

**CITY OF MILWAUKIE
PLANNING COMMISSION
Milwaukie City Hall
10722 SE Main Street
TUESDAY, October 24, 2017
6:30 PM**

COMMISSIONERS PRESENT

Greg Hemer, Chair
Sherry Grau
Scott Jones
Kim Travis

STAFF PRESENT

Denny Egner, Planning Director
Brett Kelper, Associate Planner
Vera Koliass, Associate Planner
Amy Koski, Resource and Economic
Development Specialist

COMMISSIONERS ABSENT

John Burns
Adam Argo, Vice Chair

1.0 Call to Order – Procedural Matters*

Chair Hemer called the meeting to order at 6:30 pm 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.milwaukieoregon.gov/meetings>.

2.0 Planning Commission Minutes

- 2.1 May 25, 2017 (continued from 10/10/17)
- 2.2 June 27, 2017 (continued from 10/10/17)
- 2.3 August 22, 2017
- 2.4 September 12, 2017

It was moved by Commissioner Grau and seconded by Commissioner Jones to approve the May 25, 2017, June 27, 2017, August 22, 2017, and September 12, 2017 Planning Commission minutes as presented. The motion passed unanimously.

3.0 Information Items

Denny Egner, Planning Director, said the City Council upheld the Planning Commission's decision and denied the appeal of Project Galaxy (Bernard's Garage) but the hearing was continued to adopt findings. Council also approved the Advisory Committee members for the Comprehensive Plan Update. Commissioner Travis was one of the appointments.

4.0 Audience Participation – This is an opportunity for the public to comment on any item not on the agenda.

Ley Garnett, speaking as the appellant of the Mission Park Subdivision on King Rd, expressed his disappointment about the small size of the trees proposed for mitigation for the 90 trees being removed, including a possible heritage tree. He recommended Planning staff use the Milwaukie Tree Board, of which he was a member, as a resource for mitigation. The Tree Board was working on a tree ordinance, which would have prevented the removal of the largest trees.

Mr. Egner said the final plan had been approved by the Council and that, at this point, the trees identified for removal could not be modified. He noted staff had agreed the mitigation trees were not adequate and were working with the developer to provide trees that would create a canopy.

5.0 Public Hearings

- 5.1 Summary: Silas Heights Subdivision
Applicant/Representative: David Riggins / H.A. McCoy Engineering & Surveying
Address: 11159 SE Maplehurst Rd
File: S-2017-003, with VR-2017-010
Staff: Brett Kelver

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

Chair Hemer declared an ex parte contact. At the Linwood Neighborhood District Association (NDA), in which this subdivision would be located, the land use chair brought forth this development. Chair Hemer did not participate in any of the opinions, but he answered technical questions.

Brett Kelver, Associate Planner, presented the staff report via PowerPoint. He reviewed the location, zoning, proposed layout of the site and lots, and variances requested. Staff recommended approval of the application and variances, and to adopt the recommended conditions and findings.

Staff addressed clarifying questions from the Commissioner. Key discussion items were as follows:

- The angle of the property lines on Lots 6 and 8 was a bit more than allowed in order to keep the lot sizes at least 7,000 sq ft and to comply with standards of the R-7 zone.
- The site would be accessed by both 66th Ave and Maplehurst Rd, rather than via cul-de-sacs to comply with the standards of the Public Facilities Code (MMC Chapter 19.700) that seek to minimize the number of dead-end streets.
- In addition to the comments in the packet, two comments were received via email and distributed to the Commission; one from Mark Moffett, a neighbor at 10968 SE 66th Ave, and one from David Adams, an owner at 6355 SE Montgomery Dr.

Chair Hemer called for the applicant's testimony.

Hayes McCoy, Civil Engineer, said the proposed subdivision was infill surrounded by existing residential development. He described the challenges of the property with regard to maximum and minimum street types and widths. The proposed configuration was determined to be the best for the site, but it compromised lot depth as it pushed back the buildable footprint.

- The existing trees at the perimeter of the site would be kept. The trees to be removed were those where the street would be constructed, where sewer or water would be put in, or within a buildable footprint.
- At the preapplication conference with the City, a 15-ft rear setback was proposed to provide enough separation from the street to allow the minimum required front yard. The City had proposed improved landscape screening, primarily trees, to reduce the impact to the surrounding properties, and the applicant agreed.

