

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, March 25, 2014
6:30 PM**

COMMISSIONERS PRESENT

Lisa Batey, Chair
Scott Barbur
Sine Bone
Shaun Lowcock
Wilda Parks
Gabe Storm

STAFF PRESENT

Denny Egner, Planning Director
Li Alligood, Associate Planner
Brett Kelper, Associate Planner
Peter Watts, City Attorney

1.0 Call to Order – Procedural Matters*

Chair Batey called the meeting to order at 6:30 p.m. and read the conduct of meeting format into the record.

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

2.0 Planning Commission Minutes

2.1 February 11, 2014

It was moved by Commissioner Parks and seconded by Commissioner Strom to approve the February 11, 2014, Planning Commission minutes. The motion passed unanimously.

3.0 Information Items

There were no information items.

4.0 Audience Participation –This is an opportunity for the public to comment on any item not on the agenda. There was none.

5.0 Public Hearings

5.1 Summary: Northwest Housing Alternatives Zone Change *continued from 3/11/14*
Applicant/Owner: Angelo Planning Group/Northwest Housing Alternatives
Address: 2316 SE Willard St
File: ZA-13-02
Staff: Li Alligood

Chair Batey called the hearing to order and read the conduct of continued quasi-judicial hearing format into the record. She noted the record was left open to accept additional written testimony and materials prior to 5 p.m. on March 18, 2014.

Li Alligood, Associate Planner, presented the staff report via PowerPoint. She noted the background of the application and the additional comments and information from the applicant received. She reviewed the revisions to the recommended Findings.

She gave an overview of the responses to community concerns raised at the March 11, 2014, public hearing:

- The relationship between the Comprehensive Plan and ancillary documents, specifically the Town Center Master Plan.
 - She described the implementation process for ancillary documents, noting that adoption of the ancillary document did not, in itself, implement the ancillary document: there needed to be additional steps, including amendments to the Comprehensive Plan and Zoning Ordinance, for the document to implement policy and regulation.
 - Regarding the Town Center Master Plan, she explained the background and the subareas; the subject area was in Subarea 5. It was a policy document and some policies were incorporated by reference and some by amendments; however, the specific policy and recommendation for Subarea 5 were not adopted and were not applicable to this application.
- The apparent conflict of density ranges between the Comprehensive Plan and the Zoning Ordinance for R-1 and R-1-B zones.
 - The density ranges for both documents were adopted within the same amendment package and were intended to implement the same policies.
 - She clarified the difference was based on the Comprehensive Plan's "net" density range versus the Zoning Ordinance's "gross" density range, and explained those implications. She noted this was detailed in Attachment 3 of the staff report, and in conclusion, there was no actual conflict found between the density ranges.
- The land use designations assumed redevelopment of existing sites:
 - She reviewed the policies in place for High Density and Mixed Use areas, and acknowledged the concern regarding the policy of clearance of existing sites. However, the only prevention of that in place was for registered historic properties.
 - Evaluation of these policies should be a part of a bigger Comprehensive Plan update; for now, these were the policies in place.
- Compatibility with the surrounding area as a criteria, but what constituted 'surrounding area' was unclear;
 - She gave the examples of possible areas of analysis, but noted that in this case the different options of areas did not change the outcome; all 'areas' were a mix of density and uses.
- The permitted development and uses under the current zone versus the proposed zone:
 - The key difference between the R-2 and the R-1-B zones was office use, which was a conditional use under R-2 and allowed outright under R-1-B. Though density was higher in the R-1-B zone, allowance of three-story buildings and setbacks were the same.
 - Although there was concern about the types of office uses that would be allowed, she clarified that the code distinguished between office uses, assumed to draw little traffic, and personal/business services which were not allowed under the current or proposed zones.
- Increased traffic as a result of increased density.
 - She explained that a traffic impact study (TIS) would not be required as the proposed zone complied with the Comprehensive Plan and Transportation System Plan (TSP). She referred to the clarification memo included as Attachment 3 to the March 20, 2014, supplemental packet.

- The zone change itself did not increase traffic; however, a TIS would be triggered at the time of proposed development.
- Response to crime rates of the surrounding area provided as evidence with a question of if crime statistics could be used as an approval criterion.
 - Information provided by the Milwaukie Police Chief and the applicant that was included as Attachment 4 to the staff report clarified that not all police activity on or around the site was a result of criminal activity.
 - To make a finding of denial including crime as a criterion would require proof that the subject area was had a different crime rate than the surrounding areas, which would be difficult.
- What controls and regulations were in place to ensure appropriate oversight of the future development?
 - She noted the multifamily residential development and design standards in place that would consider livability, compatibility, safety, functionality, and sustainability. These standards were reviewed at the time of development.
 - She gave examples of some standards that could apply to the applicant's rough site plan with regard to open space, landscaping, parking, setbacks, etc. There were dozens of requirements for multifamily residential development.

Ms. Alligood summarized the analysis of the concerns raised that City policies were adopted through a process. Although there may be disagreement about the policies, staff believed the application met the approval criteria. Staff recommended approval of the zoning map amendment and Findings of Approval, and she reviewed the decision options.

