



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

Meeting held online via Zoom
www.milwaukieoregon.gov

October 27, 2020

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

Staff: Laura Weigel, Planning Manger
Vera Kolas, Senior Planner
Steve Adams, City Engineer
Dalton Vodden, Associate Engineer

1.0 Call to Order – Procedural Matters

Chair Massey 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 – Motion Needed

2.1 August 11, 2020

Commissioner Sherman stated a correction. On page 3 regarding his remarks, he would like them to read, “and the Planning Commissioner should look at variances and modifications as public benefits.”

Commissioner Hemer recommended approval of the minutes (as amended in 2.1 which is correct) and Commissioner Edged seconded the motion.

2.2 September 22, 2020

Commissioner Hemer recommended approval of the minutes (as amended in 2.1 which is correct) and Commissioner Edged seconded the motion..

3.0 Information Items

Vera Kolas encouraged members to read the November Pilot when it is released next week. There is an article about the Comprehensive Plan Implementation Project and an invitation to an upcoming public participation event.

4.0 Audience Participation

- Chair Massey shared information from an email exchange between staff and a member of the public. It was regarding ADU utility pricing.

- Commissioner Hemer does not believe it is under his purview to comment on utility rates for ADUs. The individual mentioned that ADUs are paying the same amount in utilities as a residential home and Commissioner Hemer agreed that Council should investigate this.
- Commissioner Sherman would like to know if it is possible for the County to set up a larger billing framework that is applied to the city?

Chair Massey read that as well and is not aware of the agreements between the County and City. The City was communicating with the County regarding how residents are being billed and if any changes were needed. He is unsure where that conversation went. This does not seem to be in the Planning Commissioner's purview and it is an important conversation for City staff to have.

- Steve Adams will take the request to the Finance Department.

5.0 Public Hearings

5.1 Summary

Vera Kolas, Senior Planner and Dalton Vodden, Associate Engineer shared a staff report.

The purpose of this hearing is to consider a proposal for Waverly Woods Development, which is located at 10415 SE Waverly Court and is zoned Residential R-2, and a portion of the site is in the Willamette Greenway. The proposal is a multi-family development consisting of four residential buildings with 100 dwelling units and a community center with a swimming pool. This is a three-phase proposal. The proposal includes a Property Line Adjustment which would alter the existing 3 parcels so that the existing Dunbar Woods development would be on its own parcel, the proposed Waverly Woods development would be on a separate parcel, and a third vacant parcel accessed from Lava Dr would be developed at some point in the future. The applicant is seeking a Type IV Review and accommodations for more flexibility regarding the building height and a Willamette greenway conditional use.

The following criteria is what the city is considering, and testimony should be based on. Milwaukie Municipal Code:

- Title 12: Street, Sidewalk, and Public Places
- Section 19.1007: Type IV Review
- Section 19.311: Planned Development Zone PD
- Section 19.302: Medium and High Residential Zones, including the Residential R-2 zone
- Title 17: Land Division
- Section 19.401: Willamette Greenway Zone WG
- Chapter 19.500: Supplementary Development Regulations
- Chapter 19.600: Off-Street Parking and Loading
- Chapter 19.700: Public Facility Improvements
- Section 19.902: Amendments to Maps and Ordinances

- Section 19.905: Conditional Uses

Staff Recommendation is that the Planning Commission recommends an approval of the project to the City Council.

Applicant's presentation: Duncan Wyse, Scott Wyse, Wendy Wyse, "the applicant," presented. Ms. Wyse shared the history of the applicant's company and developments. Waverly Greens is owned by Ms. Wyse and her brothers. Scott Wyse presented about the current project, which is a 6.7-acre parcel. Since 2008, they have explored how to develop the part of the land. The applicant decided to build a four-story building with underground parking to achieve their density goals, and ensure the land is not completely covered with buildings. The applicant wanted to retain as much as the natural environment as possible. The applicant met with the Neighborhood District Association, neighboring residents, and the City to discuss their development plans and to hear the community's and city's thoughts.

Commissioners questions to the applicant:

Commissioner Hemer asked which LEED standards the applicant planned to use and what are the plans for developing environmentally friendly buildings?

The applicant responded, they were unsure which LEED standards the development would achieve because they are waiting to complete an environmental study. The applicant is interested in the heating and air conditioning system, photovoltaic cells for the roof, and there will be significant insulation in the buildings. They are also interested in electric vehicle stations in the garage, innovative transportation, and having a bicycle room onsite.

Commissioner Loosveldt asked, has the applicant studied what rent would be for this project phrase.

The applicant responded, they have talked generally about rents. They have considered rents because that is important when thinking if a project is feasible. The apartments will be high end and will be priced similar to the Dunbar Woods apartment and perhaps even higher due to the price of developing the building.

Commissioner Loosveldt asked about an affordable housing component of the development because she read something about affordable housing in their plans.

The applicant responded, they would not advertise the project as affordable housing.

Commissioner Loosveldt asked about the building heights and if the applicant considered building level one underground or other options to get below the requirement.