Chair Heber called for public testimony in support of or opposed to the application.

Opposed

Angela Tanner, 11144 SE 66th Ave, stated the connection to 66th Ave would impact her directly. She questioned why the project was not required to produce a traffic impact study. The area was not very walkable and she believed the development would increase the number of vehicles. She was concerned about how close the new lots' backyards would be to existing homes and the impact of the development on existing property values.

Allison Coppock, 6665 SE Charles St, said she was concerned about traffic and safety, as Maplehurst Rd had a dangerous hill and curve, had no sidewalks, and vehicles often exceeded the posted speed. She believed a traffic study would be helpful. The area needed some type of traffic improvement. A stop sign on Maplehurst Rd or a flashing speed sign could help.

Camie Estes, 6655 SE Charles St, was also concerned about increased traffic, and reaffirmed the hazards of Maplehurst Rd. She wanted a traffic study, and added the proposed development would be in her backyard.

Linda Klaben, 6635 SE Charles St, stated her lot and several lots adjacent to hers were up to 10 ft lower in elevation than the proposed lots. Water runoff, privacy, and smaller backyards concerned her. She questioned whether the value of her home would decrease. Traffic was already a problem. She asked the applicant for clarification about the 25-ft high landscaping proposed along the boundary and stated that a two-story house would cause significant privacy issues for her and her neighbors.

John and Mary Corrigan, 11134 SE 64th Ave, said their property contained the utility easements that would be utilized by the development and asked how a wall of trees would be added in a 15-ft rear yard setback. They had concerns about safety and increased traffic. He was concerned about drainage from the development onto their property, as well as privacy issues for their backyard. He wanted to see firm language about the type of plantings to be used and how the privacy issue would be addressed. He questioned who would pay for removing and reinstalling the fence, or anything else on their property, whenever the easements were accessed.

Chair Hemer called for the applicant's rebuttal.

Mr. McCoy said according to City code, the proposed development had not reached the threshold for a traffic impact analysis.

- The applicant would install a drainage basin and had proposed a drywell for stormwater runoff. Ultimately, the applicant would like to connect to the City's storm system on 64th Ave through the storm drainage easement, as an overflow. The City was stringent about maintaining stormwater on site.
 - The development would have some stormwater improvements and mitigation, and he described the topography, drainage issues, and some features of the mitigation.
 - The applicant would likely have to remove the fence to work in the utility easements and would be required to replace it and touch up the landscaping.
- He believed the market, under the current economy, would bring two-story homes to the new development, and he believed the applicant would build a nice product.
- . The best time to install landscaping would be shortly after home construction. A slender type of tree species that grew well would be planted. Residents purchasing the new homes would also want a buffer and privacy.

Staff addressed questions from the Commission and public testimony as follows.

- The area was zoned low-density residential; the site was relatively large at 2.5 acres. There were large, vacant properties nearby that may develop in the future.
- Eleven new lots in a large, residential area were not expected to have enough of an impact to warrant a traffic impact study. Some problems existed with the surrounding road infrastructure; however, the developer was not responsible for existing traffic issues.
- The proposed connection of the new street onto Maplehurst Rd was more than 100 ft from the curve on Maplehurst Rd and from Charles St. Although it was closer to Catalina Ln, that was a short, dead-end street and so the anticipated impacts were acceptable.
- The connectivity provided by the new development would allow traffic to go either way through the neighborhood and would not push all vehicles onto one street. The City's Engineering Department has a program to begin installing sidewalks on streets within the city limits; staff did not know whether the County had a similar active program for building sidewalks in the unincorporated areas to address pedestrian safety issues.
- The preliminary plan showed capacity was available for additional stormwater facilities. The applicant would prepare a final stormwater management plan for the next phase and consider all topography issues.
- Impacts to property values were hard to address specifically and were not part of the approval criteria.
- Staff had written the recommended conditions for the required landscape screening to be provided before the lots could be sold, and had suggested a minimum required height within a certain period of time and a baseline of opacity. Those elements could all be adjusted by the Commission if desired.
- The existing utility easements west of the site would be extended across Lot 7 and possibly Lot 6.

