single frontage exceeds 300 feet in length, one additional freestanding sign is permitted for that frontage. ~~for such~~

Proposed Code Amendment

- ~~frontage No freestanding sign shall be permitted on the same premises where there is a roof sign. One (1) roof sign shall be permitted on the same property, in place of one (1) of the allowable freestanding signs.~~
- ⁴ Includes signs painted directly on the building surface. In addition to the sign size limitations of this chapter, if an original art mural permitted under Title 20 occupies a wall where a wall sign has been proposed, the size of the wall sign shall be limited such that the total area of the original art mural plus the area of the wall sign does not exceed the maximum allowed.
- ⁵ For properties with multiple frontages, the total frontage length of the longest frontage shall be used to calculate the maximum total allowed area for all display surfaces of a roof sign. Roof signs shall not exceed 250 sq ft of sign area per display surface.
- ^{6.6} All roof signs shall be installed in such a manner that there shall be no visible angle iron or similar sign support structure.
- ^{6.7} Only approved by the fire marshal after a finding that the site, type, and location of the sign will not substantially interfere with firefighting.
- ^{7.8} Measured in vertical distance times length.
- ^{8.9} Regardless of the existence of a parapet wall
- ^{9.10} A daily display sign may be allowed within the public right-of-way subject to the standards of Section 14.20.040.

Clean Amendments

Title 14 Signs

CHAPTER 14.16 SIGN DISTRICTS

14.16.050 MANUFACTURING ZONE

No sign shall be installed or maintained in an M, BI Zone, or M-TSA Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.050.

Amendment Option 1

Table 14.16.050 Standards for Signs in Manufacturing Zones M, BI, or M-TSA					
Sign Type	Area	Height	Location	Number	Illumination ¹
Freestanding signs	1.5 sq ft per lineal ft of street frontage and 1 additional sq ft for each lineal ft of frontage over 100 ft. ²	Max. 25 ft from ground level; min. clearance below lowest portion of a sign is 14 ft in any driveway or parking area.	Not permitted on any portion of a street, sidewalk, or public right-of-way.	1 multifaced sign permitted per street frontage. ³	Permitted
Roof signs	1 sq ft per lineal ft of street frontage. ⁵	Max. 8 ft above highest point of building. ⁶	Pending approval by fire marshal ⁷ may not project over parapet wall.	1 multifaced sign per property permitted in place of, not in addition to, 1 freestanding sign. ³	Permitted
Awning signs	Max. display surface is 25% of awning surface. ⁸	No higher than the point where the roofline intersects the exterior wall. ⁹	NA.	1 per frontage per occupancy.	Permitted
Daily display signs	Max. 12 sq ft per display surface and 24 sq ft overall.	Max. 6 ft above ground level.	Not permitted within required landscaped areas or public right-of-way. ¹⁰	1 per occupancy.	Permitted

² Not to exceed 250 sq ft of sign area per display surface for each sign, or a total of 1,000 sq ft for all display surfaces.

³ For properties with multiple frontages, one (1) freestanding sign is permitted per frontage. One (1) roof sign shall be permitted on the same premises, in place of one (1) of the allowable freestanding signs.

⁴ Includes signs painted directly on the building surface. In addition to the sign size limitations of this chapter, if an original art mural permitted under Title 20 occupies a wall where a wall sign has been proposed, the size of the wall sign shall be limited such that the total area of the original art mural plus the area of the wall sign does not exceed the maximum allowed.

Proposed Code Amendment

- ⁵ For properties with multiple frontages, the total length of the longest frontage shall be used to calculate the maximum total allowed area for a roof sign. Roof signs shall not exceed 250 sq ft of sign area per display surface.
- ⁶ All roof signs shall be installed in such a manner that there shall be no visible angle iron or similar sign support structure.
- ⁷ Only approved by the fire marshal after a finding that the site, type, and location of the sign will not substantially interfere with firefighting.
- ⁸ Measured in vertical distance times length.
- ⁹ Regardless of the existence of a parapet wall
- ¹⁰ A daily display sign may be allowed within the public right-of-way subject to the standards of Section 14.20.040.