Commissioner Barbur asked about the adoption process of policies and ancillary documents referred to in the presentation.

Ms. Alligood responded that although there was not a formalized process, there was an historic practice, and she described different possible scenarios for ancillary documents, Comprehensive Plan and zoning amendments, etc. The adoption of the ancillary documents in itself did not implement the policies in the document. The Town Center Master Plan was only recommendations.

Dennis Egner, Planning Director, clarified that the Town Center Master Plan was more advisory with recommendations ("should") rather than the Comprehensive Plan that was more guiding ("shall").

Peter Watts, City Attorney, explained that there were certain documents that were required to be part of a Comprehensive Plan (i.e. TSP), and then there were other documents such as the TCMP where only certain portions were officially adopted into the Comprehensive Plan. If the TCMP was adopted wholesale, it would have even greater density implications. Those portions that were adopted by City Council were adopted specifically.

Ms. Alligood referenced the specific zoning amendment approval criteria that the Commission should be considering.

Chair Batey called for the applicant's final argument.

Jonathan Trutt, Northwest Housing Alternatives (NHA), thanked the Commission and Ms. Allgood. He stated that NHA agreed with staff's analysis and felt that their application met all of the approval criteria.

Martha McLennan, NHA Executive Director, referred to NHA's history in Milwaukie, the work they do, and that NHA wanted to continue to be a part of the Milwaukie community. She has learned through this process how passionate NHA's neighbors were about the community as well, and was humbled to learn about their frustrations with the programs and operations. She recognized the need to reopen lines of communication with the surrounding community. She thanked the Commission.

Chair Batey closed the record.

The Commission deliberated.

Chair Batey responded to a comment received and assured that the Commission did not "rubber stamp" applications and felt no pressure to do so.

Chair Batey felt that the application met the criteria. Not only did the applicant demonstrate their organization's need but also the community's need for affordable housing and the programs provided by NHA. Compatibility was the most contentious but was within a mixed use area. However, she was concerned that the development could be all office space and that the traffic study would be down the road.

Commissioner Lowcock was concerned about precedent for density. However, the application satisfied the approval criteria.

Commissioner Storm noted that if in the future the property became only office space, it would change the character of that area. Also, the increased traffic onto SE Willard St was a concern.

Commissioner Bone referred to the Moving Forward Milwaukie project's finding that office space was the lowest in viability in Milwaukie, and so she felt that from a market perspective it was unlikely that the property would be built-out into office use only. This development seemed ideal for that location, and the application met the approval criteria.

Commissioner Barbur was still uneasy about the relationship between the Comprehensive Plan and the TCMP.

Commissioner Parks read a paragraph from the "Local Planning Context" section on Page ES-2 of the TCMP that clarified that implementing regulations of the TCMP would be subject to further review and adoption process. She noted that made the function of the TCMP clear to her with regard to the Comprehensive Plan.

Chair Batey reiterated that the danger of treating the TCMP as law, not just as recommendations or guidelines, would be the ripple effects that were unknown. If there was a reason to deny the application, it would be more appropriate to apply the compatibility criteria.

Commissioner Lowcock, in response to Commissioner Storm's concern about future office space use, reminded that the Commission's role was not to speculate about the future, it was to compare the application to the approval criteria.

Commissioner Bone added that the applicant had been at the location for 30 years and that they had a long-term plan and were a member of the community.

It was moved by Commissioner Parks and seconded by Commissioner Bone to approve the zone change application ZA-13-02 for Northwest Housing Alternatives at 2316 SE Willard St with the recommended findings and conditions of approval as presented. The motion passed with 4-2, with Commissioners Barbur and Storm opposing.

Chair Batey read the process of appeal into the record.

- 5.2 Summary: Milwaukie High School Indoor Practice Facility
Applicant/Owner: HHPR / North Clackamas School District
Address: SE 28th Ave and SE Lake Rd
File: CSU-13-15, VR-14-01
Staff: Brett Kelter

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

Brett Kelter, Associate Planner, presented the staff report via PowerPoint. He explained the request to build an indoor batting practice facility for Milwaukie High School, and oriented the Commission to the property location in relation to the high school and the proposed location of the facility on the property. The proposal included removal of the existing outdoor batting cage and adjacent concrete pad and construction of a new, larger building and new walkway.

Mr. Kelter noted key features and how the proposal met the Community Service Use (CSU) approval criteria. He explained the Variance request for off-street parking, noting that the current existing parking area was nonconforming, and addressed the approval criteria. He reviewed the staff recommendations for approval and decision options. Conditions for the CSU modification involved walkway lighting and hours of use; variance approval involved requiring striping, landscaping, bike parking, and lighting.

Mr. Kelter answered questions from the Commission regarding the lighting options, ADA standards, and traffic impacts.

Chair Batey called for the applicant's testimony.

Keith Jones, Harper Houf Peterson Righellis (HHPR), applicant's representative, stated that Mr. Kelter represented the proposal well and added that the applicant intended to keep the project fairly simple. He presented renderings depicting the general construction and features.

