



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

September 14, 2021

Present: Lauren Loosveldt, Chair
Joseph Edge, Vice Chair
Greg Hemer
Adam Khosroabadi
Robert Massey
Jacob Sherman

Staff: Brett Kelper, Senior Planner
Justin Gericke, City Attorney

Absent: Amy Erdt

(00:14:36)

1.0 Call to Order — Procedural Matters*

Chair Loosveldt 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.milwaukieoregon.gov/meetings>.*

(00:15:08)

2.0 Information Items

No information was presented for this portion of the meeting.

(00:15:29)

3.0 Audience Participation

No information was presented for this portion of the meeting.

(00:16:00)

4.0 Hearing Items

(00:16:00)

4.1 VR-2021-013, Bonaventure Senior Housing Walkways

Brett Kelper, Senior Planner, shared the staff report. The applicant's proposed senior housing facility was approved by land use application CU-2018-003 in 2019. After beginning construction on the project in 2019 it was put on hold due to COVID-19. The applicant had applied for a variance to waive the requirement of MMC 19.504.9 and allow the on-site walkways to be constructed with impervious materials. The applicant noted poor infiltration, user safety, durability, and maintenance as the rationale for requesting the variance. The staff report recommended approval of the variance with the condition that tree plantings be used as mitigation.

Commissioner Khosroabadi asked whether the number of mitigation plantings necessary would change if the tree credit worksheet presented in the staff report was used for planting calculations instead of the numbers noted in the watershed council's recommendations presented in the meeting packet. **Kelver** responded that the calculations used in the tree credit worksheet provide a range between 69 and 137 plantings. For example, the number of tree plantings necessary varies based on the composition of species planted, as evergreen tree species are awarded more square footage credit for impervious surface mitigation than broadleaf/deciduous species. **Commissioner Sherman** reiterated Commissioner Khosroabadi's question about planting calculations, asking whether the proposed mitigation plantings were depicted in the images shown in the staff report and what survival rate of plantings would be considered. **Kelver** responded that the images did not depict the proposed mitigation plantings. The survival rate was informed by the natural resource code, which requires a survival rate of 80% of the mitigation plantings after two years. The watershed council recommendations included a five-year survival period to better ensure success of the new plantings. The 100% survival rate at two years was recommended by staff since each individual planting correlates to some square footage of impervious surface allowed. **Vice Chair Edge** asked if there were legal concerns requiring a 100% survival rate. **City Attorney Justin Gericke** responded that there are no legal concerns around the requirement.

Commissioner Edge asked what concerns for proportionality were considered. **Kelver** responded that the tree credit worksheet was used to partially address the proportionality issue. **Gericke** noted that the calculated impact the proposed impervious surface will have on stormwater runoff was used to ensure proper mitigation of the impact. He added that mitigating the effects of the increased runoff is the primary goal of plantings, rather than ensuring proportionality between the increased stormwater runoff and new plantings.

The applicants shared that the primary reason for the requested variance was for resident safety. The walkways will serve as the residents' primary form of exercise and given the high proportion of limited mobility residents, traditional concrete sidewalks are necessary to ensure safety during use.

Commissioner Massey asked why the variance was requested after the original application had been approved, noting the 2019 application did not request traditional concrete sidewalks even though the resident demographic and other factors were known at that time. **The applicants** responded that the permeability requirement was not known at the time of the original application and the delay in the variance request was due to extenuating circumstances caused by the COVID-19 pandemic. **Chair Loosveldt** asked whether a pervious parking lot was considered to offset the lost pervious surface caused by the traditional concrete walkways. **The applicants** responded that the soil conditions on the site prevent adequate infiltration, which would inhibit the pervious parking lot's ability to realize its potential.

Chair Loosveldt called for any public testimony on the application. **Kelver** confirmed that there were no attendees indicating an interest in testifying. **Chair**

Loosveldt closed the public testimony portion of the hearing and proceeded with the commissioner discussion.

Commissioner Khosroabadi expressed concern about ensuring the survival of the plantings used for mitigation. **Commissioner Hemer** asked whether the City's water quality resource regulations were intended to address walkways on the exterior of parking lots or more interior walkways. Hemer stated that, if the intent was to address exterior walkways, the proposed mitigation may go beyond what is necessary since the project was already reviewed for water quality resource impacts. **Commissioner Sherman** requested that the condition of approval for the survival rate be changed to 80% at five years. **Commissioner Edge and Khosroabadi** agreed. **Commissioner Hemer** stated his opinion that the survival rate should not go beyond the proposed condition of approval, a survival rate of 100% at two years.

Commissioner Sherman introduced a motion to approve VR-2021-013, Bonaventure Senior Housing Walkways, as recommended by staff, with an amendment to page 5 of the recommended findings in support of approval that "Given that each new tree is mitigation for a specific amount of impervious walkway, the condition requires a 100% survival rate at two years for the number of trees planted" be changed to "Given that each new tree is mitigation for a specific amount of impervious walkway, the condition requires an 80% survival rate at five years for the number of trees planted." The motion was approved with a 5-1 vote.

(01:25:07)

5.0 Planning Department Other Business/Updates

No information was presented for this portion of the meeting.

(01:25:07)

6.0 Planning Commission Committee Updates and Discussion Items

No information was presented for this portion of the meeting.

(01:28:28)

7.0 Forecast for Future Meetings:

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| September 28, 2021 | 1. Public Hearing: DR-2021-001, Coho Point
Redevelopment (tentative) |
| October 12, 2021 | 1. Public Hearing: Middle Housing Code – Hearing #1 |

Meeting adjourned at approximately 7:49 p.m.

Respectfully submitted,

Will First, Administrative Specialist II