Amendment Option 2

Table 14.16.050 Standards for Signs in Manufacturing Zones M, BI, or M-TSA					
Sign Type	Area	Height	Location	Number	Illumination ¹
Freestanding signs	1.5 sq ft per lineal ft of street frontage and 1 additional sq ft for each lineal ft of frontage over 100 ft. ²	Max. 25 ft from ground level; min. clearance below lowest portion of a sign is 14 ft in any driveway or parking area.	Not permitted on any portion of a street, sidewalk, or public right-of-way.	1 multifaced sign permitted per street frontage. ³	Permitted
Roof signs	1 sq ft per lineal ft of street frontage. ⁵	Max. 8 ft above highest point of building. ⁶	Pending approval by fire marshal ⁷ may not project over parapet wall.	1 multifaced sign per property permitted in place of, not in addition to, 1 freestanding sign. ³	Permitted
Awning signs	Max. display surface is 25% of awning surface. ⁸	No higher than the point where the roofline intersects the exterior wall. ⁹	NA.	1 per frontage per occupancy.	Permitted
Daily display signs	Max. 12 sq ft per display surface and 24 sq ft overall.	Max. 6 ft above ground level.	Not permitted within required landscaped areas or public right-of-way. ¹⁰	1 per occupancy.	Permitted

² Not to exceed 250 sq ft of sign area per display surface for each sign, or a total of 1,000 sq ft for all display surfaces.

³ For properties with multiple frontages, one (1) freestanding sign is permitted per frontage. In addition, where a single frontage exceeds 300 ft in length, one additional freestanding sign is permitted for that frontage. One (1) roof sign shall be permitted on the same property, in place of one (1) of the allowable freestanding signs.

⁴ Includes signs painted directly on the building surface. In addition to the sign size limitations of this chapter, if an original art mural permitted under Title 20 occupies a wall where a wall sign has been proposed, the size of the wall sign shall be limited such that the total area of the original art mural plus the area of the wall sign does not exceed the maximum allowed.

Proposed Code Amendment

- ⁵ For properties with multiple frontages, the total frontage length of the longest frontage shall be used to calculate the maximum total allowed area for all display surfaces of a roof sign. Roof signs shall not exceed 250 sq ft of sign area per display surface.
- ⁶ All roof signs shall be installed in such a manner that there shall be no visible angle iron or similar sign support structure.
- ⁷ Only approved by the fire marshal after a finding that the site, type, and location of the sign will not substantially interfere with firefighting.
- ⁸ Measured in vertical distance times length.
- ⁹ Regardless of the existence of a parapet wall
- ¹⁰ A daily display sign may be allowed within the public right-of-way subject to the standards of Section 14.20.040.



To: Planning Commission
From: Denny Egner, Planning Director
Date: February 21, 2017 for the February 28, 2017 Worksession
Subject: 2017 Planning Commission Bylaws Update

ACTION REQUESTED

Recommend adoption of a Council Resolution amending the Milwaukie Planning Commission bylaws.

BACKGROUND INFORMATION

On September 27, 2016, the Planning Commission held a worksession to discuss Commission goals and to review the Planning Commission bylaws in advance of the annual joint meeting with the City Council. Commissioners found that the purpose statement of the bylaws did not fully convey the responsibilities assigned to the Commission given that, in addition to making recommendation to the Council, the Commission made final decisions on land use matters that follow a Type III procedure. These include applications for conditional and community service uses, subdivisions, partitions, variances, Willamette Greenway development, historic resource demolition or alteration, and development in natural resource areas.

On October 18, 2016, the City Council held a joint meeting with the Planning Commission to review the Commission's goals and bylaws. At the meeting, it was agreed that staff should return to the Commission and Council with draft bylaw amendments to better reflect the Commission's roles and responsibilities. It was proposed that this could be done by simply referring to the purpose statement outlined for the Planning Commission in Chapter 2.16 of the Milwaukie Municipal Code.

Attachments:

- 1) Draft Bylaws with redline amendments
- 2) Minutes of the September 27, 2016 Planning Commission Meeting
- 3) Minutes of the October 18, 2016 Joint Meeting of the Planning Commission and City Council

MILWAUKIE PLANNING COMMISSION BYLAWS

ARTICLE I NAME

The name of this commission is the Planning Commission (Commission).