Garry Kryszak, North Clackamas School District, applicant, noted that the project was primarily a volunteer-driven project and was important as the school district wanted to provide parity between the three area high schools. Volunteer groups had enabled the building of similar facilities at Clackamas and Rex Putnam High Schools and the school district wanted to support the Milwaukie volunteer group in doing the same.

Mr. Kryszak addressed the issues of lighting, hours of operation, facility users, and noted there were year-round bathrooms on the east side of the property. He added that landscaping would

not be hedgerow-style for safety concerns. Regarding bike parking, he himself was an avid bicyclist but noted that students rarely commuted to school by bike.

Commissioner Parks asked about the condition of hours of operation for 7 a.m. to 10 p.m. daily.

Mr. Kryszak clarified that those were standard hours of operation but may not be used by groups during all of those hours. The facility itself was for both baseball and softball practice and was intended more as a winter-use facility used by the school district.

Chair Batey called for public testimony.

David Howard, 9705 SE 37th Ave, current board member of Milwaukie Junior Baseball Association, the youth program in Milwaukie, and a parent of a Milwaukie baseball player. He commented that, although the proposed building seemed large, since it was for batting practice the number of practice stations would be low and would accommodate only about 12-15 people. Therefore, it would be far less than the number of people that would attend a game. Also, use of the facility would be more on the off-season.

Yvonne McVey, 12951 SE Vernie Ave, treasurer of Milwaukie Junior Baseball Association and the Mustang Baseball Academy, the high school's baseball booster club, and parent of a baseball player. She felt that the facility was not a frivolous desire but a necessity to be competitive in baseball and softball in the area and would improve skills for all ages. If the project was not approved, MHS would be the only high school in the area without an indoor training facility, which would continue the disadvantage and reflect poorly on the city. The community has been raising money for this facility for over 20 years. She encouraged the Commission to approve the application with the staff recommendations.

Tim Salyers, Ardenwald neighborhood, noted he had a long history of Milwaukie baseball and was involved in the Junior Baseball Association now. He reiterated that there had been fundraising for this facility for a long time; he helped to fundraise when he was in school for this facility. To clarify, the youth programs would be using the facility. He assured that the facility would not create more noise. The competitiveness and community pride this facility could add would be great.

Jean Baker, 2607 SE Monroe St, Historic Milwaukie Neighborhood District Association (NDA) Chair. The NDA was supportive but would like to see the parking lot restriped, minimal lighting, and walkway lighting. She would like to see permanent and separate bathrooms. The neighborhood would prefer more screening than was proposed and perhaps a different color for the building itself. She hoped the applicants could meet with the neighbors to agree upon the building color and the screening.

Chair Batey clarified that there was privacy fence slatting in the proposal. She also noted she was concerned about the public comment regarding police activity and the request to close the existing gate afterhours.

Mr. Kelper responded that the response from the Police Department was that there were few incidents that occurred on that site.

Chair Batey called for the applicant's rebuttal to public testimony.

Mr. Jones clarified that, regarding the screening, there was a significant distance and grade difference between the subject property and the adjacent properties. He felt the fence slatting would be sufficient to provide adequate screening. There were also upgrades to the parking lot, including restriping and landscaping. The color had not been decided upon, but the intent was to match the school's color scheme.

Mr. Kryszak noted the proposal was taken to the Lake Road NDA. He added that there was only one neighbor that would be affected and the area around that property would be improved through this project by removing the temporary structure, etc.

Chair Batey closed the public testimony.

It moved by Commissioner Lowcock and seconded by Commissioner Barbur to approve applications CSU-13-15, VR-14-01, for the Milwaukie High School indoor practice facility with the findings and conditions as presented. The motion passed unanimously.

6.0 Worksession Items

- 6.1 Summary: Officer Elections
Staff: Denny Egner

Denny Egner, Planning Director, reminded that due to Chair Batey's term limit and with the resignation of Vice Chair Fuchs, the Commission needed to elect both a new chair and vice chair.

It was moved by Commissioner Storm and seconded by Commissioner Parks to elect Commissioner Bone as the new Planning Commission Chair. The motion passed unanimously.

It was moved by Commissioner Storm and seconded by Commissioner Lowcock to elect Commissioner Parks as the new Planning Commission Vice Chair. The motion passed unanimously.

7.0 Planning Department Other Business/Updates

8.0 Planning Commission Discussion Items

Chair Batey referred to an application that was before the Commission years ago for a dock to be installed on the river on a private property. When the dock was actually constructed, it was not consistent with what was approved. She had brought it to staff's attention, and asked the Commission to keep an eye on that.

She also noted that she had enjoyed her time on the Commission.

9.0 Forecast for Future Meetings:

- April 8, 2014 1. Public Hearing: ZA-14-01 Mural Code Amendments *continued from 3/11/14*
- April 22, 2014 1. TBD

Meeting adjourned at approximately 10:16 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II


Sine Bone, Chair