

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Policy Session Worksheet

Presentation Date: June 22, 2021 **Approx. Start Time:** 2:30 PM **Approx. Length:** 1 hour

Presentation Title: Park Avenue Community Project, Direction on Development and Design Standards

Department: Transportation & Development – Long-Range Planning

Presenters: Dan Johnson, DTD Director; Jennifer Hughes, Planning Director; and Karen Buehrig, Long Range Planning Manager;

Other Invitees: Cheryl Bell, Assistant Director of Development, DTD; Lorraine Gonzales, Senior Planner; Jon Legarza, Business and Economic Development; Sarah Eckman, Interim Director, Business and Community Services; Ellen Rogalin, Community Relations Specialist

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Direction to initiate process of amending the Zoning and Development Ordinance (ZDO) and the Comprehensive Plan (Plan) to implement the Park Ave Community Project development and design standards recommendations. The steps of this process include staff to:

1. Submit draft ZDO and Plan amendment language to the Oregon Department of Land Conservation and Development (DLCD);
2. Hold a study session with the Planning Commission;
3. Hold a public hearing with the Planning Commission, with Planning Commission discussion and recommendation; and
4. Hold a public hearing with the BCC and decision on the amendments by the Board of Commissioners.

EXECUTIVE SUMMARY

Previous Board Action

On Dec. 3, 2020, the Park Avenue Community Advisory Committee (PACAC) and county staff presented the PACAC'S report to the Board of County Commissioners at a 90-minute policy session. The project [website \(www.clackamas.us/planning/parkave\)](http://www.clackamas.us/planning/parkave) includes links to this presentation and to the video of the policy session. On the same page, under the *Documents* section near the bottom of the page, are the raw results of the public surveys on the framework plan and the development and design standards, as well as many other project documents.

After discussion at the Dec. 3 session, the Board acknowledged the work completed, including the Guiding Principles, Framework Plan, proposed Development and Design Standards, and Implementation Actions to consider for the future. In general, the Board expressed appreciation for the work done by the PACAC and supported the process moving forward, but also directed staff to conduct additional outreach to commercial property owners and the business community and also requested development of an anti-displacement policy framework. A Board Policy Session on anti-displacement was held on December 15, 2020, and another is scheduled for June 22, 2021 at 1:30 p.m.

PACAC Development and Design Standards Recommendation

The PACAC recommended changes to development and design standards to allow for future land uses that support an activity cluster, as envisioned in the McLoughlin Area Plan and identified in the Park Ave Community Project Framework Plan.

The recommendations focus on implementing the following changes to the land zoned General Commercial and Medium Density Residential in the ½-mile radius study area around the Park Ave MAX station. (Attachment A outlines these recommendations in greater detail.)

- General Commercial (C-3) lands:
 - Increase housing opportunities by allowing higher residential density
 - Allow more opportunities for small-scale manufacturing
 - Prohibit new auto-oriented uses and self-storage facilities
 - Reduce on-site parking requirements
 - Scale building and site design to support active usage of the street and public spaces.
- Medium Density Residential (MR-1) lands:
 - Allow cottage cluster housing at higher densities
- Both C-3 and MR-1 lands:
 - Require new pedestrian and bicycle connections
 - Modify on-site parking requirements

In the project area, with its great access to transit, these changes work together to guide the land uses, and site and building design, to create opportunities for a diversity of housing, jobs and services in the area, as envisioned by the Park Ave Community Project Guiding Principles and Framework Plan.

Outreach to Business Owners and Commercial Property Owners

On March 1, 2021, Commissioners Schrader and Savas hosted a meeting with business owners and commercial property owners in the Park Ave Community Project area (Attachment B). In addition, a Park Ave Community Business Forum was held on April 21, 2021 with four of the Commissioners (Attachment C). At that meeting, there was the opportunity for people to bring forward new ideas related to business, for commercial property owners and business owners to share their thoughts on the development and design standards, and for the broader community to share input.

The majority of concerns raised by the participants at the two meetings were related to the proposal to “limit new auto-oriented uses.” While the county has ZDO provisions to allow legally established uses to continue that do not conform with the zoning regulations, the business owners did not want their businesses to become non-conforming uses if expansion or alteration could be restricted. There also was a discussion about the potential negative impact to businesses that provide family wage jobs.

Discussion

As a starting point for Board discussion about whether to restrict auto-oriented uses in the C-3 zone in the Park Ave area, Table 1 identifies several options for consideration.

TABLE 1 - Options Related to Auto-Oriented Uses in Park Ave Project Area

Auto-oriented Uses Currently Permitted in C-3 District	Option 1 PACAC Recommendation	Option 2 Continue to allow uses currently operating in area	Option 3 No change to C-3 uses
<ul style="list-style-type: none"> ➤ Businesses focused on the sale, lease, or rent, maintenance, repair and storage of: <ul style="list-style-type: none"> • all-terrain vehicles • automobiles • light trucks • motorcycles • snowmobiles • boats • heavy trucks such as dump trucks • moving trucks • truck tractors • large cargo trailers such as semitrailers • large construction equipment such as backhoes and bulldozers • large farm equipment such as tractors and combines • large forestry equipment • large mineral extraction equipment • manufactured dwellings • recreational vehicles • residential trailers ➤ Service stations ➤ Car washes ➤ Mini-storage/self-storage facilities ➤ Truck stops ➤ Drive-thru window service ➤ Outdoor operations and storage 	<p>Prohibit all currently-permitted auto-oriented uses</p> <p>Existing lawfully established businesses become non-conforming uses at the time of ZDO amendment adoption</p>	<p>Prohibit all currently-permitted auto-oriented uses <i>except</i> for those that are already operating in the Park Ave project area. This would mean that existing uses, as listed below, would not become nonconforming <i>and</i> new uses of these types could continue to be established.</p> <ul style="list-style-type: none"> ➤ Businesses focused on the sale, lease, or rent, maintenance, and repair of: <ul style="list-style-type: none"> • automobiles • light trucks • motorcycles • boats ➤ Service stations ➤ Mini-storage/self-storage facilities ➤ Outdoor operations and storage 	<p>Continue to permit all currently-permitted uses</p>

