



Memorandum

To: Milwaukie Planning Commission

From: Li Alligood, Associate Planner

Date: March 20, 2014 for March 25, 2014 Public Hearing

Re: Supplemental Materials for March 25, 2014, Planning Commission Hearing on file ZA-13-02 Northwest Housing Alternatives/McAlister

The supplemental meeting materials for the March 25, 2014, Planning Commission hearing on ZA-13-02 Northwest Housing Alternatives zoning map amendment are enclosed. These materials include:

- Additional applicant materials, dated March 18, 2014 (Attachment 1)
- Written comments dated March 18, 2014 (Attachment 2)
- Memo from DKS Associates clarifying the evaluation of the impact of the requested zone change on the transportation system, dated March 19, 2014 (Attachment 3)

Alligood, Li

From: Jonathan Trutt <Trutt@NWHousing.org>
Sent: Tuesday, March 18, 2014 4:57 PM
To: Alligood, Li
Cc: Martha McLennan
Subject: Additional materials for the record

Li,

While the record is still open, I'd like to make the following points regarding the different R-1-B densities in the Comprehensive Plan and Zoning Ordinance:

- The different minimum and maximum densities associated with the R-1-B zone in the Comprehensive Plan and the Zoning Ordinance do not necessarily indicate a conflict.

The reason is that these documents serve different purposes. The zoning ordinance is designed to govern exactly what happens on specific parcels as they develop or are redeveloped. By contrast, the Comprehensive Plan is intended to provide an overall roadmap for future development. It is also, in large part, designed to ensure compliance with Oregon's Statewide Planning Goals and Guidelines #10 (Housing), which is designed to "encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location."

This need to plan for Milwaukie's future housing needs explains why the densities per acre named in its Chapter 4 of the Comprehensive Plan make across the board assumptions, based on parcel size, about how much right of way will need to be dedicated. The residential densities named in the Comprehensive Plan are intended to show that, based on the land use designations in the Comprehensive Plan, the entire City is in overall compliance with Statewide Planning Goal 10. They are not intended to specifically control exactly what happens on each parcel. (If they were, every parcel over an acre would have to dedicate 20% of its square footage to right of way dedication.)

- The Comprehensive Plan is a policy statement adopted and amended by ordinance, not an implementing regulation. It is Milwaukie's zoning regulations that implement the Comprehensive Plan's policy, and Section 19.106 of its zoning code states, "Where this title imposes greater restrictions than those imposed or required by other rules, regulations or ordinances, the provisions of this title shall control." This statement is in accordance with the general legal principle that, if a conflict exists between a more general and specific document, the terms of the more specific document prevail. See *Tri-River Investment Co. v. Clatsop County*, 37 Or LUBA 195, 206 (1999), *aff'd* 165 Or App 315, 995 P2d 598 (2000); see also ORS 174.020(2) ("when a general and particular provision are inconsistent, the latter is paramount to the former so that a particular intent controls a general intent that is inconsistent with the particular intent").
- The argument advanced by the Historic Milwaukie Neighborhood, i.e. that the Comprehensive Plan density / acre numbers should govern, would effectively treat different R-1-B parcels differently. For those parcels already zoned R-1-B, in which development can proceed without any look back to the Comprehensive Plan, a property owner can develop according to the density standards in the zoning

code. By contrast, in the case of a proposed rezoning, a property owner is subject to the different numbers in the Comprehensive Plan. Section 19.106 of the Milwaukie Municipal Code (MMC) was enacted precisely to avoid this sort of disparate treatment of similarly-zoned parcels. The Planning Commission should therefore consider MMC Section 19.106 when making its determination.

Jonathan Trutt
Housing Director
Northwest Housing Alternatives
503-654-1007 x 110

Alligood, Li

From: Connie <kilbys@eoni.com>
Sent: Tuesday, March 18, 2014 3:41 PM
To: Alligood, Li
Subject: TESTIMONY for NWA Zoning Change Proposal
Attachments: Townlake Estates 2014 025.jpg; Townlake Estates 2014 026.jpg; Townlake Estates 2014 023.jpg; Townlake Estates 2014 024.jpg

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Hi again Li,

Sorry, one last item to add... Promise I'll leave you alone now! ;-)