Nels Hall, the applicant's architect, shared the study they completed suggesting options for meeting the building standards. There is uneven basalt, which makes it difficult to build. The applicant plans to have additional studies to understand what options are available to them.

Commissioner Loosveldt added if it would be possible to move the mechanical units from the roof to the ground or sub-graded in order to accommodate a low-pitched roof.

Mr. Hall responded that is an option and they were looking at a vertical roof and split system, which would have heat exchangers on the roof. Mr. Hall believed the roof was as flat as it could be and shed water properly. The roof being proposed offers cross ventilation and vaulted ceilings that would allow the middle units cross ventilation. When looking at the building from the river or a helicopter, the building will look small. Also, the roof is waterproof. Mr. Hall does not see the roof as a problem with discussing the scale of the building because they are almost flat.

Commissioner Khosroabadi asked about the variance and trade-off for building a four-story building. He was unsure what the trade-off was when the proposed development is building high end apartments.

The applicant responded with more housing options some people will move in. It was their understanding that Milwaukie wanted more housing. The fourth floor was designed as the primary benefit to the City of Milwaukie because there will be open space.

Commissioner Khosroabadi had an additional question about the stormwater system and the effect it will have on the city's existing stormwater system. He believed there was a lot that still needed to be figured out. He wondered when the applicant met with the Neighborhood Association District.

The applicant responded they met with the Historic Milwaukie NDA last summer.

Commissioner Khosroabadi added was there a lot of input from that meeting because a lot of comments he read stated that the meeting had low attendance.

The applicant shared it was a zoom meeting and they were unsure how many people attended. They also added that energy efficiency was important to them and they have the building with the largest solar system in the state according to the Energy Trust of Oregon. The proposed development will be energy efficient and follow the City's stormwater requirements.

Commissioner Sherman asked how many trees would have been removed with previous proposals for the site?

The applicant answered, the original plan would have required more pavement and therefore, removal of a lot of trees. The current proposed development is compacted with the goal to protect the trees.

Commissioner Sherman added that there are few things under studied, such as the solar and electric vehicle charging. He asked when these things would be completed as the applicant moves forward with the development.

The applicant shared, that they were putting electric charges in and will determine how many to implement based on their tenants' needs. They were waiting on approval before deciding on the design of the buildings, which include the solar system.

Mr. Hall added the applicant has completed all studies required by the City of Milwaukie. The additional studies are for the applicant's benefit to make the building as sustainable as possible. Also, this is normally something the Planning Commission would not normally see.

The applicant added their goal was to work with the Planning Commission and neighbors to bring something that is beneficial to the city.

Commissioner Sherman asked, if there were any discussion about family sized units, such as three-bedroom options in any of the buildings?

Mr. Hall responded, there was and that could be an option for phrase three. For phrase one, they are large units and a possibility for one of the rooms to be a guestroom.

Commissioner Sherman added, the phrase three building does not include four stories. He asked if the applicant has considered changing the plan to include additional bedrooms to provide more affordable family size units.

Mr. Hall responded, there was a limit to 100 units they could have and it was possible to build three-bedroom units for another phase.

The applicant added, they would look into three bedrooms.

Commissioner Edge asked, what were the plans for the forested area, the trees that were being removed, and trail amenity that was being proposed. He asked if the general public would be invited to use the trail.

The applicant answered, they hired an arborist to assist with protecting the native trees and the other plants on the property. Most of the trees and plants being removed were unhealthy or invasive. The ivy plants were growing up the trees and damaged some of those. They planned to remove those trees. The trail was designed for the residents of the building.

Commissioner Edge asked if it was true that the building would be dwarfed by the surrounding trees?

Mr. Hall answered, that was true.

Commissioner Edge proposed a five minute recess and it was granted by Chair Massey. After the break, the Commissioners listened to the public comments.

Lyndon Murray testified, he was a resident of Cambridge lane and a member of the country club. He asked Ms. Kolas about the code and how the applicant has taken full advantage of the code as it relates to density. The applicant is also obligated to have 30% of the property as green space and possibly setting separate deeds for the land. It appears the applicant can meet the obligation for green space. Why wasn't the applicant meeting the requirement? He was very concerned that there would be a flow of people on the driving range and would be dangerous. Lastly, he suggested, the applicant to look into Tesla solar tiles as the roofing.

Patricia Justice testified, her home is close to the development. She wrote a letter about the project to the Planning Commissioner and the applicant. The applicant met with her. She stated, the code mentioned that new development should fit the neighborhood character and have minimal impact. She believed the proposed development would have an impact on the surrounding homes. The applicant was proposing a multi-story development in a single-family residential neighborhood. This would have a significant negative impact on the neighbors and this needed to be addressed. She asked for a reduction in height for buildings A1 and A2 by one story as it would lessen the visual impact from the river and the nearby homes. She requested, to move the buildings closer to Waverly Court, which would expand the buffer between the neighbors' homes and the apartments.