Next Steps

With Board direction, staff will finalize the draft Comprehensive Plan and ZDO text to implement the recommendations of the PACAC or the recommendations as amended by Board direction. After the drafting is complete, staff will provide required public and Department of Land Conservation and Development notice, which will be followed by a Planning Commission study session, a Planning Commission public hearing, and a Board public hearing before final written adoption of the amendments, if approved by the Board.

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? YES NO

What is the cost? Existing staff time and notice mailing cost

What is the funding source? Budgeted general fund allocation for the Long-Range Planning program

STRATEGIC PLAN ALIGNMENT:

How does this item align with your Department’s Strategic Business Plan goals?

The project addresses the Department of Transportation and Development’s (DTD) Performance Clackamas Strategic Business Plan, as it is a project that is on the Long Range Planning Work Program. By completing this stage of the project and moving the recommendations forward into the ZDO and Plan amendment process:

Long Range Planning Program Result

- ▶ 75% of the adopted work program completed within the planned year

How does this item align with the County’s Performance Clackamas goals?

Ensure safe, healthy and secure communities

- **Result:** By 2025, 1,500 affordable housing units will be developed.

LEGAL/POLICY REQUIREMENTS:

Amendments to the ZDO and Comprehensive Plan would be initiated and acted on using the legally required processes for such amendments, including public hearings before the Planning Commission and Board of County Commissioners.

PUBLIC/GOVERNMENTAL PARTICIPATION:

The project included extensive public engagement through mailings, email notifications, website, surveys, in-person and online workshops, focus groups, interviews and social media.

OPTIONS:

1. Direct staff to move the development and design standards recommendations from the Park Ave Community Advisory Committee into the public hearing process for amending the Zoning and Development Ordinance and the Comprehensive Plan.
2. Direct staff to move the development and design standards recommendations from the Park Ave Community Advisory Committee as amended by the Board.
3. No action. Through taking “no action”, the project will be terminated and staff will work on other projects identified in the Long Range Planning Work Program.

RECOMMENDATION:

OPTION 1: Direct staff to move the development and design standards recommendations from the Park Ave Community Advisory Committee into the public hearing process for amending the Zoning and Development Ordinance and the Comprehensive Plan.

ATTACHMENTS:

- Attachment A: Park Ave Community Project: Development and Design Standards Guidance
- Attachment B: Notes from Meeting with Business Owners and Property Owners, March 1, 2021
- Attachment C: Notes from Park Ave Community Business Forum, April 21, 2021

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval *Dan Johnson*

County Administrator Approval _____

For information on this issue or copies of attachments, please contact Karen Buehrig at karenb@clackamas.us or 971-291-8127

DEVELOPMENT & DESIGN STANDARDS



DEVELOPMENT AND DESIGN STANDARDS OVERVIEW

PROPOSED CHANGES

General Commercial (C-3) lands:

- Increase housing opportunities by allowing higher residential density
- Allow more opportunities for small-scale manufacturing
- Limit new auto-oriented uses
- Reduce on-site parking requirements

Medium Density Residential (MR-1) lands:

- Allow cottage cluster housing at higher densities

Both C-3 and MR-1 lands:

- Require new pedestrian and bicycle connections
- Scale building and site design to match the characteristics of the streetscape

DEVELOPMENT AND DESIGN STANDARDS OVERVIEW

PROPOSED CHANGES

Why is this change proposed?

The General Commercial C-3 zone along McLoughlin currently allows residential uses but at a density too low for multi-family residential projects. Increasing density provides more flexibility to **increase the diversity of housing choices** in the area.



DEVELOPMENT AND DESIGN STANDARDS OVERVIEW

PROPOSED CHANGES

Why is this change proposed?

Allowing small on-site manufacturing uses (like artisan studios, maker spaces, and incubator labs) will provide flexibility to help **encourage new employment opportunities** and **promote innovative ventures.**



DEVELOPMENT AND DESIGN STANDARDS OVERVIEW

PROPOSED CHANGES

Why is this change proposed?

Car-oriented uses and self-storage facilities occupy significant land areas and produce **few employment opportunities**. Their large surface parking areas also **detract from the experience of walking in an area**.



DEVELOPMENT AND DESIGN STANDARDS OVERVIEW

PROPOSED CHANGES

Why is this change proposed?

The Medium Density Residential MR-1 area currently allows townhome and small multifamily development. Allowing cottage clusters (multiple small homes on a shared lot with shared open space) creates a new opportunity to **increase the diversity and flexibility of housing choices** in the area.