ARTICLE II PURPOSE, AUTHORITY, AND OBJECTIVE

- A. **Purpose.** The purpose of the Commission is to serve as an advisory body to, and a resource for, the City Council in land use matters. In addition, the Commission shall carry out the roles and responsibilities as assigned under Milwaukie Municipal Code (MMC) Section 2.16.010.
- B. **Authority.** The Commission is authorized by ORS 227 and ~~Milwaukie Municipal Code (MMC)~~ Chapter 2.16.
- C. **Objective.** The Commission's objectives include articulating the community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan.
- D. **Open Meetings.** All meetings of the Commission are open to the public. The Commission has the authority to conduct an executive session under ORS 192.660.

ARTICLE III MEMBERSHIP

- A. **Appointment.** Each Commission member shall be appointed by the Mayor with the consent of Council, consistent with MMC 2.10.030 G. Members shall serve at the pleasure of the Council.
- B. **Term of Office.** Terms are for a period of four years. Commission members may serve no more than two consecutive full terms, unless there is an interval of at least one term prior to reappointment. The Council may waive this limitation if it is in the public interest to do so.
- C. **Membership.** The Commission consists of seven members. No more than two members may be non-residents, and no more than two members shall be engaged in the same kind of occupation, business, trade, or profession. No member may be a City of Milwaukie officer, agent, or employee; and no more than two voting members of the Commission may engage principally in the buying, selling, or developing of real estate for profit as individuals; or members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling, or developing of real estate for profit.
- D. **Vacancies and Removal.** Vacancies are filled in the same manner as the original appointments. A member of the Commission may be removed by the appointing authority, after hearing, for misconduct or nonperformance of duty.
- E. **Attendance.** Upon failure of any member to attend three consecutive meetings, the Commission may recommend termination of that appointment to the Council, and the

Council may remove the incumbent from the Commission and declare the position vacant to be filled in the manner of a regular appointment.

- F. **Compensation.** Commission members shall receive no compensation for their service, but shall be fully reimbursed for all duly authorized expenses.

ARTICLE IV OFFICERS AND STAFFING

- A. **Officers.** The officers consist of a Chair and a Vice Chair who shall be selected by the membership and who shall serve at the pleasure of the membership for one year. Nominations and election of new officers shall be taken from the floor at the Commission's first meeting of the calendar year. Officers may be re-elected. In the event that an officer is unable to complete the specified term, a special election shall be held for the completion of the term.
- B. **Chair.** The Chair shall preside at all deliberations and meetings of the Commission and call special meetings in accordance with these Bylaws and review Commission agendas with the staff liaison. The Chair shall sign all documents memorializing Commission actions in a timely manner after action by the Commission.
- C. **Vice Chair.** During the absence, disability, or disqualification of the Chair, the Vice Chair shall exercise or perform all duties and be subject to all the responsibilities of the Chair. In the absence of the Chair and Vice Chair, the remaining members present shall elect an acting Chair.
- D. **Staff.** The City of Milwaukie Planning Department will provide staff support to the Commission for: land use issues, meeting notifications, postponements, final disposition of matters, and other steps taken or acts performed by the Commission, which include administrative housekeeping functions such as word processing, minutes preparation, copying, and information gathering to the extent the budget permits.

ARTICLE V ORGANIZATIONAL PROCEDURES

- A. **Meetings.** The Commission shall hold meetings as necessary at a time and place designated by staff consistent with Oregon Public Meetings Law. Typically, the Commission meets at least once a month on the second and/or fourth Tuesday at 6:30 p.m. at City Hall. Commission meetings shall end no later than 10:00 p.m., unless extended by majority vote of the Commissioners present and participating in the Agenda item that is under consideration at that time. An extension to 10:30 p.m. is allowed by Commission action. If a meeting has not concluded at 10:30 p.m., the Commission may vote on the Agenda item, consider another extension of up to 30 minutes, or vote to continue the item to the next available meeting.
- B. **Quorum.** A quorum is four of the voting membership of the Commission. The concurrence of a majority of the Commission members present shall be required to decide any matter. In the case of a tie vote, the matter is not complete. One new motion may be made. If a majority vote is not obtained on that motion the agenda item fails. If a quorum is not attained fifteen minutes following the scheduled time of call to order, the meeting shall be cancelled. In the event it is known by the Director prior to a meeting that a quorum will not be present at any meeting, the Director shall notify the Commission members. All items scheduled for the meeting shall be automatically