TO: MILWAUKIE PLANNING COMMISSION

FROM: CONNIE KILBY, RESIDENT
2451 SE Lake Road
Townlake Estates
Milwaukie, OR

RE: ADDITIONAL PHOTOS OF NEIGHBORING RESIDENCES AT TOWNLAKE ESTATES AND PARKING SITUATION

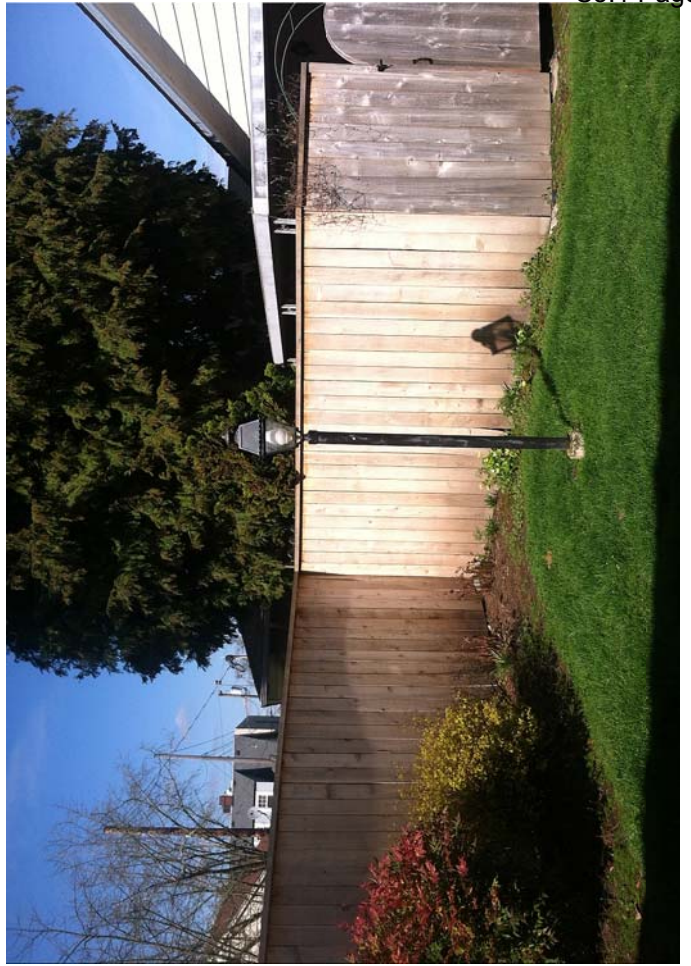
Thank you for taking time to view these photos and read the narrative. I appreciate your consideration. I overlooked one of our residents' home in my photo "gallery" showing the impact of a zone/density change on our adjoining properties. The first two pictures are of that condominium and show views of the property just behind us where NWHP is located. I include it to give another perspective of the current skyline of the neighborhood in addition to the previous pictures I sent. These views are looking over our fence line directly to the rear boundary of NWA's properties where they propose to build their new facilities. Our location is where the large 3-story apartment complex is slated to be built with only a 5 foot setback requirement.

The last 2 pictures are of some high school students who frequently use the Willard Road location of our parking area to hang out. They have been considerate most of the time and after many requests have stopped parking in our designated areas. There is an occasional "slip up" and they need reminding at times. Today these young women were taking their lunch break and smoking in our parking area. From the courtyard where I was standing, I was able to smell the cigarette smoke. This is not an unusual occurrence. The cigarette butts have been an ongoing issue as has been reported in other testimony.

Thank you again for your time and patience in this matter.

Sincerely,

Connie Kilby



March 18, 2014

RECEIVED
MAR 18 2014
CITY OF MILWAUKIE
PLANNING DEPARTMENT

TO: CITY OF MILWAUKIE PLANNING COMMISSION
FROM: RESIDENTS TOWLAKE ESTATES
Milwaukie, Oregon
RE: PETITION IN OPPOSITION TO PROPOSED ZONING CHANGE SUBMITTED
BY NW HOUSING AUTHORITY

We the undersigned residents of Townlake Estates located in the 2400 block of SE Lake Road in Milwaukie, Oregon would like to go on record in opposition to the proposed zoning change requested by NW Housing Authority.

We feel the petitioners have not met the required criteria for such a zoning change. Previous public testimony has discussed these issues in more detail and we defer to those arguments rather than repeat what is already on record:

- Criteria 1.a Site location and character of the area
- Criteria 1.b Predominant land use pattern and density of the area
- Criteria 5 Traffic capacity issues

Respectfully Submitted,

Bill Gentle 2431 SE Lake Rd. Bill Gentle

Bonnie Matteson 2453 SE Lake Rd Bonnie Matteson

Leona Myforkston 2455 SE Lake Rd. Leona Myforkston

IRENE KASLIN 2447 SE LAKE RD Irene Kaslin

ANN CALAME 2493 Lake Rd Ann Calam

Janice Hillier 2427 SE Lake Rd Janice Hillier

Philip G James 2433 SE Lake Rd Philip G James

Mary Lepisto 2437 SE LAKE RD. Mary Lepisto

SHARLEEN BLADOCK 2445 SE Lake Rd Sharley Bladock

Connie Kilby 2451 SE Lake Rd. Connie Kilby

Please note: There are 15 units at Townlake Estates (1 & 2 bedroom) each with private back patios. One unit is currently vacant. Four residents were at work or out of town at time of petition. Thank you.

Alligood, Li

From: Chris Maciejewski <csm@dksassociates.com>
Sent: Wednesday, March 19, 2014 1:54 PM
To: Alligood, Li
Cc: Egner, Dennis; Ray Delahanty (rjd@dksassociates.com)
Subject: Re: FW: Land use review for potential zone change application -- 2316 SE Willard Street

Li -

As we discussed this afternoon, here is some clarification on the review of the travel model data used for the TSP and how it relates to the proposed rezoning:

As described in the information we provided previously, the City's TSP that was in effect in December 2013 (the 2030 TSP adopted in 2007) accounted for significant growth in TAZ 6271, which is the area north of Lake Road, south of Washington Street, west of 28th Avenue, and east of the rail line. The growth forecast at that time accounted for an increase of 10 homes, 4 retail employees, and 205 non-retail employees. As this TAZ is largely covered by the high school, this growth increment represents significant growth for other properties. While the actual mix of land uses that could develop within the proposed R-1-B zoning varies (i.e., it could be a higher portion of residential use and less employment), what was estimated for the TSP does appear to account for increased motor vehicle activity due to higher land-use intensity in the area. As development occurs in the area and more is learned about what the market supports, future TSP update land use forecasts may vary the mix of uses projected in this area.

Please let us know if you have any additional questions.

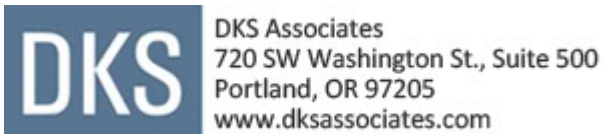
Thanks,

Chris

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Chris Maciejewski, P.E., PTOE | Principal

Ph: [503.243.3500](tel:503.243.3500) | Direct: [503.972.1213](tel:503.972.1213) | Mobile: [503.916.9610](tel:503.916.9610) | Email: csm@dksassociates.com



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