DEVELOPMENT AND DESIGN STANDARDS OVERVIEW

PROPOSED CHANGES

Why is this change proposed?

Many streets in the area do not currently have complete sidewalks or landscape buffers, and blocks are extremely large. Providing new connections and improvements to existing streets makes it possible to **provide safe locations for walking, biking, transit, and parking.**



DEVELOPMENT AND DESIGN STANDARDS

OVERVIEW

PROPOSED CHANGES

Why is this change proposed?

Many buildings in the area do not create a connection to the street or interact with pedestrians to create welcoming environments. Scaling buildings and integrating active design elements in the ground floor creates opportunities to **create a heart and hub of community activity and a network of gathering spaces.**



DEVELOPMENT AND DESIGN STANDARDS OVERVIEW

PROPOSED CHANGES



Why is this change proposed?

Reductions to parking standards within the Park Ave Station Area allow for flexibility based on location near frequent transit, availability of shared parking, and bike-parking.

In addition, multi-family dwelling developments have reduced parking requirements, and additional reductions available for affordable units and age-restricted units.

DEVELOPMENT AND DESIGN STANDARDS OVERVIEW

PROPOSED CHANGES

Will mixed use or ground-floor retail now be required for new development?

No. The code provisions are intended to make this type of development easier, but it will not be required. Ground floors of buildings will need to include design elements like windows, doors, and awnings/canopies that make the pedestrian experience richer.

DEVELOPMENT AND DESIGN STANDARDS OVERVIEW

PROPOSED CHANGES

What happens to existing auto-oriented businesses (car lots, gas stations, etc) if the code no longer allows them?

All existing uses in the area will continue to be permitted for as long as current owners wish to continue them. The code changes regulate **new development** to help the area evolve gradually to more closely implement the plan vision of a mix of employment and residential opportunities in a walkable environment.

Notes from Park Ave Commercial Property Owners Meeting

March 1, 2021

ATTENDANCE

- **Business people:** Ed Cranston, Sandra McLeod, Thelma Haggemiller, Punky Scott, Dan McGlone, Weston Sanaee, Charlie Tiller, Brad Olson, Pat McCormick, Alex McClain, Carl and Jeannie Durkheimer, Bill Place, Sami Mohamed, Ryan Bigbee, Greg Gage, Jennifer Harding
- **County Commissioners:** Paul Savas, Martha Schrader
- **Staff:** Karen Buehrig, Ellen Rogalin, Jon Legarza, Lorraine Gonzales, Jennifer Hughes, Tracy Moreland

QUESTIONS

If I want to remodel my property, will the remodel be prohibited?

- An expansive remodel will require a land use process – alteration of a nonconforming use and design review process. There is the alteration of a nonconforming use application process, but since each development is unique to each site, approval is not guaranteed.

What if I want to sell my property:

- Selling the property does not disrupt the existing use.
- Vacancy of the nonconforming use activity for over a year does jeopardize the continuous use.

What are other similar projects in the area? City of Gresham, Fuller Road, and Clackamas Town Center are similar, but don't have a highway (99E) intersecting the area.

Will the Park Ave Project amendments be applied to areas further south on the corridor? A new project is required to review areas further along the corridor for evaluation and any changes.

How many business owners were on the Park Ave Community Advisory Council? 3-4

How many businesses did MESO met with? MESO met with Courtney Plaza businesses. Business and Economic Development partners with MESO and has more specifics about the connections with the community.

Why are auto businesses prohibited? We're trying to make the area more walkable; look at how can we increase the amount of uses on a property.

If zoning change takes place, those businesses are grandfathered in. Does that grandfathering apply to the property owner or to the actual activity that's taking place there? Uses there now are protected by state law and county code, even if property exchanges hands. Also protected for any lawful requirements, e.g., from the fire marshal comes, and remodeling is protected. The issue comes in when change the use to something different, e.g., a car lot to car repair, drive-through bank to drive-through restaurant, or you want to expand. That would require approval of a land use application.

You've got a park and ride and Elks is also used for that; how would you limit parking in an area that already has a lot of parking? There's potential for reduced parking requirements for affordable housing units if you're near transit or provide bike racks or other support to other modes of travel. We wouldn't eliminate parking requirements; just offer potential for reduction.

Are other businesses proposed for elimination in the proposed amendments? Yes, outdoor storage uses, drive-thrus, and larger structures.

Is the intent to increase density in the area? Yes, within ½ mile of the MAX station. People who use light rail also walk as well as drive. People who live closer to transit have more opportunity to walk.

COMMENTS

- My concern is that the plan suggests access between Evergreen and McLoughlin which could bring some unsavory people. My tenants want and deserve a safe, secure place to live.
- The guy I'm selling to may want to remodel and this kills that. Most of these places are automotive and you're going to make them non-automotive. You'll have vacant property. Remodeling won't work with this plan. A lot of people have worked hard to get to the point where they can own property and lease it out, and now they won't have the opportunity.
- The direction of the amendments are similar to the City of Portland. Businesses are locating in Clackamas County due to the City of Portland restrictive code.
- The basis for the amendments -- a walkable community -- is not compatible with McLoughlin. McLoughlin has a high traffic volume and shouldn't be used by pedestrians.
- Not enough business and commercial property owners were on the advisory committee.
- Walkable areas and plazas do not provide jobs. This will take valuable property off the corridor.
- I'm afraid you're going to change the zoning all along McLoughlin. Why keep pushing on us? I got out of Portland and now the changes are happening here. How does the value of the property go up when you change the zoning?
- It's hard to believe tax revenues will be enhanced with the plan's proposed development.
- Is housing desirable along SE McLoughlin Blvd?
- The proposed elimination of car businesses is an attack on the auto industry.
- The development and design standards were not introduced until the end of the project and not given adequate time for people to review, process, and comment.
- Will walkability make the area more attractive for future development?
- You're not going to improve walkability around my store – you'll need lighting. You have to do something about the homeless people and the drug use.
- Auto businesses provide above-average wages for employees and a stable job market.
- You can't create jobs by eliminating jobs, especially high paying jobs.