continued to a regularly scheduled meeting unless the Director determines that a special meeting is needed. The Director shall post notice of the continuance on the exterior doors of City Hall notifying the public of the continuance and specifying the date and time when the continued items will be before the Commission. The Notice shall remain through the evening on which the meeting is originally scheduled.

- C. Order of Business.** The Chair shall have the authority to arrange the order of business as is deemed necessary to achieve an orderly and efficient meeting. In general, the order of business will be as follows:
1. Call to order – Procedural Matters
 2. Minutes
 3. Information Items
 4. Audience Participation
 5. Public Hearings
 6. Worksession Items
 7. Planning Department Other Business/Updates
 8. Planning Commission Discussion Items
 9. Forecast for Future Meetings.
- D. Voting.** All members who are present at a Commission Meeting, including the Chair and Vice Chair, are allotted one vote each on all motions. A motion may be made by any Commissioner with the exception of the presiding officer. All Commissioners, when a vote is taken, shall vote unless he or she abstains from voting and cites the reason for the record. Staff shall call the roll, altering the order of members called. The Chair shall vote last.
- E. Reconsideration of Actions Taken.** A member who voted with the majority may move for a reconsideration of an action at the same meeting only. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Commission.
- F. Minutes.** A staff representative or designee shall be present at each meeting and shall provide for a sound, video, or digital recording, or written minutes of each meeting. The record of the meeting, whether preserved in written minutes or sound, video, or digital recording, shall include at least the following information:
- Names of the Commission members present;
 - All motions and proposals, and their disposition;
 - The results of all votes and the vote of each Commission member by name;
 - The substance of any discussion on any matters; and,
 - A reference to any document discussed at the meeting;

Written minutes need not be a verbatim transcript, but give a true reflection of the matters discussed at the meeting and the views of the participants.

Written minutes of a meeting will be made available to the public within a reasonable time after the meeting.

Minutes shall be reviewed and voted upon by the Commission at a regular meeting.

- G. **Repeal or Amendments.** The Commission may review these bylaws periodically and forward suggested revisions to the Council for approval. These bylaws may be repealed or amended, or new bylaws may be adopted by a majority vote of the Council on its own initiative, or upon a recommendation from the Commission.
- H. **Meeting Conduct.** The meeting conduct for this Commission is these bylaws except where superseded by or local, state, or federal law.
- I. **Statement of Economic Interest.** Commissioners are required to file annual statements of economic interest as required by ORS 244.050 with the Oregon Government Standards and Practices Commission.

ARTICLE VI DUTIES OF OFFICERS

- A. **Duties of the Chair.** The Chair or Vice Chair, in addition to the duties in Article IV, shall preserve the order and decorum of the meeting.
 - 1. The Chair may assess the audience at the beginning of the meeting, and, with the consent of the Commission, announce reasonable time limits.
 - 2. The Chair will direct the planning staff to summarize the issues to be addressed and the criteria to be applied by the Commission during its deliberations, following the conclusion of public hearing testimony.
 - 3. The Chair will summarize the hearing results and state the appeal process at the conclusion of the public hearing.
- B. **Requesting Response and Opinion.** The Chair will ask for response and opinion from the members of the Commission.
- C. **Appointments to Specific Projects on Committees.** The Chair may appoint Commissioners to specific projects or committees, and may select a Commissioner to be spokesperson for the Commission when the Chair or Vice Chair is unavailable.
- D. **Confer with Director.** The Chair or Vice Chair shall confer with the Planning Director (Director) on a regular basis outside scheduled meetings concerning the direction each expects of the Commission.
- E. **Orientation of New Members.** The Chair, in conjunction with the Director, shall orient new members.