Gloria Stone testified, she sent a lot of materials to the Planning Commission. She focused on four key issues. The first issue was the Willamette Greenway criteria should be compatible with and have minimal impact and this criteria was not met. The development plan stated it was compatible and did not have any impact on the surrounding community this also was not true. Parts of the building were inconsistent with the R-10 and existing open space zoning regulations. The regulations provided in the plan did not include elevations from surrounding properties. Lastly, she was concerned about the economic impact on the nearby properties, which could have a 20% negative impact to their land. She asked that the applicant addresses her concerns.

Maria Nash testified, she represented the Shore Side East Condominium Development. She submitted written testimony and had additional questions that did not receive an answer. She asked about the trees, maintaining some of the dead trees, and if the fruit trees were native. She hasn't heard much about wildlife and wondered if the Willamette Green Review was completed. If not, she wanted to know if the public receive a report, especially as it is related to the wildlife.

Mike Nugent testified, he was a Waverly member and was a Real Estate Developer and Broker. He was concerned about the negative impacts on the neighborhood, the future developments and their impacts, the phrasing of the development. A multi-phrase development could tax residents with ongoing construction. He was also concerned about height, trees buffer, and storm water sound attenuation. He planned to meet with the family to further discuss his concerns.

Peggy (did not state their last name) testified, she was concerned about the rents and how this would impact individuals. She was also concerned about the trees and what would happen to them. She stated that the development does impact the neighborhood.

Michael Robinson testified, he represented the Waverly Country Club as a Land Use Attorney and sent a letter to the Planning Commissioner. He requested that the hearing continues to another date to allow for more deliberation. This request was being made under ORS 197.763 since this was the first hearing. He stated, the current Comprehensive Plan could not be applied to the proposed development because the applicant submitted their proposal two weeks before the Comprehensive Plan went into effect. He discussed the size of the building, vegetation based on phrase three, and affordability. He was unsure if the applicant would deliver phase three and it is not something the city should count on. Also, the apartments are designed as high end and not affordable. He shared he would like the applicant to provide more details and to not use vague language.

Nancy Dalton testified, her concerns about the Willamette Greenway, the vegetation, scenic views, the additional height, and the length of the building. The building is 75% higher than previous developments and what was allowed previously. She requested that the Planning Commission oppose the application.

Mark Hudspith testified, he owned a property near the development. He encouraged the Commissioners to look at the photos and wonder if the buildings were proportional to what would be built. He did not think the photos were accurate. He wondered if the residents of Milwaukie, Clackamas County, and Oregon receiving a benefit from the property? He wanted the Commissioner to ensure the proposed development is beneficial for the area and the code is being followed.

Alexander Pitts testified, she agreed with what her neighbors shared. She questioned why we have greenways if we keep bending the rules to allow for development. She was concerned about the auditory creep and its impact to the residents and animals in the area. This needed to be considered since construction will take place between seven and ten years. She was also concerned about the trees and their relation to the bald eagles in the area.

Steve Reaume testified, he met with the applicant and discussed his concerns. He felt good going into his driveway and believed a tall building with 50 apartments would impact how he felt as a homeowner. The proposed development would have a significant impact on his property. He encouraged the applicant to have more setbacks and create a divide between the property and his. He hoped that the applicant would write their greenway plans to ensure it is developed in phrase three.

Testimony concluded.

Commissioner Edge started the conversation about next steps, which included Mr. Robinson's assertion that the Commissioner needed to leave the record open after the hearing. If yes, does that mean the Commission would deliberate during another hearing?

Justin Gericke, the City Attorney, responded, Mr. Robinson is correct. The Oregon revised statutes provide an opportunity for an additional hearing to allow for more testimony and more evidence to be presented.

Commissioner Edge shared the Commission would collect more evidence and wondered if the applicant should respond to the comments received or wait until a later time.

Chair Massey agreed to allow the applicants to respond to questions.

The applicant responded to the public testimony. The applicant believed the proposed plan addressed and allowed for open space. There wasn't any access to the driving range and they committed to designing a strong bramble bush fence to ensure no one could access the range, if that was needed. They were not familiar with the economics of a Tesla solar system and would investigate it. The applicant restated that they were committed to bringing a landscape architect in to minimize the impact on the neighborhood and save as many trees as possible. Lastly, the applicant stated they were committed to working with the neighborhoods

Chair Massey asked Ms. Weigel and Ms. Kolas about next steps, which are below.

The Commission voted to continue the hearing to December 8, 2020 with a comment process as follows:

- November 10 – deadline for submittal of written testimony.
- November 17 – deadline for written responses to Nov 10 submittals.
- November 24 – deadline for applicants' final written rebuttal.
- December 8 – hearing date for Planning Commission deliberations (no oral testimony).

6.0 Planning Department Other Business/Updates

There were no updates.

7.0 Planning Commission Committee Updates and Discussion

There were no updates.

8.0 Forecast for Future Meetings

The forecaster will be shared later.

Meeting adjourned at approximately 10:10 PM



Robert Massey, Chair

Respectfully submitted,
N. Janine Gates
Assistant Planner