Suggestions:

- Eliminate references to “eliminate, reduce, and prohibit” in the proposed amendments.
- Make sure the amendments do not eliminate a valid job market.
- Amend MR-1 areas to include commercial uses. *[Response: This would be a separate project outside the scope of the Park Ave Project, and has not been introduced to the public.]*

Next Steps:

- Touch base with the Board of Commissioners again before going before Planning Commission and then back to the Board.
- Have another meeting that is more public.

Park Ave Business Community Forum
hosted by Clackamas County Board of Commissioners
5-6:30 p.m., April 21, 2021
NOTES

Attendees

Business/commercial owners and public:

Mitra Anoushiravani, Ryan Bigbee, Charles Bird, Karen Bjorklund, Abigail Bokman, Grover Jeffrey Bornefeld, Ellen Chaimov, Sarah Jo Chaplen, Valerie Chapman, Jane Civiletti, Tom Civiletti, Elvis Clark, Andy Cooper, Edward Cranston, Laura Edmonds, Nate Ember, Dustin Filipek, Greg Gage, Sherry Grau, Ed Gronke, Thelma Haggemiller, Jennifer Harding, Anna Hoesly, Paul Jackson, Chips Janger, Roseann Johnson, Susan Keil, Lee Kell, Michele Kremers, Danielle Lohmann, Jaime Mathis, Dan McGlone, Donald McHarness, Kelly McClain, Sandra McLeod, Sally Mead, Kim Meyer, Mark Miller, Sami Mohamed, Jane Morrison, Ann Muir, Richard Nepon, Brad Olson, Vips Patel, Weston Sanaee, Jayson Scott, Punky Scott, Thomas Reeves, Casey Snoeberger, Laurie Sonnenfeld, John Southgate, Jeremy Speer, Peter Starzynski, Pascale Steig, Christina Terwilliger, Charlie Tiller, Baldwin van der Bijl, Craig Van Valkenburg, Ed Wagner, Barbara West, Molly Williams, Suzanne Wolf ; + two by phone

Board of Commissioners:

Paul Savas (host), Tootie Smith, Sonya Fischer, Mark Shull

Staff/Consultants:

Dylan Blaylock (facilitator), Garrett Teague, Jennifer Hughes, Karen Buehrig, Ellen Rogalin, Lorraine Gonzales, Jon Legarza, Sarah Eckman, Gary Schmidt, Tracy Moreland, Erin Roemer

Meeting

Paul Savas –

Welcomed everyone and reviewed the purpose of the meeting. Said Commissioner Martha Schrader has a conflict and is not able to attend.

Dylan Blaylock --

Shared agenda and map of project area.

Roseann Johnson –

From Home Builders Association (HBA) of Metro Portland; represent home builders of all types. My proposal is to consider applying a vertical housing development zone (VHDZ) to part or all of the project area and extend it south on McLoughlin and one to two blocks east or west of McLoughlin. I defer to staff and Board to determine exact location. I am on the county's Housing Working Group, which is looking at additional housing in commercial zones. I've proposed this already with that group as a policy tool the commission could use. The VHDZ can be a tool to catalyze and incentivize more mixed-use, multi-use and affordable housing. This meets three goals in the Park Ave implementation plan – increases employment opportunities, supports diverse and accessible housing choices, and meets community gathering objective. Mixed-use development can really be an anchoring spot for people. You've heard that developers can't make projects pencil in this area and these tools might help projects pencil and provide new business and housing opportunities.

As a region, we're trying to make the most of the land we have and to provide incentives for best use of land. Tax abatement: 20% per equalized floor only on the improvements specifically. County does collect taxes from its taxpayers and decides how to spend those taxes. This would be a way to

say that, rather than collect those taxes, we're going to let those taxes be used in this very specific way to meet goals and objectives that we have for this area.

Dylan Blaylock – [looking for Tom Weaver. Not here.]

Read email from Molly Cunningham... "In addition to everything our committee discussed as businesses that we'd like to see in our Park Ave area, and wishing to bring a focus on our Trolley Trail as a strong community asset— I would love to see a business that focuses on recreational use of the trail. Especially bike rentals. Many folks do not have bikes, or the wherewithal to transport them (if out of immediate biking area). (Or, like me, they have old bikes not quite trustworthy...) "Maybe, too, the business, or another, could offer box lunch picnic fare , to take along on the ride & stop & eat at the park or benches along the way... "I think it would be fun! And perhaps, at some point, some pop-op canopied little craft vendors or food wagons in a designated area could be set up."

Paul Savas –

We expected to have some kind of presentation from a business group with some ideas, but apparently they will express their concerns about the draft plan. We had anticipated a more meaty conversation regarding new ideas.