ARTICLE VII DUTIES OF THE COMMISSION

- A. **Duty of Commissioner.** Commissioners shall address all those who come before the Commission in a formal and courteous manner.
- B. **Absence From a Meeting.** If a Commissioner is unable to attend a meeting, it is that Commissioner's responsibility to inform the Community Development staff and/or the Commission Chair of that fact prior to the meeting to be missed.

- C. **Site Visits.** Prior to Commission meetings, Commissioners are encouraged to visit sites that are subjects for land use actions. If a Commissioner visits a site, he or she shall report on the record any information gained from the site visit that is not consistent with the information included in the application or staff report.
- D. **Method of Handling Conflicts by Members.** In accordance with ORS 244.135: (1) A member of the Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest:
1. The Commission or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the Commissioner;
 2. Any business in which the Commissioner is then serving or has served within the previous two years; or
 3. Any business with which the Commissioner is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
 4. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken.
- E. **Meeting Preparation.** Commissioners shall prepare for participation at a meeting by fully reviewing the staff report and materials provided by the Director. If a Commissioner is unable to attend a hearing on a quasi-judicial application that is continued to another hearing, the Commissioner shall not take part in the continuance hearing unless the Commissioner:
1. Reviews the staff report and materials provided by the Director as well as:
 - a. all materials submitted at the hearing, and
 - b. any additional materials prepared by the planning staff applicable to the application, and
 - c. either the audio recording of the hearing or the draft minutes of the hearing.
 2. Declares that they are prepared to participate.
- F. **Duties Assigned by Council.** The Commission shall carry out the duties assigned to it by Council relating to development, updating, and general maintenance of the Milwaukie Zoning Ordinance and the Milwaukie Comprehensive Plan.

ARTICLE VIII GOALS AND OBJECTIVES

- A. **Annual Goal Review.** The Commission shall review the Council goals annually for establishment of Commission goals which enhance and augment those of the Council.
- B. **Establishment of Commission Goals.** The Commission shall establish goals, at a minimum, annually.

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, SEPTEMBER 27, 2016
6:30 PM**

COMMISSIONERS PRESENT

Shane Abma
Scott Barbur
Shannah Anderson
Adam Argo
Greg Hemer

STAFF PRESENT

Denny Egner, Planning Director

COMMISSIONERS ABSENT

Shaun Lowcock, Vice Chair

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

Denny Egner, Planning Director, convened the meeting and called for the election of a new Planning Commission Chair at this time, taking Agenda Item 6.1 out of order.

6.0 Worksession Items

- 6.1 Summary: Elect new chair
Staff: Denny Egner

Commissioner Hemer nominated Scott Barbur as the new Planning Commission Chair.

Commissioner Anderson nominated Shane Abma as the new Planning Commission Chair.

Shane Abma was elected new Planning Commission Chair by a vote of 2 to 1 with Shane Abma and Scott Barbur abstaining.

Mr. Egner understood that should he arrive, this was to be Vice Chair Lowcock's last meeting and suggested the Commission elect a new Vice Chair, who would take office at the next meeting. The Commission would elect a new Chair and Vice Chair in January as five or six candidates had filed for openings on the Planning Commission.

Commissioner Anderson nominated Scott Barbur as the new Planning Commission Vice Chair.

Commissioner Barbur was unanimously elected new Planning Commission Vice Chair, effective at the next Planning Commission meeting.

1.0 Call to Order – Procedural Matters

Chair Abma called the meeting to order at 6:49 p.m. and read the conduct of meeting format into the record.

2.0 Planning Commission Minutes – There were no minutes for review.

3.0 Information Items

Denny Egner, Planning Director, announced the City had recently contracted with a private service to transcribe the Commission’s meeting minutes. He provided additional information about the Visioning Community Conversation, scheduled for October 11th, and the Town Hall for the Community Vision to be held November 2nd at 6:00 pm at the Waldorf School, which he encouraged the Commissioners to attend. He reviewed several items addressed at City Council with these key comments:

- The Urban Renewal Plan was now in effect. In early January, staff would discuss how to structure the program, what actions to take in the coming year, and the makeup of the advisory committee to the Urban Renewal Agency.
- The marijuana business regulations were adopted with minor changes to the Commission’s version.

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 – No public hearings were scheduled.

