



# CITY OF MILWAUKIE

## PLANNING COMMISSION MINUTES

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

May 24, 2022

**Present:** Lauren Loosveldt, Chair  
Greg Hemer  
Adam Khosroabadi  
Robert Massey  
Jacob Sherman

**Staff:** Steve Adams, City Engineer  
Jennifer Backhaus, Engineering  
Technician III  
Justin Gericke, City Attorney  
Brett Kelver, Senior Planner  
Vera Kolias, Senior Planner  
Laura Weigel, Planning Manager

**Absent:** Joseph Edge, Vice Chair  
Amy Erdt

(00:15:21)

### 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.

**Commissioner Hemer** shared a personal statement regarding the importance of life and requested the commission take a moment of silence to honor those who lost their lives in the recent mass shootings in Buffalo, NY and Uvalde, TX.

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

(00:18:00)

### 2.0 Meeting Minutes

(00:18:00)

#### 2.1 April 12, 2022 Meeting Minutes

**Commissioner Massey** noted that although staff stated they did not recommend the applicants for VR-2021-012 meet with the applicable NDA it was later clarified that they did recommend that the applicants meet with the NDA during the preapplication conference.

The April 12, 2022 minutes were approved as written with a 5-0 vote.

(00:20:52)

### 3.0 Information Items

No information was presented for this portion of the meeting.

(00:21:03)

#### **4.0 Audience Participation**

No information was presented for this portion of the meeting.

(00:21:53)

#### **5.0 Community Involvement Advisory Committee (CIAC)**

**Laura Weigel, Planning Manager**, noted that NDA leaders agreed to allow a member of the CIAC to attend the quarterly NDA leadership meetings.

**Commissioner Khosroabadi** suggested that CIAC members attend regular NDA meetings in addition to the quarterly NDA leadership meetings. **Weigel** noted that CIAC members may voluntarily attend any NDA meeting but reiterated that members would represent the CIAC not the Commission at these meetings.

**Commissioner Khosroabadi** noted that some NDA members are looking for clarification about the land use process. **Weigel** noted that city staff is in the process of creating and publishing material to help explain the land use process. Staff has already produced a land use 101 presentation and presented to NDA members as the first step in this process. **Commissioner Massey** explained that Commissioners are often asked about Commission business when attending NDA meetings and that he typically provides upcoming meeting information or summaries of past decisions when asked about Commission business.

**Commissioner Hemer** noted that when he attends NDA meetings he often provides information regarding land use applications but nothing outside of what is included in city materials (e.g. staff reports and decision notices).

(00:29:50)

#### **6.0 Hearing Items**

(00:29:51)

##### **6.1 VR-2021-012, 9285 SE 58<sup>th</sup> Dr**

**Vera Kolas, Senior Planner**, shared the staff report, aerial and street views of where the site is located, and provided context of existing site conditions. The site is 0.08 acres, zoned for manufacturing use, was formerly used for storage by the adjacent Smith Rock business, and now sits vacant. Kolas reviewed the proposal details, the applicants propose a 1,848 sq ft manufacturing building with full improvements on 58<sup>th</sup> Dr. The proposal includes a parking modification request to allow for the one required on-site parking space to be an accessible space and variances to front yard setback, driveway spacing, and width of landscaping at parking area requirements. Staff did not identify any negative impacts from the application and believed the variance requests to be both reasonable and appropriate. Staff recommended approval of the proposed application with the recommended findings and conditions of approval.

Since the April 12, 2022 Planning Commission hearing, staff received the following public comments. **Robert Vancreveld** provided comments in opposition. **Michael Connors** provided comments stating there was not enough time to review the materials submitted for the April 12 hearing, summarized previous comments, and commented on the February 22 emails with Clackamas County. **Troy Lyver, a member of the Applicant Team**, provided comments related to Michael Connors testimony on the February 22 emails with Clackamas County. Lyver also submitted the Applicant's final written argument which summarized prior testimony and arguments.

**Robert Price, a member of the Applicant Team**, noted that some comments provided during the April 12 meeting by the property owners, Carol and Keith Phelps, regarding conversations between them and Smith Rock throughout the past 15 years were not included in the meeting minutes. **Justin Gericke, City Attorney**, noted that because the omitted comments were included in the applicant's final written argument they are still included in the official record. **Commissioner Sherman** suggested amending the April 12 minutes to accurately reflect the testimony provided by Carol and Keith Phelps. **Connors** noted that despite the record closing following the April 26 deadline for the applicant's final written argument, Robert Price introduced new information and therefore Connors requested a continuation of the hearing. Additionally, Connors noted that the final written argument should not contain new evidence and therefore cannot be the first time the comments in question are mentioned. On these grounds Connors raised a procedural objection.