Dylan Blaylock –

This is an opportunity for business owners and commercial property owners inside the study area to express concerns. Each person will have up to five minutes.

Weston Sanaee –

I own Cascadia Motors on the corner of Courtney and McLoughlin. Two points. 1) I like the intention of this project, but I think the idea is a little bit misguided in that McLoughlin is a major thoroughfare and the idea that it could become a walkable place that would bring in all this mixed-use and residential development is pretty misguided. Developing Oatfield Road or River Road, by contrast, is a great idea – single lane, lots less traffic. Why would anyone want to move into a mixed use building apartment on McLoughlin Blvd? 2) It's a little bit of a slap in the face – the use restrictions, regardless, are a slap in the face to all the automotive businesses that have made McLoughlin Blvd useful to anyone for 40-50 years for workers and property owners. It's not right to say you're going to start pushing these guys out. It isn't really right.

Dan McGlone –

I own property next to 7-11. Pay taxes on two lots. Currently leasing to businesses there. I operated a business for 15 years prior to that. Four points. 1) People have worked their whole lives to own these properties and to come in and change the zoning now is a bad idea. 2) Instead of restrict/prohibit/limit, use words like encourage/enhance. 3) My average employee made about \$60,000-70,000/year per tech. As I drove down through there today, there are 16 auto-related businesses there that are up and running – way more than 50% of businesses. If they have employees earning anywhere near what my employees earned, that's a lot of taxes being paid. 4) To redevelop it will cost money, not make money.

Laurie Sonnenfield – [muted; will come back to her later]

Thelma Haggemiller –

I have a few comments from MABA. We want restrictive language removed. MABA does not want to stop the draft plan, but want to alter restrictive wording. We want business friendly, not business restrictive language – prohibit, limit, reduce. These businesses are successful, pay hefty property taxes, have always supported all the special districts; most pay much higher than minimum wage to their employees. Their employees live in this area by choice and also pay Clackamas County property

taxes. We're talking about the McLoughlin property owners who recently agreed to tax themselves to join the street lighting district. Thank you for letting us have this opportunity to speak to you tonight. Punky is here also, and so is Sandra McLeod.

Punky Scott –

Agree with everything that's been said. Gentleman from Cascade Motors said it exactly right. There's a lot of traffic on McLoughlin; McLoughlin is a major highway, to restrict what's going on right now would be significant. Very foolish to try to move forward without those businesses.

Sandra McLeod –

I'm a commercial broker; put in about 30% of businesses along McLoughlin. Have a width breadth of experience with restrictive language. I was on the Park Ave Community Advisory Committee, and the consultant said that mixed-use was not financially feasible. They used the figure of \$1 million per acre, which isn't half of what it really is. Can't buy the land for mixed-use. Where would the money even come from for mixed use? People who are advocating this – how would you do it? How would it spur redevelopment? It would be a zero capitalization rate. The amount of jobs and economic growth on these kinds of businesses – these are essential to the middle income of America and the economic growth of the economy. They work, live and spend their money in Clackamas County. We don't want our viable, successful businesses to move away. We bring people from all over the region to buy cars here. Properties along McLoughlin – MR1 zone – that's where the growth should be so people can go to markets and get meals. The car dealerships are nice, have landscaping, pay well. We had to hire a land use attorney to go through a change of use for an alarm system. We do not want restrictive languages.

Paul Savas –

Jennifer – could you speak a little about the word “restrictive” when it comes to these properties becoming a non-conforming use? Could you clarify that nuance?

Jennifer Hughes –

If they become a nonconforming use under our code, the use that's there now can stay, it can change ownership, it can have normal maintenance and anything legally required, would not trigger any type of land use review. Difficulties can occur if you wanted to expand that use – that would require a land use process, e.g., for expanding an 5,000-square-foot building to an 8,000-square-foot building. It doesn't mean it will be denied, but it could be denied. A lot can be done and a lot is protected, but it does add a layer.

Paul Savas – Are there any nonconforming uses in this project area?

Jennifer Hughes –

I don't know. Nonconforming uses are relatively common in the county, but don't know.

Paul Savas –

What about prohibited uses – drive-thrus – what would be prohibited?

Jennifer Hughes –

Auto sales, auto repair, car washes, drive-thrus, mini-storage

Paul Savas –

How about a drive-thru bank?

Jennifer Hughes –

That depends on how we draft the code. This plan can be changed. We could do that.

Laurie Sonnenfeld –

I live in the study area and own a business, a brokerage. I've been a residential realtor for a long time. People love this area for buying homes, but one thing I hear a lot from people who want to move into the area that makes them hesitate is that there's very little to walk to. Other than the Trolley Trail and downtown Milwaukie, there's nothing to walk to. That's one of the things I really like about the proposed changes – they might lead to more community-centered, community-minded businesses that would feel more local. The other thing, I was hoping all along ever since MAX came in – and I live one and half blocks from light rail – is that immediately around the station, including on Park Ave, zoning might be changed within a couple of blocks of McLoughlin to allow some small businesses to go in, like bike rental, bike repair, food service and whatever other creative ideas people come up with. The light-rail station is such an attractive beginning, and then it just stops – residential on one side and nothing to walk to on McLoughlin. All of these neighbors and people who live in this neighborhood would have something to do and someplace to go to and bike to without getting in their cars.