Chair Hemer closed public testimony.

Planning Commission Deliberation

The Commission discussed their concerns regarding the application, which primarily involved screening and the rear yard setback variance; some believed the 15-ft was inconsistent with the character of R-7 development. Opportunities for traffic mitigation surrounding the proposed development were limited. Traffic issues could be brought up to the Public Safety Advisory Committee and City engineers could visit the site to assess traffic mitigation.

Commissioner Grau moved to reopen public testimony concerning a 20-ft rear yard setback without screening or a 15-ft setback with screening, seconded by Commissioner Jones. The motion passed unanimously.

Chair Hemer first called for a brief recess and then reconvened the meeting at approximately 8:45 pm. He reopened the public hearing and called for the applicant's testimony on their revised proposal.

Mr. McCoy said the applicant was proposing a couple of revisions to the proposal.

- The applicant would install the recommended landscape screening regardless of the original variance request for a reduced rear yard setback. The applicant asked that the condition be applied at either certificate of occupancy or final inspection of the home, instead of at the time of final platting.
- He confirmed the applicant withdrew the 15-ft rear yard setback variance request and proposed a 20-ft rear yard setback with 25-ft high landscape screening installed at final

inspection, as well as a 24-ft front yard setback measured from the curb/property line (or approximately 18-ft measured from the back of the sidewalk instead of the approximately 20 ft originally proposed).

Chair Hemer called for public testimony.

John Corrigan, 11134 SE 64th Ave, approved of the revised proposal. He noted the first three houses on the north side of the development were elevated about 8 ft to 10 ft above the proposed site, so 20-ft plantings would provide only about 10 ft of screening.

Linda Klaben, 6635 SE Charles St, stated the 20-ft rear yard setback with the landscaping barrier was acceptable to her. She preferred that the planting take place in conjunction with the creation of the lots.

Ben Coppock, 6665 SE Charles St, believed the site was too small for what was proposed, but the revised proposal was an improvement. The variance for the street distance from Catalina Ln was a safety issue and traffic concerns already existed. He questioned why so many variances were needed to make the proposed building project acceptable.

Scott Shelley was called but chose not to speak.

Chair Hemer called for the applicant's rebuttal.

Mr. McCoy clarified that at the time of final plat a street would exist but no homes. The screening would be added when homes were built, to provide a barrier between the subdivision and neighboring properties.

Chair Hemer confirmed there was no further public testimony and closed the public hearing.

It was moved by Commissioner Jones and seconded by Commissioner Grau to approve applications S-2017-003 and VR-2017-010 and adopt the findings found in Attachment 1, modified based on withdrawal of the 15-ft rear yard setback variance request and include the new proposal of a 20-ft rear yard setback with landscape screening installed upon final inspection/certificate of occupancy and a 24-ft front yard setback from the property line; and the conditions of approval found in Attachment 2 modified accordingly. The motion passed unanimously.

6.0 Worksession Items

- 6.1 Summary: North Milwaukie Industrial Area (NMIA) Code Amendments
Staff: Vera Koliass/Amy Koski

Vera Koliass, Associate Planner, summarized the October 10th worksession and reviewed the direction given by the Commission on the initial draft of the proposed NMIA Code amendments.

Amy Koski, Resource and Economic Development Specialist, noted the Commission had received a document with comments and edits indicating where staff wished to update the NMIA Framework Plan and reviewed those changes. The Tacoma Station Area Plan (TSAP) would be repealed and reconciled into the NMIA Framework Plan to create one ancillary document that would be adopted as part of the Comprehensive Plan Update. The Transportation Systems Plan (TSP) and, specifically, Chapter 4 of the Comprehensive Plan, would also be updated to reflect these changes.

Ms. Kolia noted that the NMIA Plan did not address whether design standards should apply to all the streets in the NMIA or if more flexibility was needed. The Commission's feedback was needed on revising the applicability of the design and development standards for key streets in the proposed NME and MUTSA zones, to reflect the changing nature, visibility, and connections of those key streets and the redevelopment opportunities of the larger lots.