6.0 Worksession Items

- 6.1 Summary: Elect new chair
Staff: Denny Egner

This agenda item was addressed at the beginning of the meeting.

- 6.2 Summary: Review Work Program and Bylaws
Staff: Denny Egner

Mr. Egner reviewed the staff report, highlighting the 2017 Work Program. In addition to the policy work, he noted that the Urban Growth Management Agreement (UGMA) with Clackamas County, which required a Comprehensive Plan Amendment, would be coming before the Commission for approval, as well as a few complicated planning projects that he described. He sought the Commissioners’ feedback on the accomplishments and goals and asked if anything in the Bylaws needed to be updated. He added that City Council had not set goals this spring in order to focus on advancing or completing the goals set the previous year, and progress had been made on the library expansion, urban renewal, economic development, and the Bike and Pedestrian Safety Program.

Key points of discussion and changes regarding the work program were as follows:

- Having at minimum, a new construction tree ordinance, even as simple as a 1:1 replacement of trees removed during construction, was vital to address citizen concerns about foliage eliminated during new construction.
- An ordinance addressing destruction and remodeling/redevelopment was needed to balance private property rights and historic preservation objectives.
- It was suggested that the Commission partner with the Parks and Recreation Board (PARB) and Design and Landmarks Committee (DLC) to research other cities’ sample ordinances and initiate the process, as these topics fell within their scope.

- **Mr. Egner** noted the PARB's focus was for tree ordinance on public land and/or in the right-of-way, whereas a new construction ordinance would affect private land.

Key points of discussion and suggested changes related to the Bylaws were as follows:

- The Commission discussed amending the Purpose section to adhere to the roles and responsibilities as outlined in Milwaukie Municipal Code 2.16.010. It was noted that the Commission also had a decision-making roll for many quasi-judicial applications.
 - **Mr. Egner** said he would check the wording in other bylaws.
- The Commission briefly discussed the membership criteria and the purpose for allowing two nonresident members on the commission. It was noted that many City commission's bylaws limited the number of members from one profession.

The Commission consented to the proposed change to the Purpose section.

7.0 Planning Department Other Business/Updates

Commissioner Hemer announced Sunday Parkways was scheduled for October 2nd. The event provided 8.5 miles of closed roads for people to walk or bike on in Milwaukie and the Sellwood area. Volunteers were still needed.

8.0 Planning Commission Discussion Items – There were none.

9.0 Forecast for Future Meetings:

- | | |
|------------------|-------------------------------------|
| October 11, 2016 | 1. Visioning Community Conversation |
| October 25, 2016 | 1. Housekeeping Amendments |

Mr. Egner confirmed the Joint City Council/Planning Commission meeting would be held on October 18, 2016.

Meeting adjourned at approximately 7:13 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II


 Shane Abma, Chair



MINUTES
MILWAUKIE CITY COUNCIL
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WORK SESSION
OCTOBER 18, 2016
City Hall Conference Room

Mayor Mark Gamba called the Work Session to order at 4:14 p.m.

Council Present: Council President Lisa Batey and Councilors Scott Churchill, Wilda Parks, and Karin Power

Staff Present: City Manager Bill Monahan, Co-City Recorder Pat DuVal, Co-City Recorder Scott Stauffer, Assistant to the City Manager Mitch Nieman, Sustainability Director Clare Fuchs, Planning Director Denny Egner, Civil Engineer Rick Buen, and Engineering Director Charles Eaton

Park and Recreation Board (PARB) Bylaws Review

Ms. Fuchs introduced PARB Chair **Lisa Gunion-Rinker** who introduced PARB members Ben Johnson and Andrew Craig.

Ms. Fuchs discussed PARB's bylaws review process. She noted the different terms of service lengths for different Board, Commission, and Committee (BCC) appointments. The group talked about the term lengths for all BCCs and for PARB specifically. **Ms. Fuchs** agreed to have staff work on revising appointments to 4 year terms for all BCCs.

Council President Batey and **Ms. Fuchs** further discussed PARB's bylaws, including quorum requirements.

PARB members Linda Blue, Lynn Sharp, and Vice-Chair Lisa Lashbrook arrived and introduced themselves. **Ms. Sharp** noted the status of the Tree City USA application.