Paul Savas –

Do you have a business on McLoughlin?

Laurie Sonnenfeld –

It's in my home, north of Park by a couple blocks.

Charlie Tiller –

I'm a business owner and commercial property owner – own the building across from 7-11 on NE corner of intersection. My concern with limiting uses and with these restrictions is that many of these properties on McLoughlin are in old buildings. If you limit what we can and can't use it for, how are these buildings supposed to get any better? Limiting changes doesn't seem logical in my eyes. My office faces the corner, I see it all day every day, and just in the last two weeks I've seen people get off the train and break out windows in the bus stop three separate times. Eight out of 10 people walking through the intersection are homeless people or they're throwing a temper tantrum at the end of the MAX line. There are a ton of old buildings in downtown Portland that look great on the inside and people love them. It doesn't make sense if we can't remodel the building.

Jamie Mathis –

Business owner and residential property owner in the study area – [saved for next phase]

Sami Mohamed –

I own 13600 SE McLoughlin and a few other properties and a dealership on McLoughlin. I spoke before. On these properties to get a developer to develop is crazy. My Mazda dealership is 2.24 acres with a 20,000-square-foot building going for sale for more than \$8 million. I don't think you have any idea how expensive land is these days. The only reason McLoughlin has survived all these years is because of dealerships – you don't realize that. Jennifer said you might or might not approve – but you know you won't approve it and you will enforce everything you can enforce. This is everything I worked for and you guys are sitting here playing with my livelihood. These businesses are going to suffer. These properties are not cheap; well over \$300,000/unit. I still have some apartment units. I don't know how you can make it pencil out, unless you are subsidizing a lot of it. This is the scary part. This is making me nervous and making everybody nervous. I'm thinking is it better for me to sell now and get out of here? I have 55 employees. My payroll taxes were \$255,000 last month. Apartments won't give you that. If you own businesses, you understand. I can appreciate you want to clean up McLoughlin – drug addicts, needles, etc.

Donald McHarness –

I live at the Willamette View Retirement facility. 50-100 people walk the Trolley Trail every day; I bike it year-round. I don't really care what happens on McLoughlin, I care about the area where the Trolley Trail crosses Park Ave. I'd like to see a coffee shop with ice cream right next to the Trolley Trail – all kinds of people would go there all the time.

Brad Olson –

I have a business just south of Courtney. The auto repair restriction part of this needs to be removed. We have 26 employees at Olson Brothers and the value of the property of McLoughlin dictates what businesses are here. Not too long ago we were seeing all these dance clubs on McLoughlin, and then they all disappeared because the value of the property outweighed the use. It can be more than buying a car once a year, then they need to have their car worked on. It takes technicians, tow trucks, skilled positions. If we pay somebody to go out and do a survey of the area – yes, it stops right now at Courtney, but I'm only half a block away and it will move. If they don't like auto businesses in phase one, they won't like them in phase two or phase three. I'm looking at my exit plan, too, looking at future use of my property. Why would you want to hinder that; it's been here since 1968. We paid a lot of money to do a survey of what people want, but I want to see the list of people who had a communication with the company that did this survey. I'm all for businesses on the side streets. People should be walking and riding their bike on side streets and Trolley Trail. Need to put in money to clean up the neighborhood.

Dylan Blaylock –

Now we'll hear from Valerie Chapman, chair of the Park Ave Community Advisory Committee. You have five minutes.

Valerie –

I'm chair of the Park Ave Community Advisory Committee, and vice-chair of the Oak Grove CPO and the CPO's representative to MAP-IT. The Park Ave project was sponsored by MAP-IT and created within goals and guidelines of the McLoughlin Area Plan, with Paul Savas as chair of the first MAP process. Lots of work and lots of community input. It is to "Develop commercial or mixed-use activity clusters at targeted locations within the plan area" – not for all of McLoughlin Blvd. This is the first mixed-use activity cluster to be considered. There were many opportunities for area businesses, residents and property owners to voice their hopes and dreams. In notes from a business meeting at The Bomber, business people supported increase business density. It's sad that it appears residents and business owners are on opposite sides.

McLoughlin is not safe, too many car-related businesses, not walkable, unsightly. The committee tried to take into account businesses and residents. A key part of our work was the decision to limit any new car-related businesses. Current businesses are welcome and a good part of our community. Of 35 commercial properties in the project area, 15 are auto-oriented. All we're asking is to diversify to an area to be used by pedestrians and cyclists. Commissioners have noted the housing shortage. By limiting cars, it will attract residential customers.

At the end of the project MAP-IT came up with different business ideas, like adding commercial into MR1 zones -- that is very concerning to people. Bike and pedestrian paths are only wanted if they connect us to a pedestrian-friendly area. It does not make sense to open up the area to a car-zone. The Park Ave project builds in MAP 1 and MAP-IT. Thank you for listening.

Paul Savas –

Jennifer, there's a lot of validity to the MAP goals. The business community was excited about some of the work, but what triggered this upset were the restrictions the other concerns that impacted their livelihood. But I'd love to hear from MAP-IT when they get back together. Jennifer – are there other ways to have activity clusters without imposing restrictions?

