



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

April 12, 2022

Present: Lauren Loosveldt, Chair
Joseph Edge, Vice Chair
Amy Erdt
Greg Hemer
Adam Khosroabadi
Robert Massey
Jacob Sherman

Staff: Jennifer Backhaus, Engineering
Technician III
Joseph Briglio, CD Director
Justin Gericke, City Attorney
Vera Koliass, Senior Planner

Absent:

(00:11:02)

1.0 Call to Order — Procedural Matters*

Chair Loosveldt called the meeting to order at 6:30 p.m., read the conduct of meeting format into the record, and Native Lands Acknowledgment.

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

(00:12:06)

2.0 Information Items

Vera Koliass, Senior Planner, noted that City Council will vote to adopt the Comprehensive Plan Code amendment package at the April 19, 2022 Regular Session.

(00:08:04)

3.0 Audience Participation

No information was presented for this portion of the meeting.

(00:09:10)

4.0 Community Involvement Advisory Committee (CIAC)

Koliass shared that there were eight attendees at the Land Use 101 training held March 31, 2022, the presentation will be posted on the City website and YouTube page. Staff is developing an in-depth land use training to accompany the Land Use 101 training.

Chair Loosveldt noted support for increasing interaction between the CIAC and

the NDAs. Loosveldt requested that staff explore ways that the CIAC members can become more involved with the neighborhood associations.

Commissioner Massey expressed support for further involvement between CIAC members and NDAs and noted preference for meeting the neighborhood associations at their own meetings rather than during Planning Commission meetings.

Commissioner Hemer noted that he regularly attends NDA meetings and encouraged other CIAC members to attend their NDA's meetings.

Commissioner Sherman requested that commissioners and staff be conscious of each of the commissioner's available time.

(00:19:56)

5.0 Hearing Items

(00:19:57)

5.1 9285 SE 58th Dr

Kolias shared the staff report, the applicants are proposing to develop the 0.08-acre lot at 9285 SE 58th Dr with a 1,848 square foot 2-story manufacturing building. The proposal includes full street improvements along 58th Drive, one on-site ADA accessible parking space, and a screened wall facing Johnson Creek Blvd. The proposal requires a parking modification and variances to reduce the setback along Johnson Creek Blvd, reduce perimeter landscaping, and to reduce the spacing between the accessway and the property line and to Johnson Creek Blvd. The proposed setback along Johnson Creek is 0 feet although the applicants are required to dedicate 20 feet along Johnson Creek Blvd for future frontage improvements. Staff has not identified any negative impacts, believes the application to be both reasonable and appropriate, and recommends approval of the application.

Commissioner Massey asked whether staff recommended that the applicant meet with the applicable neighborhood district association (NDA). **Kolias** responded no, staff did not recommend meeting with an NDA.

Commissioner Sherman asked for historical information regarding the creation of this undersized, irregular, lot. **Kolias** responded that the lot was platted in the Mullan Heights subdivision in 1923.

Commissioner Sherman asked for clarification regarding the frontage improvements along 58th Dr. **Jennifer Backhaus, Engineering Technician III**, responded that installation of a curb, sidewalk, and vegetation strip are included in the frontage improvements.

Commissioner Sherman asked what uses are permitted on the site. **Kolias** responded that warehousing, shipping, manufacturing, and production uses are

permitted and commercial, retail, and offices are permitted as accessory uses.

Commissioner Sherman asked for clarification regarding clear vision at the Johnson Creek intersection and whether the proposed 0-foot setback would obstruct vision. **Kolias** responded that an access study was conducted by the applicant and that the 0-foot setback is from the new property line, 20 feet away from Johnson Creek Blvd. **Backhaus** added that there is ample clear vision at the intersection due to the 20-foot dedication.

Kolias noted that additional testimony was received from Michael Connors, representing Smith Rock Inc. and from the Applicant Team responding to the clear vision and access questions raised by Michael Connors in an earlier letter submitted for the January 25 Planning Commission hearing.

The Applicant Team shared their presentation which showed the proposed site plans and building design. There is 6 inches of separation between the building and Right of Way (ROW) to account for the screened wall feature. The Applicant Team plans on adding a trellis to the wall with vegetation, but other screening options are being considered. Other options include decorative fencing, a wire trellis, or hanging vegetation.

Commissioner Sherman asked if the proposed wall screening will encroach in the ROW considering there is a 0-foot setback. **The Applicant Team** responded that the screened wall will be building-mounted and will not encroach into the ROW due to the 6-inch buffer between the building and ROW.