The original proposed code language reflected existing code and applied design standards to Main St in the proposed NME zone and some streets in the proposed MUTSA. The questions were about the identified key streets and the applicable design standards.

Key comments and discussion items were as follows:

Design Standards:

- The frontage street and buildings fronting McLoughlin Blvd should be appealing and consistent. Design standards should also be consistent within the MUTSA as a residential and small retail hub area.
- The goal of the design standards in the industrial areas was to create a friendlier, public space for pedestrians and bicyclists along the streets. The standards were different from those downtown and mimicked Flex Space Overlay standards
- Application of MUTSA design standards, and whether they reflect the Downtown Design Standards, would depend on whether a residential use was proposed. Staff was trying to streamline the various design standards.
- Applicability of the design standards was intended to be triggered for major exterior alterations to encourage retrofits without being onerous or cumbersome.
- Following discussion, only additions on the street façade would trigger the design standards. Staff agreed to explore increasing the proposed 300 sq ft floor area addition threshold that triggered the design standards.
- How should the building and site design standards be achieved with existing buildings if the goal was a central-eastside feel that had adaptive re-use buildings?
- The building design standards would be triggered during retrofits, but setbacks and landscaping standards would be triggered for new buildings. The standards could help define how new construction and retrofit buildings should feel on the street. Perhaps, the two sets of standards could complement one another.

Johnson Creek and Natural Resources:

- The Johnson Creek corridor was constrained by the current Code, which tried to balance natural resources with economic development. The NMIA outlined strategies to improve and highlight Johnson Creek. However, commercial/industrial-zoned land was only 12% of the entire city land area, so care was needed to avoid a "no-build zone" along Johnson Creek. Given the existing regulatory controls, adding further restraints for the corridor without further analysis and a design plan would be difficult to justify.
- The City should make correctly mapping the Habitat Conservation Areas (HCAs) a priority to better protect them, and a 50-ft, no-build buffer should exist along Johnson Creek.
- The Water Quality Resource (WQR) had stricter requirements and, in most cases, an HCA captured some additional vegetative cover, some of which was mapped inaccurately. The Code currently required an applicant to accurately map a WQR before development. They had the option of adjusting the HCA so their land was more developable. The applicant was not required to increase the HCA, only decrease it.

- An issue was raised about potentially expanding natural resource areas in an incorrectly-mapped area and then approaching property owners with new requirements would be very difficult.
- Considering Council's goals, one-quarter of the units in all residential buildings within the NMIA should be required to include affordable housing, and anything above three stories should have enough reusable energy produced by its building to supply its own electricity during peak hours of operation. Such requirements should be added to the Code and bold steps should be implemented now.
- Tools to encourage such changes included the expansion of the Vertical Housing Development Zone to include all commercial areas downtown and central Milwaukie where mixed-use was permitted, as well as within the MUTSA zone. Developers would be incentivized by property tax exemptions in certain cases. Green building certification was required to develop in the Vertical Housing Development Zone.
 - Also, a local construction excise tax coming before the Council would assess a fee on new development that would go into a pot for affordable housing.
- Such fees would be passed on to the consumer and were a bad idea.

Staff noted that while some unresolved issues existed, enough information was available to hold a public hearing on November 28, 2017.

7.0 Planning Department Other Business/Updates

Mr. Egner updated the Commission on the upcoming applications for Milwaukie High School and temporary locations for the library during the expansion. He also noted that the Rusk Rd Planning Development applicant had not submitted the additional information requested by Council in time for the November 21st continued public hearing. He addressed clarifying questions.

8.0 Planning Commission Committee Updates and Discussion Items

Mr. Egner confirmed he would email information about a non-quorum, self-guided tour for the Commission to consider design standards for the street improvements before the next meeting.

9.0 Forecast for Future Meetings:

November 14, 2017 1. Joint Training Session with City Council: Public Hearing Training

November 28, 2017 1. Public Hearing: ZA-2017-003/CPA-2017-002 NMIA Code Amendments

Meeting adjourned at approximately at 10:11 pm.

Respectfully submitted,

Alicia Martin, Administrative Specialist II



Greg Hemer, Chair