The Commission took a 10-minute recess.

**Connors** asked for clarification about the hearing process and how staff and the Commission are addressing the procedural objection. **Kolias** responded that staff proposes to continue the hearing to June 28, 2022, where no additional testimony will be taken. The record will be left open for seven days, until May 31, for any additional testimony regarding the Carol and Keith Phelps comments from the April 12 hearing which were omitted from the meeting minutes. Any comments submitted for the May 31 deadline will be posted and responses to the testimony will be taken for an additional seven days, until June 7. The applicant team will have an additional seven days, until June 14, to submit their final written argument. **Connors** requested that the Commission leave the record open for fourteen days for any additional testimony regarding the omitted comments from Carol and Keith Phelps and afterwards close the public testimony portion of the hearing. **Gericke and Price** agreed to the alternative proposal from Connors on behalf of the City and the applicant respectively.

The Commission continued the hearing to a date certain of June 28, 2022, allowing fourteen days, until June 7, 2022, for additional evidence to be submitted by a 5-0 vote.

(01:32:14)

## 6.2 CSU-2022-003, 2301 SE Willard St

**Brett Kelver, Senior Planner**, presented the staff report and shared aerial images of the north side of Milwaukie High School, showing the area between 23<sup>rd</sup> Ave and the Adams St right-of-way (ROW). The purpose of the application is to modify a condition of approval from land use application CSU-2017-007. The request was initiated by the City Engineering department on behalf of the North Clackamas School District (NCSD). The modification requested is to condition 5(d), which called for NCSD to dedicate a "25-ft half right-of-way at the east end of Adams St to connect 23<sup>rd</sup> Ave to Adams St." The intention of this condition was to preserve the opportunity of a future street connection from Adams St to 23<sup>rd</sup> Ave, which can be accomplished through a public access easement instead. The request to modify condition 5(d) changes the required a 25-ft ROW dedication to a 25-ft public access easement. Staff recommended approval and believes an easement is better suited for this piece of land, as the City would not need to assume the maintenance responsibilities they would for a ROW dedication.

**Chair Loosveldt** asked about the fee in lieu of construction (FILOC) paid for the proposed stairs, which were intended to provide a pedestrian connection between Adams St and 23<sup>rd</sup> Ave. **Steve Adams, City Engineer**, responded that the stairs were unable to be built because of an existing water main that ran through the location of the proposed stairs. Alternative paths were not feasible because they would force people to exit the stairs into the Adams St ROW where no sidewalks exist, violating rules set forth in the Public Right-of-Way Accessibility Guidelines. The FILOC will be used to increase pedestrian infrastructure somewhere else in the neighborhood.

**Commissioner Hemer** reflected on the original application, CSU-2017-007, and noted that this proposed pedestrian connection received little to no attention throughout the application review process.

CSU-2022-003, 2301 SE Willard St, was approved by a 5-0 vote.

(01:53:26)

## 7.0 Planning Department Other Business/Updates

No information was presented for this portion of the meeting.

(01:53:42)

## 8.0 Planning Commission Committee Updates and Discussion Items

**Weigel** shared that City staff would like to set up small group meetings to discuss how the Commission conducts hearings and share ways City staff can be a resource to Commissioners.

**Commissioner Massey** asked whether the Commission as a whole could meet to have similar conversations. **Gericke** responded that the entire group cannot meet without providing public notice and meeting publicly but any number of Commissioners can meet as long as there is no quorum present. **Chair Loosveldt** requested that small groups contain Commissioners with a variety of experience levels.

(02:01:13)

**9.0 Forecast for Future Meetings:**

June 14, 2022	Canceled
June 28, 2022	1. Public Hearing: VR-2021-012, 9285 SE 58 <sup>th</sup> Dr 2. Public Hearing: CSU-2022-004, Waldorf School Sign 1. Work Session: Code Amendments: High Density Zones – definitions

Meeting adjourned at approximately 8:20 p.m.

Respectfully submitted,

Will First, Administrative Specialist II