Commissioner Khosroabadi asked what the other wall screening alternatives are. **The Applicant Team** responded that a trellis is preferred by the applicant team but alternative options available include additional windows, metal screening, or different wall materials or colors.

Commissioner Khosroabadi asked whether there was communication between the applicant team and adjacent property owners. **The Applicant Team** responded that they have not communicated with any adjacent property owners.

Anthony Allen, a Milwaukie resident, expressed concern about the screened wall encroaching into the ROW and opposition to reduced perimeter landscaping.

Mike Connors, representing Smith Rock Inc, expressed opposition to the proposal and their belief that the applicants did not adequately address each approval criterion. Connors noted that developing a site does not sufficiently satisfy the public benefit approval criteria as the applicants argue. Connors stated that the property can be developed without the need for variances. Connors requested a continuance of the hearing to allow for time to review the traffic study and emails with Clackamas County regarding the Johnson Creek Blvd improvements

provided by the applicant on April 12, 2022.

Lew Smith, a Milwaukie resident, expressed opposition to the proposal and concern about potential impacts of development to the residential property north of the subject property specifically regarding solar access.

Chair Loosveldt asked for clarification regarding required perimeter landscaping and wall screening. **Kolias** responded that MMC 19.600 requires a minimum of 6 feet of perimeter landscaping around parking areas, the applicants are requesting a reduction to 3.5 feet. Kolias noted the screening options are being used to mitigate any adverse impacts of the variance to reduce the setback to 0 feet along Johnson Creek Blvd.

Commissioner Sherman asked whether the minimum perimeter landscaping requirement could be met if the proposed second story was not included in the building design. **Kolias** responded it is unclear whether it is possible to meet the requirement by removing the proposed second story.

Kolias discussed continuation options, to allow satisfactory time for additional testimony, staff proposes continuing the hearing to May 24, 2022 and allowing additional testimony, response to the additional testimony, and a final written response from the applicant.

The Planning Commission continued hearing VR-2021-012 to May 24, 2022 allowing one week for additional testimony (a deadline of April 19, 2022) an additional week for response to the April 19th testimony (April 26, 2022) and a final week to allow for the final written response from the applicant (May 3, 2022) by a 7-0 vote.

(00:36:27)

5.2 SB 458 Code Amendments

Kolias shared the staff report, the code amendment package ensures compliance with Oregon Senate Bill 458 (SB 458). SB 458 is a follow up to Oregon House Bill 2001 (HB 2001). SB 458 requires expedited land divisions for middle housing enabling units to be sold or owned individually on fee simple lots. SB 458 applies to all middle housing types but does not apply to accessory dwelling units (ADUs). SB 458 land divisions must result in one dwelling per lot with separate utilities for each dwelling, the bill does allow common areas to be located on separate lots or shared tracts. Additionally, all dwelling units must meet the requirements of the Oregon Residential Specialty Code. The bill requires an expedited review of qualifying land divisions which the City will meet through a Type II review with a compressed 63-day time frame.

Kolias continued, the City proposes to require street frontage improvements where applicable, preliminary and final plat approval, and building permits to ensure consistency with the City's current land review process. The City cannot

require street frontage for new lots or parking for each child lot although parking may be required in a shared space or easement. SB 458 prohibits the City from requiring child lots to comply with minimum lot size. Additionally, the City may not require additional review criteria or conditions of approval that are not expressly permitted through SB 458.

Kolias noted that additional language was added to the code package after the February 22, 2022 Planning Commission Work Session that specifies that parent lots will be used to ensure conformity with lot standards, definition of unit types, allowed number of dwelling units, and compliance with middle housing rules and statutes. This additional language ensures that lot standards are met, and lots will not be further divided.

Anthony Allen, a Milwaukie resident, asked whether the restrictions of the tree code apply to middle housing developments. **Kolias** responded yes, middle housing developments must comply with tree code restrictions.

Vice-Chair Edge and Commissioner Massey noted their support for the application.

ZA-2022-001, SB 458 Code Amendments, was recommended to City Council for approval by a 7-0 vote.

(02:50:53)

6.0 Planning Department Other Business/Updates

No information was presented for this portion of the meeting.

(02:52:49)

7.0 Planning Commission Committee Updates and Discussion Items

No information was presented for this portion of the meeting.

(02:53:53)

8.0 Forecast for Future Meetings:

April 26, 2022	1. Public Hearing: R-2021-004, 8-lot Subdivision Replat at 10586 & 10610 SE Home Ave
----------------	--

Meeting adjourned at approximately 9:24 p.m.

Respectfully submitted,

Will First, Administrative Specialist II