Jennifer Hughes –

The BCC has a wide range of options on how to approach this plan. You could treat this differently than the draft you've received. You could restrict some but not all auto-oriented uses. You could still adopt connectivity standards, building design standards, etc. I've heard some discussion that this isn't the right place for this, but with the MAX station... I think the concern is that if you continue to have McLoughlin be auto-oriented around the light-rail station, that change won't come. But maybe you allow auto businesses but not fast food. There are different ways it can be approached.

Dylan Blaylock –

Open forum section. Everyone who wants to talk, please raise your hands. [Because of the number of people who want to speak] You will have one and half minutes each to speak.

Danielle Lohman –

We've spent a lot of time talking about businesses and being friendly to auto businesses, but we do have a transit station here, love it or hate it, and there are a lot of people commuting into this area daily and who live in this area a few blocks from the station. When I was reviewing the surveys, there were common threads –wanting businesses in the area that serve residents and serve people passing through, and not just to buy a car. Businesses that serve people who live here and spend money here. The Elks wanted to be more community-focused. There are about 25,000 cars/day on McLoughlin. We should have some focus on what residents in the area would like and would use businesses for.

Casey Snoeberger –

I was on the advisory committee and I voted against this. We got funding for this project because of the light-rail station. I'm also concerned about the limitations; would like to encourage business, not limit. We could limit some of this stuff around the station – it's not about going south on McLoughlin. Changes anywhere else on McLoughlin would need separate studies. The county put limitations on cannabis businesses related to McLoughlin – maybe we could limit other certain types of business. Perhaps restrictions that just impact this area.

Peter Starzynski –

I live in the Linden Lane area. Live in area, married with twin boys, been here 5 years. I walk on McLoughlin all the time with my kids and we do go into the few stores and restaurants that are there. We are constantly looking for more walkable fun things to do. We're growing out of this house and debating whether to expand here or look for a new neighborhood. How walkable the area becomes will make a difference. Car lots are not considered to a family-friendly neighborhood.

Ann Muir –

I'm the PACAC vice chair; live on Oatfield and my property backs up to C3 zone. I want to remind people that this is a significant change to a very small part of McLoughlin, which is precipitated by the MAX station. We want to change the environment of the fast street. A viable commercial neighborhood is dependent on significantly higher population density, so the housing projects are keys to any successful transformation. We have a huge need for affordable, diverse housing. We were told we had three minutes to speak at the beginning and then we were hijacked. I'm very sorry about that.

Laura Edmonds –

Part of MABA approached me because of the limited outreach to the business community in the general region where this plan could affect them. The concerns are in the language that was thrown in in the last minutes. There was business involvement a long time ago, but this is limiting for the business community. Seems a very egregious approach when businesses strengthen the

neighborhood and provide family wage jobs. This could encroach farther down. This is the opposite of what you stated you want to do for this community.

Nate Ember –

I'm frustrated that this platform is being used by both the business community and County Commission at the end of the project when we hoped to have greater collaboration with the business community throughout the project. We're trying to balance land use. Urban land near transit is a precious resource. Right now many acres are dedicated to cars that just sit there. We do value local business, and the plan should be adapted for things like Olson Brothers. Car dealerships are a problem. We have greater needs for community health. This land has a higher and better use than to have cars sitting on it. Those car businesses change hands frequently, so you can't argue that they are local business that serve the community.

Paul Jackson –

I'm a commercial real estate professional in metro area and have been for about 30 years. This plan has been done in other areas of the Metro. McLoughlin generates hundreds of millions of dollars of revenue every year. This is the highest and best use is what they are right now. Residential will devalue the property, will reduce tax revenue and eliminate high-paying jobs with minimum wage jobs. You're going to devalue something that's a valuable. Need to allow the natural progression of businesses.

Dustin Filipek –

I was on PACAC. I own a home in the area and am CPA and visually impaired. I moved here for the MAX and Trolley Trail. This committee focused on the desirable assets of the area and building on them. Change is scary, but our plan allows the area to adapt to the change over time. The plan our committee submitted will allow people with disabilities to live near the MAX with other supporting businesses, such as doctors and other service providers.

Edward Cranston –

I don't like the plan and where it's going. Not impressed as it is being processed. Pedestrians and bicyclists should stay off McLoughlin. Use it for what it is for – a highway.

Jayson Scott –

Don't eliminate high-paying jobs with low-paying jobs. Need to open up to allow for more uses. Let the owners decide what the highest and best use is for their property. You're opening up the potential for land use lawsuits. If property owners lose the value of their property, people won't take very kindly to that. People I've known around here are leaving because they're having all these limits put on them.

Jamie Mathis –

I've lived here for 5 years, was in Oregon City before that. I'm a business owner. My family uses the Trolley Trail constantly. We have to cross McLoughlin to get there; a harrowing adventure every time. It's not just homeless and drug users using the crosswalk – also families and taxpayers. My first job was working at The Bomber – that property is a piece of the community and a piece of local history. There's been a lot of history other than the domination of the auto industry. This plan doesn't limit the option for current businesses to continue their business. Residents have just as much say in this as the businesses. It is not a zero sum game.

Terri Gilreath –

Whatever happens in phase 1 will probably go south on McLoughlin. Anything that is a take away is unfair and anti-American as far as business goes. A lot of businesses are struggling to stay open. It's

unjust and un-American to take away our options for selling our businesses. Mcloughlin will never be a cycling trail. There are no pedestrians walking on property on Sunnyside – they use their cars.

Barbara West –

I have lived all over the country and I can't think of any worse rule than letting people who own things decide.