PARB Work Plan Update

Ms. Fuchs provided background information on PARB's activities in the past year and previewed upcoming projects.

Ms. Gunion-Rinker talked about Tree City USA and the existence of a Tree Board. **Ms. Fuchs** explained there was a heritage tree program in the works. The group discussed obtaining Tree City USA status and creating a heritage tree stewardship program.

Council President Batey asked about creating a non-profit parks foundation. **Ms. Gunion-Rinker** explained that a non-profit foundation would work closely with the City but be a separate entity. She discussed the progress in forming the foundation.

Councilor Parks noted she was the North Clackamas Parks and Recreation District (NCPRD) District Advisory Board (DAB) Chair, and talked about NCPRD's governance structure. NCPRD was looking at bringing forward a ballot measure regarding its governance structure in November 2017. **Mayor Gamba** and **Councilor Parks** talked about System Development Charges (SDCs) and the City of Happy Valley's concerns related to parks and funding.

Council President Batey discussed the word "recreation" in PARB's name, and **Ms. Blue** agreed more work needed to be done concerning recreation.

Councilor Parks asked if PARB's work plan items could be prioritized, and **Ms. Fuchs** talked about her priorities. **Ms. Lashbrook** discussed how PARB had broken out into subcommittees to get work done, and the group discussed the role of a Friends group.

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Councilor Parks noted the upcoming Milwaukie Center dedication for new senior play equipment, and **Council President Batey** noted the No Ivy Day at Homewood Park.

Mayor Gamba discussed the PARB mission/vision statement and asked if PARB wanted to be a sustainability committee. The group noted PARB's workload and discussed the idea to have a bigger overarching sustainability committee with representatives from each BCC.

Interim Planting Plan for Riverfront Park

Ms. Gunion-Rinker asked if PARB's plan was what Council had in mind, and **Mayor Gamba** said it was what he had envisioned. **Mr. Johnson** stressed it was more of a concept than a plan at this point, and discussed the approach.

The group talked about use of space in the park and the presence of geese. The group discussed PARB's planting plan, and **Councilor Power** expressed her support. **Council President Batey** noted the importance of scheduling a discussion to prioritize finishing the park.

Mr. Buen explained the erosion control plan and the impact it would have on the winter events that take place at the riverfront. **Mayor Gamba** asked if Engineering could attend the next PARB meeting to help coordinate plans. The group discussed the planting plan and **Mr. Johnson** explained the design concept.

Mayor Gamba noted this was a bigger discussion and wanted to get PARB and the Riverfront Task Force (RTF) back to a Study Session soon. He noted that the members of RTF had all resigned except for Gary Klein. **Ms. Fuchs** suggested scheduling a Council discussion once a more refined Park concept was ready. **Ms. Sharp** noted NCPRD needed to be involved in the park discussion.

Mayor Gamba summarized that PARB would talk with Engineering and return to Council soon. **Council President Batey** observed that the Geese Guys work would continue for the time being.

Planning Commission (PC) Update and Bylaws Review

PC Chair Shane Abma and Commissioners Shannah Anderson, Adam Argo and Greg Hemer introduced themselves. It was noted that Vice-Chair Scott Barbur was absent and the PC was down two members. **Mayor Gamba** noted applications had been received for new PC members.

Mr. Egner noted that the goals and bylaws had been reviewed recently. He discussed upcoming PC items and reported the PC had made bylaw change recommendations to accurately reflect the work of the commission, including decision making.

Mr. Abma noted the large and exciting amount of upcoming work. He noted items for upcoming PC agendas, including a tree protection strategy and home demolition issues related to protecting historic homes. **Mayor Gamba** thought both ideas were great and should be looked at soon. **Mr. Hemer** and the group discussed historic homes. The group noted the Design and Landmarks Committee (DLC) and PC could work together.

Mr. Egner said the housekeeping items and the visioning process were moving forward.

Councilor Churchill asked about potential ethical conflicts of interest, and **Mr. Egner** believed the City's requirements were the same as the State's.

Mayor Gamba adjourned the Work Session at 5:39 p.m.

Respectfully submitted,



Amy Aschenbrenner, Administrative Specialist II