Dylan Blaylock –

We're past 6:30. Would any commissioners like to say anything?

Sonya Fisher –

Thank you to everyone who participated. The opportunities to hear directly from our residents and businesses very helpful. I was challenged with the shorter time period for the last portion of this session. Hoping to have more conversations.

Paul Savas –

BCC late last year approved two meetings to host the businesses – this was designed for the businesses, and we did allow public comment in this particular portion. Thanks to all the committee members for their work. There was lots of public input in the past and will be lots of opportunities for more in the future. This is not the end, this is not the beginning, this is mid-stream. BCC wanted to give businesses a couple of meetings to be heard because a lot of this language came out at the last couple of meetings, at the latter part of this process – they really wanted a voice. They didn't have a chance to present to the BCC, so this helps make up for that.

Dylan Blaylock – Thanks everyone for attending.





Park Ave Community Project: Direction on Development and Design Standards

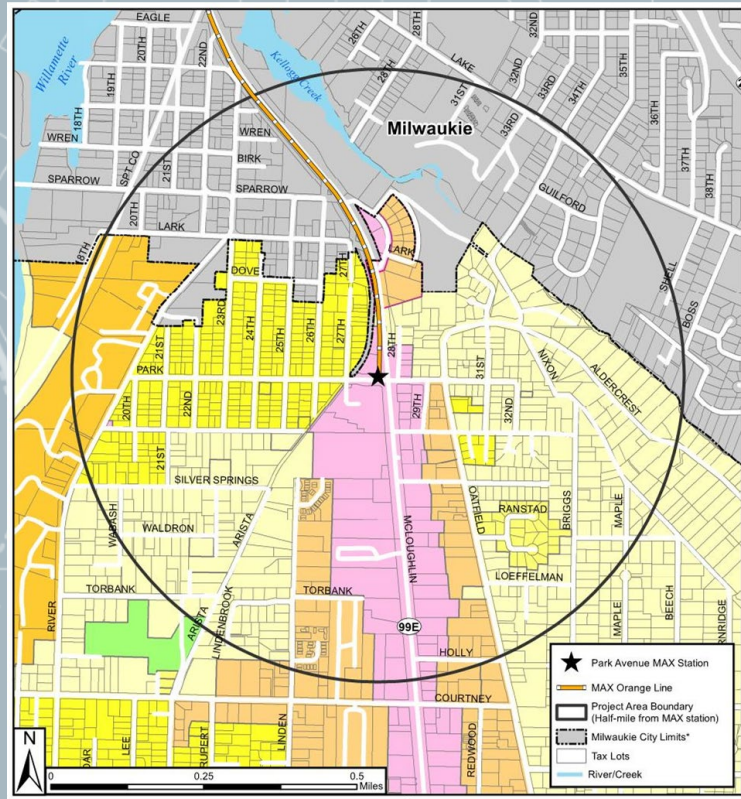
Board of Commissioners Policy Session
June 22, 2021



Park Ave Community Project Study Area

CLACKAMAS COUNTY DESIGNATIONS

-  Single-Family Residential, 7,000 sq ft min (R-7)
-  Single-Family Residential, 8,500 sq ft min (R-8.5)
-  Single-Family Residential, 10,000 sq ft min (R-10)
-  Medium-Density Residential District (MR-1)
-  High-Density Residential (HDR)
-  Open Space Management
-  General Commercial (C-3)



Goals and plans

Performance Clackamas

- Increases opportunities for housing
- Supports efforts to stimulate development of workforce housing

DTD Strategic Business Plan

- Completes Long-Range Planning Program project
- Improves community engagement

5 Components of McLoughlin Area Plan

- Supports projects and programs approved by BCC in March 2016
- Provides development standards for commercial or mixed-use activity clusters at targeted locations in plan area



Past Board action: Dec. 2, 2020

Advisory Committee recommended:

- Guiding Principles
- Framework Plan
- Development and Design Standards
- Implementation Actions

BCC action:

- Accepted the work
- Asked for more business outreach
- Asked for anti-displacement policy framework



Zones in project area



Recommended changes

General Commercial (C-3)::

- Allow higher residential density
- Allow more types of small-scale manufacturing
- Scale building and site design to match streetscape
- Prohibit new auto-oriented uses and self-storage

Medium Density Residential (MR-1):

- Allow cottage cluster housing at higher densities

C-3 and MR-1:

- Require new pedestrian and bicycle connections
- Modify on-site parking requirements



Additional business outreach

Meetings with commissioners: March 1, April 21

Major concern: any change to auto-oriented uses

Current status

- Auto-oriented uses on 12 of 40 commercial properties
- Other uses: residential, motel, retail, self-storage, mobile home park, fraternal organization, TriMet
- Existing auto-oriented uses would become “non-conforming”
- Prohibiting *new* auto-oriented uses supports area goals, vision

Options for future auto-oriented uses in project area

- Prohibit new auto-oriented uses
- Permit the types of auto-oriented uses currently developed in the area; prohibit those uses not currently developed in the area
- Continue to permit all uses



BCC options:

1. Move the proposed Development and Design Standards to the public hearings process to amend the ZDO and Comprehensive Plan (*staff recommendation*)
2. Move the proposed standards, as amended by the Board, to the public hearings process to amend the ZDO and Comprehensive Plan
3. No action. Through taking “no action”, the project will be terminated.

